VIZIER AND ALIM GIVING POLITICAL ADVICE: ETHICAL ARGUMENTATION IN ASAfname AND USUL AL-HIKAM

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ABSTRACT

This article provides a parallel reading of Lutfi Paşa’s Asafname and Hasan Kafi’s Usul al-Hikam, both 16th century Ottoman siyasetnames. These books, the former penned by a prominent member of the bureaucracy and the latter by a middle ranking scholar, were compared in terms of the religious references they make, and the justifications they provide for specific recommendations. It was found, as was expected, that Usul uses religious references and religious justification more frequently than Asafname does. However, formal/rule-based justification, a larger ethical category encompassing the religious as well as traditional and legal justification and defined in opposition to utilitarian/consequentialist justification, was used more frequently by Asafname. Despite its heavily religious language and the religious background of its author, Usul used utilitarian arguments more frequently than formal ones when making recommendations. This finding suggests that, of the two main schools of legal reasoning in Islamic law, ahl el-ra’y and ahl al-hadith, Hasan Kafi was probably closer to the former. The article also develops a novel method for the content analysis of political advice, identifying recommendation chains that consist of two parts: recommendation itself, and the justification provided for the recommendation. This way, it becomes possible to make quantitative analyses of the overall tone of argumentation in the texts under study.

Key Words: siyasetname, Asafname, Usul al-Hikam, ethics

BİR VEZİR İLE BİR ALİMİN SİYASETLE İLGİLİ TAVSİYELERİNİN KARŞILAŞTIRILMASI: ASAfname VE USULÜ’L HİKEM’DE KULLANILAN AHLAKİ GEREKÇELER

ÖZET

Bu makalede 16. yy. Osmanlı siyasetnamelerinden Lütfi Paşa’nın Asafname’si ile Hasan Kafi Akhisari’nin Usulü’l Hikem’i karşılaştıracaktır. Birincisi sadrazamlık da dahil olmak üzere birçok üst düzey görevde bulunan bir devlet adamı tarafından, diğer ise çeşitli vilayetlerde kadılık ve müderrislik görevlerinde bulunan bir din adami tarafından kaleme alınmış olan bu iki eser, kullandıkları dini referansların içeriği ve siyaset ile ilgili tavsiyelerinin ne şekilde gereçcelendirildiği bakımından paralel bir okumaya tabi

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Anahtar Kelimeler: siyasetname, Asafname, Usulül Hikem, ahlak.
are on “things that bring out order in the sultanate” and “things that bring God’s help and victory”, respectively. The second and third chapters are reserved for specific recommendations: the former recommends “mişavere (consultation with others), istihare (asking for divine guidance through a dream), rey (opinion) and tedbir (management)”; and the latter makes the case that “the use of war tools is a must”.

Another content characteristic closely related to the different overall organization is the ordering of individual recommendation chains. In Asafname, most of the time the justification follows the recommendation: “Do this, for it is such and such”. An example from the text would be “Ve baytül-mal namına olan akçeyi Bab-ı Humayun’da varisi gelince saklayalar. (...) Zira emval-i halk bi-vech dahl-i mal-i padişahi olmak fena-yı devlete daldır”4, where the author suggests that non-claimed estates be kept in the treasury until the heirs arrive, for transferring people’s wealth to the Sultan without due process leads to the demise of the state. In Usul al-Hikam, on the other hand, justification comes first, followed by the recommendation: “If you want this, do such and such.” An example from the text would be “Dinür ki padişahlığına sebatı adlı iledür”5, where the author anonymously cites that persistence of the sultanate is possible only with justice.

Although it is possible that different ordering is a result of personal preferences on the part of the authors, it might also result from the different levels of specificity, which forms a third content characteristic on which the books diverge. The advice in Asafname is very specific and much to the point, whereas Usul al-Hikam’s advice is framed in very general terms. If the proposals were to be turned into law, a whole constitution could be carved out of Usul al-Hikam, especially from the first chapter, whereas Asafname’s proposals are fit for making regulations, for the Prime Minister’s office.

