

**LEGAL AND POWER FOUNDATIONS OF POLITICAL AUTHORITY IN
TURKISH STATES FROM PAST TO PRESENT**

*Ali Sinan BİLGİLİ**
*Mehmet TAKKAÇ***

Abstract:

German sociologist Max Weber (1864-1920) focuses on three ideal types of sovereignty in his description of power emerging differently throughout history. These typologies which are indicative of political authority are as follows:

- 1-Traditional authority: based on customs and traditions.
- 2-Rational-Legal authority: based on a system of rules.
- 3-Charismatic authority: based on supreme and sacred features.

The above typologies that Weber determined have existed in Turkish states from past to present. In Huns and Gokturks the foundations of power were traditions and sacred objects. Law took an important place in Mongol (Chenghizid) and Timurid states. In Seljuk and Ottoman States the foundation of power become religious due to the influence of Islam; and a new model was formed with the integration of religious rules into traditions in these two states. The present foundations of power in Republic of Turkey have been based on democratic rules but still involve features of charismatic authority.

This study is intended to take into consideration the foundations of power for political authority, the process of transformation and development of these foundations, and the factors contributing to this transformation and development process in Turkish states starting from the first Turkish state organization, Huns, to Republic of Turkey. Not all the Turkish states have been included in the study; only those with features representing a turning point have been considered.

Key words: Max Weber, Turkish states, traditional authority, rational-legal authority, charismatic authority, Huns, Gokturks, Uyghurs, Seljuk, Chenghizid, Timurid, Ottoman States, Republic of Turkey.

* Prof. Dr., Atatürk Üniversitesi Kâzım Karabekir Eğitim Fakültesi Sosyal Bilimler ve Türkçe Eğitimi Bölümü Sosyal Bilgiler Eğitimi ABD - Erzurum sbilgili@atauni.edu.tr

** Prof. Dr., Atatürk Üniversitesi Kâzım Karabekir Eğitim Fakültesi Yabancı Diller Eğitimi Bölümü İngiliz Dili Eğitimi ABD - Erzurum takkac@atauni.edu.tr

INTRODUCTION

a) The purpose and significance of the study: The purpose of this study is to shed light on the foundations of power and legality for political authority starting from the first Turkish state, Huns to the present, Republic of Turkey. The dynamics of transformation and the factors affecting the process of transformation are also considered as features related to this process. Bringing the foundations of political authority to the notice of researchers will help both politicians and political scientists to understand the past, present and the future of the issue properly.

b) The method of the study: This study is intended to elucidate the foundations of authority in Turkish states throughout history within the framework Max Weber determined.

1. TURKISH STATE: AUTHORITY AND LEGALITY

What were the foundations of legality in pre-republican Turkish states? These states existed for thousands of years and are still of interest to scholars because of their heritage, and are taken as model states from various perspectives. Have there been changes regarding the legality of these states through history? If so, on what grounds have these changes and transformations taken place? Before answering these questions, it will be useful to make a traditional definition of legality according to political science. Legality, in this sense, expresses “the condition determining whether to obey a political system, state or government, to accept a condition where the holder of power or a system of rules is given authority; and to establish political power through the willpower and approval of the public” (Cevizci, 2005, p. 1157). This definition stresses the legal dimension of the subject. Yet a legal authority may not always be sociologically and politically legal (Kapani, 2000, p. 88-89).

According to Weber (1978, p. 213-245)., who regards legality as the foundation of authority, there are three main types of legal authority: traditional, rational-legal, and charismatic authority. These emerged as *patriarchalism*, rational bureaucracy and personal authority.

In traditional authority political authority takes its legality from traditions established over a long period of time and the belief in their respectability. In this typology, not written but adopted mandatory rules are the foundations of legality rather than written rules: that is, binding rules come from very ancient times. They are based on the sanctification of rulers. The boundaries of the holders of power are not plainly determined. Those in power are in a position to make decisions as they wish. In this respect, the most important type of traditional authority is patrimonialism (Weber, 1978, p. 215-216; Kapani, 2000, p. 97; Can, 2005, p. 103, 106).

In rational-legal authority, rationally established rules are the ground for legality. Obedience is not to a person but to the legal order (Weber, 1978, p. 215-216). Holding and using the power should be carried on a process within rational norms and limits. The ruler is legal so long as he obeys rational rules (Kapani, 2000, p. 98).

