

OTTOMAN PERCEPTIONS OF THE CAPITULATIONS 1800–1914

FEROZ AHMAD

University of Massachusetts, Boston

There was a general consensus among those Ottomans who gave any thought to the matter that the capitulations were grants of privileges made unilaterally by Ottoman sultans to various foreign powers and therefore capable of being withdrawn unilaterally. That was the argument the Sublime Porte used when the foreign embassies were notified of the abrogation of the capitulations in a memorandum dated 9 September 1914. The Minister of Foreign Affairs (and Grand Vızır), Said Halim Pasha, noted: ‘The Imperial Ottoman Government ... had in former times determined in a special manner the rules to which foreigners coming to the Orient to trade there should be subject, and had communicated those rules to the Powers. Subsequently those rules, which the Sublime Porte had decreed entirely of its own accord, were interpreted as privileges, corroborated and extended by certain practices, and were maintained down to our own days under the name of ancient treaties (or Capitulations) ...’¹

The same line of reasoning was adopted by historians of the Republic. Thus Ismail Hamı Danişmend, writing about the abrogation of the capitulations, states that ‘... initially these privileges were bestowed upon a weak and poor Europe as a favour. But as Turkey became weak and Europe strong they became a nuisance for the state and assumed the form of violating its sovereignty. For that reason, the abrogation of the Capitulations became the most important goal of the state’s foreign policy after the Tanzimat proclamation [of 1839].’² The very term the Ottomans used to describe the capitulations—*imtiyazatı ecnebiye* or simply *imtiyazat*—means privileges, grants, or concessions for foreigners. For that is how they perceived the capitulations even after they had been regulated by bilateral treaties, following the signing of the Treaty of Kuçuk Kaynarca with Russia in 1774.³ Yet as late as May

¹ *Foreign Relations of the United States 1914* (Washington, D.C.), 1092

² Ismail Hamı Danişmend, *İzahlı Osmanlı Tarihi Kronolojisi* (Istanbul 1961), 4 409–10

³ Halil İnalcık, ‘İmtiyazat’, in *Encyclopaedia of Islam*, 2nd edn, vol 3, hereafter *EI²*, 1178–95

1908, Lord Hardinge, the Permanent Under-Secretary at the Foreign Office, was advising the British chargé d'affaires at Istanbul that 'The time will come when we and the French will have to tell the Sultan that it is not a privilege we are seeking but our right.'⁴

There are strong historical grounds for the Ottoman interpretation of the capitulations as privileges granted to European merchants, and later to states, by the Sultans.⁵ Thus traditionally, for the Ottomans the capitulations were more like a decree or edict than a treaty. They were written in this manner and therefore could not assume the form of reciprocity. According to Pakalın, until the eighteenth century the Ottoman state did not enter into a treaty relationship with foreigners which would place it in any form of obligation. The Sultans who 'bestowed privileges' upon the foreigners believed that these privileges could be revoked whenever they wished. Inalcık agrees with this interpretation though he notes that while the covenant (*ahdname*) was a unilateral and freely-made grant, the Sultan revoked it when he felt that the foreign power had broken the pledge of 'friendship and sincere goodwill'.⁶

The capitulations acquired a new character after 1683 when the Ottoman Empire began to weaken in relation to growing European power. Privileges began to be granted as 'an unveiled gesture of reciprocity for political assistance' and the Sultans were forced to abandon the 'valuable bargaining counter that new capitulations had to be negotiated at the beginning of every new reign'. There was now a tacit understanding that the capitulations would bring reciprocal advantage to the state, and if that failed to materialize the sultan could claim that the precondition of 'friendship and sincerity had been broken.' As late as 1740, Ottoman officials could search the residence of a foreigner protected by the capitulations if there was a suspicion that fugitive criminals or slaves were being harboured by the foreigner or that he was in possession of smuggled goods.⁷

This Ottoman autonomy came to an end with the Treaty of Küçük Kaynarca signed with Russia in 1774. This treaty, according to Inalcık, was a bilateral agreement which differed both in form and in legal character from the *ahdnames* unilaterally granted in the past. Not only did this treaty give freedom of navigation to the Russian fleet in the Black Sea (article XI), but the Sublime Porte promised to allow 'the

⁴ Hardinge to Block, 19 May 1980, quoted in Joseph Heller, *British Policy towards the Ottoman Empire 1908-1914*, (London 1983), 5

⁵ Inalcık, *EP*²; the article has a comprehensive bibliography on the capitulations

⁶ Mehmet Zekı Pakalın, *Tarih Deyimleri ve Terimleri Sözlüğü*, Istanbul, 1971, article 'Kapitulsayon', in vol. 2, and Inalcık, *EP*²

⁷ Inalcık, *EP*², 1179 ff.

Minister of the Imperial Court of Russia to make, upon all occasions, representations, as well in favour of the new church ... to be constructed in the capital, as on behalf of its officiating ministers ... ' (articles VI & XIV). These articles made Catherine the Great virtually the protector of the Greek Orthodox subjects of the Sultan and provided Russia with opportunities and pretexts to interfere in the affairs of the Ottoman Empire whenever it saw fit. Moreover, article IX gave interpreters of the terms of the treaty, the notorious dragomans who were often Ottoman subjects employed by the Russian embassy, a new status which not only placed them outside Ottoman law but, in time, made them virtual intermediaries between the embassy and the Porte. Within a short time, non-Muslim subjects of the Sultan who bought such appointments 'were excused from all Ottoman taxes and were entitled to pay the same low customs duties charged to foreigners under the various Capitulations treaties. Foreign consuls clearly abused this right by selling such appointments [*berat*] at considerable profit to Ottoman merchants wishing to escape the regulation and control of the Sultan's laws.'⁸

The Porte recognized the implications of this treaty and attempted to save face by claiming reciprocal rights for the Sultan as Caliph, specifically the right to protect Muslim subjects of the Tsarina, Catherine the Great. The Porte even attempted to evade some of the terms of the treaty, evidently still regarding them as privileges granted to a friendly power. But under Russian protests the Porte was forced to recognize the treaty as a bilateral engagement.⁹

