

# THE PRINCIPLE OF DECENTRALIZATION OF GOVERNANCE IN SIMON ZAVARYAN'S POLITICAL AND PHILOSOPHICAL CONCEPT

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***"If we want to get rid of our centuries-old numbness entirely and fully, we need to establish the order of our reborn country on a decentralized basis".***

**Simon Zavaryan**

## **Abstract**

Simon Zavaryan's political optimism, certainly, clashed with further harsh historical and political realities. The model of federal state proposed by him corresponded to neither the tendencies of Turkish policy nor the Turkish understanding of Ottomanism as citizenship. The Turkish element, which had occupied the homeland of the indigenous peoples, chose to and still continues to implement the policy of national and religious intolerance, endangering the foundations of the statehood they themselves had envisaged.

**Keywords:** S.Zavaryan, Ottoman Constitution, decentralization, local autonomy

In the context of the current political realities of the Republic of Armenia, it is essential to study the national-philosophical and political concepts of the XIX-XX centuries, where are enclosed arguments about the principles of state governance, the right of nations to self-determination, the historical-and-political and legal bases of centralized and decentralized government.

**Highly centralized** governance implies the supremacy of the central government over the entire territory of the state, ruling out the self-governance and administrative autonomy of local entities. In the case of **moderately centralized** governance, local authorities are endowed with certain rights of autonomy, but are subject to the decisions of the central government in matters of national significance. In a **decentralized** state, the legitimacy of the enforcement of the administrative rights of local governments is recognized. In other words, the principle of decentralization implies relative independence only within the internal autonomy of the administrative entity. In the case of **absolute decentralization** the unity of state power and the proportionality of the governance system are shattered, and autonomous entities may disobey the decisions of the central government.

Armenian thinkers have commented on the effectiveness of the principles of governance, taking into account the natural and historical and political conditions of a particular country, the challenges of the time, the legal-and-political culture and spiritual condition of nations as sovereign entities. Societies that have gone through a heterogeneous natural and historical course manifest different qualities in the political process, and these qualities become the basis for the choice of a certain form of governance. In this respect, the following argument is remarkable: "The nation should not simply submit to this or that form of political structuring, but should recognize that form of political structuring as the best way of its collective existence".<sup>1</sup>

There were two tendencies typical of the traditional Armenian state policy: on the one hand, the strengthening of centralized power and the right of royal succession, neutralizing the absolutely decentralized aspirations of the opposition groups; on the other hand, the protection of the jurisdiction of self-governance of local authorities, especially in the face of external invasion policy. The need for a **nation-centered** and **state-oriented** policy has always been emphasized in domestic political processes. Its purpose is to maintain the monopoly of the national administration and spiritual power under conditions of a national state or its absence. As Maghakia Ormanyan confirmed: "The use of the central style is more important and helpful in difficult cases and during hardships, which Armenians and Armenia have had no lack of".<sup>2</sup> However, in terms of relations with ruling powers, **it is natural to defend the principle of decentralization as an ideological and political basis for national self-determination**. Decentralizing from foreign power, the subject nation unites with the natural right of self-governance and gathers around national legitimate power.

Thus, self-governance is the manifestation of the principle of decentralization for the sake of preservation of the administrative territorial integrity of the homeland and political identity of the nation. After all, **decentralized national governance is the first step in a complex process of statehood restoration**. By this logic, from the middle of the XIX century, the principle of decentralized governance became one of the program principles of Western Armenian constitutional ideology,<sup>3</sup> and later, of Armenian national parties.

On July 10, 1908, the Ottoman Constitution was re-declared, and the very next day the Ottoman Parliament was ordered to be reopened. Armenian figures perceived this development as a guarantee of the Turkish dictatorial regime overthrow. Considering the re-establishment of independent statehood impossible in the current political situation, they hoped that as a result of the Ottoman state's constitutionalization and political reforms, new law and order would be established in the country, and the subjects would be granted broad autonomy and national-and-administrative jurisdiction.

