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THE ASHRAFS IN THE OTTOMAN PARLIAMENT

Key words: Ottoman parliament, Midhat's constitution, election law, census bill, dynastic aristocracy, petition, Armenian deputies.

Introduction

The Ottoman Empire has paved its unique way in transforming itself into a constitutional state. The attempt was recorded in 1876. The establishment of the Ottoman parliament and the constitution authored by Midhat pasha were the cornerstones of this historical event. Unfortunately, this parliament was short-lived. Nevertheless, Midhat pasha's work was not only preserved but also returned to the historical arena, for this time it had been reformed and refined in terms of its content and vitality. In the history of the Ottoman Empire it is known as "the second constitutional stage".

The first parliament convocation – "the second constitutional stage" was characterized by its multi-national, multi-religious, and more importantly by its multi-layered social classes. No matter how much the Armenian and Turkish revolutionaries advocated revalidation of constitution and formation of the parliament, after the elections the majority of the parliament consisted more of ashrafs rather than revolutionaries. These retrograde powers of the Ottoman Empire entered the parliament due to the election rig – falsification that was carried out with the ittihat's full awareness and permission.

Constitution and Election Law as the Basis for the Formation of the Parliament

In 1907–1908 the sole goal of the Young Turks was to overthrow Sultan Abdul Hamid's government and restore the constitutional law. To achieve this goal a revolution or a coup would be made in the aftermath of which parliamentary

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elections would be held and a parliament formed. The parliamentary elections were to be held in accordance with the 1876 election law as well as with the election amendments introduced in the pre-election program of Young Turks.

According to the 1876 election law, only male representatives without any religious segregation were eligible to participate in the elections. Each 50000 Ottoman resident had one deputy represented in the parliament. However, in case of 75000 inhabitants it was permissible to elect a second deputy. The elections were meant to be a two-stage system **“by secret ballot” and “fair”**¹. There existed two categories of voters. The voters of the first category elected **“secretly” though not the deputy but the second-category** electors. The latter respectively voted for a deputy or deputies. The candidate of a committee, party or alliance of parties who would gain more second-category electors would be elected as a deputy of the Ottoman parliament.

The 1876 election law was based on such privileged categories as property, residence, education and the requirement to have a command of the Turkish language. The election law in question only granted rights to those who paid land and income taxes to the state i.e. the privilege of property was acknowledged only. In the election campaign publicized in September, 1908 the Young Turks maintained the validity of this law only for the first-category voters, while they expanded the scope of second-category voters, including those individuals who paid taxes for cattle farming as well. The election campaign prioritized the **enforcement of the new election law as well as the people’s right to elect the two thirds of the Senate, endowing the deputies with legislative authority, allotting Parliament seats to the ethnic minorities**². If the previous bill banned the political parties to nominate candidates, then since 1908 the electoral campaign was mainly between the committees and political parties or their alliances.

Hence, during the election campaign of 1908 the Ittihat members made some amendments both in the election law and in the respective constitutional bills. As far as the location of electing and being elected was concerned, it did not undergo any changes, any candidate could be elected in any region, however it was considered that he represented the whole population of the Ottoman Empire in the parliament. On the whole, it can be assumed that the electoral system of the

¹ Хнкоян 1990, 46.

² Тунян 2004, 63–64.

Ottoman Empire was based on the principle of proportional representation. The main powers of the Ottoman parliament, consisting of retrograde Turkish, Kurdish clergy and feudal noblemen (ashrafs) considered such a situation in the Ottoman state as utterly unacceptable. Those were basically the people who throughout the years terrorized, abducted, robbed and expropriated the wretched and poor population of the rural and urban regions. The ashrafs opposed any political or ideological progress. Any progressive ideology or movement like **religious freedom, equality between people, a nation's right to self-determination, the supremacy of law and justice, an individual's right to free mobility** were perceived by ashrafs as dangerous phenomena invented by either the Armenians or Europeans. Thus, those ideas were to be rooted out then and there. The majority of ashrafs saw the Armenians as the initiators of establishing the constitutional law. Therefore, the **ashrafs' rebellions which were very often** accompanied by violence and massacres perpetrated against Armenians should be viewed in this line of logic.

