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TITLE: Istanbul and Kabul in Courtly Contact: The Question of Exchange between the Ottoman Empire and Afghanistan in the Late Nineteenth Century

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PAGES: 265-296

ORIGINAL PDF URL: <https://dergipark.org.tr/tr/download/article-file/723358>

# Istanbul and Kabul in Courtly Contact: The Question of Exchange between the Ottoman Empire and Afghanistan in the Late Nineteenth Century

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*İstanbul ve Kabil Arasında Saraylar Düzeyinde Temas: On Dokuzuncu Yüzyıl Sonlarında  
Osmanlı İmparatorluğu ve Afganistan Arasındaki Etkileşim Meselesi*

Öz ■ 1877’de Sultan II. Abdülhamid, Afganistan’a gönderilen resmi bir Osmanlı heyetine başkanlık etmesi için İslâm âlimi ve hukukçu Ahmed Hulusi Efendi’yi seçmiştir. Kabil’de Bab-ı Âlî’nin ilk resmi elçisi olmakla beraber Hulusi Efendi’nin geçmişi ve üstlendiği görevin Osmanlı diplomasisi ve dış ilişkileri haricindeki alanlardaki etkisi hakkında henüz çok az şey bilinmektedir. Makale Hulusi Efendi’nin Afganistan yolculuğu öncesindeki hayatına, üstlendiği bir dizi önemli göreve ve bunların arasında özellikle hukuk alanında bir dönüm noktası olan Mecelle’yi yazan seçkin komisyondaki üyeliğine biyografik bir pencere açar. Bu çalışma Osmanlı, İngiliz-Hint ve Afgan arşivlerini kullanarak Hulusi Efendi’nin Afganistan misyonunun daha önce üzerinde durulmamış hukuki boyutlarını inceler, Osmanlı İmparatorluğu ve Afganistan’da hemen hemen aynı zamanda gerçekleşen İslâmi kanun oluşturma projesi de dahil olmak üzere gelecek için bazı muhtemel araştırma yönelimlerini ortaya koyar.

Anahtar kelimeler: Afganistan, Afganlar, Kabil, pan-İslamizm, Osmanlı hukuku/kanunu, Şeriat, Hanefî fıkıhı, kodlama/kanunlaştırma, *Mecelle*

The aim of this article is to stimulate greater interest in a series of largely uncharted scholastic journeys—a history of encounters and exchange between the Ottoman Empire and the amirate of Afghanistan in the long nineteenth century. The Muhammadzai dynasty of Afghanistan (r. 1826-1919), though never falling under Ottoman rule, shared an increasingly warm relationship with the sultans of Istanbul beginning in the late nineteenth century. As leaders of a fellow Sunni state nestled in the strategic borderlands between Iran, India, and Bukhara, the Afghan

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amirs also adopted the Hanafi school of Islamic law in their governance. The latter bolstered the Kabul court's claims to be legitimate Muslim rulers, upholding justice and social order as embodied in the *Shari'a*, in exchange for obedience from their subjects. While both Afghanistan and the Ottoman Empire shared doctrinal affinities as Sunni states of the Hanafi order, resemblances otherwise fade when considering the distinct contexts of a highly centralized, bureaucratic, multi-religious Ottoman state spanning three continents, versus a loose confederation of predominantly Pashtun tribes headed by a royal dynasty in Kabul. Yet precisely because their social and political contexts differ so starkly, exploring instances of encounters and exchange between the late Ottoman Empire and Afghanistan promises valuable insights into the extent of shared modern processes of law, statecraft, and administration at a pivotal moment of state transformation across the region.

The article is divided into two parts. In Part I, we discuss the brief but momentous visit of the first official Ottoman envoy to Kabul, Ahmed Hulusi Efendi, in 1877-1878. In spite of the unprecedented nature of the mission, inadequate attention has been devoted to the background of the envoy and, in particular, Hulusi Efendi's credentials before his expedition to Afghanistan. This section provides a biographical window into Hulusi Efendi's life and appointment to a number of eminent posts in the Ottoman judiciary, including the prestigious Ottoman Civil Code (Mecelle) drafting committee in Istanbul. In light of his remarkable but surprisingly overlooked background, the article raises questions about the juridical dimensions of Hulusi Efendi's visit to Kabul, including possible links between Hanafite legal codification projects taking place in the Ottoman Empire and Afghanistan at almost exactly the same time.

In Part II, we turn to juridical developments in Afghanistan in the years immediately *after* the Ottoman mission, which I argue give us even more reason to consider instances of exchange between the Porte and the Muhammadzai amirs of Kabul in the last two decades of the nineteenth century. In particular, we turn to evidence demonstrating that within five years of Hulusi Efendi's sojourn in Kabul, the governing Afghan regime of 'Abd al-Rahman Khan (Abdurrahman Han) was already publishing works on the modern bureaucratic and military practices of the Ottoman Empire. By virtue of these publications, we consider whether visible parallels between legal codification projects launched by centralizing regimes in the Ottoman Empire and Afghanistan during the last decades of the nineteenth

century suggest that the Sublime Porte served as a leading model for the Afghan amir's own centralization campaign in Kabul.

### I. The First Ottoman Mission to Afghanistan: Hulusi Efendi in Kabul

The epic voyage of an Ottoman envoy from Istanbul to Kabul and back in 1877-1878 has received a modest amount of scholarly attention. A handful of works have touched upon the diplomatic and political dimensions of the Ottoman expedition to Kabul in the context of the Russo-Ottoman war of 1877-1878.<sup>1</sup> As of yet, however, none have deeply considered the ramifications of Abdülhamid II's choice of envoy to lead the delegation: the extraordinary late Ottoman jurist and *'alim*, Ahmed Hulusi Efendi.

Documents on the envoy's life before his voyage to Afghanistan shed light on unexamined aspects of this intriguing late-nineteenth century episode of Ottoman-Afghan diplomatic contact. Far from a neutral bystander in emergent debates about the codification of Islamic jurisprudence (*fiqh/fikih*), Hulusi Efendi's participation in the drafting of the Mecelle civil code—following over a decade of service in the uppermost echelons of the Ottoman judiciary—highlight the influential role he played in the Porte's state-centralization projects before his arrival in Kabul. Hulusi Efendi's personal history as an Ottoman jurist and administrator raises important questions surrounding the impact of his mission to Kabul, including the role his meetings with Afghan statesmen and scholars may have played in generating broader conversations about the codification of Islamic law in Afghanistan.

While the documentary record assembled here from Ottoman, British Indian, and Afghan archives still leaves us with room to speculate on the exact words of conversations taking place in the Kabul court in late summer and autumn of 1877,

<sup>1</sup> This article is dedicated to the memory of Shiraz Bhutt. I would like to thank Profs. Recep Çelik, Hamid Algar, and Huri İslamoğlu, as well as Hakeem Naim, Yusuf Alkan, and Hasan Can, for their valued exchanges while exploring this subject. All deficiencies are mine alone. Dwight Lee, "A Turkish Mission to Afghanistan, 1877," *The Journal of Modern History* 13 (1941): 335-356; M. Cavid Baysun, "Şirvanizade Ahmed Hulusi Efendi'nin Efganistan Elçiliğine Aid Vesikalar," *Tarih Dergisi (İstanbul Üniversitesi Edebiyat Fakültesi* IV (1952): 147-158; Mehmet Saray, *Afganistan ve Türkler* (İstanbul: İstanbul Üniversitesi Edebiyat Fakültesi Basimevi, 1987), 60-63; Azmi Özcan, *Pan-Islamism: Indian Muslims, the Ottoman and Britain (1877-1924)* (New York: Brill, 1997), 81-86.

in this section I argue that in light of Ahmed Hulusi Efendi's prolific career as a jurist, judge, and high judicial council member, it is possible, if not probable, that the late Ottoman jurist impacted brewing conversations about the codification of Islamic law with Afghan statesmen and scholars he met on his tour. As we will explore, this contention is supported by declassified archival sources revealing Hulusi Efendi communicated at length not only with the Afghan amir, but with a number of Afghan courtiers, including scholars and officials, while in Kabul.

### **Abdülhamid's Gaze to the East**

Within two years of his ascent to the Ottoman throne, Sultan Abdülhamid II (r. 1876-1909) had reconfigured the Porte's foreign policy to reflect a more robust engagement with the Muslims of Asia. Primary evidence of this shift is reflected in the swell of Ottoman intelligence-gathering on domestic affairs in British India, Afghanistan, and Central Asia during the last two decades of the nineteenth century. The Porte's burgeoning interest in Muslim populations abroad is especially manifest in Foreign Ministry (*Hariciye Nezareti*) records of the central Ottoman archives in Istanbul on the internal affairs of Afghanistan, Iran, and eastern Turkestan.<sup>2</sup> This document "surge" can be partially attributed to enhanced print and paper technologies. But given the more regular correspondence between the Porte and Indian Muslims during the Hamidian era, including the establishment of a consulate (*şehbenderhane*) at Bombay, to attribute the increase in reporting to enhanced print technologies alone misses the substantive boost in perceived geostrategic value of these regions to the Porte.

2 A large number of these reports are declassified letters and telegrams from the Ottoman ambassador in Tehran. For example, a pair of documents from 1862 discuss Ottoman interest in a diplomatic spat and series of skirmishes between Iran and Afghanistan over the border province of Herat, see Başbakanlık Osmanlı Arşivi (hereafter, "BOA") İ.HR 195/11056 (1279 Ra 19) and BOA-İ.HR 195/11088 (1279 R 11). An Ottoman document report from the following year discusses the death of Afghan Amir Dost Muhammad Khan. BOA-İ.HR 201/11443 (1280 M 13). For a sampling of documents illustrating escalating Ottoman interest in Afghan affairs during the second half of the nineteenth century, see (in chronological order) BOA-İ.HR 195/11056 (1279 Ra 19); BOA-İ.HR 201/11443 (1280 M 13); BOA-İ.HR 257/15381 (1289 L 13); BOA-İ.HR 259/15477 (1290 S 21); BOA-Y.PRK.HR 1/16 (1293 Z 15); BOA-İ.HR 273/16494-01 (1294 M 14); BOA-HR.SYS 4/40 (1878 12 13); BOA-Y.PRK.TKM 10/62 (1304 L 24); BOA-HR.HMŞ.İŞO 173/20 (1307 Ra 06); BOA-Y.PRK.PT 9/99 (1312 S 10).