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<sup>1</sup> Harutyunyan 2000: 171-172.

<sup>2</sup> Ormanyan 1879: 15.

<sup>3</sup> The analysis of the principles of Western Armenian constitutionalism see Sarvazyan 2017b: 161-169.

On August 24, 1908, prominent national figure, political scientist and philosopher **Simon Zavaryan** (1865-1913) delivered a political speech at Bera Holy Trinity Church in Constantinople, explaining his concept of rebuilding the Ottoman state system through the principle of decentralization.

With historical and philosophical analysis Zavaryan first referred to the ancient political culture, especially valuing the Greek city-states as exceptional examples of political structuring of the society. The poleis were governed by the People's Assembly of free citizens and by elected officials. Legal and political relations contributed to the formation of polis patriotism and nationalism, the essence of which was the privilege of the Greek political order over the non-Greek. As the political scientist described it, each city-state "enjoyed **freedom** in its domestic affairs and **allied** with its neighbors to fight against foreign attacks".<sup>4</sup> This political culture became the basis for the development of Greek philosophy, science, culture, legislation and the art of rhetoric.

Zavaryan considered the prosperity of ancient Greece "**the natural offspring of decentralized order**". But later Greek civilization declined when sovereign political entities came under pressure from the central government. Due to the application of the principle of high centralization of governance, the ancient Roman and Byzantine empires were destroyed as the conquered nations were subjected to central authority and nationwide legislation. In addition, the national laws and traditions of the subjects were ignored, as a result of which they "embraced all those who raided into their "homeland" as liberators".<sup>5</sup>

Byzantine state policy was inherited by the Ottoman state with more brutal manifestations of domination and oppression of peoples. According to Zavaryan, due to its highly decentralized policy, this state lost half of its occupied territory and population during the XIX century, under the strong military-and-political and diplomatic pressure of European states. In the context of the political coup of the early XX century, he argued that **political reforms in the Ottoman state were possible through the establishment of a decentralized system of governance**. The thinker argued his point of view with the following considerations:

- ❖ It is impossible for any form of state institution and method of governance to be appropriate in all states. The geographical location of each country, economic, social, demographic factors, the level of intellectual development of nations, legal and political culture determine a certain form of political structuring of the society. Therefore, in multinational states, such as the Ottoman Empire, decentralized governance is the only feasible option. "To ignore these differences and to strive for the satisfaction of all regions with the same central governance and legislation means to ignore the demands of reality".<sup>6</sup>

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<sup>4</sup> Zavaryan 1908: 3.

<sup>5</sup> Ibid., 4.

<sup>6</sup> Ibid., 7.

- ❖ A highly centralized government in a multinational state may not be aware of the specifics and requirements of all provinces and regions. Indigenous peoples, as legal subjects of their homeland, can better govern themselves by national and administrative authority than by the instructions of the central government. Unaware of the conditions of the provinces and the problems of the population, local officials are more concerned with pleasing the central government than thinking about the country's prosperity. This reality will be neutralized only "... when each region, vilayet, gaza, mutiret and community manages the local affairs by the elected representatives of the people and decides its own fate".<sup>7</sup>
- ❖ The reaffirmation of the Ottoman constitution will not in itself eliminate the shortcomings of a highly centralized system of governance. In constitutional countries, the legislative initiative, financial management, the implementation of laws are transferred from the monarch to the parliament elected by the people. But with the preservation of the centralized system of governance in Turkey, the parliament legitimacy will not counterbalance the Ottoman supremacy. And if a limited number of people participate in state administration, the structure of the state will be a clan rule, oligarchy or authoritative governance.
- ❖ We should not ignore the fact that highly centralized governance in multinational states such as Turkey and Russia slows down the country's socio-economic development. Since the central government is busy with protecting national interests and solving the country's general problems, it is unable to address the problems of the regions. Therefore, "in case centralization is preserved, the constitution will hardly be able to change all this and speed up the study of laws and requirements that have matured".<sup>8</sup> The same applies to the bills submitted by local authorities to the Russian Duma, which do not get to be discussed for years.