The 1908 parliament consisted of 275 deputies of which 142 were Turks and Kurds, 60 Arabs, 25 Albanians, 23 Greeks, 12 Armenians, 5 Jews, 4 Bulgarians, 3 Serbs, and 1 valakh³. It should be noted that none of the Armenian, Greek, Bulgarian, Jewish, or Serbian deputies were ashrafs. The Kurds and Turks were mainly ashrafs. As for the committees and political parties, 160 represented the **committee "ittihat ve terakki"**, 20–25 – the Ahrar political party, 4 were from the Armenian Revolutionary Federation, 2 from the Bulgarian Constitutional Clubs, 1 was from the Social Democrat Hunchakian party and 70 did not have allegiance to any political party⁴. The aforementioned ashrafs mainly belonged to the Ittihat or were independent or deputies with no party affiliation. On March 31, 1909 after **the coup organized to overthrow sultan Abdul Hamid's reign the situation changed. The coup against Abdul Hamid can be regarded as the ashrafs' first attempt of rebellion.** A great number of ashrafs cooperating with the leaders of the coup, as well as others who were terrified by Sultan's retribution immediately **joined the Ahrar party that was under the sultan's protection. Some of them** formed new political parties, while a few of them merely left the Ittihat and remained independent. As a result, a different political situation developed in the

³ Kuran 1956, 477.

⁴ Համբարյան 1979, 14:

parliament, where the Ittihat was represented by 85–90 deputies, 25–30 deputies were from the newly formed clerical party “**Jemiet Ilmiet**”, while 55–60 deputies belonged to the Ahrar and 90-100⁵ had no political affiliation whatsoever. After the failure of the coup against Abdul Hamid, the number of Ittihat members naturally increased up to 125-130, while Ahrar consisting of a great many ashrafs formed an alliance with a range of political powers, thus transforming into a new political party named Freedom and Accord (**Hürriyet ve İtilâf Firkası**).

It was obvious that these powers having “taken shelter” in major parliamentary parties would eventually fight for victory in the upcoming elections as this would secure the protection of their “petty” personal interests and their reproduction ensured by law. In May 1910, they were given such an opportunity.

The Rebellion of Ashrafs in the Parliament

May of 1910 is a notable phase in terms of establishing constitutional law in the Ottoman Empire, as during those days the parliament discussed and passed a range of greatly significant bills. Nevertheless, of special interest for us is the discussion of the law on census, specifically its Article 38. The content of the law was closely related to the electoral law, which was drafted and endorsed in 1876, before the enactment of the constitution on which the elections were held⁶. The election law consisted of seven articles, which were included in the charter on “**The Formation and Establishment of the Senate and Parliament Chamber**”.

Article 38 similarly endorsed the electoral laws of 1876 and 1908, thus it was not random at all that the local Turkish and Kurdish seedy noblemen rebelled against this reform.

On May 11, 1910 the ashrafs of the Ottoman parliament took their colleagues by surprise. The first 37 articles of the law were discussed and passed without any objections. However, when Article 38, in fact the last one, was being discussed, the majority of the parliamentarians displayed such intolerance that many politicians were taken aback. The insurgence of the ashrafs was first reflected in a petition. In opposition to this article, they introduced a petition which suggested that in case of changing his residence the citizen had a right to vote or be elected **only in 5 years’ time**. Instead, he would preserve his rights in his previous residence. One hundred and fifty-six deputies signed under the petition. In other

⁵ Փափազյան 1952, 93:

⁶ Selda Kiliç 2011, 28.

words, they represented the majority, and this was accounted for by the fact that the bill was not based on any ideology or public interest. The majority of the ashraf deputies (who belonged to the seedy nobility) were convinced that the bill suited their personal interests. Hence, the given majority included deputies from nearly all political parties i.e. from moderate **liberals, people's party and naturally** from the Ittihat⁷. In fact, the ashrafs were tools for the highest echelons of the **Union and Progress to limit the citizens' electoral rights. It is common knowledge** that after the coup of 1908 the Ittihat did not want to come to power directly⁸. Young Turks preferred to become a majority in the parliament and in this way counterbalance the government⁹. The use of ashrafs in the introduction and enactment of this infamous law can be explicated by this political strategy.

A deputy from Kumulgina (Komotine) Ismail Hagg bey, who was from the Ittihat, introduced the petition¹⁰. He was an educated man with a good command of law, and always supported the ashrafs. He was also the non-official speaker of the Ittihat. When it was necessary to make pressure on the ethnic minorities or on the intellectuals, **the “heavy artillery”** – Ismail Hagg bey was used.

Parliament Reaction

All Armenian deputies, irrespective of their party affiliation, along with many Greeks and some pro-center powers from the Progress and Union opposed the bill¹¹. Since the initiators of the petition represented the overwhelming majority, they allowed the rest to speak their mind openly. However, when the opponents started to affect even those who had authored the bill the latter started to protest, **and Grigor Zohrap had to intervene: “If you do not respect the freedom of speech here, what would you do to the people who voted for you, what would keep you back from bringing disasters on your own country?”**¹²

In his speech, Jahid bey mentioned that the enactment of the census bill, being an amendment to the functioning law, would be a huge step towards separatism. He added that true patriots were self-reliant, consequently they were

⁷ «Ազատամարտ», 12.05.1910:

⁸ «Ժամանակ», 21.02.1909:

⁹ **Մանդեղլուստ** 1919, 32:

¹⁰ Meclisi Mebusan Zabıt Ceridesi, 11 Mayıs 1326, Doksanaltıncıinikad, Devre 1, Cilt 5, İctima Senesi 2.