Charismatic authority requires the belief that the foundation of legality lies in the extraordinary qualities attributed to the ruler. A person with sanctity, bravery, exemplary character, and extraordinary qualities is considered to be legal. As long as that person keeps his extraordinary qualities, he is the leader (Weber, 1978, p. 215). His citizens are loyal to their leader because of his extraordinary qualities (sacred-worldly) and obey him with full compliance. It does not matter even if the leader does not possess these qualities, it is enough if his subjects believe so. Charismatic authority is different from traditional and legal authority typologies and is unstable and short lived in comparison (Kapani, 2000, p. 99).

Turkish states from Huns to Ottomans were established under the dominance of a leading tribe with leaders exerting political functions (Donuk, 1985, p. 7; Köprülü, 1992, p. 12). Political functions of begs (*bey*: leader of a small tribal group) created a state tradition. According to this tradition, a person called khan, khakan, monarch, sultan, or shah with an understanding of “sovereignty” and “charisma” representing the whole of his subjects was brought to leadership (Gökalp, 1976, p. 88, 193; İnalçık, 1959, p. 76). Sovereignty was the right granted by Eternal Heaven to khan family to rule, which made the khan gain legitimacy for authority.

As for charisma, the quality of leadership was composed of personal ability and superiority (Kaşgarlı Mahmud, 2006, p. 301; Önler, 2002, pp. 182-184; Ögel, 2001, p. 561; Arslan, 1987, p. 38, 41). The execution of daily routines within the state was left to begs with immense authority, yet obedient to the khan*. The khan customized his power to make laws and put them into effect with the power he got from begs. But he shared the state’s administrative, political, military, economic and cultural duties and responsibilities with begs through *assembly (meclis)*, or meeting (*içtima*) (Gökalp, 1981, p. 52, 57). Thus the ruling group gained legality traditionally.

Early Turkish states had a hierarchical structure; from family, clan, tribe, and to state. Clans formed with the unification of families. Clans (*boy, bod*) were organized under the authority of a beg holding political-administrative authority. Clans shared language unity. Heads of clans were administrators called “yabgu”, “shad”, “ilteber”, etc. depending on the extent of their land and the number of people in their clans. Clan was, in a sense, a

* The importance of beg was expressed in Kutadgu-Bilig as such: “the emperor is the protector of justice, and beg is the protector of the power of the state” (See. Arslan, 1987, pp. 36-39).

political group created by the close collaboration of families. The unification of tribes created the state (*il*) (Gökalp, 2001, p. 306-313; Kafesoğlu, 1986, p. 219). This was, in fact, a federative structure with a central authority.

Upon reaching a high level of civilized life, Turkish states formed a comprehensive legal system from the very beginning. The states were ruled with laws forming the core of personal and national jurisdiction. While the organization of social and administrative life was realized by tradition and order at first (Arsal, 1947, p. 287), the sultan's authority to pronounce laws turned into "legal jurisdiction" with the spread of Islamic effect. Laws, as products of the state, enabled monarchs to possess both private and national jurisdiction jointly.

2. THE FIRST KAGAN: OGHUZ KAGAN

The first Turkish conqueror is the legendary Oghuz Kagan. Oghuz Kagan, the founder of all national regulations and institutions as legends noted, was believed to be of sacred origin and had extraordinary features. He exerted some examples of bravery even in his childhood, married the daughter of the sky, and marched on countries that did not accept his sacred authority (Oğuz Destanı, 1982, p. 17-18; Ögel, 1971, p. 117; Gömeç, 2004, pp. 113-116)

According to the legend, a grey wolf descending from the skies directed Oghuz Kagan (İnan, 1928, p. 131-137; Vladimirtsov, 1995, p. 84). Talking to Oghuz Kagan, the grey wolf said: "Oghuz, you want to march on Rome, I will walk in front of you". Following the grey wolf, Oghuz Kagan conquered Rome, Russia, China, India, Syria and Egypt (Ögel, 1971, pp. 42, 120; Turan, 2002, pp. 845-846). When he came back to his country, he convened The Great Assembly, a body to make laws. He shared *ulush* (administrative division of lands: The Great Kagan ruled the East and a ruler loyal to the Great Kagan ruled the West), *orun* (administrative positions) and *ongun* (symbols of clans) among his children and established the tradition. When his six sons returned from battle, they found a golden bow and three golden arrows.

