

## Understanding of Justice in the Turkish State Tradition

The KutadguBilig, a didactic work in verse which Yusuf Has Hacip completed in 1069/1070 and presented at Kashgar to the Karahanid sovereign Abd Ali Hasan bin SüleymanArslan, is a historical source that provides philosophical and moral advices about state administration and describes an ideal social life. This work contains views and thoughts concerning the social life, morals, value standards and state administration of the Turks.

The KutadguBilig defines the function of the protector of law and institution of justice as follows: "Folks obey customs and law in the same way as Lords behave in accordance with customs and law." "The Turkish custom is that the Sovereign administers justice at a high court which might be called the court of complaints or wrongdoings in his capacity as head of state and as the father of the nation bearing the titles of Yarfu, Yolak and Dar-ul-Adl.

The chief duty of the Turkish heads of state and government towards their subjects was to administer justice. We learn from historical sources that in the Anatolian Seljuk state hearings were held twice a week at the High Court and complaints of people were looked into regardless of their religion. This practice was the continuation of a tradition of the Great Seljuk State. We also know that in the Ottoman state great importance was attached to justice as is testified to by the dictum Justice is the basis of the country." (*İsmetBinark: "ArşivBelgeleriışığındaOsmanlı'da Adalet Anlayışı". [The Ottoman Concept of Justice in the light of Archive Documents]. Osmanlı'daİnsanHaklar (November 25-26, 1999, Manisa): UluslararasıSempozyumBildirileri. Manisa, 2000, pp. 162-163.*)

Thanks to governing in justice, which is one of the most important principles of the Turkish state tradition, the Ottoman state was able to make its citizens live together in peace, tranquillity and prosperity for centuries in a manner which was never achieved by any other state throughout history.

Under the Ottomans

"personal rights of those who believed in religions other than Islam were legally protected by the State. No ethnic group whatsoever was favoured before law and different ethnic groups were never oppressed." (*HaticePalazErdemir: "TarihîGelişimSürecindeİnsanHaklarıveOsmanlıModeli". [Human Rights and theOttoman Model in the process of historical development].op. cit., p. 42.*)

"It is a well-known fact that believers in every religion such as Islam, Christianity and Judaism lived in the Ottoman lands. Had it not been for the freedom of religion in the Ottoman state, it would not have been possible. The Ottomans were obliged to preserve what in existence and to be watchful and diligent towards expansion." (*FahrettinOlguner: "İnsanHaklarındaÖlçüveOsmanlı". [The Standards of Human Rights and the Ottoman].op. cit., p. 12.*)

"The islamic law had already guaranteed human rights to all her subjects. Right to live, right to own, right to raise a family, right to inherit had their places in the legal system. Islamic outlook on life is a human centred one. Islam deals with Man by taking the World and hereafter as a whole.

It is essential in Islam that the concept of human rights has a divine character The Turks have understood Islam as submission to God, obedience to his orders, being kind to his creatureand fair conduct." (*İsmetBinark: op. cit., p. 165.*)

The Ottomans lasted for centuries as a sovereign state just because they governed non-Turkish and non-muslim minorities in justice with no oppression at all on their customs, beliefs and ways of life.

It has never been a State policy with the Ottomans to attempt to assimilate the minorities resorting to certain methods as was done by some great powers. This is the reason why they had been able to stamp some centuries in history as the Ottoman centuries. The centuries old tolerance shown by the Ottomans towards other religions and ethnic groups is an undeniable historical fact. If it were otherwise, linguistic and religious geography of many countries would have been completely different today.

Here is the observation of a foreign writer, Felix Valyi, about the Turks' just government and tolerance:

"The best proof as to the tolerance of muslim governments is the fact that great numbers of persecuted christians and members of other sects sought refuge with muslim territories so as to be able to practice their own religions. Great numbers of persecuted jews in Spain took refuge with Turkey towards the end of the 15th century.

The Calvinists in Hungary and Transylvania as well as the Unitarians in the latter preferred to go to Turkey instead of falling into the hands of the fanatic dynasty of the Habsburgs. The protestants of Silesia looked to Turkey with hopeful eyes in the 17<sup>th</sup> century. They would have migrated and submitted themselves to a muslim government so as to be able to enjoy freedom of religion. The Cossacks, members of the sect of Old Believers, persecuted by the Russian State Church, could find a tolerance in Turkey which their christian fellows refused to show them." (*Felix Valyi: Revolutions in Islam. London, 1925. pp. 27-28.*)

Another author, Alexander Powell, writes as follows in his book:

"Whilst the Crusaders were slaying muslim prisoners in Palestine, the terror disseminated by the Inquisition in Spain was at its peak, Cromwell's soldiers were killing Irish catholics and the French protestants were being erased at the order of the King and all over Europe jews were subjected to immense cruelty and savagery, it would be proper to recall that muslims, christians and jews were living together as friends in Asia Minor." (*E. Alexander Powell: The Struggle for Power in Moslem Asia. New York, 1925, p. 120.*)

In the opinion of yet another foreign writer, Talcott Williams,

"The tolerance shown to foreign beliefs and hostile faiths by the Ottoman law and Ottoman officials which enabled them to establish their own religious institutions and to shape their own education was such that the thousand year old liberty reigning in France in the field of sects and beliefs, dating from the times of the ancient Gaul, could not be compared with it." (*Talcot Williams: Turkey, A World Problem of Today. New York, 1922, p. 194.*)