

THE TYPE OF ORIENTAL STATE AS AN OBSTACLE BEFORE THE RISE OF A CONTRACTUAL STATE IN THE MIDDLE EAST

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Abstract

The Near East, as one of the most important areas for the history of civilizations, has also become a territory in which a specific type of political institution that is the "Absolutist Oriental State" came out. As a special characteristic of this type of state, for the sake of security and political stability, the Near Eastern monarchical political institution controls the executive and juridical powers in one hand with a military power loyal to it, which Max Weber termed "Sultanism." In this form of the state and sovereign rule, a monarchic family has absolute powers on the sovereignty rights of a state, and the people as the subjects of the state, are denied participation in governmental activities for the sake of stability and security. At the same time, the state always has right to interfere and intervene in civil society which is constituted by economic as well as educational institutions. In addition, it denies any constitutional rights concerning autonomous economic and educational institutions. These three features pinpoint the Near Eastern absolutist state and its modern version of Middle Eastern authoritarianism. This study attempts to address its historical origins and characteristics by comparison with Western institutional development. Secondly, this study focuses on the idea that the lack of institutional autonomy in the Middle Eastern public domain is one of the key elements and this leads a monarchic state to fill institutional power vacuums by authoritarian means.

Key Words: Middle East, Absolutist Oriental State, people, civil society, security, administration

"ORTADOĞU'DA SÖZLEŞMEYE DAYANAN DEVLETİN ORTAYA
ÇIKMASINA BİR ENGEL OLARAK DOĞULU DEVLET TİPİ"

Öz

Uyarlıklar tarihinin en önemli alanlarından birisi olarak Yakın Doğu bölgesi aynı zamanda "Mutlakiyetçi Doğulu Devlet" olarak da bilinen özel bir siyasi kurum tipinin ortaya çıktığı bölgedir. Bu türden bir devletin özel bir niteliği olarak güvenlik ve siyasi istikrar adına Yakın Doğu monarşik siyasi kurumu yürütücü ve yasal güçleri kendisine bağlı askeri güçler yoluyla kontrol etmektedir ki Max Weber bunu "sultanizm" olarak isimlendirmektedir. Bu devlet biçimi ve egemen yönetimde monarşik bir ailenin devletin egemenlik hakları üzerinde mutlak hâkimiyeti vardır ve devletin tebaası ola-

rak halk istikrar ve güvenlik adına yönetsel etkinliklere karışmaktan dışlanmıştır. Aynı zamanda, devlet ekonomik ve eğitim kurumlarından oluşmuş olan sivil topluma her zaman için müdahale etme ve karışma hakkına sahip olarak görülmüştür. Bu özellikler Yakın Doğu mutlakiyetçi devlet tipini ve onun Orta Doğu otoriteryanizminin modern biçimini belirlemektedir. Bu çalışma bu devlet tipinin tarihi kökenlerini ve niteliklerini Batılı kurumsal gelişimle karşılaştırarak ortaya çıkarmayı amaçlamaktadır. İkinci olarak ise bu çalışma; kurumsal özerkliğin Orta Doğulu kamusal alanda bulunmayışının önemli kilit unsurlardan birisi olması ve bunun monarşik devletin otoriter yollarla kurumsal iktidar boşluğunu doldurmaya çalışmasına sebep olması tezine odaklanmaktadır.

Anahtar Kelimeler: Orta Doğu, Doğulu Devlet, halk, sivil toplum, güvenlik, yönetim

Introduction

This study attempts to focus on the origins of the Oriental state and its impact on the modern economic and educational institutions in the Middle East. The Oriental State, or, as it is more widely known, "the Near Eastern State," typically has distinct features in comparison with other types of states originating in other geographical locations. Perhaps because of intensive demographical factors such as migrations and wars over very rich lands around rivers like the Nile, the Euphrates, and the Tigris, problems such as the accomplishment of political stability forced administrations to give priority to the monopolization of state power over the achievement of democratic rights and principles of justice.

a) The Rise of the Near Eastern State as a Need for Political Stability

If we look at authority relations in a society as the organization of power and the management of social relations, authority arises as a necessary tool to turn chaotic situations into order. Therefore, the state as an institutionalization of authority relations can be a tool to bring about order in society. From a historical perspective, then, the state has been needed to turn "what is in society" into a manageable, orderly construct.

