

Interview with Dina Khoury

1. How do these documents fit into a larger historical context?

They are proclamations issued by the Ottoman government in the name of the Sultan, the ruler of the Ottoman Empire. And they are set up to modernize the political and institutional structure of the Ottoman Empire—introduce administrative reforms, reforms that stress how the government should be run, that corruption should be taken care of. This is the first one.

The second proclamation is really an Ottoman “Bill of Rights.” It gives equality to all Ottoman citizens. So it’s a good piece that tells us about what the conception of political rights were in the Ottoman mind.

And it’s interesting because what we’re dealing with is a Muslim empire. People think that it’s a very different kind of political system than what existed anywhere else in the world. Even people with moderate knowledge of Islam think that there is no such thing as Islam and a Bill of Rights.

And what, for example, the second document we have proves is that, in fact, under this Muslim empire, Christians and Jews are granted equal rights and also have the same obligations as Muslims. Until that point, they were regarded as protected communities. They had their own rights within their communities, but they were not equal to Muslims. And so there were rules governing dress, there were rules governing legal rights. And this effectively sets the stage for making Christians, Muslims, and Jews equal within the Ottoman Empire.

For the first document, which is a proclamation about general reforms in the Ottoman Empire, a lot of students and also non-experts think that the Ottoman Empire is really a despotic Empire—that it is based on the rule of the Sultan, and this rule is often arbitrary. What the document tells us is that, in fact, this is a rule that is based on law, both Islamic law and also state law.

The first document was in 1838 [1839] and the second one in 1856. Why is it that these years are important? Why do these proclamations come out specifically in 1839 and then in 1856? These are years where the Ottoman Empire is under tremendous military pressure. In 1839, it is defeated by and challenged from inside its borders by local strongmen. It’s also experiencing quite a bit of pressure on the European front. And with these losses, there is a realization on the part of the ruling elite and the Sultan that we need to do something. We need to reform our system or the empire is going to fall apart.

The second proclamation comes out also at the end of a war, called the Crimean War, in which the Ottoman Empire lost large parts of its European territories. And the Europeans, especially the British, have to step in to save the Empire and preserve it in face of threats from Russia. And the British as well as the French tell the Ottomans, “You’ve got to do

something about your empire to keep it standing on its feet, and one of the many things you have to do is grant citizenship, equal citizenship, to your non-Muslim subjects.” But we see that although this comes as a result of European pressure, we find that even in the earlier proclamation in 1839, the Ottomans are pushing towards that [a new concept of citizenship]. So there is European pressure, but there is also internal pressure to set up a modern political system.

2. How do you analyze the Gulhane Proclamation (1839)?

This is a piece that comes from the Gulhane Proclamation, which means the Rose Chamber because it was proclaimed in the Rose Chamber of the Royal Palace in Istanbul.

“All the world knows that in the first days of the Ottoman Monarchy, the glorious precepts of the Koran and the Laws of the Empire were always honored. The Empire in consequence increased in strength and greatness, and all her subjects, without exception, had risen in the highest degree to ease and prosperity. In the last 150 years, a succession of accidents and diverse causes have arisen which have brought about a disregard for the sacred Laws, and the Regulations flowing therefrom, and the former strength and prosperity have changed into weakness and poverty; an Empire in fact loses all its stability so soon as it ceases to observe its Laws.”

What exactly is the most important part of this document? What is the focus here? They’re talking about change. What sort of change, in their perception, is taking place and why? And students usually respond with the focus on law, the fact that somehow there was this ideal time in Ottoman history where everything functioned well. And things are going badly because we have not been obeying the law or running the Empire according to the law. And so I ask, “Do you think this is a forward-looking document or is it a backward-looking document?” And usually, the response is that it looks at the golden time and it seeks the recovery of that golden time. And this is a very traditional, very old-fashioned way of writing about reform. This is something the Ottomans had written about over and over again.

So then I ask, “What is new about this document? Why is it called a proclamation, a reform document? Why is it part of this movement to reform and reorder the Empire?” And so as they read the rest of the document, they find that the prescriptions for the reform of the Empire are quite new.

For example:

“From henceforth, therefore, the cause of every accused person shall be publicly judged in accordance with our Divine Law, after inquiry and examination, and so long as a regular judgment shall not have been pronounced, no one can, secretly or publicly, put another to death by poison or in any other manner.... These Imperial concessions shall extend to all our subjects, of whatever Religion or sect they may be; they shall enjoy them

without exceptions. We therefore grant perfect security to the inhabitants of our Empire, in their lives, their honor, and their fortunes, as they are secured to them by the sacred text of our Law.”