While Ottoman state records during the last quarter of the nineteenth century indicate that the Porte was taking a deeper interest in Asian affairs, the concurrent flow of private letters, telegrams, and even delegations of Indians and Afghans to Istanbul inform us it was not a one-way relationship. As Azmi Özcan has shown in his masterful study of Ottoman-Indian relations during the Hamidian and Young Turk eras, Foreign Ministry records for the period also provide us with several examples of private correspondence between Porte officials and various social and philanthropic associations (*anjumans*) founded by Muslims of India, in particular.<sup>3</sup> Private correspondence provided the Porte not only with valuable intelligence, but a subtle means of building stronger ties with local Muslim notables and populations who did not reside in the Ottoman domains. We must also add to the picture the longstanding transcontinental links between the sufi orders of India, Afghanistan and Central Asia with counterparts in Ottoman Baghdad, Greater Syria, Anatolia, and as far as the Balkans.<sup>4</sup> Access to these more “grassroots” contacts and sources of information also supplemented regular reports from Ottoman consulates abroad, providing Porte officials with a window into myriad aspects of the select communities, politics, and economies of Muslims from Balkh to Bengal, and Bukhara to Bombay.

Nor did transcontinental contacts between Asian Muslims and the Porte begin with the reign of Abdülhamid II. As Özcan and Naimur Farooqi have shown, recorded examples of Indian Muslims exchanging correspondence with Ottoman rulers date to as early as the fifteenth century.<sup>5</sup> Indo-Ottoman ties did

<sup>3</sup> Özcan, 69-70, 96.

<sup>4</sup> See, for example, Lale Can, “Connecting People: A Central Asian Sufi network in turn-of-the-century Istanbul,” *Modern Asian Studies* 46 (2012): 373-401, 378-379; Sana Haroon, *Frontier of Faith: Islam in the Indo-Afghan Borderland* (New York: Columbia University Press, 2007); Nile Green, “Blessed Men and Tribal Politics: Notes on Political Culture in the Indo-Afghan World,” *Journal of the Economic and Social History of the Orient* 49 (2006): 344-360.

<sup>5</sup> Naimur Rahman Farooqi, *Mughal-Ottoman Relations* (Delhi: Idarah-i Adabiyat-i Delhi, 2009), 11-13. Similarly, Özcan argues there is no recorded evidence of direct relations between Indian Muslims and Ottoman Turks until the late fifteenth century. The first recorded diplomatic missions between Muslim rulers in India and the Ottomans took place in the late fifteenth century, between Bahmani kings Muhammad Shah III (1453-1481) and Mahmud Shah (1482-1518) of the south Indian Deccan plateau, and Sultans Mehmed Fatih (1451-1482) and Beyazid II (1482-1512). Early contacts comprised primarily the exchange of letters and gifts, with no evidence of political or military alliances being concluded at this time. Özcan, *Pan-Islamism*, ix-1. Of

not grow to be a significant and consistent factor in Ottoman foreign policy and geopolitics until the Hamidian period, however. That Sultan Abdülhamid “reoriented” the Porte’s domestic and foreign policy to reflect a more “Muslim” character following the traumatic demographic shifts of the late nineteenth century which substantially increased the percentage of Ottoman Muslim subjects have been well-documented.<sup>6</sup> Having consolidated his grip on power following his defeat of the constitutionalists and annulment of the 1876 *Kanun-ı Esasi* itself, Abdülhamid next sought to identify political assets *outside* the empire, seeking to bolster the Porte’s international clout vis-à-vis Russian and European powers. It is in this historical context of international imperial competition, rather than any *a priori* “Pan-Islamic” orientation of Abdülhamid’s personality, that we can locate late Ottoman efforts to reach out more assertively to Muslims of India, Central Asia, and Afghanistan. It was also for these reasons that following the outbreak of war with Russia in the spring of 1877, Sultan Abdülhamid dispatched a special envoy to Kabul with a concrete objective in mind: to convince the Afghan amir Sher ‘Ali Khan to join forces with the Ottomans against Czarist Russia. Together, so the plan went, the Ottomans and Afghans would open a devastating third front against the Russian empire in the latter’s Achilles’ heel: the Muslim-majority regions of Central Asia.<sup>7</sup>

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course, such diplomatic courtesies were not exclusive to inter-Muslim relations and do not necessarily connote instances of early modern “Pan-Islam.” On the dynamics of Ottoman foreign relations in the early modern period, see Suraiya Faruqi, *The Ottoman Empire and the World Around It* (New York: I.B. Tauris, 2004).

6 On the massive demographic transformations of the late nineteenth to early twentieth century Ottoman Empire and their relationship to the Hamidian administration’s newfound stress on the “Islamic” character of Ottoman domestic and foreign policies, see Selim Deringil, *The Well-Protected Domains: Ideology and the Legitimation of Power in the Ottoman Empire, 1876-1909* (New York: I.B. Tauris, 1999).

7 British and Ottoman sources offer conflicting accounts on the question of the “first” Ottoman envoy to Kabul. British Raj intelligence records in the 1870s circulated rumors of secret envoys and messengers shuttling between Istanbul and Kabul during the reign of Sher ‘Ali Khan (1863-1879). A cache of Indian archival documents from the mid-1870s, for example, establish the presence of a clandestine Ottoman “double agent” in Kabul by the name of “Şeyh Süleyman Efendi” years before Hulusi Efendi’s arrival in autumn 1877. NAI-FD/SEC July 1875 193-196 (“Turkish officers at Kashgar, and rumours of a Mahomedan revival”); NAI-FD/SEC March 1879 38-4 (“Secret Turkish Agent to Afghanistan”); NAI-FD/SEC December 1878 72-97 (“On Proposed Turkish Mission to Cabul”). For a detailed consideration of this episode, see Azmi Özcan, “Şeyh Şüleyman Efendi Bir Double Agent mi idi?” *Tarih ve Toplum* XVII

### The Sultan's Envoy

The choice of Ahmed Hulusi Efendi as the first official Ottoman envoy to Kabul is significant for reasons that have not received sufficient scholarly attention. Before the conclusion of his mission to Kabul, both Ottoman and British sources offer complimentary portraits of the man, an indication of his respected stature in elite Ottoman circles during the late Tanzimat and early Hamidian eras. Archival reports from Istanbul, Alexandria, Diyarbekir, and Delhi—all places he would visit in 1877-1878—describe him as an erudite, devout, and well-regarded *'alim*. “Well spoken of” by both the Porte and Palace, he enjoyed a distinguished rank in the upper echelons of Istanbul's *ilmiye*, the Ottoman Islamic scholarly class.<sup>8</sup>

Şirvanizade Seyyid Ahmed Hulusi Efendi was born in the first half of the nineteenth century in the northeastern Anatolian town of Amasya.<sup>9</sup> The son of

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(1992): 100-121. We cannot say that said Süleyman Efendi was an ambassador in the customary diplomatic sense, however, given the clandestine nature of his visit and the obscure subject status of the envoy. Özcan, *Pan-Islamism*, 79. Ahmed Hulusi Efendi, by contrast, arrived via a well-publicized visit to Kabul and was received as an official representative of the Ottoman Sultan in the amir's public *darbar*. As for the financial costs of the 1877-1878 expedition, Indian archival records indicate that the Ottoman consulate in Bombay footed the mission's expenses. NAI-FD/SEC March 1878 213 (“Grant of Rs. 2,000 to Turkish Consul-General, Bombay, for services rendered to the Turkish mission”).

8 NAI-FD/SEC March 1878 6-63 (“Deputation of a Turkish Envoy to Afghanistan”). Two weeks later, the British Ambassador at Constantinople Sir A.H. Layard again wrote to Lord Stanley (Earl of Derby), Secretary of State for Foreign Affairs, on 29 June 1877, stating, “[The Sultan] has now named as his envoy Ahmed Khouloussi Efendi, a brother of the late Grand Vizier, Shirvanzadeh Mehemet Rushdi Pasha, of whom I hear a very favorable account. He is a Roziasker, a high dignity amongst the Ulemah, and one commanding influence with Mahometans.” NAI-FD/SEC March 1878 6-63.

9 Mehmet Süreyya, *Sicill-i Osmani, I. Cild* (İstanbul: Matba'-i 'âmire, 1890), 307. Ahmed Hulusi Efendi's venerable lineage was also noted by British Colonel Herbert Disbrowe of the Bombay Staff Corps. in his report of 29 October 1877, which includes a rare transcript of his conversation with the Ottoman envoy. Hulusi Efendi described his father's highly regarded status as “a Cazi and a Syud,” which “entitled me to respect and added to my influence.” NAI-FD/SEC March 1878 207 (“Diary of the Turkish Envoy's journey from Bombay to, and from, the British frontier”), 7. See also, Ebül'ulâ Mardin, *Medeni Hukuk Cephesinden Ahmed Cevdet Paşa* (İstanbul: T.C. Mardin Valiliği, 2011), 202-203; Ahmed Şimşirgil ve Ekrem Buğra Ekinci, *Ahmed Cevdet Paşa ve Mecelle* (İstanbul: Adem Eğitim Kültür ve Sosyal Hizmetler Derneği İktisadi İşletmesi, 2008), 53.



a local *kadı* and *seyyid*, Hulusi Efendi's eminent scholarly family origins are also evident in the fact he was the brother of former Grand Vizier, Mehmed Rüşdü Paşa. After completing his formal studies, Hulusi Efendi scaled the ranks of the Ottoman scholarly class with prodigious success, beginning with an 1849 appointment as *kadı* to the Aydos district of Istanbul.<sup>10</sup> In May 1867, after serving in a number of judicial posts as a state-employed judge, he was promoted to the *kadılık* of Istanbul's prominent Galata district.<sup>11</sup> The very next year he was transferred to a judgeship in the sacred domains of Mecca, by all accounts a promotion.<sup>12</sup> Soon thereafter, Ahmed Hulusi Efendi reached the pinnacle of the Ottoman judicial hierarchy itself with an appointment to the eminent rank of *kazasker* of Anatolia, among the most powerful juridical positions in the empire, and subordinate in theory only to the *kazasker* of Rumelia and the *Şeyhülislam*.<sup>13</sup> In the same year, Hulusi Efendi was recognized by the sultan with an honorary medal for outstanding judicial service to the state.<sup>14</sup>

Hulusi Efendi's most prestigious appointment in the Ottoman juridical field was still to come, however. In 1869, the powerful administrator-jurist, President of the Council of Judicial Ordinances, and later Minister of Justice, Ahmed Cevdet Paşa (1822-1895), personally selected Hulusi Efendi to be one of the fifteen jurists to participate in the historic compilation of the Ottoman Civil Code (*Mecelle-i Ahkam-ı Adliye*).<sup>15</sup> It would not be an exaggeration to describe the *Mecelle* as the

10 Süreyya, 307; BOA-A.MKT.DV 14/26 (1265 C 28).

11 Süreyya, 307; Mardin, 202-203; Şimşirgil and Ekinci, 53.

12 Süreyya, 307; Mardin, 202-203.

13 Mardin, 202-203; Şimşirgil and Ekinci, 53. In addition to his judicial duties, Hulusi Efendi continued to engage in supplementary scholarly activities including teaching. A central Ottoman archives record from 1867, for example, refers to his hiring as a tutor for two women, likely from one of Istanbul's elite families, if not the Palace itself. BOA-MVL 545/36 (1284 Ca 11).