They gave them to their father. Oghuz Kagan broke the bow into three and gave them to his three elder sons, and the three arrows to his three younger sons. He called the first group Grey Arrows (*Bozok*) and the second Three Arrows (*Üçok*) (Oğuz Destanı, 1982, pp. 47-48; Ögel, 1971, p. 206). He then delivered a speech to his sons saying, "I paid my debt to Eternal Heaven", he divided his country among his sons. Making the Three Arrows depend upon the Grey Arrows, he decreed that they should obey the tradition and unity (Turan, 2002, p. 846).

As indicated above, Oghuz Kagan is a legendary leader and founder of state. It is understood from the legend that he is an exemplar of charismatic

authority as well. In addition, he established a law and system of rules according to his tradition in the assembly. This shows that Oghuz Kagan also represents traditional authority emerging from regulations and traditions, and rational-legal authority emerging from the system of rules making the tradition.

Oghuz Kagan's application of traditional ceremony became customary in Turkish states, and a big assembly was gathered to determine the tradition and to establish the legal system. The Assembly was of prime significance for the legality of the kagan. The tradition of the newly established state was determined in the assembly and it was named after the founder of the state like Oghuz Kagan's tradition, Bumin Kagan's tradition, Istemi Kagan's tradition, Chenghiz Kagan's law, Fatih Sultan Mehmed the Conqueror's law (*Kanûn-ı Osmanî*), etc (Ögel, 2002, p. 876).

3. THE FIRST POLITICALLY ORGANIZED TURKISH STATE: HUNS (204 B.C.-216 A.D.)

The first political organization established by Turks is the Hun State, founded in 4th century B.C. in the Altai Mountains. At first, Hun (Hiung-nu) was the name given to northern tribes. The first known kagan of Hun State was Tumen. The leader, Mete (Mao-tun) (209-174 B.C.) took the throne of Hun State in 209 B.C., when Tumen was attacked by Chinese. Tumen and Mete were given the title "Sanyu" (*Şanyü*). Radlof maintains that Sanyu is a distorted version, via Chinese, of the Turkish word "Tengri" (God). De Groot suggests that in old Chinese dictionaries, the word "Sanyu" might have been expressed as "Tanhu" (Ögel, 1981, pp. 170, 221). Grousset notes that the proper expression in Chinese was "the great son of the sky" (Chengli ku-tu san-yu). He continues that the word "chengli", in this expression, means "Tengri" in both Turkish and Mongolian (Grousset, 1993, p. 38-39).

The establishment of a relation between the words Sanyu and Tengri reminds us of the underlying assumption that the kagan was considered sacred. Huns believed that the sky was the heavenly being. In this religion the sky and stars were sacred because Huns believed that the god was the sky. Kagan, accepted to be the god's son and his representative on earth, was the greatest religious leader (Ögel, 1984, p. 46). This system of belief created charismatic authority based on superior and sacred features in Huns. Within this context, the Hun Kagan established a hierarchical order between the tribes belonging to him. He accepted five tribes supporting his authority as royal and formed an aristocratic class out of them. These tribes had privilege within the state for a long time. Although Mete attacked Tunguzs, residing between Shan-si and Shara-muren, and defeated them and enslaved their people, he did not deprive them of their previous privilege (Groot, 1921, p. 52). The instance that families of former monarchs did not lose their

privilege was a feature of Central Asian step empires (Ögel, 1955, p. 370; Ögel, 1984, pp. 46, 49).

The quality of being a kagan and his authoritative power were believed to be given by god not only in Huns in Central Asia, but also in Huns in Europe. When Atilla the king of the European Huns wanted a title from the Roman Empire, they entitled him as “Reis” (Chief). This irritated Atilla because it was suitable neither to Atilla’s nor his people’s understanding of state and their religious and social needs. Having the belief that the right to dominate the whole world was granted him by God, Atilla regarded himself as the legal and sacred emperor of the world (Ögel, 1971, p. 208). Europeans later on honored Atilla as the “whip of God” (Deguignes, 1923, p. 218; Eckhardt, 1962, pp. 111-112, 149) to reflect his power.

Similar to the wolf in Oghuz Kagan’s legend, a deer is reported to have walked before the Huns and led them to Europe from Ural Mountains (Turan, 2002, pp. 845-846).