Religious Language

Uğur counts Asafname among those siyasetnames that contain few references to Quran and hadith and few stories. Usul al-Hikam, on the other hand, is counted among those siyasetnames that make heavy use of those.6 İşpirli also makes the argument that the most important aspect of Usul al-Hikam is its heavy use of quotes from Quran, hadith and famous people.7 So religiosity is a good beginning point to start comparing the two works.

To detect religiosity in language, all religious words and phrases were coded and counted. In all, religious personalities, religious terms, and religious expressions common in the language were coded, as well as quotes from Quran and hadith. The first category consisted of references to Allah, to the prophets including Muhammed, to companions of the Prophet, and associated praise words/phrases. The second category consisted of religious terms of a somewhat technical nature, like fard, dar al-Islam, tevekkul, sharia, etc., most of which have a strict definition in the fiqh literature. The third category consisted mostly of Arabic phrases common in the language, the utterance of which seems to result more from linguistic conventions than religious intent, like inşaallah and maşaa allah, ez’af-i ‘ibadullah, cennet-mekân, firdevs-asıyan, etc. These three were not counted when they appeared in quotations from Quran and hadith, which were treated as separate categories.

Overall, Asafname contained 99 religious references and Usul al-Hikam 329 (see Table 1). Considering that Asafname is an approximately 5600-word piece, and Usul al Hikam a 9800-word one, these figures mean that Lütfi Paşa used a religious expression once every 57 words, and Hasan
Kafi, a religious scholar, used a religious expression once in every 30 words, indicating a more frequent usage. Broken down into constituent categories, the distinction becomes more clear.

**Table 1. Religious references**

<table>
<thead>
<tr>
<th></th>
<th>Quran</th>
<th>Hadiths</th>
<th>“Allah”</th>
<th>“Prophet(s)”</th>
<th>“Companions”</th>
<th>Technical Terms</th>
<th>Common Phrases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asafname</td>
<td>3</td>
<td>1</td>
<td>15</td>
<td>7</td>
<td>6</td>
<td>30</td>
<td>37</td>
</tr>
<tr>
<td>Usul al-Hikam</td>
<td>13</td>
<td>15</td>
<td>80</td>
<td>39</td>
<td>32</td>
<td>131</td>
<td>18</td>
</tr>
</tbody>
</table>

Usage of common phrases like inşaallah and maşaallah, which constitutes the category with the highest hits in Asafname, and whose religious character is debatable, is very rare in Usul al-Hikam. On the other hand, religious terms with a technical definition in the fiqh literature, which are arguably the most meaningful measure of religiosity, make up a huge proportion of all the religious references in this book. Hasan Kafi being a qadi and muderris with a strong background in religious disciplines, among them fiqh, probably accounts for the latter. Lower usage of common phrases, on the other hand, is a mystery at first look. However, it may be explained by the fact that Usul al-Hikam is a translation, where the author was probably more concerned with being accurate than following linguistic conventions. Still, this is an interesting difference between two authors with different backgrounds and how much of it is actually attributable to translation and how much to personal preferences or to social/educational backgrounds is an open question.

**Religious Justification**

Whenever a recommendation is supported by a verse from Quran, a hadith, or a story/citation from Prophet’s companions and earlier prophets, then there is religious justification for this specific recommendation. In addition, the author himself may argue, without citing any evidence from religious sources, that this act is a religious requirement (fard, wajib), that it leads to other-worldly benefits or that God likes it, etc., which again constitutes an instance of religious justification. Separate from religiosity in language use, this measure should serve as a better indicator of the ideological commitments of the two authors.

Asafname makes use of religious justification 6 times for 5 separate recommendations. Usul al-Hikam makes use of religious justification 58 times for 30 separate recommendations. These figures, of course, are more meaningful when weighed against other types of justification.