It should be noted that some articles of the Ottoman Constitution (1876) **formally** contain the principle of **decentralization**. In Abdul Hamid's Imperial Declaration it is stated: "This basic law enacts... administrative decentralization in provinces without weakening the decisive action and power of the central government".<sup>9</sup> This provision is **contradictory**, as it is not possible to establish full local autonomy while maintaining the administrative jurisdiction of centralized governance. Article 108 of the Constitution also states: "The principle of decentralization is the basis of provincial administration".<sup>10</sup> Article 109 defines the need for a law establishing the electoral system and rights of administrative councils - local self-governing bodies. The councils should make decisions on the following issues: "construction of communication roads, establishment of lending coffers for farmers, development of art, trade and agriculture, and carrying

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<sup>7</sup> Ibid., 8.

<sup>8</sup> Ibid., 10.

<sup>9</sup> Imperial proclamation manifesto declaring Ottoman constitution 1986: 7.

<sup>10</sup> Ottoman constitution, Article 108, p. 42.

out public education”.<sup>11</sup> The limitation of the authority of local councils is obvious, especially in terms of national issues. However, it was even impossible to carry out the established functions in the case of domination of centralized governance.

**There are other provisions of the Ottoman Constitution that also contradict the principle of decentralization of governance.** The very first article proclaims the territorial integrity and indivisibility of the empire. In other words, no province with the right to self-determination could “ever secede for whatever reason”. The sultan’s dominion and the exclusive rights of the caliphate and freedom from responsibility were preserved.<sup>12</sup> The Sultan appointed and dismissed the ministers, granted positions and ranks, approved the election of provincial princes: “His Highness the Sultan appoints his most trusted people to the positions of Great Eparch and Shaykh al-Islam”.<sup>13</sup> All the important internal and external affairs of the state were under the authority of the Council of Ministers appointed by the Sultan and all the decisions were implemented by imperial order. Thus, **the executive power was formed, functioned and dissolved by the Sultan’s will and orders.** All the ministers were accountable to him. They could also be members of the parliamentary assembly on the principle of monocentrism.

The legislative body - **the General Assembly**, consisted of two assemblies: a) Assembly of Elders (Senate), b) Parliamentary Assembly. The Sultan decided the time of convening the meetings, the number of sessions, as well as the need for dissolution. “All the members of the General Assembly swear allegiance to His Highness the Sultan, the Homeland, and swear to act in accordance with the Constitution...”.<sup>14</sup> The next article contradicted this one, according to which the members of the General Assembly had the liberty to vote and “no one can be bound by instructions or promises, or act under the influence of threats”.<sup>15</sup> How could the ministers appointed by the Sultan make a free decision without being prosecuted?

The supremacy of the Ottoman centralized governance was also reflected in the articles defining **legislative activity**. For example, “The proposal to pass a law or to amend an existing law concerns the ministry”. The Assembly of Elders and the Parliamentary Assembly might propose bills only on issues within their competence and not concerning state matters. In this case, too, the bills “are presented to his Highness the Sultan” in the form of **petition** and he “...will submit them to the State Council”.<sup>16</sup> The bill redrafted by the State Council was debated in the General Assembly **formally**, since only the Sultan had the right to ratify it. Moreover, “the chairman and members of the Senate are simply named by his Highness the Sultan” and they had the right to rule for life.<sup>17</sup> The chairman of the Parliamentary Assembly and the two vice-chairmen were

<sup>11</sup> Ibid., Article 110, p. 43.

<sup>12</sup> Ibid., Article 1-5, pp. 11-12.

<sup>13</sup> Ibid., Article 27, p. 17.

<sup>14</sup> Ibid., Article 46, pp. 23-24.

<sup>15</sup> Ibid., Article 47, p. 24.

<sup>16</sup> Ibid., Article 53, p. 26.