14 BOA-İ.DH 566/39435 (1284 Ca 13). I did not find an employment profile for Hulusi Efendi in the Ottoman *Sicil-i Ahval* employment profiles. An employment profile for his son Mehmed Cemali Bey, however, is found in BOA-DH.SAİDd 55/95 (1284 Z 29). For additional, albeit scanty, biographical details on Hulusi Efendi, see Yusuf Hikmet Bayur, *Hindistan Tarihi, III. Cilt* (Ankara: Türk Tarih Kurumu, 1950), 438; Şimşirgil and Ekinci, 53; Mardin, 202-203.

15 For Hulusi Efendi's participation on the *Mecelle* commission, see Şimşirgil and Ekinci, 53, Ekrem B. Ekinci, "Hukuk Tarihimizin Abide Eseri: Mecelle," *Tarih ve Medeniyet* 38 (1997): 54-56; Mardin, 202-203; and Hulusi Yavuz, "Mecelle'nin Tedvini ve Cevdet Paşa'nın Hizmetleri," *Ahmed Cevdet Paşa Semineri 27 – 28 Mayıs 1985*, haz. Mübahat

most famous codification of Islamic law in modern history. The sixteen-volume text continues to be highly revered and studied, if not influencing government statutes, in juridical institutions and colleges of law throughout the Islamicate world today.<sup>16</sup> Significantly, Hulusi Efendi's role in the compilation of the Mecelle was not a marginal one; he served on the drafting committee from the launch of the codification project in 1869 until its completion in 1876.<sup>17</sup> The late Ottoman scholar participated in the preparation of all the sixteen volumes of the civil code, containing 1851 articles, with the exception of the sixth and eight volumes. As for the thirteenth book, *Kitabü'l-İkrar* ("Admissions"), Hulusi Efendi's influence was been described as preponderant.<sup>18</sup>

Already one of the most eminent jurists in the nineteenth century Ottoman Empire, Ahmed Hulusi Efendi's remarkable career was about to take another turn in the years following his service on the Mecelle, but in a direction few may have likely expected. In the spring of 1877, following the outbreak of war with Russia, Sultan Abdülhamid II appointed Hulusi Efendi to lead the Porte's first official diplomatic mission to Afghanistan.

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Kütükoğlu (İstanbul: İ.Ü. Edebiyat Fakültesi Basımevi, 1986), 72-73. In spite of its later fame, it is also worth mentioning that at the time of its production the Mecelle compilation was a source of controversy among Ottoman *ulema*, and in some important ways in both Hanafi and non-Hanafi jurisdictions, has remained ever since.

16 This is particularly the case in Muslim communities and states predominantly adhering to the Hanafi school, as in most of India, Pakistan, Afghanistan, and Turkey, but also in elite scholastic environments (such as al-Azhar in Egypt) where Islamic legal pluralism is a norm rather than exception.

17 Mardin 53.

18 Şimşirgil and Ekinci, 53, 57. For a sample central Ottoman archives record illustrating Hulusi Efendi's service on the Mecelle drafting commission, including documents affixed with his signature or seal, see BOA-İ.DUİT 91/37 (1293 Ş 13); BOA-İ.DUİT 91/40 (1296 Ca 20); BOA-İ.DUİT 91/52 (1293 S 06). For a particularly striking copy of the Book on Admissions (İkrar), embellished with golden-trimmed borders and Hulusi Efendi's seal affixed to the cover sheet, see BOA-İ.DUİT 91/30 (1288 Z 24). For honors recognizing his service on the Mecelle commission, see BOA-A.MKT.MHM 447/11 (1289 Z 08); BOA-A.MKT.MHM 447/46 (1289 Z 17). Finally, for an illustration of how Hulusi Efendi's seals in the aforementioned records of the Mecelle committee identically match those records from the 1877-1878 mission to Kabul, compare the aforementioned documents with Hulusi Efendi's personal seals affixed at to letters in BOA-İ.HR 276/16873 (1295 C 05) and BOA-İ.HR 335/21534 (1295 C 21).

### Journey to Afghanistan

Ahmed Hulusi Efendi commenced the long voyage to Kabul from Istanbul with an entourage of scribes and statesmen in the early summer of 1877. Beginning as a maritime journey, their first stop was Alexandria, Egypt, where they were hosted by Khedive Ismail himself. After a brief stay in Port Said, the delegation again boarded their sea vessel, passing through the Suez canal before another brief stopover at the port of Aden, Yemen. By early August, Hulusi Efendi and his delegation had reached the bustling south Indian sea-port of Bombay.<sup>19</sup>

On August 11, 1877, hardly a day after a rapturous reception was accorded to the Ottoman delegation at Bombay by the city's local Muslim population, Hulusi Efendi and his colleagues had already left the city.<sup>20</sup> Likely still weary following the sea-journey from Aden, the group proceeded to enter the Indian interior, moving through obscure provincial towns with the goal of reaching in a week the subcontinent's famed gateway to Afghanistan and Central Asia, the Khyber Pass. Beneath the surface of British Indian officials facilitating travel clearance for the mission lay a deep sense of misgiving among Raj officials, however.<sup>21</sup> Still

19 BOA-Y.A.HUS 159/14 (1294 Ş 01), BOA-İ.HR 276/16873 (1295 C 05), and NAI-FD/SEC March 1878 70-145 ("Arrival of the Turkish Envoy, his journey in India, and departure for Cabul").

20 BOA-Y.A.HUS 159/14 (1294 Ş 01), BOA-İ.HR 276/16873 (1295 C 05), and NAI-FD/SEC March 1878 70-145. For a colorful first-hand description of the delegation's arrival at Bombay, see Ahmet Hamdi, *Hindistan, Swat ve Afghanistan Seyahatnamesi* (İstanbul: Mahmud Bey Matbaası, 1882/83), 11-12. See also discussions in Mehmet Saray, *Türk-Afgan Münasebetleri* (İstanbul: Veli Yayınları, 1984), 17; Özcan, 86; and Lee, 349.

21 For British perspectives on the mission as it passed through India, the main primary sources are split between the Indian National Archives in New Delhi and the India Office Records in London. Chief among them include: NAI-FD/SEC March 1878 208-209 ("Further information regarding the proceedings of the Turkish Mission to Kabul"), NAI-FD/GNL/B December 1913 44-47 ("Report regarding certain papers of the late Sir A.H. Layard connected with the Turkish mission to Kabul, 1877"), and India Office Records, London, United Kingdom, ORB.30 5502 ("Confidential Precis of the Principal Correspondence &c. Showing the Policy and Relations of the British Government Toward Afghanistan, April 1872-May 1879"). Ottoman, British, and Indian sources also tell us the names of a few other members who accompanied the mission. According to one report in the Indian national archives, for example, the chief members and positions of the Mission to Kabul included the following five Ottoman officers: "(1) Seyyid Ahmad Hulusi Efendi, Envoy; (2) Husayn Efendi, Consul-General at Bombay; (3) Ahmed Mundi Efendi, Consul; (4) Bala Efendi, Private Secretary; and (5) Wahim Efendi, Accountant and Treasurer." NAI-FD/Sec March 1878 208-209

haunted by the memory of the great 1857 Rebellion, British officials in London and Calcutta remained alert as to the potentially volatile effects of the Ottoman delegation's presence on India's Muslim populations, so much so that officers escorting the delegation through India operated under strict orders to stay clear of all "Mussulman concentrations," and to be vigilant for any signs of "firebrands," "mutineers", and "intrigue."<sup>22</sup> After a long and arduous journey through the Indian hinterlands of Sind and Punjab to the northwest Indian frontier, Hulusi Efendi and his companions finally crossed the Khyber Pass from Peshawar to Jalalabad, reaching Kabul on September 8, 1877.<sup>23</sup>

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("Further information regarding the proceedings of the Turkish Mission to Kabul"). We also know from their own published memoirs that Turkish journalists Şirvanlı Ahmed Hamdi Efendi and Mektubizade Ahmed Behai Efendi accompanied the mission. See Ahmed Hamdi, *Hindistan, Swat ve Afghanistan Seyahatnamesi* (İstanbul: Mahmud Bey Matbaası, 1300), as discussed in Baysun, 147-148.

22 For precisely these reasons, even before the Ottoman delegation had stepped foot on Indian soil, the British Secretary of State to the Government of India wrote in a memo to Calcutta earlier that summer, "I need hardly call your attention to the probability that, if the envoy is permitted to remain in any of the towns where a powerful Mussulman population exists, popular demonstrations will result, which may involve hazard to the public peace as well as be likely to give a false impression of the intentions of Her Majesty's Government. Your Excellency will best avoid this danger by arranging that the envoy should rest at places where the Mussulman element is not predominant in the population." NAI-FD/SEC March 1878 6-63. A similar message was conveyed in the The Government of India's memo from August 1877 to those responsible for the envoy's sojourn in India, stating that "Every care was to be exercised, consistent with politeness, to render the Envoy's stay in Bombay, and other populaous Mahomedan cities, as brief as possible, and His Excellency's journey through British territory quiet and unostentatious." NAI-FD/SEC March 1878 207, 1. Needless to say, the failure to take these warnings seriously resulted in all the more embarrassment for British officials as they escorted the visitors through thronging crowds in in Bombay.