The second half of the eighteenth century coincided with the growing commercial and industrial strength of Western Europe and the increasing penetration of the Ottoman economy. The Turks recognized the advantage that the capitulations gave to foreign merchants and their Ottoman protégés who were acquiring the same privileges through consular intervention. Selim III, who came to the throne in 1789, took a number of measures to rectify the balance between Ottoman and foreign merchants. Apart from making efforts to curb the abuse of the capitulations, he extended the same privileges to Ottoman merchants (Muslim and non-Muslim) engaged in foreign and domestic trade; he also used state monopolies to gain an advantage over the Europeans.¹⁰

Until the first decade of the nineteenth century, the Porte still per-

⁸ Sanford Shaw, *Between Old and New the Ottoman Empire under Sultan Selim III 1789-1807*, Cambridge, Mass. 1971, 177-8, and J C Hurewitz (comp and ed) *The Middle East and North Africa in World Politics* (New Haven and London, 1975), 1 189-91, see also his earlier anthology, *Diplomacy in the Near and Middle East A Documentary Record, 1535-1914*, 2 vols, Princeton, N J, 1956, and Inalcik, *EI*²

⁹ Inalcik, *EI*², 1186

¹⁰ Shaw, *Between Old and New*, 177-9

ceived the capitulations as agreements over which it exercised some control. The capitulations were regarded as reciprocal rights enjoyed equally by the two sides signing the agreement so that abuses could be eliminated. This became clear in the 1809 treaty signed by Great Britain and the Ottoman Empire during the Napoleonic Wars. Some of the articles of this treaty bear quoting, for Britain came to see it as the basis of the capitulatory rights she now enjoyed in the Ottoman Empire. Article IV of the treaty read: 'The Treaty of Capitulations agreed upon in the Turkish year 1086 (AD 1675) ... shall continue to be observed and maintained as if they had suffered no interruption.' 'In return of the indulgence and good treatment afforded by the Sublime Porte to English merchants ..., [read article V] England shall reciprocally extend every indulgence and friendly treatment to the flag, subjects, and merchants of the Sublime Porte' Custom tariffs were fixed at 3% 'and the articles relating to the interior commerce, shall continue to be observed, as they are at present regulated, and to which England promised to conform' (article VI). The Porte was permitted to appoint its own consuls to 'the Dominions of His Britannic Majesty where it shall be necessary to manage and superintend the affairs and interests of merchants of the Sublime Porte, and similar privileges and immunities to those granted to English Consuls resident in Ottoman Dominions, shall be duly afforded to the '*Shabbenders*' of the Sublime Porte' (article VIII).

Far more significant than the principle of reciprocity which this treaty accepted, was the recognition by Britain of the abuse of selling protégé status to Ottoman subjects. Thus article IX read:

English Ambassadors and Consuls may supply themselves, according to custom, with such Dragomans as they shall stand in need of but as it has been mutually agreed upon, that the Sublime Porte shall not grant the '*Barat*' of Dragoman in favour of individuals who do not execute that duty in the place of their destination, it is settled, in conformity with this principle, that in future, the '*Barat*' shall not be granted to any person of the class of tradesman or banker, nor to any shopkeeper or manufacturer in the public markets, or to anyone who is engaged in any matter of this description, nor shall English Consuls be named from among the subjects of the Sublime Porte.

Article X simply crossed the t's and dotted the i's by stipulating that 'English patents of protection shall not be granted to dependents, or merchants who are subjects of the Sublime Porte, nor shall any passports be delivered to such persons, on the part of Ambassadors or Consuls, without permission previously obtained from the Sublime Porte.'¹¹

¹¹ Hurewitz, *Diplomacy*, 190, Bernard Lewis, 'Beratlı', in *EP*². See also Margaret Hoell, 'The Ticaret Odası Origins, Functions, and Activities of the Chamber of Commerce of Istanbul, 1885-1899', unpublished Ph D thesis, Ohio State University, 1973, 13-14 The

By 1809, the Porte seems to have abandoned the economic high ground to the British, and by extension to Europe. With low tariffs there was no possibility of Ottoman merchants competing with Europeans. The issue now was to hold on to as much of the state's sovereignty as possible. Here too, it may have been too late, for by 1808, Inalcık estimates that 'Russia had enrolled about 120,000 Greeks as "protected persons"'.¹² Moreover, treaties were only as good as the ability of the Porte to enforce them and that became more and more difficult as the Ottoman Empire's political and diplomatic dependence on Europe increased.

Given the internal crisis in the Ottoman Empire, marked by the struggle between the centre and the provincial notables, during the first quarter of the twentieth century, it is not surprising that the capitulations did not enjoy top priority. In fact, as the Westernized bureaucrats became more influential at the centre, they welcomed the economic integration of the empire into an ever-expanding European market. Thus, fourteen years before the 1838 Treaty, Mahmud II abandoned the privileges his predecessor Selim had granted Ottoman merchants, the so-called *Tuccar-ı Hayriye*, making economic competition virtually impossible. The 'Anglo-Turkish Commercial Convention' of 1838 signed at Baltı Liman on the Bosphorus was merely the logical conclusion of this process. The state had already sacrificed its indigenous merchants; by sacrificing state monopolies and establishing free trade it was taking the logical step to allow landed interests, who were predominantly Muslim and who were expected to become the social basis for the newly emerging state, to accumulate wealth by selling, at the higher market prices, directly to European buyers. At the same time, the application of this treaty to Egypt was designed to destroy the ever-growing power of the Porte's troublesome governor in Egypt, Mehmed Alı Pasha, who a few years earlier had threatened the very existence of the Empire.¹³