The state in the Middle East in its original form most probably arose as an organized power to bring about order from conflicts and struggles over land and distribution of other economic means in the very rich regions of the Middle East. In general, monarchic institutions began to be founded around the Nile in Ancient Egypt around 4,000 BC, and later in Mesopotamia in 3,000 BC, followed in Anatolia by the Hittites around 2,000 BC. In general, what states did in this region was to establish organized social and economic relations into a social order and political stability.

In addition, this type of absolutist state used to take its legitimacy from its connection to the institution of religion. The clergy, as well as the king himself, were considered sacred or divine to varying degrees and, therefore, unaccountable to their people. This form of absolutist state with respect to its connection to divinity made the political authority very resistant to political change and opposition.

b) Near Eastern State in History – Persian, Arab-Islamic and Ottoman Cases

As a distinctive feature in comparison to the types of states founded in other regions and other historical epochs, this Near Eastern state was obviously more authoritarian since, as a structural feature, it was founded on the absolute right of one family over the sovereignty rights of the state for the sake of political stability. Thus, it was bringing about what we can call “absolutist monarchy.” This type of state was founded upon the obstruction of any other power from interfering with state issues.

The Ottoman Empire and Persian States founded in the Middle East can be considered in this context. Through some distinctive power management techniques like *Timar*, which is the monopolization of land under state sovereignty, these states aimed to control the fragmentation of political constituents in this region.

In addition, Near Eastern type states used slaves in their state ranks as well as in their armies. The Ottoman *Dawshirma*, the *Kul* system in Arabic, and *Ghulam* in Persian also aimed to control the political fragmentation and political aspirations of the subjects who lived under the control of these states. The Ottomans implemented this system by collecting the children of Christian subjects and forcing their conversion to Islam.

When the youths arrived in Istanbul the best of them were selected as içoğlans -- pages -- for the Palace, with the sultan himself sometimes presiding at the selection. The içoğlans then went to Palaces in Istanbul and Edirne to receive a special training, while the remainder were hired out, at one or two gold ducats, to Turkish villagers in Anatolia before entering the Janissary corps. (Inalcık, 1995: 78-9)

Thirdly, Near Eastern states also used the *Diwan* system to concentrate political stability in the hands of the sovereign family. The *Diwan* was the executive body of politicians and government appointed by the sultan, not chosen by the election or the will of the subjects. In this regard, “this institution conformed with the Near-Eastern concept of state and retained its importance since Sasanid times.” (Inalcık, 1995: 89). The sovereign family by means of *Diwan* was directly able to control governmental activity. Hence, there is no differentiation between the sovereign entity and the political management of the government in a Near Eastern type state.

Next, the family-bound *waqf* system and the lack of autonomous corporations in the Near Eastern type of state strengthened its authoritarian features. Max Weber sees the “corporate status” of public institutions as one of the critical areas in which the West differs from the East. For him, corporate institutions originating from Roman law’s recognition of the public identity of institutions created an impersonal, protective shield against the interference of the sovereign state institution. However, for Weber, the Near East in general and the Ottoman Empire in particular did not have corporate institutions. “Instead, it had strong guild, and family properties and endowment (*waqf*) systems, which protected private and kinship inter-

ests.” The concept of corporation came to the Ottoman Empire and to the Near East very late, only in 1908 with a military coup as the Ottoman Palace had been resistant to this idea. The reason of this royal resistance can be interpreted in two ways. Either they were opposed due to the possible fragmentary effects of autonomous corporative institutions in the Ottoman Empire, or the royal family in the Ottoman Palace did not want to share their sovereign privileges with these autonomous corporations. The *İttihad ve Terakki* (Union and Progress) Party staged a coup in Istanbul in 1908 against the monarchy and passed a law concerning corporations in the Empire.

