

The Gülhane Decree and the Beginning of the Tanzimat Reform Era in the Ottoman Empire, 1839¹

Islamfiche

Preface

The Gülhane decree is often seen as one of the most important documents in modern Middle Eastern history, marking the beginning of the era of reforms in the Ottoman Empire. This period, which begins with the announcement of this decree and ends with the promulgation of a Western-style constitution, is collectively known in Ottoman history as the Tanzimat, or the Reorderings, which can be seen as a combination of influences both Western and Ottoman.

The Gülhane decree was principally authored by Mustafa Reşid Paşa, Foreign Minister of the Empire at the time of its promulgation in 1839. Reşid Paşa was one of the first generation of Ottoman statesman and bureaucrats to receive some European education and to spend considerable time in Europe. During the years 1835-39, he had traveled widely in Europe, learning much there that impressed him about the West and its accomplishments. Nevertheless, he was also a protégé of the formidable Pertev Paşa, known for his staunch orthodox Sunni outlook, and it seems clear that the ideas represented in the decree bear the strong imprint of Sunni revivalist milieu surrounding the young Sultan Abdülmecid (r. 1839-1861)

The Ottoman Empire was in a difficult position at the time of the issuance of the *Hatt-i Şerif*. A long series of military and foreign policy defeats only mirrored the internal decline and impoverishment of the once mighty Empire. In Egypt, Mehmet Ali (Muhammad ʿAli), who was nominally the Ottoman governor, had established a strong, modernizing, and nearly autonomous government. Having seized the Syrian provinces, the rebellious subject threatened to march into the Turkish heartlands as well. The Ottoman government needed help, especially military help, to put down Mehmet Ali and re-establish Ottoman authority in Egypt and Syria. The *Hatt-i Şerif* must be seen partly as an attempt to buy aid from the British government, which was at that time critical of Ottoman policies. (A joint British-Ottoman expedition did, in fact, suppress Mehmet ʿAli not long after.) The *Hatt-i Şerif* (noble rescript) – or *hatt-i hümayun* (imperial rescript), as Turkish historians call it -- was proclaimed outside the palace gates in Gülhane square on November 3, 1839, in an unprecedented ceremony marked by the officially sanctioned presence of the European diplomatic community. This break with tradition has also been used to argue that much of the *Hatt-i Şerif* was written for European consumption. However, the move towards reform and Westernization of the Empire also had an internal impetus provided by Ottoman officials like Reşid Paşa, men who knew something about the outside world and recognized the urgency of the need for change. The document presents a telling mixture of modern reforms phrased in terms of classical Islamic and Ottoman political theory, attempting to reform tax assessment and collection in order to strengthen the populace, while introducing a European system of conscription

¹ Original source: Halil İnalcık, tr., and J.C. Hurewitz, ed., The Middle East and North Africa in World Politics: A documentary Record. New Haven: Yale University Press, 1975.

for a standing army. Perhaps the theoretically most innovative part of the *Hatt-i Şerif* was the affirmation that laws must apply equally to all subjects, both Muslim and non-Muslim. The document included, in a final portion not translated here, a section in which the Sultan, in another unprecedented step, pledged to take an oath in the hall of sacred Islamic relics, including the mantle of the Prophet Muhammad, at Topkapi palace that he would not act contrary to the contents of the decree, the senior *ulema* (clerics) and statesmen taking a similar but separate oath.

Document: *Hatt-i Şerif* of Gülhane

All the world knows that since the first days of the Ottoman State, the lofty principles of the Qur'an and the rules of the *şeriat* were always perfectly observed.² Our mighty Sultanate reached the highest degree of strength and power, and all its subjects [the highest degree] of ease and prosperity. But in the last one hundred and fifty years, because of a succession of difficulties and diverse causes, the sacred *şeriat* was not obeyed nor were the beneficent regulations followed; consequently, the former strength and prosperity have changed into weakness and poverty. It is evident that countries not governed by the laws of the *şeriat* cannot survive.

From the very first day of our accession to the throne, our thoughts have been devoted exclusively to the development of the empire and the promotion of the prosperity of the people. Therefore, if the geographical position of the Ottoman provinces, the fertility of the soil, and the aptitude and intelligence of the inhabitants are considered, it is manifest that, by striving to find appropriate means, the desired results will, with the aid of God, be realized within five or ten years. Thus, full of confidence in the help of the Most High and certain of the support of our Prophet, we deem it necessary and important from now on to introduce new legislation to achieve effective administration of the Ottoman Government and Provinces. Thus the principles of the requisite legislation are three:

1. The guarantees promising to our subjects perfect security for life, honor, and property.
2. A regular system of assessing taxes
3. An equally regular system for the conscription of requisite troops and the duration of their service.