1809 Treaty with Britain is neglected by historians and is not even mentioned by Linda Darling in her article 'Capitulations' in *The Oxford Encyclopedia of the Modern Islamic World* (ed. John Esposito, New York and Oxford, 1995). In *Bureaucratic Reform in the Ottoman Empire the Sublime Porte, 1789-1922* (Princeton, N J, 1980), 180, Carter Findley also noted 'the Anglo-Ottoman Commercial Convention [of 1838] .. marked the turning point at which the traditional system of capitulations gave way to bilaterally negotiated commercial treaties', unaware of the 1809 Treaty'

¹² Inalcık, *El²*, 1187

¹³ For the 1838 Treaty see Charles Issawi (ed.) *The Economic History of the Middle East 1800-1914*, (Chicago and London, 1966), 38-40 Musa Cadırcı, 'İl Mahmut Doneminde (1808-1839) Avrupa ve Hayriye Tuccarları' discusses the abandonment of Muslim traders during the reign of Mahmud II. It is published in Osman Okyar and Halil Inalcık (eds) *Turkiye'nin Sosyal ve Ekonomik Tarihi 1071-1920* (Ankara, 1980), 237-41

The Ottoman reformers who carried out the administrative re-ordering/ reorganization of the empire between 1839 and 1876, known as the *Tanzimat*, may have believed in the benefits of economic integration with Europe, even though that meant destroying the existing economic structure. But, at the same time, they wished to see the Ottoman Empire treated as an equal partner in the European system; thus the reforms they introduced in 1839 and 1856 with the view to Westernizing and secularizing the administrative and legal system were designed to bring the Ottoman regime in line with that of other European states. In 1856, Ali Pasha, the Grand Vizir who represented the Porte at the Paris peace conference after the Crimean War, viewed this as an accomplished fact. The Ottoman Empire, he noted, had been accepted as a member of the Concert of Europe. Therefore it ought to be treated according to the law of nations in which the capitulations had no place and ought to be abolished. The Great Powers, perhaps somewhat embarrassed by Ali Pasha's logic, agreed that he had a point but that this was not the appropriate time or place to dwell on it. The matter, they said, should be left to be discussed at a separate conference. But such a conference was never convened.¹⁴

In the second half of the nineteenth century the capitulations came to be perceived as the symbol of Ottoman inferiority vis-à-vis Europe. It was not just the Great Powers—Britain, France, Russia, Austria-Hungary, Germany, and Italy—which enjoyed capitulatory rights, but even minor powers were quick to seize the opportunity. After Britain signed the Treaty of 1838, such states as Sardinia, Sweden and Norway, Spain, the Netherlands, Belgium, Prussia and the other signatories of the Zollverein, Denmark, Tuscany, the Hanseatic Towns, Portugal, the Two Sicilies, Greece, and Brazil, signed similar treaties between the years 1838 and 1856. Mexico, the Mecklenberg Duchies, and Bavaria followed in 1864, 1868, and 1870.¹⁵

The *Tanzimat* statesmen continued to open up the economy to Europe, seeing no threat so long as the Powers respected the Porte's sovereignty. Thus the Law of 7 Safer 1284 (9 June 1867) permitted foreigners to own urban and rural property, except in the province of Hijaz, so long as they did so on the same conditions as Ottoman subjects, that is to say, without applying the capitulations. This was a major Ottoman concession since land was the only sector of the economy still dominated by Muslims. Opening this sector to foreign enterprise risked destroying this dominance. If European dominance in agriculture failed to materialize, that was because Turkish farm labour

¹⁴ Inalcık, *EP*², 1187–8, Pakalın, *Tarih*, 181.

¹⁵ *Near East*, 18 Sept. 1914, 652–4.

was too expensive and the Turkish peasant too proud and unruly to work on estates run by foreigners.¹⁶

Soon after this major concession, which the French ambassador interpreted as assuring 'to foreign capital the right to develop unlimited mineral, agricultural and forestry riches of the Ottoman Empire', Ali Pasha sent another memorandum to the Powers complaining about the abuses of the capitulations. While he recognized that the capitulations bore the character of a treaty, he argued that the way they were abused was contrary not only to the 'law of nations' but also to the terms of the capitulations themselves. He listed a number of specific abuses such as the status of 'protected persons', their exemption from taxes paid by Ottoman subjects, the extra-territorial status enjoyed by consuls, the difficulty in prosecuting foreign criminals since foreigners were not answerable to Ottoman justice, the interference of consuls in Ottoman courts, and the dragomans' claim to actually take part in a judicial decision.¹⁷

Ali Pasha attempted to curb what was perhaps the principal abuse of the capitulation, the sale by consuls of protégé status to Ottoman subjects. In 1869, a law was passed creating Ottoman citizenship (*tabniyet*) thereby making it unnecessary and illegal for Ottomans to seek the citizenship (or protection) of another state. This was in fact a meaningless exercise since few people outside the immediate circle of the ruling class identified with the newly-emerging state and were therefore largely unaware of the concept of 'citizenship'. Most subjects of the Sultan identified with their religious community, the *millet*, and the concept of Ottomanism made little headway during the next half century. Even after the restoration of the constitution in 1908, a Greek member of the Ottoman Assembly felt quite comfortable in claiming: 'I am as Ottoman as the [Anglo-French] Ottoman Bank!' The embassies of the Great Powers refused to respect the new law and continued to provide protection and citizenship to Ottoman subjects. Nevertheless, the Porte created a bureaucratic apparatus within the Foreign Ministry to enforce this law, though not with any great success.¹⁸

The Ottomans were thoroughly demoralized by their failure to make any headway on the question of equal treatment vis-à-vis the West. In fact, the situation became worse in the age of imperialism when the European Powers adopted an attitude of racial and moral superiority towards the Turks, and justified the capitulations on the grounds that

¹⁶ Inalcık, *EP*², 1188, *Near East*, *ibid*, and Ali Tosun Arıcanlı, 'The Role of the State in the Social and Economic Transformation of the Ottoman Empire 1807-1918', unpublished Ph.D thesis, Harvard University, 1976.