23 NAI-FD/SEC 1878 70-145; NAI-FD/SEC March 1878 191-201 ("Gratification of the Sultan with the reception accorded to his Envoy to Afghanistan on his passage through India"). For Ottoman perspectives on the journey through India, the central Ottoman archives also contain a rich file of letters and notes dispatched by Hulusi Efendi concerning his mission's progress. These include a conversation with Khedive Ismail in Alexandria, a description of the clamorous reception with Bombay's Muslims, to Hulusi Efendi's conversations with Amir Sher 'Ali and officials of the Kabul court. These letters and primary sources provide more textured details of the events in Kabul than what he reported to the British. For example, the richest details on the Hulusi Efendi mission to Kabul from Ottoman sources are found in BOA-Y.A.HUS 159/14 (1294 Ş 01). Other reports in the Ottoman central archives,

### An Ottoman Jurist in the Kabul Court

Both Ottoman and British sources describe the historic meeting between the Afghan Amir Sher 'Ali Khan and the Ottoman envoy as a cordial exchange. On his reception in Kabul, for example, Hulusi Efendi is reported to have later remarked to British officials in India, "I was treated in Cabul with great respect. The Ameer commanded that due honor and courtesy should be extended to me. His Highness received me most amicably."<sup>24</sup> While we lack word-for-word transcripts of conversations, we learn from both *Bab-ı Ali* records and declassified British intelligence reports that Hulusi Efendi met with leading members of the Afghan *ulema* in the court of Amir Sher 'Ali Khan.<sup>25</sup> In addition to individual conversations between the Sultan's envoy and the Afghan amir, a series of letters were also exchanged between the two Muslim sovereigns—providing a direct channel for familiarizing the Afghan Amir with recent developments in the Ottoman

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including additional despatches from Hulusi Efendi to Istanbul during the 1877-1878 mission, are found in BOA-İ.HR 276/16873 (1295 C 05) and BOA-İ.HR 335/21534 (1295 C 21). The latter includes original stamps, envelopes, and cover letters used for correspondence between Hulusi Efendi and the Porte, mostly sent via Peshawar and Bombay. These sources have been closely examined by Dwight Lee (1941), Saray (1984; 1987) and Azmi Özcan (1997) in the aforementioned studies, but largely focus on the diplomatic aspects of the mission, rather than questions of legal or administrative exchange.

<sup>24</sup> NAI-FD/SEC March 1878 207, 7. Even on the occasionally dangerous passage through the Khyber Pass from Peshawar to Jalalabad, Hulusi Efendi reported no obstacles in their path. "The Khyberees acknowledge the Ameer's authority and paid me every respect in the press." Ibid. The same report narrates that the meeting began with an offering of gifts on behalf of the Ottoman Sultan, including a sacred hair from the Prophet's beard (*mu-i mubarak*), a symbolic act of solidarity which was reported to have "much pleased" the Afghan Amir.

<sup>25</sup> Ottoman accounts of the encounter between Ahmed Hulusi Efendi and Afghan amir Sher 'Ali Khan are found in BOA-İ.HR 276/16873 (1295 C 05) and BOA-İ.HR 335/21534 (1295 C 21), portions of which are recounted in Saray 1987, 61-63. For an alleged verbatim transcript of some of the conversations between the envoy and the Amir, see NAI-FD/SEC/March 1878 208-209 ("Further information not contained in the diary regarding the proceedings of the Turkish Mission to Cabul"). However, not being corroborated by other sources, it is difficult to ascertain the accuracy of these reports, which were often merely passed on from memory by British informants present in the Kabul court, quite possibly long after the actual events had transpired. We must also keep in mind the probability such reports could have been produced with an intention to please superiors in Calcutta, London, or Istanbul.

domains.<sup>26</sup> Most significant, however, are the revelations of British informants in Afghanistan at the time indicating that Hulusi Efendi was largely unrestricted in his movement in the capital, especially during the latter stages of their roughly three-week stay in Kabul. In contrast to the relative suspicion and confinement foreign visitors were often subject to while visiting Afghanistan in the nineteenth century, if we take these reports as authentic then it appears at the end of his stay Hulusi Efendi was granted a virtual *carte blanche* to meet with Afghan scholars, courtiers, and other Kabul elites.<sup>27</sup> In light of these circumstances, it is befitting to we ask: did Hulusi Efendi discuss with Afghan statesmen and scholars his participation in the Mecelle codification project, an endeavor he had devoted nearly the entire past decade of his life to?<sup>28</sup>

At the present state of historical scholarship on Ottoman-Afghan relations, more evidence is still needed to confirm precisely what kinds of exchange actually took place during the encounter between the Ottoman envoy and members of the Afghan Amir's government and scholarly classes. What I seek to highlight here, however, is that by emphasizing questions of the potential Afghan alliance

26 NAI-FD/SEC September 1878 48-49 ("Mitchell's Abstract"). According to Colonel Disbrow's summary, Hulusi Efendi is reportedly to have said in this regard, *inter alia*, "I am the bearer of three letters to the Porte, one to the Sultan, one to the Sadr-e Azim, and one to the Shaykh ool Islam. The three letters were all sealed and their contents were not made known to me." NAI-FD/SEC March 1878 207, 7. One of these letters from amir Sher 'Ali, and one from the Ottoman sultan to the amir, are provided in Baysun, 156-158.

27 See, by contrast, the memoir of Joseph Harlan, the first American in Afghanistan and a closely-watched visitor to the court of Amir Dost Muhammad Khan in 1838. Ben Macintyre, *The Man who Would be King: The First American in Afghanistan* (New York: Farrar, Strous, and Giroux, 2004). For a very different era but similar theme, see also the memoir of Roland Wild (1932), who visited Kabul during the Aman-Allah era (1919-1929). Roland Wild, *Amanullah: Ex-King of Afghanistan* (London: Hurst & Blackett, 1932).

28 A similar question arises with regard to the watershed Ottoman *Kanun-ı Esasi* of 1876 for that matter, arguably the first modern constitution in the Islamic world, and which was adopted just months before Hulusi Efendi's departure from Istanbul. As a liberalizing measure established to constrict the authority of the sultan, however, it is likely that a discussion of Ottoman constitutionalism would not have been as favorable to the ears of Amir Sher 'Ali as the codification of Hanafi *fiqh*. The latter, by contrast, would have more likely been interpreted as a potential centralizing measure that could empower, rather than weaken, the authority of the amir's government in Kabul, especially over the Afghan *ulema* and provinces.

with the Porte in the Russo-Ottoman war of 1877-1878, historians have tended to focus on the political and diplomatic dimensions of the encounter, as if in search of grandiose schemes of *pax Islamica*, at the expense of a closer examination of more subtle, more long-lasting kinds of exchange in the legal, administrative, and even “techno-political” fields.

As an elite Ottoman Islamic jurist, judge, and member of the *Mecelle* codification commission, one aspect of this official 1877-1878 encounter between the Ottoman and Afghan royal courts that has not been sufficiently examined is the juridical impact of Hulusi Efendi’s landmark meeting with the Afghan Amir and *ulema* of Kabul. Though we have precious little documentation of the exact content of conversations between Hulusi Efendi and Afghan scholars, we know that they took place immediately following his seven-year participation in the most renowned codification of Islamic law in modern history. In light of this background, it is possible, if not probable, that the topic of the Ottoman *Mecelle*, the Ottoman Constitution of 1876, or other momentous judicial projects taking place in the Sultan’s domains would have surfaced in the meetings between the two groups of Muslim scholars and statesmen. British sources lend support to this theory. After describing the failure of the mission to convince the Afghan amir to join the Ottoman war effort against Russia, at least one intelligence report goads us to consider an alternative form of Ottoman-Afghan entente achieved: the “many friends” Hulusi Efendi had made in Kabul.<sup>29</sup>

There are some reasons to suggest, therefore, that Hulusi Efendi’s intermingling with the notables of Kabul contributed to new kinds of conversations in Afghanistan’s royal court; among them: Islamic legal modernism, in which the codification of Islamic law, particularly the Hanafi school of jurisprudence, played a central role. That the earliest recorded projects for the codification of Hanafi *fiqh* in Afghanistan begins almost immediately after the Ottoman mission to Kabul, and within a decade of the *Mecelle*’s completion, lends support to this theory.<sup>30</sup>

29 NAI-FD/SEC May 1879 171-173 (“Ahmed Kholoussi Efendi’s Mission to Amir Sheyre Ali”).

30 For an overview of the codification projects launched by Amir ‘Abd al-Rahman during his two-decade reign, see M. Hasan Kawun Kakar, *Government and Society in Afghanistan: The Reign of Amir ‘Abd al-Rahman Khan* (Austin: University of Texas Press, 1979); Ashraf Ghani, “Islam and State-Building in a Tribal Society: Afghanistan 1880-1901” *Modern Asian Studies* 12 (1978): 269-284; and Ashraf Ghani, “Disputes in a Court of Sharia, Kunar Valley, Afghanistan: 1895-1890,” *International Journal of*



Still, the dearth of any concrete evidence displaying Ottoman-Afghan collaboration in this historic encounter seems to render any legal dimensions of Hulusi Efendi's mission to Afghanistan too obscure, and potential links between codification projects in the Ottoman and Afghan domains too tenuous to be conclusive of a substantive *exchange* taking place. After all, meetings do not equate influence, and as of yet we do not have indisputable "proof" of Hulusi Efendi impacting the Afghan Amir's ideas or that of his courtiers in juridical matters (nor can we ever assume "influence" is ever unidirectional). For more robust signs of Ottoman influence in the Afghan court during the late nineteenth century, we must turn to the *aftermath* of the Porte's 1877-1878 mission to Kabul. In Part II, therefore, we examine juridical developments in Afghanistan during the reign of Amir 'Abd al-Rahman Khan (1880-1901). It is the latter period, I argue, where developments internal to Afghanistan give us even more reason to consider the possibility of exchange between the Porte and the Muhammadzai amirs of Kabul in the last two decades of the nineteenth century.

