



The Concept of Justice in Turkish Administration Tradition: A Theoretical and Factual Analysis

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ABSTRACT

Justice is an important need that emerges with social life and must be met to ensure the sustainability of this life. Conceptually, justice has been handled theoretically by those dealing with legal and political philosophy and practically by statesmen and administrators. Societies have tried to explain the concept of justice within the formalism of their own beliefs. Today, the influence of beliefs in understanding and analyzing the concept of justice has diminished, and it has been replaced by laws and ideologies that are the product of human reason. This understanding of justice has not ended the atrocities in the world; it has not put an end to conflicts and disputes, war, destruction, hunger and misery; on the contrary, it has caused them to increase and deepen day by day.

If the nations of the world agree on and implement a global definition of justice, perhaps all this chaos could come to an end. However, a global definition of justice cannot be made. The reason why such a definition cannot be made is the social dynamics arising from different social life. These dynamics make societies different from each other, leading them to have a unique life and to develop different conceptual definitions of the same phenomenon. It has been observed that the concept of justice is defined in a unique way by societies living in different geographies within the same time period, and that this definition changes in different time periods in the same societies.

This study is based on the course of the definitions made by the ancient Turkish society regarding the concept of justice in the historical process, the place of an original definition in the Turkish State Tradition, its connection with the present day and the definition of justice to be transferred to future generations.

Keywords: Concept of Justice, Turkish State Tradition, Siyasetname, Public Administratio.

1. Introduction

Every society needs a unique definition of justice. It can be said that this need aims to solve the problems encountered in the adoption and implementation of justice or to solve the problems encountered.

When justice is considered as a social need that needs to be met, it is important for the diagnosis of the problem to make a correct and appropriate definition in determining the ways and methods to realize it. However, this definition should not be an adaptation of the definitions of justice made by different societies for themselves. Such an adaptation may be interpreted as ignoring the historical accumulation of the society in which you live and the differences in its cultural and social structure.

Today, there is an attempt to create a dominant global culture that emerged with globalization movements and includes acceptable elements of local culture. It may be a better approach not to be assimilated in this global culture and to take place by preserving our essence. Therefore, a definition of justice according to the society we live in may not find a place in the global culture. In such a case, rather than imposing a global definition of justice, societies can create their own definitions of justice and then a global definition of justice can be validated based on similarities rather than differences. First of all, how our own culture defines justice should be investigated.

Justice is seen as an element that ensures the continuation of social life in peace and security. The problems encountered in social life are generally characterized as injustice by the individuals forming the society. While individuals can easily perceive injustice in social life, their perception of justice is not so easy. The formation of this perception has been tried to be achieved through the works brought to the society by administrators who have sometimes held important positions and sometimes by scientists. Based on these works, important information on how societies define and apply the concept of justice can be obtained. In the light of this information, the definition and implementation of global justice can be provided.

Although there is no original study on how Turkish society has defined and applied the concept of justice in its own history, many works have been written to explain the concept of justice and to quote from different societies, and the concept of justice based on cultural accumulation in an original framework has not been included. It has been observed that an original definition of justice related to the society we live in has not been made and this deficiency in the literature is intended to be eliminated.

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This study will try to conceptually explain the unique definition of justice of Turkish society, the place and importance of the concept of justice in the Turkish State Tradition and the meaning it has gained today. In the study, firstly, a conceptual framework will be created based on the definitions of the concept of justice made by local and foreign scientists. In order to make an original definition of justice, works written by important Turkish thinkers who theoretically analyses justice, create a traditional model of governance and give a philosophical direction to the understanding of the state will be examined. The studies that examine justice factually, that perform important duties at the state level and write about their experiences, and that are written for the purpose of guiding the next administrators will be included. With the help of the works evaluated, it will be tried to define a concept of justice unique to Turkish society by using the document analysis method. In the selection of the works; Turkish thinkers who defined justice and the works of important personalities who wrote about their experience in Turkish state administration were included. Since the concept of justice was not defined in moral and admonitory works, it was not taken into consideration. Since a universal definition of justice cannot be made today, it is aimed to protect our cultural and traditional understanding of management and to contribute to the literature studies in this field with the help of a definition of justice that is unique to ourselves and that we can transfer to the next generations.