4. THE FIRST TURKISH STATE WITH A TURKISH NAME: GOKTURKS (552-744)

As in Huns, in Gokturks, the first Turkish State with a Turkish name, the kagan was considered sacred. The ruler was believed to have secret and divine powers that ordinary individuals did not and could not possess. It was also believed that rulers were sent by Heavenly God to rule their subjects and the sovereignty of the world was bestowed on them for this purpose (Orkun, 2011, pp. 26-30). This suggests that the foundations of legality had features of traditional authority, along with aspects of charismatic authority. This is exemplified in the Orhon Inscriptions by Bilge Kagan: “I, the Heaven-like and Heaven-created Bilge Kagan, ... I arranged and organized the institutions better... By the grace of Heaven, after I had taken the throne, I, too, ordered and organized the peoples” (Ergin, 1999, p. 16)

Another important assumption in the age of Gokturks was that the Turks’ god punished the kagans, begs, and the people he loved and protected, making Chinese enslave them when they left the true path, national tradition and moral laws. Nevertheless, the god’s willpower to punish Turks in order to make them find the true path was thought to be a sacred donation to Turks. This is known from the initial expressions by kagans in inscriptions, imperial decrees and letters. Sovereignty was the primary foundation of the legality of kagans and their right to rule their people. The legality of a person not believed to be given prosperity by god was not accepted.

The sacredness of the kagan passed down to all members of the royal family. A member of the royal family had the right to be the kagan because he obtained the sacred power from his ancestors. For this reason the state’s

territory was jointly possessed by the royal family. Each Turkish prince was appointed the military governor of a region. Although they were dependent on the great kagan in Otugen, they governed their region semi-independently. There was not a certain rule as to which member of the royal class would be the kagan. The most powerful prince supported by statesmen and soldiers was to be the kagan. This, from time to time, caused the outbreak of wars among kagans. There was a system opening the most powerful one the way to be the kagan. No one out of the royal family could think of being the king because no Turkish tribe would obey a person without sacredness and legality.

5. A STATE WITH ITS NAME IN CIVILIZATION: UYGHURS (744-840)

In modern Turkish the word *uygar* (civilized) was derived from the name of Uyghur Turks. Uyghurs, believing to be descendants of Huns, founded a state which was the descendant of Gokturks. The state was centered in the city of Ordu-Balik near the Orhon River. It was the first Turkish state to accept a religion (the Budha-Mani religion) other than *Eternal Heaven* and to live a non-nomadic life. Bögü Kagan made the Budha-Mani religion the state's official religion in 763.

Uyghurs believed from their legends that they emerged from a celestial light and came into being from a tree (the worldly tree) (Ögel, 1971, pp. 83, 88; Ögel, 1948, pp. 20-22). They had expressions noting that their sovereignty came from a sacred origin (Caferoğlu, 1931, pp. 105-109). When they founded Uyghur State, defeating Basmlis, in 744, the kagan was named "Sovereign Wise Brave Kagan" (Kutlug Bilge Kül Kagan). His successor, Bayan-Chur was named "the brave, famous, wise kagan, born in the sky, governing the state" (*Tengri'de bolmuş, ili tutmuş, alp, külüg Bilge Kağan*). The effects of Mani religion on state titles were enormous. Getting their power from their sovereignty and the sky before adopting this religion, Uyghur kagans started to get it from the moon from then on. For instance, Bögü Kagan's son and successor got the title "Küküg wise kagan getting sovereignty from the moon god" (*Ay Tengri'de kut bulmuş külüg Bilge Kağan*). Another example is the title of Kutluk Bilge, taking to the throne in 795: "Alp great wise kagan finding *ulush* in the moon god" (*Ay Tengri'de ülüg bulmuş Alp ulug Bilge kağan*). However, Menglig Tegin, the first kagan of the Uyghur state, newly established in Turfan in 840, gave up moon sovereignty and owned the title "Great, warrior, hard-working, wise kagan finding sovereignty in the sky" (*Uluğ Tengri'de kut bulmuş alp külüg Bilge kağan*) (Ögel, 2001, pp. 67, 71, 77). These titles reveal that Uyghur kagans also believed, like Huns and Gokturks, that they descended from a celestial origin and were extraordinary beings and thus represented traditional

authority. However, they were also representatives of charismatic authority with their personal power and characteristics.