## **II. Amir 'Abd al-Rahman and Codifying *Fiqh* in Afghanistan: Ottoman Models?**

In late autumn of 1878, for the second time in the nineteenth century, Britain invaded Afghanistan. Citing Russian infiltration of the Kabul court as *casus belli*, the British Indian government had already amassed Indian troops in the strategic border town of Quetta as early as 1876. In the months that followed, the Raj's imperial army won a series of decisive battles against a disorganized and splintered Afghan resistance in the northwest borderlands of India and southern Afghanistan. By 1879, Amir Sher 'Ali, the monarch who warmly received the first Ottoman envoy to Afghanistan just over a year earlier, abdicated amid the imminent occupation of Kabul by British forces.<sup>31</sup> By 1880, following a brief internecine power

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*Middle Eastern Studies* 15 (1983): 353-367. For a discussions indicating inspiration from the Ottoman Empire and Qajar Iran in Central Asian, Russian, and Afghan archives, see Amin Tarzi, "The Judicial State: Evolution and Centralization of the Courts in Afghanistan, 1883-1896," Ph.D. Diss. (New York University, Department of Middle East Studies, 2003), 277, 328-330.

<sup>31</sup> Thomas Barfield, *Afghanistan: A Cultural and Political History* (Princeton: Princeton University Press, 2010), 139-140; Amin Saikal, *Modern Afghanistan: A History of Struggle and Survival* (London: I.B. Tauris, 2006), 33-34; Louis Dupree, *Afghanistan* (Princeton: Princeton University Press, 1973), 406-407.



struggle, a new amir assumed the Afghan throne in Kabul. ‘Abd al-Rahman Khan (d. 1901), who would eventually earn the designation “Iron Amir” by Afghan historians and folk tales alike, proceeded to launch the most ambitious modern state-building project in Afghanistan’s history. Over the course of two decades, ‘Abd al-Rahman brutally consolidated his writ over the then-recognized territory of Afghanistan through a relentless process of “internal imperialism”, or series of domestic military conquests that included the violent repression of over one hundred tribal rebellions.<sup>32</sup>

In this section, we explore how the new amir of Kabul aggressively searched for the administrative hardware and expertise to govern his country with an iron-fist. While a small coterie of British and Russian experts enjoyed a presence in the Iron Amir’s court, less attention has been accorded to whether the Ottoman Empire was his model for a modern Muslim state. My goal is to augment the work of Hasan Kakar (1979), Ashraf Ghani (1978; 1983), and Amin Tarzi (2003) on the ‘Abd al-Rahman era with my own findings in regional archives, highlighting the understudied Ottoman role in the Iron Amir’s centralization campaign in Afghanistan during the last two decades of the nineteenth century.

### **The Iron Amir’s Campaign for Afghanistan**

Historians of Afghanistan are in general agreement that the first Kabul court to have established a centralized writ of authority across a formally demarcated and internationally-recognized territory was that of Amir ‘Abd al-Rahman Khan (r. 1880-1901).<sup>33</sup> The conventional reasoning is that it was not until the reign of “Iron Amir” ‘Abd al-Rahman that Afghanistan’s international borders were established and ratified by treaty, a proto-national army based on a combination of tribal levies and new modes of conscription was introduced, and the first country-wide

32 For a concise overview of ‘Abd al-Rahman’s campaigns, see Daniel Balland, “Afghanistan x. Political History,” *Encyclopaedia Iranica*, Vol. I, Fasc. 5 (1983): 547-558. Louis Dupree famously dubbed the Iron Amir’s centralization campaign as “internal imperialism”, a series of wars to crush tribal recalcitrants and incorporate them into a new centralized state system. Louis Dupree, *Afghanistan* (Princeton: Princeton University Press, 1980), xix.

33 These are precisely the central arguments of works focused on the Iron Amir’s reign, most notably by Kakar (1979), Ghani (1978; 1983), and Tarzi (2003), a point repeated in the more general survey works on Afghanistan. See, for example, Amin Saikal, *Modern Afghanistan: A History of Struggle and Survival* (London: I.B. Tauris, 2006), 35; Thomas Barfield, *Afghanistan: A Cultural and Political History* (Princeton: Princeton University Press, 2010), 151, 159.

codifications of law were promulgated, themselves designed for a rudimentary network of state courts established in the major regions of the country. As Daniel Balland has summarized,

‘Abd-al-Raḥmān also introduced innovations in the social and economic spheres... Internal exchange benefited from a campaign against highwaymen and an ambitious policy of constructing strategic roads, bridges, and caravanserais. A state monopoly extended meddlesome control over a large part of the country’s internal and external commerce. European industrial technology made a debut when the amir personally recruited English and Indian specialists to construct and direct a whole range of small civil and military industries.<sup>34</sup>

It is also important to not overstate the unprecedented aspects of Amir ‘Abd al-Rahman’s strategies for governing Afghanistan, however. Concerning Afghanistan’s earlier rulers in the nineteenth century, Christine Noelle and Asta Oelsen produced a rare pair of academic studies on the legal and administrative systems of Afghanistan before ‘Abd al-Rahman.<sup>35</sup> Among the rare sources from this period, in a western language at least, are the books and notes of Scottish statesman and historian Mountstuart Elphinstone (1779-1859), who was appointed as the first British envoy to the Kabul court in 1808. In Elphinstone’s classic travel log of early nineteenth century Afghanistan, he provided the following description of law in the “Kingdom of Cabul,” as the British Raj referred to the ruling Afghan Durrani dynasty.

<sup>34</sup> Balland, 547-58. It is worth mentioning that admiration for the ‘Abd al-Rahman Khan’s modern accomplishments, including internationally-recognized boundaries, maps, as well as a more regular taxation and conscription base, marginalizes the extreme violence with which he achieved these goals. The brutality of the Iron Amir’s repression is a consistent theme in each of the aforementioned works on the autocrat’s two-decade reign, particularly with regard to the Shi‘i Hazaras and other minorities in Afghanistan (though he hardly spared recalcitrants among his own Pashtun ethnic group from torture, forced displacement, and execution). For a summary of atrocities in this regard, see Barfield, 146-158 and Saikal, 36-39. In a parallel with the Hamidian regime in Istanbul, we might also note the ‘Abd al-Rahman Khan produced an unprecedented network for spying on dissidents. Barfield, 147.

<sup>35</sup> Christina Noelle, *State and Tribe in Nineteenth Century Afghanistan: The Reign of Amir Dost Muhammad Khan, 1826-1863* (London: Curzon Press, 1997); Asta Olesen, *Islam and Politics in Afghanistan* (Richmond Surrey: Curzon, 1995). For a summary of Muhammadzai dynasty founder Dost Muhammad Khan and his reigns (1826-1839; 1845-1863) in particular, see also Barfield, 111-129.

[The] general law of the kingdom is that of Mahomet, which is adopted in civil actions in the Ooloosses [Afghan interior and nomadic tribes] also; but their peculiar code, and the only one applied in their *internal* administration of criminal justice, is the Pooshtoonwulle, or usage of the Afghauns; a rude system of customary law, founded on principles such a one would suppose to have prevailed before the institution of civil government.<sup>36</sup>

We have in Elphinstone's observations a description of highly localized, "pre-centralized" Islamic legal principles intertwining with Pashtun social norms in Afghanistan. The synthesis between uncoded Islamic jurisprudence, or *fiqh*, and the diverse local customary law of Afghans (*urf*, *adat*, or *Pashtunwali*), is said to have characterized Afghanistan's legal system(s) in the rural, nomadic, and tribally-governed populations of the country from the establishment of the Durrani empire by Ahmad Shah in 1747, until 'Abd al-Rahman's top-down "Islamicization" campaign in the last two decades of the nineteenth century. Apart from scattered snapshots such as Elphinstone's diaries, however, no systematic study has been carried out of law and administration during the amirates preceding the Iron Amir. A major reason for this gap in the historiography is the relative paucity of archival sources in local languages that would provide a window into social life before the document-rich era of 'Abd al-Rahman's government. For this reason, historians and observers have often made the mistake of assuming that no legal system existed in Afghanistan before the reign of the Iron Amir.<sup>37</sup>

What remains undisputed among scholars, however, is that by the mid-1890s Amir 'Abd al-Rahman had established Afghanistan's national borders roughly as they are today through a series of agreements with the British Raj. Most prominent among them was the Durand Agreement of 1893, creating one of the world's most contentious, and porous, borders in the Durand Line.<sup>38</sup> Having compromised

36 Mountstuart Elphinstone, *An Account of the Kingdom of Cabul and its Dependencies in Persia, Tartary, and India* (London: Richard Bentley, 1839), 138. See also Christina Noelle, *State and Tribe in Nineteenth Century Afghanistan: The Reign of Amir Dost Muhammad Khan, 1826-1863* (London: Curzon Press, 1997), 469-75.

37 Christina Noelle's work on the Amir Dost Muhammad Khan era (1826-1863) is a rare exception addressing this historiographical gap.

38 Beyond the Durand Agreement of 1893, which established Afghanistan's eastern and southern borders with British India (today's Pakistan), the demarcation of borders continued with Persia to the west, and the amirate of Bukhara (annexed by Russia) to the north. Tarzi, 62, 306; Saikal, 36-37.

with the British on territory and populations (including relinquishing jurisdiction over nearly half of the region's Pashtun population who lived on the eastern side of the Durand Line), in exchange for internal sovereignty, Amir 'Abd al-Rahman focused his energies on extending a writ of authority throughout the newly defined territory of Afghanistan. By 1896, after a decade and a half of brutal repression and state terror, the Iron Amir had succeeded in bringing all regions of Afghanistan under the mandate of his central authority in Kabul.

### **Tools of the Trade: A Closer Look at Nineteenth Century Afghan State-building**

Perhaps the most apt representation of the Iron Amir's consolidation of state authority over the entire territory of Afghanistan lies in the first recorded official government map of the country, published in Kabul in 1898. By including and labeling areas that were previously autonomous regions of Afghanistan as now "provinces" of the Amir's kingdom, the map signaled the extension of uniform laws to the entirety of the territory and population, not to mention reaping the additional benefits of taxation and conscription.<sup>39</sup> Illustrated with captions, the map was accompanied by a personalized message from the amir, which was duly read out aloud in cities and towns across Afghanistan. As anthropologist David Edwards has observed, given that over ninety percent of the population was illiterate, it was the image on the document that mattered.<sup>40</sup>

Internally, one of the first attempts to establish a country-wide division of provinces and districts was the manual for governors, *Kitabchah-i Hukumati* (The Book of Government), published during the middle of 'Abd al-Rahman's reign. The Book of Government is one of the first official government publications to fix the number of Afghan provinces at five—Turkestan, Qataghan and Badakhshan, Kabul, Qandahar, and Herat—a rudimentary division representing major ethnic-linguistic and economic zones of the country still used today.<sup>41</sup> Notably, more detailed and accurate maps of Afghanistan in Ottoman Turkish also emerge in

<sup>39</sup> Tarzi, 103.