¹⁷ Inalcık, *EP*²

¹⁸ Findley, *Bureaucratic Reform*, 188 and 317-19

Europeans simply could not live under Turkish–Islamic law. This attitude cut the ground from under the feet of the reformers who had promised equality at the cost of Westernizing the entire system. In the 1860s, the Young Ottomans, who spoke for the social strata which had paid the price of increased subservience to the West, had begun to criticize the reformers and their reforms. The setbacks of the seventies, marked by the rebellion in the Balkans in 1875, brought the crisis to a head. The Great Powers held a conference in Istanbul in December 1876 to force reform on the Sublime Porte; Ottoman delegates were not even permitted to participate in the proceedings. Furthermore, defeat in the Russo–Turkish war of 1877/78, weakened the Westernizers even more and strengthened the xenophobic forces around the Sultan.

Sultan Abdulhamid II, who came to the throne in 1876 and was deposed in April 1909, was convinced that the policy of the *Tanzimat* statesmen of total reliance on Britain had proved a failure. He therefore attempted to neutralize British influence by cultivating Germany. He met with some success in balancing Anglo–French influence on the Bosphorus as Germany, a latecomer to the imperial game, was quick to gain a foothold in the Ottoman Empire. He even persuaded the Kaiser to abolish the capitulations and the latter promised to do so if the other Great Powers went along. But that would prove to be impossible as the Kaiser must have well known. The capitulatory rights of the Powers were becoming more burdensome as foreign penetration of the Ottoman economy deepened during the last quarter of the nineteenth century. The Powers began to send consuls to the provinces to protect the commercial and legal interests of their merchants, as well as the growing activity of missionaries. The consuls as a matter of course acted with the authority of the capitulations. As a result of the application of the capitulations in the provinces, the power of Ottoman administration deteriorated rapidly. Engin Akarlı, a historian of this period, notes:

The consuls' involvement in provincial matters significantly undermined the near-absolute authority of the governors. Consuls took the local disputes to the Ambassadors in Istanbul. The Ambassadors not only laid the individual incidents before the central government, but they also demanded regulation of the governors' authority ... As a result of these measures, governorships became less desirable positions for senior Ottoman officials, while the power of the incumbents of the central offices increased simultaneously. Provinces began to be viewed as places of exile . . .¹⁹

¹⁹ Engin Akarlı, 'The Problems of External Pressures, Power Struggles, and Budgetary Deficits in Ottoman Politics under Abdulhamid II (1876–1909) Origins and Solutions', unpublished Ph.D thesis, Princeton University, 1976, 90

If Abdulhamid did little to undermine the abuses of the capitulations, it was not for lack of trying. Convinced that the high bureaucrats at the Sublime Porte, such men as Kamil Pasha, were intimidated by the European embassies and therefore succumbed to their slightest pressure, he often acted against the Porte's advice. Thus when the French and German embassies demanded the dismissal of customs officials who had confiscated jewellery imported illegally by foreign post offices, the bureaucrats were willing to acquiesce to their demands. Abdulhamid, however, refused to give his consent. He argued that such a concession 'would constitute a precedent for yet another capitulatory right, throwing the administration of the customs into chaos'.²⁰

During Abdulhamid's reign, the Ottoman attitude towards the capitulations changed dramatically: they came to be seen not merely as a violation of sovereignty but as a major barrier to economic reform and progress. The Tanzimat statesmen had believed that the open-door liberal economic policies would bring benefits to the economy from a new division of labour and from being part of a world market. They had therefore agreed to abandon all protective measures including the right to raise tariffs unilaterally. With the rise of German economic power under the protectionist ideas of the political economist, Friedrich List (1789-1846), there emerged a school of thought which promoted protectionism as the only path to economic development. Moreover, it did not require a mastery of economic theory to understand that the 4% tariff on imports to which the Porte had agreed was far too low, and that an additional 3% would help to raise badly needed revenues for a treasury heading for bankruptcy. But the Powers refused to concede to the Porte's request, at least for the next 26 years; negotiations were opened in 1881 and finally in 1907 the Powers agreed to the 3% increase on condition that the increase in revenue be placed under the control of the Ottoman Public Debt, 25% to pay the Ottoman debt and the rest to finance reforms in Macedonia proposed by the Powers. In 1901, in the midst of what must have seemed to him to be unending negotiations, Abdulhamid lamented on the fate of his regime:

What horrible injustice this is! The Europeans deny us the rights that they so readily acknowledge among themselves. We have to improve our financial situation rapidly. We want to raise import duties . . . That is our manifest right. No one can argue against that. Yet the ambassadors are opposed. We have to blush for having been subjected to this kind of injustice.²¹

By the end of the nineteenth century, the Ottoman state had lost virtually all its sovereignty as far as the West was concerned. The

²⁰ *Ibid.*, 128

²¹ *Ibid.*, 178, n. 60

intelligentsia to which such writers as Yakup Kadrı Karaosmanoğlu and Halid Ziya Uşaklıgil belonged felt totally demoralized by the hold of the capitulations. The ten-year old Yakup Kadrı remembered wanting to report to the police European travellers who were beating some Turkish children. His father's lament: 'Son, what can the police do against foreigners?' had a chilling effect. 'On hearing these words I suddenly aged ten years. A melancholic earnestness seized me and, I believe, since that day national pride began to flow [in my veins].'²²

Until the constitutional revolution of 1908 there was a general mood of despair among the Muslims of the Ottoman Empire, and the regime of the capitulations was largely responsible for creating this mood. But the revolution changed this mood to one of optimism about the empire's future. It is possible to explain this radical change of mood by the success of Japan in catching up with the West, especially after defeating Russia in 1905, and the effect this victory had on awakening Asia as a whole and some Turks in particular.