2. Conceptual Framework

In this part of the study, by drawing a conceptual framework through the definitions that can be characterized as original in the literature, it will be tried to explain the meaning that the concept of justice has gained over time and why it is an indispensable element in the state tradition.

Rawls (1999: 3-4) draws attention to this issue in his study and states that justice provides "immunity" to individuals in society and that this immunity protects individuals against other individual and social actions. He argued that this immunity has a price and that this price is that individuals give up some of their rights. Since this renunciation of rights is to the same extent for all individuals, he developed an understanding of justice based on equality.

Erdoğan (2008: 10) defines the concept of justice as follows: "If the harmonious combination of freedom and equality can be achieved, the natural result of this is justice." Therefore, the author considers justice as the unity and harmony of freedom and equality. However, the unity and harmony of freedom and equality is not a concrete and standardized criterion; it is relative and varies from person to person and even from society to society. Does freedom mean the freedom to exercise the right? If so, should freedom be restricted in order to prevent infringement of another individual's freedom? The definition in question is subject to variability as it varies according to the individual, time and place.

Güriz (2013: 16-17) emphasized that justice should be objective and interpreted it as "the debate on rightness and unrightness". The author stated that objectivity eliminates relativism, that objectivity can only be achieved through rules that will allow it to be known by everyone, and that the right can be defined with the existence of these rules. Justice is characterized as knowing and applying the right and eliminating injustice. However, the definition of right must be accurate, general, valid and its boundaries must be determined, and it must convince and satisfy the individual about the just-unjust dilemma.

Kuçuradi (2013: 40-41) sees justice as an endeavor to adapt a man-made idea to real life, and interprets this adaptation as having a variable structure like human beings, and the changing situation as the result of a negative situation for people. He defines "justice" as the totality of the demands that a person who encounters a negative situation will declare in order to get rid of the effects of this negativity, to relax and, if necessary, to restore it.

In his study, Kara (2013: 168) evaluated justice as a type of responsibility arising from duties that must be fulfilled mutually by the society and the individual in accordance with the teachings of Islam. With this evaluation, he also defined the gain of fulfilling the duties as peace and security in the worldly life and the reward envisaged by Allah in the hereafter.

Çeçen (2015: 23) described justice as a "value judgement" and stated that the values of societies affect the definition of the concept of justice, shaping and changing it, and that the change in social values permeates the definition of justice and that there is no stasis. He drew attention to the fact that while this variability rapidly finds a place in the understanding of justice, the implementation process of justice does not change at the same speed and follows a slower course.

Hadduri (2018: 24-25) defined justice as "(...) a combination of human and social values" required for the ideal human portrayal envisaged by Islam. He stated that religious belief makes a definition by directly affecting the concept of justice and that believers should exhibit appropriate behaviors by staying within the boundaries of this definition.

Dinçer (2019: 116) tried to explain justice through the distinction between good and evil, and emphasized that the phenomenon expressed as "everyone getting what they deserve" in the face of evil is only justice, and that morality and law should be shaped to ensure justice.

As can be understood from the definitions of the concept of justice, we cannot speak of a clear and unambiguous definition due to the ambiguity in the definition of the concept. We can argue that this ambiguity stems from the fact that social values are dynamic, task-giving and multifaceted, as also stated by the authors.

As seen in these definitions, the concept of justice is a social science concept on which no consensus has been reached. Its content varies dynamically according to the understanding of value held by those who define it, the understanding of freedom and equality of the society in which it exists, individual and social relations, time and space. Therefore, it is quite difficult to make a definition of justice across societies and cultures. However, an important result to be obtained from the definitions is the implementation of justice. The above definitions, which emphasize the importance of justice in the maintenance of social order, cannot fully explain the concept, but point to a definition based on the observations obtained from the field where it is applied.

Turkish social life has been institutionalized and embodied as state administration in every period of history. This institutionalization has been the basis for a vast accumulation of knowledge and a social life that can always maintain its existence. If a definition of the concept of justice that is unique to Turkish society is to be made, first of all, it should be taken into consideration how the actors who are in this institutionalized structure and who point to justice and who assume the executive duty in state administration define or explain justice in the works they have written in some way. Thus, an original definition can be made without causing a conceptual confusion.