<sup>40</sup> For a copy and informative discussion of the landmark map in historical context, see David B. Edwards, *Heroes of the Age: Moral Faultlines on the Afghan Frontier* (Berkeley: University of California Press, 1996), 79-84. As Edwards notes, the map was accompanied with a supplementary text for reading aloud in the public squares of major towns.

<sup>41</sup> Tarzi, 126-127. See also Barfield, 43, and 47-53.

the Porte's Foreign Ministry records at this time. The particularly "new" aspects of these maps was the inclusion of the lesser known northern areas along the northern border with Turkestan.<sup>42</sup>

While Amir 'Abd al-Rahman had succeeded in demarcating the external boundaries of the country, and devising provincial demarcations on paper, establishing de facto central government control over everyday administration outside of Kabul proved to be a far more thorny project in practice. To consolidate his internal authority over the diverse patchwork of urban and nomadic populations within the territory, 'Abd al-Rahman constructed a vast network of Islamic law codes and courts. On the "Shari'a courts" of 'Abd al-Rahman, the works of Ashraf Ghani and Amin Tarzi go the farthest in examining how these foundational state institutions—at both the capital and provincial level—contributed to building the modern national state of Afghanistan.<sup>43</sup> Most recently, Amin Tarzi's breakthrough study of 2003 accesses Russian, Uzbek, and Afghan archival records from the 1880s and 1890s to provide a detailed "blueprint" of Amir 'Abd al-Rahman's internal conquest of Afghanistan beginning with his exile in Central Asia. Utilizing unexamined royal decrees (*firman*s), autobiographical notes, administrative law codes, and secret correspondence with local administrators in Khost and Kuhdaman provinces, Tarzi argues that a key pillar of Tarzi's 'Abd al-Rahman's centralization campaign were a series of legal and administrative codes through which he sought to introduce greater efficiency, surveillance, and streamlining of the government machinery to an unprecedented scale in Afghanistan.

Ashraf Ghani's works, on the other hand, still bear the unmatched distinction of being the first and only studies to access provincial court records in Afghanistan of the late nineteenth century, offering a rare glimpse into Amir 'Abd al-Rahman's centralization campaign in local action. Ghani argues that for the Iron Amir, Islam was not just the religion of the vast majority of Afghans, but the fulcrum upon which he would simultaneously propel, impose, and negotiate his state centralization agenda. For the first time ever, according to Ghani, an Afghan ruler imposed an interpretation of the *Shari'a* (here: a highly streamlined codification of Hanafi *fiqh*) as the supreme law of the land. This was over and above competing legal systems, namely the pluralistic tribal customs of Afghanistan's diverse

42 Notably, Ottoman maps of Afghanistan from this period continue to refer to "Afghan tribes" (*Afgan kabileleri*), rather than simply the amirate of Afghanistan. See, e.g., BOA-Y.PRK.TKM 26/7 (1310 M 10).

43 Tarzi (2003); Ghani (1978; 1983).

ethno-linguistic groups and tribes (or, as the Iron Amir was apt to point out, the “arbitrary” whims of unreliable local governors). Ghani shows that a primary means of achieving this goal were the institution of uniform courts and codes across the social and cultural patchwork of the country.<sup>44</sup>

As *both* Ghani and Tarzi argue, what is clear from both works is that Amir ‘Abd al-Rahman utilized Islamic legal discourse to canvas, implement, and extend his centralizing, state-building program to areas of the country that historically governed their own affairs independent of Kabul.<sup>45</sup> Having introduced the broadest achievements of ‘Abd al-Rahman’s centralization and state-building campaign through the major academic studies on his era, we now turn to a yet unexplored question surrounding the emergence of these codes: their sources of inspiration.

### **A Westward Gaze... to Istanbul?**

During the two-decade reign of Amir ‘Abd al-Rahman, Ottoman-Afghan ties were never formalized to the degree of official relations. Kabul’s diplomatic stasis with the Porte was in line with the amir’s treaty obligations which relegated Afghanistan’s foreign affairs to the jurisdiction of the British Raj. As other evidence will show, however, British restrictions on Afghanistan’s foreign affairs did not prevent Amir ‘Abd al-Rahman from modeling many of his administrative measures on Ottoman state practices, even without official ties to the Porte. While research in the central Ottoman archives in Istanbul have not as yet revealed any examples of official diplomatic relations between the Porte and Amir ‘Abd al-Rahman, we turn to an alternative method of tracing indirect exchange: records in the Afghan National Archives of the books published about the Ottoman Empire during his reign.

Beginning in the early 1880s, Amir ‘Abd al-Rahman published a number of works on Ottoman statecraft and administration, including new forms of military training and bureaucratic practices found in the Sultan’s domains. The following

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44 Ghani, “Islam and State-Building,” 269-284; Ghani, “Disputes in a Court of Sharia,” 353-367. See also the informative review of Ghani’s work in Tarzi, 17.

45 In this regard ‘Abd al-Rahman’s vision for a consolidated administrative structure that reached uniformly and deeply into Afghan provincial society correlates to Weberian theories of modern state formation—in particular, the transition from “patriarchal and patrimonial” notions of rule to a “technical and effective bureaucratic system,” with “rational” or “legal” authority replacing “traditional authority” in the process.

section will focus on three of the most prominent of these works: *Asas al-Qadat* (1883/84), or “Fundamental Rules for Judges”; *Sar-rishtah-i Islamiyah-i Rum* (1886/87), or “The Islamic Administration of the Ottoman Empire”; and finally, *Kitab-i Jang-i Rum wa Rus* (1888), or “The Russo-Ottoman War.”

### A Tale of Three Texts

The primary mode of Amir ‘Abd al-Rahman’s Islamic legal modernist project took the shape of codifying Hanafi *fiqh* into bounded, “user-friendly” books and manuals for Afghan judges. The purpose of the streamlined manuals was to implement transparent, pre-established, and government-authorized rulings of law and procedure in a network of state courts established in major regions of the country. The background context of these manuals, as described above, was to provide a key tool of judicial centralization by which ‘Abd al-Rahman would employ in his campaign to impose uniform rule throughout his kingdom. A representative example of such an “Islamic law code” is *Asas al-Qadat*, a manual for judges compiled in 1883-1884 by the Hanafi jurist and scholar of Qandahar, Mawlawi Ahmad Jan Khan Alkuzai.<sup>46</sup> The code is designed for Afghan judges and other juridical personnel in the country’s newly established network of “Shari’a courts.” In some important structural and aesthetic respects, the text is strikingly similar to the books comprising the Ottoman Civil Code, or *Mecelle-i Ahkam-i ‘Adliye*. With its vertical alignment of numbered articles, followed by a concise statement of the rule and only brief mention of original jurisprudential source—almost always a canonical text of the Hanafi school of *fiqh*—the Fundamental Rules for Judges manual served to streamline the everyday administration of the state courts, replacing reliance on traditionally-trained *fuqaha’* with bureaucrats of the Iron Amir’s state.<sup>47</sup>

46 Ahmad Jan Khan Alkuzai, *Asas al-Qadat: sharh-i huquq wa jaza* (Kabul: Matba’ah-i Dar al-Saltanah, 1303 [1885/86]).

47 For example, see page 20 of *Asas al-Qadat*, where following the statement of a rule, the article merely cites the famed Hanafi compendium from the late Mughal Empire, “*Kitab-i ‘Alamgiri*” (also known as the *Fatawa-i ‘Alamgiri*, or *Fatawa Hindiyya* outside India) as the source of the rule. As for the social ramifications of bureaucratic functionaries replacing traditionally-trained Hanafi jurists and jurisconsults, this would also be a parallel with the *Mecelle* and other projects of legal codification in the Ottoman Empire. On the latter, see, e.g., Avi Rubin, *Ottoman Nizamiye Courts: Law and Modernity* (New York: Palgrave Macmillan, 2011).



As a late nineteenth century “code” of civil procedure, *Asas al-Qadat* is also the first recorded attempt by the government of Afghanistan to extend a regularized judicial system over the entirety of the country *and* thereby codify Islamic jurisprudence of the Hanafi school as the official law of the state. The rules in the *Asas al-Qadat* are comprehensive, with details ranging from which opinions of the Hanafi school were to be determinative in a given type of case, to where and how far apart the parties were required to sit in court. Akin to the *Mecelle*, this work provided a means of consolidating and “uniformizing” law throughout the territories subject to the Kabul’s jurisdiction. As we will also see, it was not the only one. While *Asas al-Qadat* is not explicit in its reliance on Ottoman models of law or administration, other texts produced by the Kabul government at this time certainly were.

That Ottoman administrative practices were a source of inspiration for Amir ‘Abd al-Rahman’s centralization program is even more evident in the Kabul government’s production of a work devoted exclusively to the administrative structures and practices of the Ottoman Empire, also known as *Rum* in nineteenth century Afghan state parlance. Between 1886 and 1887, less than a decade after Ahmed Hulusi Efendi’s visitation of the Kabul court, Amir ‘Abd al-Rahman commissioned the publication of *Sar-rishtah-i Islamiyah-i Rum*, or The Islamic Administration of the Ottoman Empire.<sup>48</sup> Amin Tarzi, who has describes the purpose of the text as providing a prestigious example to Afghanistan’s heterogeneous population of tribes and ethnicities of “how other multi-ethnic Islamic governments have dealt with the threat of attack.”<sup>49</sup> Indeed, the work makes specific parallels between the multi-ethnic dimensions of the Ottoman Empire and the amirate of Afghanistan, together with a shared sense of “encirclement” by hostile adversaries. In this context, the need for a powerful, disciplined and professional army to protect the homeland emerges as a key structural parallel in the Iron Amir’s state-building campaign and that of the Porte’s earlier nineteenth century reforms, where “the Ottoman sultan is said to have gathered all constituencies in his empire and imposed special levies on them to finance his military.”<sup>50</sup> Tarzi further elaborates

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48 Mir Muhammad ‘Azim Khan, *Sar-rishtah-i Islamiyah Rum* (Kabul: Dar al-Saltanah, 1304 [1886/87]).