**Legal and Traditional Justification**

Legal justification is present whenever the content of a recommendation is said to be law. Traditional justification is present when a recommendation is supported by the practice of past rulers, viziers or peoples.

These categories are most of the time exclusive and have easy-to-follow rules. In two cases, however, additional elaboration was needed. One is the case of Prophet’s or companions’ practice, which could be coded both as traditional and religious justification. Religious justification coding was preferred in this case to isolate tradition that doesn’t have religious roots. A second problem emerged with the practice of past Ottoman Sultans, which could be coded both as traditional and legal justification. In this case, double coding was preferred. For it is more difficult to separate traditional from legal justification, than to separate traditional from religious.
Thus a total of four categories emerged: Religious, traditional, legal and traditional/legal. Religious/legal category, although not ruled out, was not observed. The distribution of these categories in the two advice books is shown in Table 2.

<table>
<thead>
<tr>
<th></th>
<th>Religious</th>
<th>Legal</th>
<th>Traditional</th>
<th>Traditional/Legal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asafname</td>
<td>(10.2%) 6</td>
<td>(59.3%) 35</td>
<td>(8.5%) 5</td>
<td>(22%) 13</td>
</tr>
<tr>
<td>Usul al-Hikam</td>
<td>(76.3%) 58</td>
<td>(0%) 0</td>
<td>(23.7%) 18</td>
<td>(0%) 0</td>
</tr>
</tbody>
</table>

*Usul al-Hikam* contains no legal justification, whereas in *Asafname* legal justification is the most frequently used category, accounting for a larger proportion of all justifications than the religious, traditional and traditional/legal categories combined. *Usul al-Hikam* uses more of pure traditional justification than *Asafname* does, whereas combined with the traditional/legal category, *Asafname*’s use of traditional justification makes up a higher percentage.

**Utilitarian vs. Formal Justification**

Religious, legal and traditional justifications together form the category of formal/rule-based ethical arguments, as opposed to utilitarian/consequentialist ethical arguments. The distinction between deontological and teleological theories of ethics is a well-established one, and together, the two are thought to contain a rather large chunk of moral theorizing, if not all. Thomas R. O’Connor distinguishes between deontological and teleological theories on the basis of “(1) the inherent nature of the act -- or (2) the consequences of the act.” The idea that morality consists of following certain rules regardless of their consequences is a deontological position, as captured by Kant’s notion of duty. If, on the other hand, the morality of an act is to be judged on the basis of its consequences, then we have a teleological position. Formalism and utilitarianism, as formulated by Kant and Mill, are usually given as two specific theories best exemplifying these two approaches; when they are not used interchangeably, that is. For the purposes of this paper, the adjectives ‘formal’, ‘rule-based’ and ‘deontological’ will be used interchangeably, as well as ‘utilitarian’, ‘consequentialist’ and ‘teleological’.

Although the distinction between the two approaches is well established at a theoretical level, at the empirical level things get blurred. Not everyone has a professed systematic approach in dealing with ethical matters –which is very unlikely indeed, unless they are theoreticians-, nor, in case there is a professed approach, does it have to conform to this categorization. Yet it is possible to make use of this distinction at the theoretical level in an empirical study, with a little twist.

The twist is, ‘formal’ and ‘utilitarian’ become attributes of individual justifications, not whole systematic theories. Justification is part of a recommendation chain, which consists of a recommendation –a proposed course of action- and a justification –the reason offered for taking this course of action-. The justification is said to be utilitarian when the offered reason for acting in a certain manner is a certain benefit associated with that action. The justification is formal when the offered reason for acting in a certain manner is that act being a rule. The rule could be a law, a religious requirement, or a custom, among others, but that is a secondary consideration.

The justification in a recommendation chain, in turn, can be a recommendation in another chain. For example, consider the following. “You should act that way, for it is the law.”...“Go with the law, for following the law brings such and such benefits.” The justification in the former chain

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is formal, whereas the latter contains utilitarian justification. Conversely, a utilitarian justification could be a recommendation in another chain with formal justification: “You should do such and such, for it brings those benefits.” “You should seek those benefits, for God wants you to.” This is to stress that it is not the content of the recommendation, but nature of the justification, that is taken into account in this coding. Thus, Hasan Kafi makes a utilitarian argument when he recommends that rulers follow the sharia for it brings victory in the battle.