<sup>17</sup> Ibid., Article 60 and 63, p. 28.

elected from the list of nine candidates presented to the sultan. The Assembly had the right to discuss, dispute and decide on bills concerning the Constitution, finances and budget "...by agreement with the ministers".<sup>18</sup>

Disputing the constitutionality of the articles of the Ottoman constitution, Zavaryan concluded: "Only the method of electing the minister is essentially changed by the constitution, but bureaucracy remains the same: every order comes from one center, officials depend on one **single** person".<sup>19</sup> According to him, ***the activity of the parliament should be limited to the discussion of issues of national importance, leaving the management of local-national affairs to the autonomous bodies.***

The attitude of the Turkish opposition parties demanding reforms to the Ottoman Constitution is remarkable. In particular, the party "**Young Turkey**" "...demands the introduction of modern ideas in Turkey, with the implementation of the constitution, for the benefit of all Ottomans, without discrimination because of nationality and religion".<sup>20</sup> The first article of the program of the party "**Decentralization and Individual Initiative**", founded by Abdul Hamid's nephew, Prince Sabaheddin, stated: "The political reforms to be carried out in the Ottoman countries must be based on a system of administrative "decentralization and broad autonomy", without discrimination of classes and subjects".<sup>21</sup> Opposition forces also demanded the revision of the Ottoman constitution and the amendment of those articles which did not contribute to the country's political reforms.

Explaining the importance of **local autonomy** for the Ottoman state, S. Zavaryan stated: "Freedom is in its embryonic stage here. Long-term efforts are necessary for the administration created on a whim to be replaced by a rule of law that is equally binding on everyone".<sup>22</sup> He considered the **rule of law** in the country to be the first condition for the autonomy of the provinces; then he proposed the following principles:

- adoption of the principle of national or ethnic representation,
- separation of powers (legislative, executive, judicial), independent jurisdiction, mutual control and balance,
- compliance of the legislation with the requirements of the country,
- definition of administrative rights of local autonomies.

After studying the historical experience of the constitutional states of the time, Zavaryan concluded: "Everywhere ***the degree of freedom of the country depends on the degree of local autonomy***".<sup>23</sup> As a classic example, he pointed out to the Swiss political system and constitutional order. He mostly valued ***the right of nations to self-determination***. The thinker commented on the essence of democracy: "True

<sup>18</sup> Ibid., Article 80, p. 35.

<sup>19</sup> Zavaryan 1908: 8.

<sup>20</sup> Turkish Constitution 1908: 44.

<sup>21</sup> Ibid., 58.

<sup>22</sup> Zavaryan 1908: 12.

<sup>23</sup> Ibid., 13.

democracy does not mean transferring the power of the monarch to several hundred elected officials”.<sup>24</sup> It is just the first step. There will be real sovereignty of the people and national government only when as many citizens of other nationalities as possible take part in the legislative process and in the organization of public affairs. This is possible through the formation of local self-government bodies and the operation of national administrative and legal systems. Democratic governance requires a proactive, active and politically-minded electorate.

Zavaryan analyzed **the idea of patriotism** on state and national levels. He did not advocate purely “national-local” patriotism at the expense of “state patriotism”. At the same time, he rejected the opinion that family and kin relationships hindered the understanding of national relations and the idea of philanthropy. Just the opposite: “Without the development of the idea of family and ethnicity, there could be no broader national feeling and it is with the generalization of the latter that one can love all of humanity”. Thus, just as family love expands into patriotism and philanthropy “healthy **state patriotism** can only emerge step by step, with the gradual development of **local (national – L.S.) patriotism**”.<sup>25</sup> Otherwise, state patriotism will become an abstract concept.