49 Tarzi, 328.

50 Ibid. Here, we see a three-pronged reasoning to Amir ‘Abd al-Rahman’s reliance upon the Ottoman model: ethnic diversity of subjects, the threat of external attack, and finally, the need for a unitary, professional army to both unite the population and defend the realm from that attack.



with an example of *how* the book cites the Ottomans as a model for the Iron Amir's own centralization program, as follows,

In *Sarrishtah-yi Islamiyyah-yi Rum*, a publication dated 1886/87, the amir calls on his people to emulate the example set by the Ottomans in organizing a strong military force. He addresses his people as: 'O people of Afghanistan, who are Durrani and Ghilja'i and Persian-speakers and Hazaraks and Turks, you all belong to Afghanistan, and are all believers and Muslims.'<sup>51</sup>

Addressing the various tribes and ethnic groups of the country as belonging to a single demarcated territory of Afghanistan, The Islamic Administration of the Ottoman Empire calls for a unitary state whereby all Afghans were subordinate equals to their lawful sovereign, the Amir. Though ostensibly a book on Ottoman Turkey, the structural and discursive parallels the work makes between the "Islamic administrations" of the Istanbul and Kabul tell us more about what the Iron Amir was seeking to achieve, and *how*, in Afghanistan, than anything about the domain of the Ottoman sultans.

A third major publication commissioned by Amir 'Abd al-Rahman on Ottoman state practice was a book titled after the Russo-Ottoman war of 1877-1878.<sup>52</sup> Appearing to be a translation of an unacknowledged European work, *Kitab-i Jang-i Rum wa Rus* again cites the Ottoman Empire as an "Islamic" model for modern governance and statecraft *par excellence*. At the same time, the work contrasts the Afghan and Ottoman domains from British India, where India's Muslims are described as being deprived of the guardianship and guidance of a Muslim sovereign. Here, the point was not so much to lament the plight of Indian Muslims following the catastrophe of rebellion in 1857, but rather to impress on his own subjects the importance of unflinching loyalty to their amir.

Some general reflections on all three works are in store. In each of the above works commissioned by Amir 'Abd al-Rahman's government press at Dar al-Saltanah, Kabul, we see Afghan authors citing the Ottomans not so much out of filial piety, and certainly not romantic notions of *pax Islamica*, but for specific administrative and juridical models of reform that had the added benefit of being associated with the house of the caliphate and most powerful Muslim state in

<sup>51</sup> Ibid, 150.

<sup>52</sup> Gul Muhammad 'Abd al-Subhan Muhammadzai, *Jang-i Rum wa Rus* (Kabul: Dar al-Saltanah, 1308 [1888]).

the world. Brutally repressive with his dissidents, be they in the provinces or his own court, Amir ‘Abd al-Rahman was not invincible; he was keen to shore up legitimacy for his reign and radical state “Islamicization” campaign when he could. This was especially the case with the Afghan *ulema* establishment, to whom even absolute rulers like Amir ‘Abd al-Rahman was occasionally bound to respect, if only out of realizing his own authority hinged on their accepting him as a Muslim sovereign.<sup>53</sup> Here, drawing from the Ottoman example provided the dual benefits of pushing a blueprint for modern centralizing reforms while still being seen as legitimately “Islamic” in light of Afghan reverence for the Ottoman sultan and his empire (a sentiment amply expressed during Hulusi Efendi’s reception in Kabul, for example). While it cannot be assumed Amir ‘Abd al-Rahman was *solely* looking to the Ottomans for inspiration in building a strong, centralized Muslim state, my goal here is complicate historiographical tendencies to presume Amir ‘Abd al-Rahman was exclusively or “naturally” looking to the British or Russians as the inspiration and models for his state-building campaign.

On this note, we might contrast ‘Abd al-Rahman’s enthusiasm for authoring and translating works on the Ottomans, and indeed explicit references to the military and administrative practices of the Porte, with the relative silence when it comes to emulating British Indian models of law and governance, at least public so. As a case in point, one summer day in July 1895, when the British Agent in Kabul queried his superiors in Calcutta as to whether it would be a prudent idea to offer the British Indian Jail Manual to the Amir for his perusal and possible use in his own administration of criminal law, W.J. Cunningham, Deputy Secretary to the Government of India, was forthright in his criticism. In a memo he penned to the British Agent at Kabul on July 18, 1893, Cunningham offered the following response concerning the suggestion of presenting a Persian translation of the British Indian Jail Manual to the amir’s court,

The only objection to this proposal which suggests itself is that His Highness may regard your action as an insidious attempt to interfere with his internal administration. I am to ask if you have considered your proposal from His point of view.<sup>54</sup>

<sup>53</sup> The complex relationship between Amir ‘Abd al-Rahman and the Afghan *ulema* is a topic that needs more study, exceptional works by Kakar, Ghani, Edwards, and Tarzi notwithstanding. For a revealing synopsis of British perceptions of the Amir’s relations with the Afghan *ulema*, which cannot be outright dismissed as aberrant so much as they reveal the complexity of those relationships, see NAI-FD/Dec/F April 1891 164-179 (“Relations of the Amir with Religious Characters, &c.”).

<sup>54</sup> NAI-FD/FRNT/B Aug 1893 207-209 (re presenting translation of Indian Jail Manual to the Amir of Afghanistan).

We learn from the remainder of the declassified intelligence file that the British Agent at Kabul rescinded his idea, citing the Deputy Secretary's foresight which apparently had not occurred to his own mind before. This incident also displays the jealousy with which Amir 'Abd al-Rahman was seen to guard matters of state and internal administration in his kingdom, such that British officials were wary to even make *suggestions* concerning the management of his country and court.<sup>55</sup>

**Amir 'Abd al-Rahman, Sultan Abdülhamid:  
Some Comparative Reflections**

The three texts described above, originals of which rest in the Afghanistan National Archives in Kabul until this day, inform us that Amir 'Abd al-Rahman of Afghanistan held a deep respect, admiration even, for the Ottoman sultans and the vast empire they governed. At the same time, Afghanistan never shared a frontier with the Ottomans (with the exception of a brief interval following the short-lived Hotaki dynasty's capture of Isfahan), did not compete for limited strategic resources with the Porte, and never lived under Ottoman suzerainty. The latter partially explains the relatively more cordial relations Afghan rulers shared with the Ottomans, as compared to regional Muslim rivals in the early modern world, such as Safavid Persia, the Bukharan khanates, or Mughal India.

In the late nineteenth century, physical and diplomatic distance from the Istanbul court notwithstanding, there are indications that the high degree of respect paid to the Ottoman sultan by Amir 'Abd al-Rahman stemmed from a personal belief in the legitimacy of Ottoman claims to the caliphate, as well. In a letter from the Indian archives dated January 10, 1883, Qadi 'Abd al-Qadir Khan, a resident of Peshawar visiting Kabul, reports the Amir to have said in private conversation with his close advisors Dabir al-Mulk and Khan-i Mulla Khan, that "I or the Sultan of Turkey must be considered to be the head of Islam," citing sectarian differences with Shi'i Iran as the primary reason why the Persian Shah could not assume the position.<sup>56</sup> If true, such words would illustrate the reverence with which 'Abd al-Rahman spoke of Sultan Abdülhamid II, underscoring the amir's view that together the pair constituted the premier Muslim sovereigns of the age.

Nor should we be surprised by Amir 'Abd al-Rahman's symbolic gesture to the Ottomans in this regard. It is during the overlapping reigns of Abdülhamid

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<sup>55</sup> Ibid.

<sup>56</sup> NAI-FD/SEC/E Feb 1883 211 ("Peshawar Confidential Diary No. 2 of 19<sup>th</sup> of January 1883").

II and the Iron Amir ‘Abd al-Rahman Khan that we see a substantive increase in the flow of pilgrims, scholars, and sufis traveling between Ottoman domains—particularly Syria, Iraq and the Hijaz—and Afghanistan.<sup>57</sup> While the enhanced ability for Asian Muslims to travel and communicate across political boundaries does not by itself connote a strengthening of political ties between Istanbul and Kabul—the advent of modern innovations like the telegraph, transcontinental railroads, and steamship play a greater role here than any pan-Islamic impulses on the part of either sovereign—nevertheless improved technologies of transportation and communication increased the opportunity for contact and exchange.

While this article has focused on the question of legal and administrative exchange between the Ottoman Empire and Afghanistan in the late nineteenth century, we might also ask what *other* kinds of entente—or simply, a mutual convergence of interests—were being formed between the Istanbul and Kabul courts at this time? It is during this same period, for example, that we see both Ottoman and Afghan *ulema* condemning “Wahhabi” doctrines which challenged the authority of the four traditional schools of Sunni law, not to mention the Ottoman caliphate itself.<sup>58</sup> Though the Ottomans had crushed the initial Wahhabi revolt in eighteenth century Arabia, the movement would experience a revival in the next century, with a return of attacks on Ottoman state institutions and local sufi mausoleums. Reflecting the shared ideological concern about the rise of Wahhabism, Ottoman *ulema* writing during the Abdülaziz and Hamidian eras as well as scholars in Amir ‘Abd al-Rahman’s court published vehement tracts against Wahhabi doctrine and practices. In the lengthy treatise of theology and law *Taqwim al-Din*, for example, first published in Kabul by Mawlawis Mir Muhammad ‘Azim Khan and ‘Abd al-Razaq Dihlawi in 1884, with a second edition by a certain Mullah Abu Bakr and twelve other Afghan *ulema* in 1886, the third and final section of the book is devoted to a refutation of the Wahhabis.<sup>59</sup> Shorter proclamations were also published and circulated by the Amir ‘Abd al-Rahman’s

57 Hamid Algar, “*Tarîqat* and *Tariq*: Central Asian Naqshbandîs on the Roads to the Haramayn,” in Alexandre Papas, Thomas Welsford and Thierry Zarcone, eds., *Central Asian Pilgrims: Hajj Routes and Pious Visits between Central Asia and the Hijâz* (Berlin: Klaus Schwarz Verlag, 2012), 54.