Giving prominence to justification, not to the content of recommendation, has an extra benefit in the sub-category of religion: It is always contested what constitutes a religious course of action, and based on the same religious sources, people may, and did, come up with wildly different recommendations for appropriate course of behavior in all religions, including Islam. For example, if we were following a content-based approach, Hasan Kafi’s recommendation that rulers observe the five daily prayers would be safe to code as a religious recommendation, whereas doing the same with the recommendation of forcing idle people into one of four classes, which he attributes to “Muslim wise men”, is debatable and creates coding problems which could only be overcome by a pre-prepared list of ‘Islamic requirements’. Coding justifications, not the recommendations, on the other hand, allows one to work with an empty basket of what constitutes religious requirements, without subscribing to any particular understanding of Islam. Same reasoning also applies to legal and traditional categories; we can code legal and traditional justification without knowing much about the actual content of the Ottoman laws or traditions.

Recommendation Chains as Text-analytical Tools

Recommendation chains could be used as text-analytical tools in two ways: First would be to seek meta-chains of recommendations, where individual rings lead to another, finally reaching an ultimate justification, which is not justified by reference to anything else. One or more such ultimate justifications could thus be reached. This would allow us to make a hierarchical evaluation between individual justifications in a meta-chain, and accord them a value in relation to their place in the chain. Another way to make use of recommendation chains would be to count instances of different categories of justifications, and make an overall assessment based on their relative weights, ignoring possible meta-chains. The former was not chosen for two reasons: First is the difficulty of making up meta-chains of recommendations, which would include a lot of human judgment based on partial evidence. Spotting individual chains, on the other hand, is much easier due to spatial clues. Second, although hierarchized meta-chains allow us to make an analysis qualitatively different from individual chain counts, it ignores valuable information at another level. If all the justifications in a text are utilitarian, which then are tied to a formal ultimate justification in one sentence, this would hardly constitute enough grounds for describing the text in question ultimately formal. The one-sentence ultimate formal justification could also be no more than lip-service.

Utilitarian and Formal Justifications in Asafname and Usul al-Hikam

In all, 270 recommendation chains were coded in Usul al-Hikam for 116 separate recommendations, and 106 chains in Asafname for 84 separate recommendations. In some of the chains, utilitarian and formal justifications were inseparable, which were double coded. This occurred when, for example, a religious source was cited in support of a recommendation, and the citation itself contained a utilitarian argument. Consider the following citation for the recommendation of consultation with others: “Hazret-i Süleyman peygamber -selamu'llahi aleyh-oğlına hitab idüp dimiş: “Ey benüm oğulcuğum! Bir maslahatı kat' eyleme, ta ki bir sahib-i re'y olana danışmayınca. Zira kaçan ki bir işi müşavere ile işlesen mahzun olmasın.”” Here we have
religious, hence formal, justification for a prophet is cited in support of consultation, but the
prophet himself makes a utilitarian argument saying “If you consult others, you won’t regret”.

Lütfi Paşa used formal arguments 49.1 percent of the time when he made a
recommendation, whereas Hasan Kafi used them 11.1 percent of the time (see Table 3). Hasan Kafi
offered more mixed justifications than Lütfi Paşa, using utilitarian and formal arguments together
17.4 percent of the time, as opposed to 6.6 percent. Purely consequentialist arguments made up
71.5 percent of all the justifications in Usul al-Hikam, and 44.5 percent of all the justifications in
Asafname.