The Armenian thinker proposed the idea of **free competition** between the autonomous bodies of a multinational state for the sake of the general socio-economic and educational-and-cultural progress of the country. National laws must be adjusted to the traditions - unwritten internal laws - of separate nations. Religious differences should not become the cause of ethnic conflicts. Recognition of nations by the religious factor had long been common in the Ottoman state. With a special state policy the subject nations were granted a special ecclesiastical-and-political status,<sup>26</sup> as a result of which inter-ethnic relations were regulated by traditional national laws. Zavaryan considered this argument to be a proof of the fact that: “even in countries with a central government the principle of decentralization **considerably** prevails, and besides the general laws, every region, every community is governed also... by laws of local private nature”.<sup>27</sup> Therefore, it is necessary to officially accept this principle and to apply it in line with the common interests of the country.

Thus, **the realization of national and civil rights of individuals, the protection of the idea of democracy and the development of legislation in accordance with the requirements of the state determine the need for a decentralized political system**. Such systems of governance exist in Switzerland and the United States, where each canton or state has a legislative body and ministries. The central federal government ensures the security of the country, international relations and oversees the

<sup>24</sup> Ibid., 14.

<sup>25</sup> Ibid., 17.

<sup>26</sup> For more details on this issue see Sarvazyan 2013: 263-265.

<sup>27</sup> Zavaryan 1908: 20.

areas of national importance. And the local autonomous entities solve their own problems themselves according to the local laws.

Assessing the Western constitutional culture, Zavaryan did not advocate the identification of the political system of the Ottoman state with the political systems of these countries. Naturally, the state structure of each country is the result of the long-term national-and-political development of that country, therefore, it is unique. The political scientist considered **the historical-and-political experience of the development of Austrian statehood** to be more convenient for Turkey.

Until the middle of the XIX century, peoples of different nationalities and religions lived in Austria. As a result of administrative reforms, the state adopted the principles of **constitutionality and decentralization**. Separate autonomies were formed in Austria. In Galicia, Bohemia, Tyrol, Upper Austria and other places **the elected councils - Seims** oversaw the local socio-economic and financial affairs, made the budget, set up the taxes, etc. Zavaryan considered it important "what kind of autonomy the Austrian states enjoyed, only administrative or legislative as well".<sup>28</sup> The thing is that the Seims were not officially given the right to legislate, but in fact they exercised that right. Taking into account the local peculiarities, the Seims developed laws and **acquired consultative-and-legislative powers**. The language problem was also solved through councils. The national languages of local autonomies were used in educational institutions and official operations.

Thus, the Austrian state structure reformed by the principle of decentralization, allowed, on the one hand, to maintain **national legislation** in all states, and on the other hand, ensured **local autonomy** through the Seims' legislative initiative.

According to Zavaryan, the political environment of the Ottoman Empire allowed to reform the administrative and state structure of the country according to the **Austrian model**. In that case "the elected mejlises of the vilayets should be given the rights the Seims had, and with them the rights of local autonomy will be shared also by the administrations of cities, gazas, and rural communities".<sup>29</sup> He emphasized the importance of solving one more essential issue: **it was necessary to define the borders of administrative districts according to their ethnographic and geographical peculiarities**. It would contribute to the legislative-and-administrative unity of the state and to the full execution of the rights of local self-governing entities.

Thus, Zavaryan proposed **a model of Ottoman federal state structure**, in which **different nationalities with their native territories would form legal parts of the federal state**. According to the thinker, the decentralized state "...ensures local rights, hence the unique economic development: that is what limits the pressure of the majority and protects the rights of the minority, and that is what boosts the development of linguistic and other educational-and-cultural peculiarities of each nation".<sup>30</sup> He refuted

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<sup>28</sup> Ibid., 29.

<sup>29</sup> Ibid., 30.

<sup>30</sup> Ibid., 32.



all the theories that foresaw the elimination of national, religious and linguistic differences along with the development of civilizations. On the contrary, as Levon Shant affirmed: “becoming civilized... is the main condition for the development of nations, the strengthening of national characteristics... and the evaluation of its uniqueness”.<sup>31</sup> Peoples are valued the way their national identity, spiritual and cultural vitality, and volition to politically self-organize are defined.