Abdulhamid had been fascinated by Japan's success and invited two delegations to visit Istanbul in 1880 and 1886. In 1891, he sent a mission under Admiral Osman Pasha which ended in disaster with the sinking of the *Ertuğrul* on its return voyage. The Turks were even more impressed when the British signed an alliance with Japan in 1902 according equal status to an Asian power in an age marked by blatant racial prejudice legitimized by the doctrine of social Darwinism. The Unionists, members of the Committee of Union and Progress (CUP), the secret organization behind the constitutional movement, soon came to see their Turkey as 'the Japan of the Near East.' As early as November 1908, they sent an unofficial delegation to London to see Sir Edward Grey and Sir Charles Hardinge with the offer of an alliance. When Sir Edward politely turned down their proposal, pointing out that the alliance with Japan 'was limited to certain distant questions in the Far East', they noted that Turkey enjoyed a similar status in the Near East.²³ Given that self-perception, the Unionists were unlikely to continue to abide by the demeaning regime of the capitulations.

The restoration of the constitution was seen only as the first political step in a revolution designed to alter the social and economic structure

²² Yakup Kadrı Karaosmanoğlu, *Ataturk* (Istanbul, 1960), 10. About Izmir, Halid Ziya Uşaklıgil wrote 'In this area [of the Izmir fruit market] swarmed people of all nations and all those whose origins were unknown but who used to be known to the residents of Izmir. These people carried various papers of identification, as if they were Europeans, but [they] consisted of Greeks, Armenians, and especially Jews . . .' quoted in Charles Issawi, *Economic History*, 72-3.

²³ Grey to Lowther, private comm., London 13 Nov 1908, FO 800/185A, quoted in Feroz Ahmad, 'Great Britain's Relations with the Young Turks 1908-1914', *Middle Eastern Studies*, 2(4) July 1966, 309.

of the empire. But little could be achieved while the capitulations were in place since they restricted the government's sovereignty and freedom of action at every turn. They had to go.

As early as August 1908, the press of the capital, uncensored and free after a generation of Hamidian autocracy, was discussing the capitulations and the position of foreigners in constitutional Turkey. There was a naive belief that the Powers, especially constitutional Britain and France, would appreciate the effort the Turks were making to emulate Europe's example in establishing a liberal, constitutional government. But, far from being sympathetic, the representatives of the Powers in Istanbul, especially the newly-arrived British ambassador, were hostile to Unionist ambitions. Describing the atmosphere prevailing in the months after the restoration of the constitution, Sir Gerard Lowther wrote 'A general nationalist feeling has permeated all ranks, amounting often to violent chauvinism, and a desire to throw off the yoke of the capitulations, and to rank in this respect as a European Power.'²⁴

Lowther was absolutely right about the Unionists' 'desire to throw off the yoke of the capitulations, and to rank in this respect as a European Power'. That feeling became even stronger after Bulgaria declared her independence from the Ottoman Empire in October 1908 and Europe immediately abandoned the capitulations and recognized her as an equal. It became clear that Europe used the capitulations as a means of holding back the Turks from making progress and remaining outside Europe. Ziya Gökalp, one of the principal nationalist ideologues, noted bitterly: '... A nation condemned to every political interference by Capitulations is meant to be a nation outside European civilization. Japan is accepted as a European power, but we are still regarded as an Asiatic nation ...'²⁵

Gökalp's perception of the capitulations was on the mark. Interference in Turkish affairs was justified on the grounds that the Ottoman Empire was as yet uncivilized because it was Islamic, and Europeans (and their clients) could not therefore be governed by her laws. Andrew Ryan, dragoman at the British embassy, said as much in a letter dated 16 September 1909. He wrote: 'If all goes well with the Constitution, and Turkey regenerates herself on European lines, we (the dragomans) are bound to go sooner or later, as no civilized European Government would tolerate a class of foreign officials whose business it was to meddle directly in all their public offices These treaties [capitulations] must go also, if Turkey becomes truly civilized ...'²⁶

²⁴ Annual Report 1909, p. 7 enclosure in Lowther to Grey, no. 55 con., Constantinople 31 Jan 1910, FO 371/1002/4235

²⁵ Ziya Gökalp quoted in Niyazi Berkes (tr and ed.), *Turkish Nationalism and Western Civilization Selected Essays of Ziya Gökalp* (New York, 1959), 277

²⁶ Andrew Ryan, *The Last of the Dragomans* (London, 1951), 68-9

In his memoirs, Ryan recounts the struggle between the Porte and the embassies in which every issue raised was contested bitterly:

There were numerous points of dispute between the Porte and the foreign powers regarding the scope of the capitulatory privileges for foreigners. The principles involved were discussed at the highest diplomatic level ... fundamental cause of quarrel was the status of the dragoman in the courts he attended. As it turned a good deal on the interpretation of two words in a seventeenth-century Turkish text, it can easily be imagined how difficult it was to agree on the question whether he was a judge, indeed a judge with a veto, as we maintained, or merely an official looker-on, as the Turks contended. To us it seemed essential to the security of our nationals to uphold their privileges even in the smallest cases ... in these matters the capitulatory powers made common cause, whatever their differences in other spheres. Senior dragomans met regularly at short intervals to discuss matters of common interest We were no less tenacious of our fiscal than our judicial privileges. Concessions were sometimes made to the Turks, but only subject to the principle that no new taxes could be enforced without our consent It was no wonder that the Turks resented the disabilities imposed upon them.²⁷

The Unionists faced an uphill struggle as the embassies were unwilling to make any concessions. The embassies and the Powers used all means available to sabotage Unionist efforts to undermine their absolute hegemony. The British, with the French in tow, hoped to achieve this by having the Liberals led by Kamil Pasha lead the government. The Liberals were content to adopt a policy of reliance on Britain, with no more than a token attempt to challenge the capitulations. During the period of political turmoil following the Unionist coup d'état of January 1913, Kamil Pasha went so far as to invite the British to assume indirect control as they had in Egypt. Reporting his conversation with Kamil to Grey, Lord Kitchener, the British Agent in Egypt, wrote: '... his Highness expressed the wish that you might give your consideration to the question whether some adequate foreign control might not be established in regard to the administration in Turkey. Such a course was, in his opinion, the only means of preserving Turkey from extinction, and he would be very glad to undertake the task. He added that it would be necessary for England and the Powers of the Entente to impose proper foreign control, as he could not undertake to introduce it himself. Were they, however, to adopt such a policy he would gladly carry it out.'²⁸