**Table 3. Utilitarian vs. formal justifications**

<table>
<thead>
<tr>
<th></th>
<th>Utilitarian</th>
<th>Formal</th>
<th>Util. &amp; formal</th>
<th>Sum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asafname</td>
<td>(44.3 %) 47</td>
<td>(49.1 %) 52</td>
<td>(6.6%) 7</td>
<td>106</td>
</tr>
<tr>
<td>Usul al-Hikam</td>
<td>(71.5 %) 193</td>
<td>(11.1 %) 30</td>
<td>(17.4%) 47</td>
<td>270</td>
</tr>
</tbody>
</table>

Overall, Hasan Kafi used less rule-based justifications than Lütfi Paşa did (28.5% to
55.7%), and about 60 percent of the time when he used one, he took care to support them with
consequentialist arguments. Lütfi Paşa supported rule-based arguments with consequentialist ones
about 12 percent of the time. Most of the formal justifications in Usul al-Hikam were religious ones
(75 percent), whereas it was legal justifications that made up the greatest portion of the formal
arguments in Asafname (81 percent).

Hasan Kafi seems to give more importance to utilitarian arguments when he makes a
recommendation, and Lütfi Paşa seems to give about equal weight to formal and utilitarian
arguments, with a slight preference for formal ones. If we were to take these books as
representative works of their respective authors, and the authors as representative members of the
scribal bureaucracy and the ulema, it would be possible to argue that ulema were more concerned
with giving consequence-oriented, if general, advice than formal/religious ones, and scribal
bureaucracy equally concerned with giving consequence-oriented and formal/legal advice, in a
specific manner; at least when it comes to giving political advice. Without further studies covering
more authors of the two classes, however, these conclusions are bound to remain speculations.

The conclusions are reasonably valid for the two books at hand, however, and at least a
passing attempt at explaining them is due. Since Lütfi Paşa’s approach is an even-handed one, and
one that is expected of a bureaucrat with executive powers, I will focus on the –rather
unexpectedly- low usage of formal/religious justification as opposed to utilitarian ones in Usul al-
Hikam, written by a qadi and a muderris. –Inter-book differences are also expected, since the two
authors are from different backgrounds. - Part of the explanation, it would seem at first look, has to
do with the focus on justifications rather than content of the recommendations; if a coding based on
recommendations were employed, leaving aside all the practical considerations, Usul al-Hikam
would probably appear a lot more religious in character than the current coding suggests. That is,
the majority of the recommendations are probably religious in character. This information,
however, was already hinted at in the first part of the paper, where all the religious references were
coded regardless of context; and it is, nevertheless, knowledge of a different sort which doesn’t
form the pivotal focus of this study, and one which doesn’t help much in explaining the lower usage of formal/religious justifications in making recommendations. If anything, a heavy load of religiosity in the content of the recommendations, if such were found to be the case, would make the sparse use of religious justification all the more curious.

Part of the explanation probably has to do with the way recommendation chains were used as analytical tools in this study. Instead of spotting laddered/hierarchized meta-chains of recommendations, and evaluating the books in light of the ultimate justifications that would appear, individual recommendation chains were counted and a quantitative analysis based on frequencies was preferred. It may well be the case that the utilitarian arguments, which make up 71.5 percent of all individual recommendation chains in Usul al-Hikam, are all placed in the lower ladders of meta-chains of recommendations, and lower ladders should be given less weight in evaluating the overall position of a text in terms of justifications used. The reason why this is not attempted is purely practical; coding meta-chains in a high-ambiguity textual environment – arising from the need to take the totality of the book into consideration at once - would have to involve making a lot of difficult decisions with little assistance from spatial clues. Even if we were to get a more balanced overall picture after a laddered analysis – which we may just as well not- we would still have to account for the numerical ascendancy of utilitarian arguments. This we may partially achieve by looking at a particular tension in the history of legal schools of thought in Islam.