The Impact of the Near Eastern State Model on the Newly Founded Nation States in the Middle East

The challenge to the foundation of constitutional nation states in the Middle East in the 20th century was the resistance of the remnants of the Near Eastern state model to these kinds of modernization projects. For example, two military coups in the Ottoman Empire resulted in parliamentary regimes through forcing the Ottoman monarchy to accept a constitution and share its sovereign powers with the Ottoman parliament in a constitutional system. In the second attempt at a coup, the semi-military party, the *İttihad* and *Terakki* (Unity and Progress) Party was able to formulate a type of constitutional regime or constitutional monarchy in the empire in 1908. However, this second attempt brought about an authoritarian regime.

The second well-known example in terms of a constitutional transition occurred in Iran under the Qajar dynasty in 1906. Although the major constitutional force in the Ottoman Empire had been the army and bureaucracy, constitutional reform in Iran originated with civil society forces and religious groups in Iran: “The Qajar reformers also left the institutions of civil society, most significantly that of religion, intact. This gave the social actors in Iran a powerful channel of protest, a significant factor.” Despite short-term successes, both constitutional attempts resulted in the dissolution of the two empires in the first half of the twentieth century.

The legacy of the Near Eastern state model’s absolutist tradition continued in the Middle East throughout the 20th century. One important reason for this was, as discussed above in terms of the initial years of the Middle East, the need for a type of order and political stability among highly intense demographic changes forced people at times to neglect the fulfillment of democratic rights. This factor affected the search for the creation of a sound economy and educational fields, of which basic principle is a type of institutional autonomy which is independent of political interference and interruptions. Institutional autonomy means that responsible people are able to create a kind of independent and autonomous sphere and formulate their own rules and regulations according to the needs and requirements of their members. Hence, the weaknesses in institutional au-

tonomy in Middle Eastern countries brought about the problem of the creation and development of this type of institution in civil life.

d) Middle Eastern Nation States' Encountered Problems in Economic and Educational Spheres

In this regard, the failure of the constitution of this kind of autonomous areas in economy and education and the state's involvement and interference in these areas has resulted in the problem of the non-fulfillment of the needs and demands of the citizens who are linked directly or indirectly to these fields. The lack of responsible and representative bodies of law or governing people whose rights and responsibilities are under the monitoring system of the Middle Eastern state creates this type of dislocations. The problem of state interference and monitoring can only be solved by a constitutional body which recognizes institutional economic and educational autonomy.

The autonomy problem of Turkish universities can be tackled here as an example. The institutional autonomy of Turkish universities was largely abrogated with the 1980 military coup and they were rendered as semi-autonomous with the 1981 Law of Higher Education.

In 1981, with the passage of the basic Law on Higher Education (Law No. 2547) (YÖK, 1981), higher education in Turkey was comprehensively reorganized. The system thereby has gained a centralized structure, with all higher education institutions tied to the Yüksek Öğretim Kurumu (YÖK) [Council of Higher Education]. By this restructuring movement, all institutions of higher education were designated as universities.

Although according to the law governing the higher education system in Turkey "the Council of Higher Education" is defined as "an autonomous body with a legal personality which governs all higher education," the institutional body is tied to state control and supervision:

Seven of its members are selected by the President of the Republic from among former rectors and professors. Seven members are selected by the Council of Ministers from among distinguished, high-ranking civil servants...The President of the Council is directly appointed by the President of the Republic from among the Council members.