Here introduce the paper, and put a nomenclature if necessary, in a box with the same font size as the rest of the paper. The paragraphs continue from here and are only separated by headings, subheadings, images and formulae. The section headings are arranged by numbers, bold and 9.5 pt. Here follows further instructions for authors.

3. Studies Examining Justice Theoretical

In this part of the study, the works that deal with justice theoretically, deal with the concept of justice in the dimension of thought and form its philosophical infrastructure are included. How the Turks defined the concept of justice in the period before the adoption of Islam will be emphasized. However, the fact that there are not enough written works on this period can be interpreted as an indicator of the immutability of the idea of justice.

In ancient Turks, nomadism is the essence of social life. It is known that this nomadic life was not random, but was shaped based on a solid management culture. Because it is impossible for a random nomadic society to remain on the stage of history for so long by institutionalizing. It can be said that the rules that regulate this nomadic life, determine individual and social duties and responsibilities, give color to the societies and places where they live together and called "Töre" play a key role in the perception and implementation of the concept of justice. As a matter of fact, the rules containing the Töre were discussed in the Kurultay, which was formed with the participation of all tribes in accordance with the social structure of that period, the accepted rules were announced in these Kurultay, and those who acted contrary to them were punished (Kafesoğlu, 2014: 237-238).

Eroğlu (2018: 6-7) argues that in this period, the concept of justice was identical with Töre and more practical methods were adopted rather than a conceptual definition. It is understood that in these periods, instead of the definition of the concept, the focus was on how it would come to life through practice. In practice, it can be said that justice is ensured by custom, that custom is a unifying force in society, and that legitimacy based on the principle of participation is adopted in the decisions made in this context. Therefore, it is assumed that justice is based on legitimacy and that justice will continue as long as legitimacy is ensured.

Although there is a limited number of written documents about the lives of the ancient Turks, the existence of a strong relationship between custom and state administration is found in the Orkhun Monuments. Ergin (2018: 49) expressed this relationship in his study with the words: "Turkish, Oghuz beys, nation, hear; if the sky above did not press down, the earth below did not pierce, who would be able to break the Turkish nation, the province, the ceremony?". Honor, which is seen as the basis of the continuity of the Turkish nation and state, is also an indicator of the importance given to justice. Tradition was considered more important than the state, and it was rumored that you can live without a state, but you cannot live without tradition.

Yusuf Has Hacıp (2018: 81-82) equated justice with righteousness, likened righteousness to the sun, stated that the sun penetrates the earth with its power and greatness, and that what is necessary for life can only come to life with the sun. He explained that the sun of human life is justice, and justice can be achieved through righteousness. When we consider that every living thing can sustain its life with the appropriate amount of sunlight and heat, the analogy of justice to the sun can be attributed to the fact that everyone can benefit from the light and heat provided by it to the extent of their means and needs. This point of view points to variable equality based on the diversity of needs, as opposed to the idea of absolute equality, which is flawed on the road to justice. While the sun never setting offers equality from a mathematical point of view, its setting offers a variable equality; therefore, variability in time and space factors should be understood.

Ebu Necip Sühverdi (2015: 50-51) and Ebü'n-Necip Şeyzeri (2013: 96-97), who put "being just" at the top of the qualities that should be found in statesmen, did not consider justice as a quality belonging only to the ruler in their own times, and stated that ruling with justice is not only a virtue, but also a command of Allah to all believers. This situation; "Verily, Allah enjoins justice, goodness and helping relatives, and forbids evil deeds, mischief and transgression. He admonishes you that you may ponder." (Nahl, 90); "And when you measure, measure exactly and weigh accurately. This is better and more beneficent in its outcome" (Isra, 35); "Allah commands you to entrust the trusts to their rightful owners, and when you judge between people, judge with justice" (Nisa, 58); "And when you speak, be just, even if it is a relative" (En'am, 152). They emphasized that while these commands cover all believers, the rulers should be more careful in this regard, otherwise they will not be able to escape the punishment of the account to be given to Allah. They also pointed out that if the rulers depart from justice, the subjects will also depart from obedience. Therefore, they have established a relationship between justice and the implementation of Allah's judgements, justice and obedience.