“İstihsan is Nine-tenths of the Law”

Standard accounts of the history of madhabs in Islam usually start with two “ancient schools”, Muhammed Fadel notes. These are ahl al-ra’y and ahl al-hadith, the former making heavy use of informal practical reasoning, the latter of custom in legal argumentation. Prior to the arrival of al-Shafi’i and the birth of Usul al-Fiqh, jurists were classified according to how much weight they gave to practical reasoning relative to Prophet’s custom. This division was overcome by al-Shafi’i’s “great synthesis”, so the conventional account goes, bringing Iraqis’ and Hijazis’ methods together, and finer distinctions were made between legal schools of later ages. Fadel argues that the “conventional wisdom” in the study of Islamic legal history may be attaching too much importance to the codification of usul. In particular “one is tempted to question whether al-Shafi’i’s insistence on adherence to a rigorous method had the impact on legal argument that is commonly supposed. What if legal reasoning within the ancient schools continued by developing their own criteria for legitimate argumentation (...)?”

The division between ancient schools does indeed seem to have persisted. Elaborate and rather heated discussions around whether qiyas, ijma, istihsan and istislah, among others, constitute valid bases for legal argumentation can be read as revolving around this basic question: Are there extra-textual bases for valid argumentation, and if so, what is the position of such arguments vis-à-vis text-based argument? The fineries of the debate over what constitutes valid qiyas, the most widely accepted “derivative source”, are testimony to the burning nature of the question.

One such derivative source, istislah, and the related notion of maslaha -utility-, are especially relevant to our discussion of formal vs. utilitarian arguments. It seems that Hasan Kafi is a close follower of the Iraqi ancient school of ra’y. Imam Malik is reported to have said “İstihsan is nine-tenths of law.” For Hasan Kafi, istislah is –literally- nine-tenths (88.9 %) of ethical argumentation.

Notes

1. Ahmet Uğur describes Asafname as “the perfect example and leader” of the genre in Turkish. Ahmet Uğur, Osmanlı Siyasetnameleri (İstanbul: Kültür ve Sanat Yayınları, 1985), 89.

2. *Usul al-Hikam* is also considered, along with other works of this author, an important part of contemporary Bosnia’s Ottoman/Muslim heritage. Muhammed Aruçi notes, in his article on Hasan Kafi Akhisari in TDV İslam Ansiklopedisi, that his tomb in Akhisar (Prusac) is a place of visit and a street in Sarajevo is named after Hasan Kafi. His works were incorporated in the state educational programs in Bosnia and Herzegovina in 1995.

3. The versions used for this study are transcriptions by Mübahat S. Kütükoğlu for *Asafname*, and Mehmet Ipşirli for *Usul al-Hikam*. Both scholars made use of multiple copies of the originals in preparing their transcriptions. Ipşirli also made some editing work in the form of moving words and phrases back and forth, for the Turkish version of the Usul al-Hikam is a piece-meal translation of the original Arabic version, done by Hasan Kafi himself. See Mübahat S. Kütükoğlu, *Liṭfi Paşâ Asafnameşî* (İstanbul: Edebiyat Fakültesi Basımevi, 1991) and Mehmet Ipşirli, “Hasan Kafi el-Akhisari ve devlet düzenine ait eseri Usulü’l-Hikem Fi Nizami’l-Alem,” *Tarih Enstitüsü Dergisi* 10-11 (1979-1980): 239-278.


10. “... pes bu makule kimesne eh-i İslam hükemasi katunda kendi haline konnamak gerekdûr, belki ibram olunup, cebr ile esnaf-ı erba’adan birine ilhak olunmak gerekdûr.” Ipşirli, Hasan Kafi, 252.

11. The idea of separating justification from recommendation was used in other contexts too. Most significantly, John Rawls’s notion of ‘overlapping consensus’ is based upon a distinction between shared principles and varying justifications for these principles based on different traditions. Even if the reasons for accepting certain principles are different, as long as there is consensus over the content of the principles, this could be a basis for living together in a society consisting of people with different fundamental moral views. The idea of overlapping consensus was also employed in the search for a universal basis for human rights. This study makes use of the distinction between justification and recommendation not to search for an overlapping consensus in recommendations, but in a rather contrary mission, to explicate differences in justification.