¹¹ «Բյուզանդիոն», 12.05.1910:

¹² «Ազատամարտ», 12.05.1910:

to reject the new bill which restricted the people's right to election. In his words, patriots should not be afraid of having rivals as the state benefitted from such rivalry. During Jahid bey's speech the noise was so great that the president of the parliament announced a two-hour adjournment. After the adjournment Khoneos effendi took the floor and backed Jahid Bey's viewpoint. Hasan effendi a deputy from Sinop tried to dissuade the advocates of the bill from making that proposal. Then Zohrap spoke, pointing out that the minority of the deputies were naturally expected to propose such a bill, as they might fear that the majority of the deputies, having formed a government would violate their rights in the next elections, but the fact that the majority had also signed the petition appeared to be illogical¹³.

Ismail Hagg bey speaking on the legal basis of the introduced petition emphasized the importance of civil rights, pointing out that a citizen belonged to his community thus, as a deputy he had to be elected there, serving for the community's benefit¹⁴. Referring to Ismail Hagg bey's speech, Zohrap characterized it as absurd, while the introduced bill as illegal.

Ismail Hagg bey's substantiation was erroneous, since his claim to the civil law contradicted both the Ottoman constitution and the electoral law. In cases like this the constitution was prioritized. Undoubtedly, Ismail Hagg bey having a good command of jurisprudence and being well-aware of such a regulation tried to mislead all the other parliamentarians.

Soon the backers of the bill made such an unbearable noise that Zohrap was forced to leave the rostrum. The chairman of the Union and Progress party Khalil bey who found himself in a quandary called on the opponents to the bill to demand that the government express its position over the matter. Mehmet Talaat bey announced that he could not give an immediate response, as he had not discussed the issue with other ministers. Thus, he proposed that the discussion of the matter be delayed. The authors of the article suggested that the introduced bills should be read out and put to the vote. The opponents of the article put forward a new bill, adhering to the postponement introduced by the government. Meanwhile, two deputies rescinded their signatures on the article. The parliamentary majority – the ashrafs seemed to be losing control of events .Ilias

¹³ «Բյուզանդիոն», 12.05.1910:

¹⁴ See Meclisi Mebusan Zabıt Ceridesi, ibid.

Sami the Kurdish ashraf from Mush also known as a notorious slaughterer and Armenophob expressed his surprise at the postponement of passing the petition supported by 156 deputies. Then he appealed to his ashraf colleagues not to rescind their signatures¹⁵. **Ilias firstly declared Midhat's constitution as faulty, and** then accused his Ittihat colleagues of not clarifying the article while making the 1908 amendments.

Hovhannes Serenkulyan also spoke on the issue. He basically refuted the arguments proposed by Ismail Hagg bey and Ilias Sam, hoping that even if the parliamentary commission passed it, the Senate (the upper chamber) would veto this infamous bill¹⁶.

Brawl and Mutual Understanding

During the deputies' speeches, the government managed to introduce a new petition to the President of the Parliament. The government's petition demanded that ashrafs postpone the discussion of the petition.

The two bills were read out, then a controversy emerged over which of the bills should be put to the vote first. According to the law, the bill on the postponement of the discussion was to be put to the vote first. However, the authors of the bill persistently ignored this constitutional requirement, as a result their opponents attacked them and a brawl started. The President announced that **according to the requirement of the law, the government's bill had to be put to the vote first.** The authors of the article attacked the President and the proponents of the postponement. The Minister of Economics having found shelter **within the "human" wall formed by Lutfi Fikr, Mustafa Ali, Zohrap, and Vardges** fearlessly fought back¹⁷. Meanwhile Zayn-el-Apetin effendi and members of the **Liberal Peoples' party and Ottoman Liberty party** moving around the ballot box collected the votes. Ahmed Riza bey stated that he would consider the vote invalid. Seeing that his words had no impact, he tried to leave. The authors of the article surrounded Ahmed Riza and forcibly made him hold the session. Seeing no way out Ahmed Riza, announced that the session lacked majority, thus it was officially closed. The next day the parliament discussed the controversial article on the census. On May 12, when the parliament was about to put to the vote the bill on

¹⁵ See Meclisi Mebusan Zabıt Ceridesi, ibid.