The world-famous Sufi Mevlana's understanding of justice has a quality that is fed by Islamic thought and transcends the ages. He defines justice as "Justice is putting a blessing in its place. In other words, it is to give the right to the rightful owner. Giving something to the unworthy is injustice. What is injustice? Putting something where it should not be put. This state is only a source of disaster" (Erten, 2022: 140-141). As can be seen, Mevlana sees justice as putting everything in its proper place and fulfilling duties and obligations properly. While defining the concept of justice, he also makes use of its opposite and explains what injustice is and puts forward his thoughts in a style that everyone can understand.

Kınalızade Ali Çelebi (2019: 109) made a philosophical definition of the concept of justice and expressed justice as "Justice is the highest virtue and the most sublime trait because it consists of equality". He saw equality as the central point, and stated that leaving the center would disrupt equality and this would cause injustice, and that any direction that could cause injustice should not be inclined.

These theoretical works on justice have tried to explain justice in accordance with the teachings of Islam. The rulers have been advised that if they depart from justice, they will be accountable to Allah and that they are responsible not only for their own decisions but also for the behavior of their subordinates towards the people. It can be said that these suggestions aimed to prevent rulers from engaging in behaviors that would abolish justice and to create a self-control mechanism to prevent oppression.

4. Studies Examining Justice Factually

In this section; the works in which the authors, who assumed important duties in state administration, conveyed their experiences of justice are included. These works were written under the influence of the weight of Islamic rules and principles in the Turkish State Tradition; they include the authors' reproach for the injustices they believe they have suffered, how to eliminate this injustice, and their warnings to the next rulers to prevent a similar situation. Nizamü'l-mülk, rather than defining the concept of justice, emphasized on how to make justice dominant in the state administration and made practical suggestions. First of all, he forced the ruler to stay on the axis of justice by stating that the ruler, who must observe justice, is responsible to Allah for those under his command and that he will be asked to account for oppression on the day of reckoning. He described the ruler's justice towards his people as a duty towards Allah (Bulut and Kesgin, 2020: 70-71).

Nizamü'l-mülk (2018: 17) argued that justice would be realized by eliminating the negativities caused by oppression and that it would spread rapidly in the society, and in this regard, he expressed the importance of the sovereign's giving justice to the oppressed through the divans (Divan-ı Mezalim) to be established with the participation of the sovereign himself, and punishing the oppressors through these divans. Rather than the definition of the concept of justice, he offered practical solutions on how it could be implemented and supported this situation with historical parables. Therefore, it is possible to summarize Nizamü'l-mülk's understanding of justice as the struggle against oppression. He linked the establishment of justice to the elimination of the negativities that lead to oppression.

In his work, Lütü Paşa (2017: 29-37) wrote about the relationship that should exist between the sultan and the veziriazam, and advised the veziriazam to make suggestions in his style in case the sultan deviates from justice. These suggestions should be expressed with mildness and eloquence in a way to establish justice in the light of the principle of honesty. Otherwise, these suggestions would be perceived as threats and arrogance, and the speaker would reach an unexpected end.

Gelibolulu Mustafa Ali (2015: 90-91) states that justice is directed from the sultan to the people, that the sultan's meritless appointments harm justice, that these meritless appointments cause favoritism in a series, and that those with merit suffer injustice. The author characterized justice as a virtue possessed by meritorious people. Both the public and the state are harmed because of meritless people, and those who have merit are disgruntled or unable to take office.

Hasan Bey-zade Ahmed Pasha's (2017: 27-28) work, which he wrote with his experiences in state administration, consists of aphorisms and the part emphasizing justice has a large place in these aphorisms. With these aphorisms, it was tried to show the right thing with a parable and advice.

Koçi Bey (2018) almost audited the functioning of the state in its institutions and reported this audit in writing. Koçi Bey (2018: 95) stated that bribery had taken over the entire state, that state affairs could not be handled without bribery, and that those who were appointed with bribes caused disruptions in state affairs and tormented the people. According to the author, the main reason for the deterioration of the state administration is the departure from justice and simplicity by falling under the spell of power and splendor.