Even while they were not in office between 1908 and 1913, the

²⁷ *Ibid.*, 34–5

²⁸ Feroz Ahmad, *The Young Turks: the Committee of Union and Progress in Turkish Politics 1908–1914* (Oxford, 1969), 127, and Block to Hardinge, Constantinople 13 Jan. 1909, FO 371/762/2419

Unionists enjoyed the prestige that came from pressing the government to challenge the capitulations. The regular discussion of this issue in the press made it a general concern of an urban population which was daily becoming more politicized. Thus the foreign post offices came under attack when the government began to reorganize Ottoman postal services. The Ministry of Posts was created on 23 July 1909, the first anniversary of the revolution, so that this matter became the concern of the cabinet. Nail Bey, a prominent Unionist who spoke on the occasion, denounced the foreign post offices as an infringement of Turkish sovereignty and called for efficiency in the Ottoman postal service so that they could be abolished.²⁹ In August, M. Sterpin was appointed director-general of posts and given the task of reorganizing the service. He was chosen because he was a Belgian citizen and his country did not have its own post office in Istanbul. However, his reforms did not lead the Powers to surrender their privileges!

Nevertheless, the Porte continued to whittle away at everything that violated its sovereignty. Foreigner lawyers practising in Turkey came under attack in August 1909 with a new law designed to restrict their activities. The new Law on the Press and Printing Presses, also passed in August 1909, asked foreigners engaged in these professions to denounce their capitulatory privileges and to abide by the Press Law as applied to all Ottoman citizens. But when the British Foreign Office librarian examined the new law against the text of the 1865 law which was being revised, he found that:

the treaty engagements ... are with Great Britain, not with its individual subjects. Consequently it is not competent for individual British subjects to denounce the benefits of these engagements; and any attempt by the Porte to exercise any criminal jurisdiction over British subjects licensed to publish newspapers in Turkey, by their consent, in a manner different from that prescribed by the Capitulations, would be contrary to the Treaty engagements of Turkey with this country.³⁰

This Foreign Office minute shows quite clearly how the interpretation of past engagements by the Powers tied the hands of Ottoman reformers. The Porte's freedom of action, limited as it was, was curtailed even more by an empty treasury. When the government sought to meet its financial needs by seeking a 4% increase in customs tariffs, the Powers again temporized as they had with Abdulhamid. Money soon became the most convenient weapon for keeping the Turks in line. As early as

²⁹ The Istanbul press, 23, 24 July 1909, and Lowther to Grey, no. 594 con, Therapia 26 July 1909, FO 371/779/28925

³⁰ The FO minute is attached to Lowther to Grey, no. 655 con, Therapia 11 Aug 1909, FO 371/779/30768

January 1909 Sir Adam Block, a former First Dragoman at the British embassy and later the British president of the Public Debt, advised Whitehall to keep the Turks 'short of money'. 'I still maintain that until the Turks are willing to listen to advice with regard to their financial administration, and until they show to our satisfaction that they have entered seriously on the path of reform in this respect, they should be kept short of money.'³¹

The Unionists, who came from too low a social stratum to have had any experience of high diplomacy, were taken aback by the cynicism of the Great Powers. They had expected a helping hand from Europe; instead they seemed to be receiving nothing but kicks. But they persevered with the reforms and, at the same time tried to call in Japan and 'the New World' to balance the power of the old. The Istanbul press suggested inviting Japanese not European advisers to reorganize the administration. The articles pointed to a friendship established under Abdulhamid, and the fact that the Japanese had reorganized their own system with success. Moreover, a Japanese adviser was less likely to push his country's interest than a European. It is not clear why Japanese advisers were not invited in fact. Perhaps the Powers disapproved of the idea; Sir Charles Hardinge had commented quite frankly on Lowther's dispatch. 'The idea would be deeply resented by several of the Great Powers.' Grey had noted: 'The effect upon the German Emperor would be very great.'³²

The Porte also invited the Japanese government to establish an embassy in Istanbul without seeking the privileges of the capitulations. Japan recognized Turkey's right to recover her sovereignty but she was unwilling to conclude any treaty for accomplishing this end as that would embarrass other Powers.³³

A year later, when the Washington government was approached by the Porte on the question of abolishing the capitulations, the Secretary of State replied that his government would consider the proposal 'only if the railway concession in Anatolia [the Chester Project] were granted to a U.S. citizen'. But the Turks refused to bargain, asserting 'that the treatment of commercial questions under the same head as political ones is contrary to the fixed policy of the Porte.'³⁴

Judging by the entries in the diaries of Mehmed Cavid, a committed

³¹ Block to Hardinge (as in note 28 above) For the politics of the 1910 loan, see Ahmad, *Young Turks*, 72 and 75 ff.

³² See FO comments in Lowther to Grey, no 546 con, Therapia 6 Sept. 1908, FO 371/559/31790

³³ *The Times*, 13 and 17 March 1909, and British comments in FO 371/781/37614

³⁴ Bryce to Grey, nos 15 and 17, tel con, Washington 15 and 30 April 1910, in FO 371/781/12897 and 14910

but moderate Unionist and an expert on the economy, the Unionists were both frustrated and disgusted by the cynicism of the embassies. The educated and cosmopolitan Cavid often met diplomats in order to sound them out on various issues and found them mostly unhelpful.

The Unionists were never totally free of external problems and so less able to give their full attention to the capitulations. After Bulgaria's declaration of her independence and Austria's annexation of Bosnia and Herzegovina (1908) came the question of Crete (1909) and the insurrection in Albania (1910). The war with Italy (1911) and the Balkan War (1912-13) almost destroyed the CUP politically. The demoralization of Kamil Pasha's government and his willingness to surrender Edirne to Bulgaria provided the Unionists with the opportunity to recoup their political fortunes. They ousted the Kamil cabinet on 23 January 1913 and for the first time began to exercise power directly.