¹⁶ See Meclisi Mebusan Zabıt Ceridesi, ibid.

¹⁷ «Բյուզանդիոն» 12.05.1910:

the change of residence, Ismail Hagg bey introduced a new bill according to which, a person who had changed his residence had the right to vote or be elected in three years instead of five. It goes without saying that the bill was approved by the Ittihat government and it was not random at all that it was Ismail Hagg bey who introduced it. Before putting the bill to the vote, the Prime Minister of the Ottoman Empire Hagg pasha took the floor. He stated that the given issue should be dealt with when the code of electoral law was studied. The Prime Minister also noted that the elections were held based on the electoral regulation of 1876, assuring that in two years' time a new electoral law would be enforced. As a result, the President Riza bey put to the vote the bill introduced by Ismail Hagg bey which was passed with 51 votes "against" and 145 "in favor"¹⁸.

Conclusion

Actually this was a movement supported by the ruling party or at least by its highest echelons which was aimed at obstructing or **limiting the person's right to participate in the country's government i.e. his electoral right**. In the successive parliamentary elections this bill became the cornerstone due to which the local embezzlers, former officials with a criminal past, tribal chiefs with anti-Armenian views and other waste appeared in the parliament. Choosing ashrafs as its buttress, the ittihat annihilated the supremacy of law in the Ottoman Empire, the **preservation of fundamental human rights i.e. a person's right to mobility** was breached, thus eliminating any possible prospects of forming a lawful state.

This was ittihat's first step towards the distortion of the Ottoman constitution, which would eventually pave path to the collapse of the empire.

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ԷՇՐԱՖՆԵՐԸ ՕՍՄԱՆՅԱՆ ԽՈՐՀՐԴԱՐԱՆՈՒՄ

ՄԱՐՏԻՐՈՍՅԱՆ Ն.

Ամփոփում

Քանալի բառեր՝ Օսմանյան խորհրդարան, միդհատյան սահմանադրություն, ընտրական օրենք, մարդահամարի օրենք, ազնվականություն, խնդրագիր, հայ պատգամավորներ:

1908-ի հեղափոխությունից հետո երիտթուրքերը վերականգնեցին Միդհատ փաշայի հեղինակած սահմանադրությունը և կազմավորեցին Օսմանյան խորհրդարանը: Առաջին գումարման խորհրդարանը բազմազգ էր, բազմակրոն և որ ոչ պակաս կարևոր է՝ բազմախավ: Ընտրությունների արդյունքում, այդ նոր խորհրդարանում հայտնվեցին ավելի շատ էշրաֆներ, քան հեղափոխականներ: Օսմանյան պետությունում և խորհրդարանում զգալի ուժ ներկայացնող հետադիմական, կղերաֆեոդալական թուրք և քուրդ տոհմիկ ազնվականությունը (էշրաֆ) ընդդիմանում էր մարդու իրավունքներին առնչվող ցանկացած բարեփոխմանը և սահմանադրական համակարգի հաստատմանը: 1910 թ.-ի մայիսի 10-ին խորհրդարանը քննարկում էր մարդահամարի մասին օրենքը: Ուղղորդվելով իշխող կուսակցության՝ երիտթուրքերի կողմից, էշրաֆները պահանջեցին, որ խորհրդարանը համապատասխանեցնի ընտրական օրենքը իրենց նեղ անձնական շահերին: Իթթիհատը օգտագործելով էշրաֆներին՝ ի չիք էր դարձնում իրավական պետություն ստեղծելու ցանկացած հավանականություն:

ЭШРАФЫ В ОСМАНСКОМ ПАРЛАМЕНТЕ

МАРТИРОСЯН Н.М.

Резюме

Ключевые слова: османский парламент, мидхатовская конституция, закон о выборах, закон о переписи населения, дворянство, петиция, армянские депутаты.

После революции и прихода к власти младотурок в 1908 г. была восстановлена конституция Мидхата паши и был сформирован парламент Османской империи. В результате выборов большинство депутатов в парламенте оказались представителями турецкого и курдского родового дворянства (эшрафы). Эти люди в основном представляли интересы правящего класса Османской империи. Они преследовали цель противостоять развитию конституционной системы, следовательно, выступали против реформ, связанных с правами человека и утверждением конституционной системы в Османской империи. В мае 1910 г. при обсуждении в парламенте закона о переписи населения эшрафы, по настоянию младотурок, потребовали от парламента, чтобы последний при принятии закона о выборах руководствовался их личными интересами. Посредством эшрафов младотурки хотели пресечь любую возможность создания правового государства.