Katip Çelebi (2016: 112-113) established a connection between blood, phlegm, bile and love, which are necessary for the human body, and the ulema, soldiers, merchants and the people, who are in the basic structure of the state. He argued that just as the harmony between these elements necessary for the human body ensures that the human being is healthy, these elements that ensure the health of the state must be harmonious, and that harmony can only be achieved through justice. If the harmony and balance of the fluids necessary for the human body with each other provide health to the human body, the harmony and balance of the elements in the state structure provide continuity to the state. What is essential for continuity in the state is justice.

Defterdar Sarı Mehmed Paşa (1969: 23), by showing the beauty of a prosperous country as an example, states that money is needed for prosperity, that money can be collected through taxes, and therefore the number of people should be increased and this can only be achieved through justice. The author sees people's desire to live in justice, security and peace, and mentions that they can migrate to another place if necessary to fulfil this desire. He draws attention to the importance of justice in order to stop migration and increase the income of the state treasury.

Tunuslu Hayreddin Paşa (2017: 74-78) emphasized control in state administration and stated that lack of control would pave the way for arbitrary practices for those in power. He argued that supervision would prevent the arrogance of rulers and contribute to the implementation of justice. Pasha stated that the deterioration in the state administration should be replaced by western-style institutions within the state mechanism, otherwise this trend would lead to a departure from justice and collapse. He thought that the collapse could be prevented by re-establishing justice and that the sultan's will should be limited for this purpose.

These studies, which deal with justice factually, characterize justice as a quality that must be present in rulers. They warned that the ruler and the rulers under his command should be cautious about ensuring justice, otherwise they would not be accountable to Allah, and that they should be just until the Day of Judgement. It can be said that these works, written by statesmen who assumed important duties in their time, agree on the point of distancing from justice as the biggest responsibility for the deterioration of the administration and the bad course of events.

5. Conclusion

If we pay attention to the definitions in the study, it is seen that the concept of justice has been understood in different ways in certain periods. The reason for this difference, as stated at the beginning of the study, can be seen in the change in the expectations and needs of societies over time and the enrichment of the definition of the concept of justice as a result of interaction with other societies.

In the history and state traditions of the ancient Turkish nation, the understanding of justice and the belief in justice have an unshakable quality. In the period before the adoption of Islam, justice in terms of administration was seen to be a legitimacy-based phenomenon based on the principle of participation. With the acceptance of Islam, this understanding has changed, and it has been seen and interpreted as the fulfilment of a direct order given by the Almighty Allah to his servants. The reflection of this situation on the Turkish State Tradition was the warning of the ruler and his entourage, who moved away from the axis of justice, to return to the axis of justice and to remind them to stay on this axis. In this process, it can be said that the main basis for justice shifted from custom and tradition to the rules and practices of Islam.

On the basis of Turkish social life, from the past to the present, the state has been seen as the main actor in the establishment and implementation of a fair order. It has been rhetorically reminded that those involved in state administration must be just. When the demand for justice is expressed by a member of the public, it may be considered as a conflict of interest, or perhaps as a behaviour that needs to be judged. However, the inferences made by the rulers in the state administration regarding justice offer a more objective evaluation.

Based on the analysed studies, we can define the concept of justice as follows: "It is the idea that individuals whose rights or interests have been damaged are believed to be legitimate in order to compensate for their damages."

Today, the concept of justice is generally defined in terms of rights and is considered as giving everyone what they deserve. However, these definitions are insufficient to concretise the abstract concept of justice and to carry it to an easily understandable and applicable dimension. In other words, it is unclear who and how decides what is a right and what is an obligation, and what is the criterion for the distribution of these rights and obligations to individuals, or at least it is a reality that not everyone agrees on.

The means of realising justice have changed in the historical process. It is inevitable that these instruments will also change in the future. The systems, institutions, rules and forms of governance that have been created for the purpose of establishing justice for today will, depending on the changing and developing conditions in the ages to come, bring forth new systems, institutions, rules and forms of governance. However, justice will continue to be the basis for building civilisations and sustaining these civilisations.

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