Indeed there is nothing more precious in this world than life and honor. What man, however much his character may be against violence, can prevent himself from having recourse to it, and thereby injure the government and the country, if his life and honor are endangered? If, on the contrary, he enjoys perfect security, it is clear that he will not depart from ways of loyalty and all his actions will contribute to the welfare of the government and of the people.

² *Şeriat* is the Ottoman-Turkish form of the Arabic *shari'ah*, or holy or divine law, the corpus of laws derived from (1) the Qur'an, (2) the hadith or traditions of the Prophet's deeds and sayings as a ruler, religious leader, and military commander of his community of followers, (4) legal theory, and (5) legal precedents drawn from records of cases tried in *shari'ah* courts. In the Ottoman Empire as elsewhere in the Muslim world, *shari'ah* was supplemented by imperial law (*kanun* in the Ottoman case) or fiat, as well as local laws in newly conquered territories, and by the exercise of personal privilege on the part of sultans and local notables – often in conflict not only with *shari'ah* but also with *kanun* and other civil codes.

If there is an absence of security for property, everyone remains indifferent to his state and his community; no one interests himself in the prosperity of the country, absorbed as he is in his own troubles and worries. If, on the contrary, the individual feels complete security about his possessions then he will become preoccupied with his own affairs, which he will seek to expand, and his devotion and love for his state and his community will steadily grow and will undoubtedly spur him into becoming a useful member of society.

Tax assessment is also one of the most important matters to regulate. A state, for the defense of its territory, manifestly needs to maintain its borders, the costs of which can be defrayed only by taxes levied on its subjects. Although thank God, our Empire has already been relieved of the affliction of monopolies, the harmful practice of tax-farming [*iltizam*], which never yielded any fruitful results, still prevails.³ This amounts to handing over the financial and political affairs of a country to the whims of an ordinary man and perhaps to the grasp of force and oppression, for if the tax-farmer is not of good character he will be interested only in his own profit and will behave oppressively. It is therefore necessary that from now on every subject of the Empire should be taxed according to his fortune and his means, and that he should be saved from any further exaction. It is also necessary that special laws should fix and limit the expenses of our land and sea forces.

Military matters, as already pointed out, are among the most important affairs of state, and it is the inescapable duty of all the people to provide soldiers for the defense of the fatherland [*vatan*]. It is therefore necessary to frame regulations on the contingents that each locality should furnish according to the requirement of the time, and to reduce the term of military service to four or five years. Such legislation will put an end to the old practices, still in force, of recruiting soldiers without consideration of the size of the population in any locality, more conscripts being taken from some places and fewer from others. This practice has been throwing agriculture and trade into harmful disarray. Moreover, those who are recruited to lifetime military service suffer despair and contribute to the depopulation of the country.

In brief, unless such regulations are promulgated, power, prosperity, security, and peace may not be expected, and the basic principles [of the projected reforms] must be those enumerated above.

Thus, from now on, every defendant shall be entitled to a public hearing, according to the rules of the *seri'at*, after inquiry and examination; and without the pronouncement of a regular sentence no one may secretly or publicly put another to death by poison or by any other means. No one shall be allowed to attack the honor of any other person whatsoever. Every one shall possess his property of every kind and may dispose of it freely, without let or hindrance from any person whatsoever; and the innocent heirs of a criminal shall not be deprived of their hereditary rights as a result of the confiscation of the property of such a criminal. The Muslim and non-Muslim subjects

³ *Iltizam* was a system of tax collection familiarly known as "tax-farming", whereby local officials or notables were given a contract to collect taxes on a commission basis. As the state became increasingly unable to supervise or even occasionally check on conditions of tax collection in the provinces, *iltizam* became a byword for extortion of cash and goods from artisans and peasants, with the tax farmer able to collect higher taxes than in fact contracted for, and then to pocket the difference. The result was that the state was blamed by ordinary people in the provinces both for the extortionate tax rates, and for its failure to protect the producers of the empire's food, artisanal production, and trade.

of our lofty Sultanate shall, without exception, enjoy our imperial concessions. Therefore we grant perfect security to all the populations of our Empire in their lives, their honor, and their properties, according to the sacred law.

As for the other points, decisions must be taken by majority vote. To this end, the members of the Council of Judicial Ordinances [*Mejlis-i Ahkam-i Adliyye*], enlarged by new members as may be found necessary, to whom will be joined on certain days we shall determine our Ministers and the high officials of the Empire, will assemble for the purpose of framing laws to regulate the security of life and property and the assessment of taxes. Every one participating in the Council will express his ideas and give his advice freely.

Suggestions for further reading:

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