Another portion of this edict guarantees, for example, the sacredness of property. That property of individuals cannot be confiscated and cannot be taken away, that it belongs to them by right. Well, it reminds us of our Constitution, the fact that property and equality are guaranteed, equality of subjects. It’s making this very revolutionary proclamation and it’s coming from above [from the government, rather than being a result of a popular revolution as happened in parts of Western Europe and the United States].

3. How does translation shape understanding of this document?

We have a problem with the issue of translation. Part of it is the difficulty of making language that is embedded in the culture that produces it understandable in the context of a totally different culture.

In this proclamation there’s quite a bit of, I think, reworking of the words to make it accessible to an American audience. For example, the issue of law. Well, there is no clear distinction in this document between state law and religious law, whereas in the original there’s quite a distinction. In the Ottoman Empire there is a very well developed system of administrative law, state law, and religious law. [It is not clear from this document that the proclamation is addressing the reform of administrative and state law, rather than religious law.]

4. How do you analyze the Ottoman “Bill of Rights” (1856)?

“The guarantees promised on our part by the Hatt-i Humayan of Gulhane (the 1839 Edict) . . . are today confirmed and consolidated, and efficacious measures shall be taken in order that they may have their full and entire effect. . . .

All Commercial, Correctional and Criminal Suits between Muslims and Christians or other non-Muslim subjects, or between Christians and other non-Muslims of different sects, shall be referred to Mixed Tribunals. The proceedings of these Tribunals shall be public; the parties shall be confronted, and shall produce their witness, whose testimony shall be received without distinction upon oath taken according to the religious law of each sect.

The organization of the Police... shall be revised in such a manner as to give to all the peaceable subjects of my Empire the strongest guarantees for the safety of both their persons and property.... Christian subjects and those of other non-Muslim sects... shall, as well as Muslims, be subject to the obligations of the Law of Recruitment. The principle of obtaining substitutes, or of purchasing exemption, shall be admitted.”

When students come to read this, the first thing they ask is, What existed before that? What sort of legal system did non-Muslims function under? And what is happening? And so what we do is usually take each one of these components—the commercial, the correctional and the criminal—and try to understand them versus the history. The context, where they came from, how is this revolutionary. [Then we try to understand how the equality of subjects, regardless of religious affiliation is something quite revolutionary; an attempt to create equal citizens in a society organized in a hierarchy based on religion and profession.]

They would usually be talking about Ottoman relations with European powers before the 19th century, especially commercial relations, were codified in a series of transactions [agreements called the Capitulations]. Usually, rights given to European merchants by the Sultan unilaterally where European merchants can—and their local non-Muslim allies—can solve commercial problems according to European law under European protection. What the Ottomans did when they said that commercial transactions should be settled in mixed courts is say, “We need to think of them [Ottoman non-Muslim merchants who were partners with Europeans] as citizens and the best way to incorporate them as citizens is to make sure that any of their disputes with Muslims on commercial issues are settled inside the court system that is controlled by the Ottomans.” [At the same time, rather than have European merchants appeal to European commercial law when working within the territorial limits of the Ottoman Empire, they now could settle their disputes within an Ottoman legal system that incorporated aspects of European commercial law, but had Ottoman Muslim representatives along with Europeans in the court.]

In effect, what this “Bill of Rights” does is exactly what the American Bill of Rights did, is an attempt to create citizenship. Rather than have the Christian communities think of themselves as really separate and self-enclosed communities with ties to European powers, we want the Christians to be part of us, become Ottoman citizens.

For the correctional and criminal suits, this is quite a revolutionary step. Each community had a leader and all judicial issues—marriage, divorce, correctional issues, criminal issues—were settled within the judicial structure of these communities. And if there was an issue, a dispute, between a Muslim and a Christian, if a Christian, for example, killed a Muslim or a Muslim killed a Christian, these would be settled in the Islamic court record. What this does is remove the right to judge Christians and Jews, and the relationships with Muslims, outside both the Christian and Jewish legal system and outside the Muslim judicial system. In fact, creating a public space out there for them to go and appeal to an Ottoman court that is a nonreligious court. [These disputes were now taken out of the jurisdiction of the Muslim courts and given to Mixed tribunals in which secular law was used and in which Muslims and non-Muslims presided as officers.]

Under the old system in the Ottoman Empire, only Muslims could be part of the army because they were defending the Muslim Empire. Christians and Jews were exempt from joining the army. What this proclamation does is create a citizens’ army. Christians, Jews, and Muslims should be fighting side-by-side to defeat enemies and to defend the Empire, and in fact, were all equally subject to conscription.

At the same time, there is a caveat here that you can actually pay a substitute for you. So it's a tax, basically. Most Christians and Jews—chose to pay an exemption tax for this. But what is remarkable about it is that it is no longer a Muslim Empire. We're talking now about a concept of multiethnic citizenship.