This example shows how the concept of autonomy is understood in Middle Eastern countries. Although, according to this law, Turkish universities are defined as autonomous, their institutional bodies of governance are monitored by the state by appointing their presidents and other members of the councils.

e) The Need for "Civic Society" instead of "Civil Society" in Predominantly Muslim Middle Eastern Countries

Islam as a religion arose in the Middle East in the seventh century. In its initial years, it encountered a social area without an institutionalized autho-

rity and amid tribal networks. The Prophet of Islam was rather a leader, or, *amir* of an authority in Madinah. Islam's first institutionalized political experience came about following a political crisis and civil war after the Prophet's time during the fourth caliph's reign; that of the Prophet's cousin and son-in-law, 'Ali. The Umayyad state then arose as a monarchy with Muawiyah and his successor Yazid's rule. Ibn Khaldun handles this transformation from authority to state institutionalization and the rise of monarchy in his celebrated *Muqaddimah*.

As the Umayyad monarchy emerged from a civil war, its emphasis on stability was plausible. Both the Umayyad state and its successor, the Abbasid monarchy, originated in two rival tribes, and used Middle Eastern power techniques for the sake of political stability, such as *Timar*, the monopolization of land by the state, the *Kul* system, the use of slave armies for the protection of state, and the *Diwan* -the governing council of the sate assigned by the sultan. In addition, the *waqf* system became a prevailing feature of Islam in this era with its nature subject to state control. Institutional autonomy with a corporeal feature never found a place among the political discussion on the foundation of a stable political institution in either the Umayyad or Abbasid eras.

Consequently, civil society referring to authority and domination composition in society vis-a-vis state sovereignty and interference is not an explanatory term in the Middle East to understand civil institutions' capacity for resistance to this interference. In order to supply an institutional, protective shield over these institutions, institutional autonomy with a corporeal status in economic and educational areas should be given with a constitutional guarantee. This institutional, autonomous shield can be described with the term "civic society." Constitutional texts should include these institutions' political and financial autonomy against state interference.

CONCLUSION

This essay attempts to address the origins of the Oriental state and its consequences for contemporary Middle Eastern nation states and their economic and educational institutions. As discussed, the state in the Middle East or in the Near Eastern region arose in very early years of recorded history, around 4,000 BC. In addition, for some regional-specific reasons, it took on the form of an authoritarian, absolutist monarchy as a distinctive feature or character. In terms of these specific reasons bringing about this Middle Eastern absolutist state, we may mention here, for example, very intense population movements like mass migrations and wars over the very rich and arable lands of the Middle East. As we may assume, the problem of the creation of a stable and manageable political institution forced people to consent to the rise of monarchical families holding the sovereign and governmental rights of the state as a political institution. This, therefore, paved the way for the absolutist monarchies

of the Middle East and prepared the social and political conditions for the emphasis on order and stability over the democratic, and even the juridical, rights of the people.

This type of state building efforts was also very influential in Antiquity as well as in the classical ages of the Middle East. What we mean by "Antiquity" is as early as 4,000 BC when the political and social life in Middle East took shape -especially in Egypt. By "classical," we refer to the period between 500 BC and around the 16th century. The state in the Middle East having been in the hands of some monarchic families, having both sovereign and governmental rights of the state, we can term this institutional political formation an absolutist monarchy.

At the same time, this type of state formation was very influential in terms of the foundation of modern nation states in Middle East in the 20th century as the transition to a constitutional regime in these nations faced the problem of resistance to the dissolution of political and institutional remnants of previous, absolutist monarchies. For example, the Ottoman Empire saw two military coups in this type of transition and Ottoman constitutionalists were able to bring about a type constitutional monarchy through authoritarian means and, perhaps, at the cost of the legitimacy basis of the all-Empire.

That is, nations which were founded on the bases of absolutist monarchies in the Middle East have had to face the remnants of these previous political traditions. More specifically, the creation of autonomous institutions concerning economy and education, which are vital for economic and educational development, remains under pressure coming from the state in these nations. The efforts to create constitutional institutions between the state and social and political elements in the Middle East usually functions under imbalanced power relations and political pressure from the unlimited, sovereign state.

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