Rejecting the autocratic order of the Ottoman state and the domination of the ruling Turkish element, Simon Zavaryan emphasized the operation of **the principle of national representation** in the legislative process. It was not reflected in the Ottoman constitution. According to him: “The minority - be it a nation, a religious-and-philosophical union or a party – cannot have a place in the legislative body of the country in the event of the unlimited power of the majority”.<sup>32</sup> **Without a state policy of making nations full participants of the legislative power, political reforms in the state are impossible.** The Constitution did not eliminate the highly centralized system of governance. According to Zavaryan, this dangerous situation could be changed only: “...by introducing the principle of proportional (proportionnel) decentralization in the electoral system, when each nation, religion and party, according to the number of its members, is **proportionally** represented in the body conducting the affairs of the whole country and makes their wishes heard”.<sup>33</sup>

By applying the principles of **decentralization** and **representation**, domestic political conflicts and ethnic clashes in the Ottoman state would be minimized. Zavaryan proposed the following ways to solve the problem: **a)** according to legislation each nation must be provided a certain number of votes in separate provinces as in Lebanon; **b)** following the example of Austria, each nation must nominate its electees without communicating with the other nations. In both cases, Armenians and other nationalities would have their representation in the country’s legislative body.

In the context of Ottoman state reforms, Zavaryan did not ignore the **national issue**. According to him, since the middle of the XIX century the national masses had played a great role in the social and political processes of different countries and “...the nationalist problem gradually becomes more acute”.<sup>34</sup> Just like L. Shant,<sup>35</sup> Zavaryan was also convinced that **ethnic and linguistic diversity was a hallmark of civilizational progress**. Therefore, it is necessary to show political wisdom not to hinder the unique development of nations and cultures. The ways of national development are conditioned by the spiritual-and-civilizational value system chosen by them.

<sup>31</sup> Shant 1979: 50-51.

<sup>32</sup> Zavaryan 1908: 34.

<sup>33</sup> Ibid., 35.

<sup>34</sup> Ibid., 39.

<sup>35</sup> For the analysis of L. Shant’s political concept see Sarvazyan 2017a: 282-303.

On the basis of the national and religious factor, the Ottoman state authorized the exercising of constitutions of subject peoples by granting them national and administrative autonomy. According to Zavaryan, if they were applicable in totalitarian Turkey, after the redeclaration of the Constitution nations must be endowed with wider constitutional powers. National affairs must be handled by national administrations; otherwise “...**equality** of languages and nations will remain a beautiful but meaningless word”.<sup>36</sup>

Given the current political situation, Zavaryan considered **the issue of independence of nations** to be highly controversial. For example, the independence of states like Greece and Serbia was “problematic” because they had no political identity and were forced to obey the decisions of large states. Therefore, “...they, in fact, only enjoy internal autonomy”. Neither did he accept the independence gained at the cost of human lives, which they could not keep on their own. For this reason he stated: “I do not find an independent Armenia consisting of Erzurum and several other vilayets enviable. Surrounded by three major powers - Russia, Turkey and Persia, and raising suspicions within the Turks and Kurds, it will always be in a faltering state...”.<sup>37</sup> Therefore, **it is safer to be a self-governing legal entity in a constitutional federal state with the prospect of political self-determination and gaining peaceful independence**. He was sure that “...only the free development of each nation will ensure unity among many ethnic groups comprising the Ottoman Empire” and only “... decentralized allied regimes can contribute to the great and complicated task of rebuilding our common homeland on the basis of Freedom, Brotherhood and Justice”.<sup>38</sup>

Simon Zavaryan’s political optimism, certainly, clashed with further harsh historical and political realities. The model of federal state proposed by him corresponded to neither the tendencies of Turkish policy nor the Turkish understanding of Ottomanism as citizenship. The Turkish element, which had occupied the homeland of the indigenous peoples, chose to and still continues to implement the policy of national and religious intolerance, endangering the foundations of the statehood they themselves had envisaged.

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