One of the first acts of the new government was to open negotiations with the Great Powers for the eventual abolition of the capitulations. The past five years had taught them that they would have to be patient and move step by step; the Powers were not about to abolish the unequal treaties at one stroke. Thus they began by asking only for a 4% increase in customs dues, the right to apply an income tax on foreigners, and the abolition of the foreign post offices. Meanwhile, they also requested that a commission of lawyers be formed to consider the complete abolition of the capitulations.³⁵

At the same time, the Unionist government under Mahmud Şevket Pasha opened bilateral talks with each of the European Powers with offers of economic concessions in return for concessions on the capitulations. The Unionists had abandoned the 'fixed policy' of treating commercial questions under the same head as political ones. As a result of negotiations with the French government, the Porte agreed to give France the concession to build some of the railway lines in north-eastern Anatolia, and harbours on the Black Sea and the Syrian coast. In return, France agreed to make a loan to the treasury as well as certain concessions on the capitulations. Cavid, who was finance minister and who personally conducted the negotiations in Paris, enumerated to *Stamboul* (19 September 1913) the advantages which the agreement would secure for Turkey. Apart from the loan of £28 million sterling to be issued as soon as peace had been established with the Balkan states, the Porte would be allowed to tax French subjects residing in the empire; it would also be permitted to establish monopolies on such goods as cigarette paper, playing cards, and salt. But before they could be implemented, these concessions would need the consent of the other Powers.

³⁵ British documents on the negotiations of May 1913 are cited in Inalcık, *EI*², 1188.

The Powers gave nothing away in the negotiations which continued into 1914. The Unionists had no choice but to settle for whatever they could get and Cavid was not as happy with the outcome as he appeared in his public pronouncements. Ibrahim Hakkı the ex-Grand Vızir who conducted the negotiations in London, did no better. Alwyn Parker, one of the Foreign Office experts on the Ottoman Empire, and who signed the agreement with Hakkı Pasha on 24 July 1914, was delighted with the outcome from Britain's point of view. He thought it was 'a great boon for the Ottomans too'. He noted that 'Turkey has for the first time secured a large and certain prospect of financial assistance for the development of her own resources.' But the Unionists were not very pleased with the outcome. Cavid let it be known that what the Porte really wanted was not just a free hand in the question of the Customs administration but complete economic independence. The Egyptian prince, Said Halim, who became Grand Vızir after Şevket Pasha's assassination in June 1913, informed Beaumont, the British chargé d'affaires, that the situation of the Porte having to go around 'begging permission' to alter various financial arrangements was 'intolerable'.³⁶ Had the World War not broken out in August 1914, the Unionists would have had to settle for these arrangements, however intolerable they found them. But they saw the war as an opportunity to squeeze concessions from all the belligerents with the promise of neutrality.

Soon after they signed the secret treaty with Germany on 2 August, the government sent Cemal Pasha to see Sir Louis Mallet, the British ambassador, with proposals for a defence treaty with each of the Entente Powers. Cemal also asked that the capitulations be abolished, that the two Ottoman ships seized by the British government be returned immediately, that Britain agree not to interfere in the internal affairs of the Ottoman Empire, and that western Thrace be restored to Turkey in the event that Bulgaria joined Germany.

Mallet may have found these proposals rather harsh, like 'terms imposed by a victorious enemy', he noted. For the Unionists they were the bare essentials for restoring Turkish sovereignty and self-respect. Even the moderate Cavid, who discussed with Cemal the latter's conversation with Mallet, found 'nothing unacceptable in the things we asked for'. He was surprised that the British were still discussing the economic capitulations in terms of modifying the trade convention of 1838 while Cemal was proposing that such capitulations be totally scrapped. As for the legal capitulations, Cavid was convinced that 'this problem was complicated by the issue of Islam and Christianity'.³⁷

³⁶ Heller, *British Policy*, 95

³⁷ *Ibid*, 138. See also Mehmet Cavid, 'Meşrutiyet Devrine ait Cavid Bey'in Hatıraları', diary entry for 7 Aug 1914, *Tanın*, 29 Oct 1944

Only after the Triple Entente refused to take any action regarding the capitulations until the end of the war, did the cabinet begin to consider unilateral action. Commenting on the joint declaration of the Entente ambassadors, Cavid noted in his diary: 'This declaration is totally inadequate. Everything is put off to the future.' Talat was more bitter, he complained to Ambassador Morgenthau: 'They promised that we should not be dismembered after the Balkan wars and see what happened to European Turkey then.'³⁸ On 23 August, the cabinet decided to send a note to all the Powers announcing the unilateral abrogation of the capitulations. Such a note was duly delivered on 9 September and it came into effect on 1 October, marking the end of the capitulations for the course of the war.³⁹

The Ottoman state exercised full sovereignty throughout the war. But after signing the armistice in October 1918, Britain and France wanted to impose the capitulations on the defeated sultan's government. But they failed to do so because the Nationalists rejected the dictated Treaty of Sèvres and renegotiated the peace treaty at Lausanne in 1923 where they refused to accept the restoration of the capitulations.

I have mainly discussed the Ottoman élite's perception of the capitulations because until 1908 they were the only people who were involved with the issue. But after 1908 the politics in the empire changed dramatically because the urban population was now involved in a systematic way by all those competing for power. Censorship of the press was abolished and all the parties—Muslim and non-Muslim, Liberals, Islamists, and Unionists—published their own papers so as to publicize their views. Even the embassies subsidized papers in the capital, and perhaps in other cities as well. It is therefore possible to speak of an emerging public opinion during these years.