5. What questions should someone analyzing official documents ask?

I think as a historian. Who wrote this? When was it written? Why was it written? What are the two or three things about this document that are absolutely clear to you? What is it about this document that does not appear to be as clear as the other? What are the contradictions in these documents? Every historical document presumes knowledge of context but also has embedded in it a number of contradictions.

What is it that looks familiar? What is comparable in these documents to documents you've looked at, for example, in your American history classes and your European history classes? What is completely mysterious?

And in some cases, I bring copies of the American Bill of Rights and we look at the contrast in them. What are the problems in the American Bill of Rights? What are the things it didn't say about the society in America? Let's assume the same for the Ottoman Empire. And I think that helps. When they have documents that they're familiar with and documents that they're not familiar with at hand, it's much easier for me to maneuver around how to deal with primary sources.

The issue of author is an important one, especially when we're talking with government documents. In the case of the Ottoman Empire, we know who drafted these and there are records of how this took place. One thing I ask the students is: is this a document by wish, is this a constitution by wish? Does this mean that it's going to be translated into policy or does it remain paper? I make a distinction between breaks in political thinking and actual historical developments. The issue here is a break in the political thinking of these elite. And this is a very important break. How it translates is something they need work on.

These are documents that should be presented in a lecture, for example, on the modernization of political thought or political institutions. But I think other kinds of primary sources could be used to talk about the meaning of this in society, whether it in any way had an effect on society. There are documents that we can use to tell them how this worked or how did it not work on the local level. On the issue of, for example, conscription, there is an account—a personal account—of rebellion in Lebanon and Syria by Christians against conscription. This kind of document needs to be weighed against other sorts of documents and other sorts of historical writing I think.

I use quite a bit of literature in my courses—poetry, novels. I use synopses of the daily lives of workers, women, peasants. And I find this is the most effective way to challenge students. I think the teaching of political history is crucial, but it needs for students to

really appreciate the contradictions and problems of these societies. They need to know them at a level that is actually more direct through their cultures.

6. Who was the intended audience for these documents?

The audience here are two constituencies in the Ottoman Empire: one, the judicial system in the Ottoman Empire, guaranteed, for example, the rights on issues of property. But the criminal punishment was carried out somewhat haphazardly at the discretion of administrators in the Ottoman Empire. So it's actually geared to the judicial establishment as well as to the administrative establishment that there should be a systematic way of dealing with criminal behavior and punishment and that it should be done according to certain rules. It should not be done according to traditions, local traditions, or according to whim.

The second group of people it's directed at are high officials who are often accused of a crime, and then their property is confiscated and they're put to death. So we have two constituencies here, and in both cases what the Ottoman government is trying to do is talk about, reassure, these constituencies that there's going to be a rationalization of the judicial system and a rationalization of the bureaucracy so that punishment is meted out according to very specified rules.

These were sent to local—to provincial governors, and the proclamations were read in mosques and in government. We don't know the extent to which these become widely known. What happens is that they reshape administrative law and gradually they touch the lives of larger and larger sections of the populations. But it's basically through implementation.

And it's determined by the extent to which the arm of the government reaches. I mean, whether it reaches to the countryside or it's just the cities. But they are usually quite efficiently distributed to provincial centers and from then it's up to the provincial rulers, representative, to apply them.

7. How do you these documents work in a world history course?

The first time I came across these documents was in graduate school, and we used to discuss the concept of political modernization in the Middle East and the Muslim world. But as I started using it in my world history classes, I always stressed the fact that we need to think of this in comparative perspectives, that the 1750s to the 1850s saw across the globe a period of political and institutional modernization. With the American Revolution and the French Revolution, this comes from below. But in Russia for example and the Ottoman Empire, it was by edict. The ruler said, "O.K., we're going to reform ourselves and this is what I decree."

The world history class was structured on how empires are built and how, ultimately, they come to an end. And part and parcel of the way I teach this course is I give them these two proclamations. And I tell students, “What you have here are two documents, one declaring the importance of reforming the empire on the basis of law, and declaring that we need to rationalize the bureaucracy—we need to do it more efficiently. The other declaring equality of citizens.” But the Ottomans were faced with the problem.

If all citizens are equal, and you give them rights, what if these citizens choose to say we don't want to be part of your empire, especially if they belong to ethnic minorities or they belong to religious minorities? What if they want to break away from you? And so it is presented as a dilemma of empires that are multiethnic empires. The Ottoman Empire is a good example of a multiethnic empire that, as it modernized, could not keep up with the tension between trying to stay together and the pulls of citizens to require independence and express their needs to be independent [within the territorial boundaries of an ethnically based nation state rather than a multi-ethnic empire].