58 For example, see NAI-FD/FRNT/A Feb 1888 30-31 (“Proclamation sent from Kabul for distribution in the Qandahar district about the Wahabis”) This document includes a translation of ‘Abd al-Rahman’s condemnation of Wahhabi doctrines.

59 Tarzi, 328-329. The said work is Mulla Abu Bakr, Mir Muhammad Azim Khan, and ‘Abd-al-Razaq Dihlawi, *Taqwim-i Din* (Kabul: Dar al-Saltanah, 1306 [1888/89]).

government, including one preserved in the Indian national archives today and originally distributed in Qandahar.<sup>60</sup> These books and proclamations share direct parallels with a work published by none other than the esteemed chief editor of the Mecelle and Ottoman “transitional” jurist Ahmed Cevdet Paşa (1822-1895), who presented a stalwart defense of traditionalist *ehl-i sünnet vel cemaat* creed and a scathing critique of the Wahhabi movement and ideology in *Ma‘lumat-i Nafi‘a*.<sup>61</sup> More than just sectarian polemics, these Afghan and Ottoman works present a shared ideological world of traditionalist Sunni Islam, benevolent monarchy (*à la* Sultanate/Amirate), and government expectations for total obedience under the rubric of preserving the sublime domains from threats, external and internal.

Finally, though we do not see another mission the likes of the 1877-1878 delegation led by Ahmed Hulusi Efendi for the remainder of the nineteenth century, nevertheless Ottoman and British Indian archival records for this period do record instances of Ottoman and Afghan subjects traveling to and from each other’s states, as well as private correspondence between the Istanbul and Kabul courts. An 1896 intelligence file from the British Indian Foreign Department, for example, citing a report by a certain “Almond Agent at Peshawar”, claims to have intercepted news that Sultan of Turkey conferred the honorific title of “*Ziyaüddin Gazi*” upon Amir ‘Abd al-Rahman of Afghanistan. The report continues to describe how the ‘Abd al-Rahman, upon hearing the bestowal of the title, “has held great rejoicing and received *nazars* in memory of this honour.”<sup>62</sup>

The anecdotal impression of a Peshawari “almond agent” informant’s report aside, supplementary reports indicate that the Afghan amir not only received such a title, but took it to heart, using it in official *firman*s and diplomatic correspondence almost immediately. The envelope of a letter found in the Indian

60 The proclamation was issued from Kabul in 1888 under the reign of Amir ‘Abd al-Rahman, describing, criticizing and condemning Wahhabi doctrines, and a translation can be found in NAI-FD/FRNT/A Feb 1888 30-31 (“Proclamation for distribution in Qandahar district about Wahabis”).

61 Cevdet Paşa’s original text in Ottoman Turkish has been recently transliterated and republished as *Faideli Bilgiler* (İstanbul: Hakikat Kitabevi, 2010). See chapter 6, “Vehabilik”, 57-86. On Cevdet Paşa’s unique training and professional history as a late Ottoman “transitional”, see Richard L. Chambers, “The Education of a Nineteenth-Century Ottoman Alim, Ahmed Cevdet Paşa.” *International Journal of Middle East Studies* 4 (1973): 440-464.

62 NAI-FD/SEC/F Oct 1896 166-186 (“Assumption by His Highness the Amir of Afghanistan of the title “Zia-ul-Millat-wad-Din”).

national archives, sent from Amir ‘Abd al-Rahman to the Viceroy of India also in 1896, for example, boasts the following words written on the outside, “From His Highness the Amir, Zia-ul-millat-wad-din, Independent King of the dominions of Afghanistan.”<sup>63</sup> The apparent immediate use of a title reported to have been granted by the Ottoman sultan on the Afghan amir would seem to indicate an even stronger relationship than has previously been assumed.

### The Question of Iran

While the Ottoman sultans may have enjoyed a privileged position in the eyes of many Afghan amirs, they certainly did not constitute the only or even premier Muslim sovereigns whom Afghan rulers historically engaged with in the region. From the fifteenth and sixteenth century Pashtun dynasties of the Lodi and Suri kingdoms in northern India, to the foundation of a pan-Afghan state in the eighteenth century, Afghan rulers corresponded with, warred against, and occasionally allied with rival Muslim monarchs and princes in India, Central Asia, and Iran. As far as the Qajar shahs of Iran are concerned—arguably the penultimate Muslim power in the late nineteenth century after the Ottomans—we also have much to learn with regard to the extent and nature of ties between the Tehran and Kabul courts. While some may propose that sectarian differences played a “natural” role in preventing any substantial episodes of Perso-Afghan entente at this time—Amir ‘Abd al-Rahman notoriously persecuted the Shi‘i Hazaras of central Afghanistan, for example—it is more likely Afghan (and British) suspicion of Russian influence in the Qajar court was dispositive in obstructing ties between the two Persian-speaking sovereigns. Nevertheless, scattered evidence in regional archives reveal correspondence between Afghan amirs and Qajar shahs continued through the reign of ‘Abd al-Rahman Khan, presenting yet another historiographical lacuna in the study of Afghanistan’s foreign relations during the late nineteenth century.<sup>64</sup>

63 Ibid.

64 For example, British Indian Colonel C.J. Windham’s declassified *Precis on Afghan Affairs*, a compendium of the Raj’s intelligence files on Afghanistan from the 1880s until the eve of World War and currently housed in the India Office Records of London, contains reports of correspondence between Qajar statesmen and Amir ‘Abd al-Rahman. For instance, an entry entitled, “The Amir ‘Abd al-Rahman receives Persian Envoys at Kabul”, describes the following January 1883 exchange: [T]he Amir ‘Abd al-Rahman sent the Governor of India a copy of some correspondence which had recently passed between himself and the Prince Governor of Mashhad (the brother of the Shah). The correspondence consisted of a letter from the Prince to the Amir,

## Conclusion

In light of the remarkable but largely overlooked legal background of the first official Ottoman envoy to Afghanistan, Ahmed Hulusi Efendi, this article began by raising questions about the potential juridical dimensions of the envoy's visit to Kabul in 1877-1878. The latter includes possible links between Hanafite legal codification projects taking place in the Ottoman Empire and Afghanistan at nearly the same time. Still, the dearth of concrete evidence of collaboration from this encounter might render any legal dimensions of Hulusi Efendi's encounters in Afghanistan too obscure, and potential links between codification projects in the Ottoman and Afghan domains too tenuous to be conclusive of substantive exchange taking place. We therefore turned to juridical developments in Afghanistan in the years immediately after the Ottoman mission, which I argue give us more reason to consider instances of exchange between the Porte and the Barakzai amirs of Kabul in the last two decades of the nineteenth century.

In 1879, Amir Sher 'Ali, the Afghan monarch whom the Porte attempted to build a Pan-Islamic entente with against the Russian Empire, abdicated in the face of mounting British intervention in the Afghan frontier. In the second part of the article, we explored how a new amir in Kabul, 'Abd al-Rahman Khan (r. 1880-1901), launched a tireless pursuit for the administrative hardware and expertise to govern his country with an iron-fist. There is evidence to suggest the "Iron Amir"—as Afghan historians are apt to remember him—looked to the Ottomans with admiration as a modern Muslim state *par excellence* for his greatest inspiration. Within five years of the first Ottoman mission to Afghanistan, the new Amir in Kabul 'Abd al-Rahman Khan (r. 1880-1901) was commissioning works based on Ottoman models of administration, military science, and statecraft, including "Mecelle-esque" codifications of Hanafi *fiqh* in Afghanistan not seen in any period of the country's history before.

To date, scattered works by historians of Afghanistan have hinted that the country's rulers held the Ottomans in high esteem, perhaps even serving as models for various Afghan state practices. Senzil Nawid, for example, in her outstanding study of the Amanullah Khan (Emanullah Han) era of twentieth century Afghanistan, has described the Kabul palace's establishment of *ghulam-bachas* (court pages)

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sent by the hands of a special messenger (Saiyid Bakhir) in order 'to open the doors of communication and correspondence' between them. IOR-L/PS/20/42 *Precis on Afghan Affairs*, by Lieutenant-Colonel C.J. Windham (para. 329, p. 416).



as “an example of Turkish influence... inspired by the Ottoman janissary system.”<sup>65</sup> While the parallels may be many, historical evidence linking communication, correspondence, and exchange between Istanbul and Kabul has been spotty or even lacking. I have argued here nonetheless that there are promising avenues to bolster such claims of exchange beyond the realm of speculation.

At the present state of historical scholarship, one thing is certain: more research is needed to uncover the precise kinds and frequency of exchanges between the Ottoman Empire and Afghanistan during the long nineteenth century. Until then, at the very least, examples of Ottoman contact and exchange with the amirs of Kabul should challenge notions of Afghanistan’s nineteenth century history that rely too heavily on the hackneyed paradigm of an Anglo-Russian “Great Game” competition, particularly where British and Russian envoys are presumed to be the only sources of expertise—or inspiration—in the court of Kabul.

*Istanbul and Kabul in Courtly Contact: The Question of Exchange between the Ottoman Empire and Afghanistan in the Late Nineteenth Century*

**Abstract** ■ In 1877, Sultan Abdülhamid II selected the Islamic scholar and jurist Ahmed Hulusi Efendi to lead an official Ottoman delegation to Afghanistan. In spite of being the Porte’s first official envoy to Kabul, little is still known about Hulusi Efendi’s background and the impact of his mission beyond the fields of Ottoman diplomacy and foreign relations. The article first provides a biographical window into Hulusi Efendi’s life before his journey to Afghanistan, including his appointment to a number of eminent posts in the nineteenth century Ottoman juridical field, among them the elite law commission which produced the landmark *Mecelle*. Turning to his Afghan mission, the study utilizes Ottoman, British Indian, and Afghan archives to evaluate unexplored legal dimensions of Hulusi Efendi’s visit to Kabul, while suggesting avenues for future research, including the links between Islamic codification projects taking place in the Ottoman Empire and Afghanistan at nearly the same time.

**Keywords:** Afghanistan, Afghans, Kabul, pan-Islamism, Ottoman law, Islamic law, Hanafi jurisprudence, codification, *Mecelle*

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65 Nawid, 78.



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