The capitulations were a constant theme discussed in the press of the day. The Unionist press in particular printed numerous articles which kept their readers informed of the adverse effect of these treaties and

³⁸ Cavid, 'Meşrutiyet', diary entry for 17 Aug 1914, *Tanın*, 29 Oct 1944

³⁹ The Note of September 10, 1914 abrogating the capitulations and presented to the Secretary of State by Ahmed Rustem Bey de Bilinski, the Ottoman ambassador in Washington, is worth quoting in full. It read 'Sir I have the honor to inform you that by Imperial Irade the Ottoman Government has abrogated as from the first of October next the conventions known as the capitulations restricting the sovereignty of Turkey in her relations with certain powers. All privileges and immunities accessory to these conventions or issuing therefrom are equally repealed. Having thus freed itself from what was an intolerable obstacle to all progress in the empire, the Imperial Government has adopted as basis of its relations with the other powers the general principle of international law. (Signed) A Rustem' See *Foreign Relations of the United States 1914*, 1090 The best place to follow the celebrations in Istanbul and the empire is the press of the period.

all the efforts being made to abolish them. It is not surprising, therefore, that the Muslim population came to see the capitulations as the principal means by which the Europeans and their non-Muslim allies kept the Muslims in a strait-jacket with absolutely no room to manoeuvre. The events of the years 1908–1914 were so traumatic that the Muslims came to feel that they were embattled and under constant threat of dismemberment, in fact, the agreements of 1914 that the Porte made with Britain, France, and Germany suggest that the empire had been virtually partitioned into economic spheres of influence. That is why the unilateral abrogation of the capitulations was greeted by the Muslims with such enthusiasm, as though their country had been finally liberated.

The day after the Note was delivered, 10 September, became a day of celebration, as important as Constitution Day, observed 23 July. People decorated their shops and houses with flags; the guilds and associations demonstrated in support and marched through the streets with musical bands to the homes of ministers. Ships on the Golden Horn and the Bosphorus, along with government buildings, were also decorated and illuminated at night. The press hailed 9 September as the day of freedom and independence. The CUP organized meetings in the capital and in provincial towns in support of the government. Telegrams poured in from towns throughout the empire congratulating the government. But it was the press which expressed the popular perception of the hated treaties and the sense of hope and relief now that they had been abolished. The editorial in *Tanin* of 10 September, written by Huseyin Cahid, the prominent Unionist, captured the state of mind of the Muslim population. It therefore bears quoting at some length:

At last we are delivered! That is the sigh of relief that will come from the lips of all Ottomans who, after reading the official proclamation of the Government, can breathe easy in the assurance of full liberty.

Yes, we are freed! Freed today from the nightmare and calamity that year by year grew darker through the ages, and daily stained anew the honour and dignity of Ottomanism and that weighed us down so that we could scarcely breathe. So, as we turn our joyful eyes today towards the national glories of the past, we see but two dates, equal in glory—one when a simple tribal chief from Turkestan founded one of the greatest empires of the world, and the other day on which the age-long bonds of our slavery were broken.

The Capitulations! Whenever the Ottomans who love their country and wish to see it free and independent, exalted and glorious, heard this word, their eyes were clouded and they involuntarily hung their heads in shame. The Capitulations were to us an outrage and a humiliation, and the source of our most terrible misery, at a time when all other nations were moving ahead. The

twentieth century which had abolished slavery in all parts of the world, even among savage people, had not suppressed the capitulations

The Turk was a tyrant, an oppressor, he knew nothing of right and justice. The Turk had no conscience, he was hostile to civilization, he understood nothing, his heart was indifferent to human sentiments. Turkey was the legitimate and natural property of the civilized West that could exploit it as it pleased, its inhabitants were in the eyes of the Europeans exploitable and only fit to be made to work as hard as possible. Yes citizens, we Turks had to submit to all this, though our only fault was that our ancestors were hospitable to our guests.

While we groaned under these calamities, when we turned at times to beg for mercy, our supplications, which showed that we had begun to recognize our honour and dignity, were met by new oppressions. Every time we raised our heads, we received a blow; every time we tried to stand erect we received a kick. Such was the lot of the Turks! While in their own countries their own citizens coveted the bread of their brothers and the poor started revolutions to secure a larger part of the riches of the wealthy, we ourselves were not allowed to aspire to any part of the riches stolen from our country. While in their countries king and coachman are equal before the law, here an Ottoman vizir was inferior to a foreigner's servant. We were doing all we could to help any Westerner who came to our land, the income of all the taxes paid by this poor nation went to ensure his well-being. On his part, he had no regard for this country, paid no taxes, and found fault with our law courts. Sometimes, there were attacks on our citizens and our officials, attacks that made our blood boil. But we could do nothing, for there were the Capitulations.

The patriots that wanted Turkey to be great succeeded by the revolution of 23 July [1908] in saving it from despotism but not from European oppression. But today! Today we are happy because the Government has erased that ancient black stain. Henceforth we are free, we can labour and progress like the rest of mankind. Henceforth, the European will pay taxes as we do; he will be amenable to the same law courts; in short, we can henceforth say that we too are men! The date that marks the ending of the system of Capitulations should be celebrated equally with 23 July. Our sons must keep the day, and always remember that their fathers, on September 9th, finally emancipated the fatherland. Long live free Turkey!

Not all Ottoman subjects welcomed the suppression of the capitulations. The Christian communities were most apprehensive about having to live henceforth without foreign protection and its privileges. Ever since the revolution of 1908, the Porte had begun to curb the privileges of the non-Muslim communities. Just as the foreign ministry insisted on dealing directly with the ambassadors instead of their dragomans, the Grand Vizir refused to deal with the Patriarchs, who were told to take their complaints to the Ministry of Justice. The Christians had at first welcomed the constitution but soon found that some of the obligations of the new regime were irksome. Many of them did not want to

serve in the army and preferred to buy their way out by paying a special tax. But when they found that it was cheaper to emigrate to America and then return to the Ottoman Empire as American citizens with all the privileges that US citizenship bestowed, they began to leave in substantial numbers. For such people the psychological effect of the suppression of their privileges was traumatic. Their apprehension found expression in their newspapers. The Istanbul paper *Tasvir-Efkar* of 16 September observed that the Note of 9 September had provoked a reaction among Ottoman Christians very different from that among most Ottomans, that is to say the Muslims. They seemed bewildered and pessimistic about the future, as though it would no longer be possible to live in Turkey. The paper took note of their concerns and tried to calm them by claiming that they were exaggerating the effects that the end of the capitulations would have on their lives.