6. CREATORS OF TURKISH-ISLAMIC SYNTHESIS: SELJUKS (1038-1194)

Oghuzs (Turkmen), gathering under the leadership of a beg in 1038, founded the Seljuk state in Horasan, Iran, defeating Sultan Mesud in the Dandanakan Battle of 1040. Tugrul Beg was declared to be the sultan of the state on the last day of the war. This state was the first Muslim Turkish organization in the format of empire. The area where Seljuk state was founded was a land of Islam-Abbasi culture. Yet, Seljuks came from steppe culture. This led to the creation of a new state with diverse characteristics. The Seljuk leaders of the khan family possessed a desire to establish a state and dominate the world. This state was a political organization emerging from the intersection of Turkish and Islamic thought, tradition and organization (Kafesoğlu, 1992, pp. 73-77). This combination, defined as “Turkish-Islamic synthesis” in political terminology, formed a type of organization that would shape the Turkish governmental systems following it. This type of government would later be seen in the Ottoman State. It also caused a decrease in the military-feudal authorities of some Turkmen begs though it did not much affect their military and political roles. For instance, the aristocratic jurisdiction of the beg required the Seljuk sultan’s approval. With this new understanding of sovereignty, the entirety of law-making, execution and jurisdiction was in the Seljuk sultan’s control through divans (councils). This new Turkish state tradition made the sultan the centre of absolute power and in time caused the development of a rational centralist structure.

While there was a change in the structural characteristics of the state, Hun, Gokturk, and Uyghur understanding continued with a little nuance in the foundation of authority in the Seljuk State. The sultan obtained a position with a change in the understanding from “Prosperous God” (*Tengri kut*) (Kaşgarlı Mahmud, 2006, p. 301; Ögel, 2001, p. 561; Arsal, 1947, pp. 120-127; Arslan, 1987, pp. 38, 41) into “God’s shadow on earth” (*zillûllâh-i fi’l-âlem*)[†] (Lapidus, 2002, p. 405). This was a different understanding from the one representing a religious authority and from the perception of the Islamic caliph as the representative of the Prophet. Prophet Mohammed was the founder of a state as well as being a prophet. He organized the affairs of religion and the world according to the Koran. Turkish sultans, bearing titles denoting that they were “God’s caliphs” (*halife-i rûy-ı zemin*) on earth, believed that they were to get God’s help, which was consistent with pre-Islamic understanding of sovereignty (Turan, 2002, p. 852).

[†] This understanding existed not only in Ottomans but also in Safavi State.

There existed a kind of indirectly understood contract between the sultan and his subjects in Seljuk State (Kafesoğlu, 1992, p. 79). The sultan's response to the obedience and dependence of the subjects meant that he would protect their rights and interests, make them wealthy, and create an environment for them to perform the necessities of their religious beliefs. This was carried out within the limits that Islamic law and tradition granted the sultan. The Seljuk state being founded on formerly Islamic territory with a system different from that of Arabic and Persian tradition, brought new perspectives on the understanding of law. They represented an independent civilian authority as opposed to the Abbasi Caliph in Baghdad, and this civilian authority led to an independent law-making authority (İnalçık, 2005, p. 77). In this way, the willpower of the sultan and the tradition-law framework allowed customary jurisdiction to emerge in the Islamic world next to the religious law. The inclusion of those laws necessitated that the political authority had to consider jurisdiction as one of the foundations of legality. The foundations of this legality were the expressions in Koran: "judge with justice"[‡], and "obey the Messenger and those from among you who are invested with authority"[§]. Someone not possessing these two qualities could not be legal even if he was the sultan and he would be deposed.

7. LAW-MAKING FIGHTERS: CHENGHIZ DYNASTY (1206-1634)

Chenghiz Khan established Chenghiz Dynasty in 1206 by bringing together all Turkish-Mongol tribes loyal to him at the big assembly by the Onon River. All the tribes in the assembly accepted Chenghiz as "the Great Khan". In this regard, Chenghiz obtained the title of "Khan" attributed to Hun, Gokturk and Uyghur khans. The shaman, known as "Teb-tengri", called Gökçe, and believed to be able to discover the will of Eternal God, declared that Eternal Heavenly God had appointed Chenghiz Khan the khan of the Earth. This heavenly approval strengthened the foundation of the khan's authority. He became the khan "with the power and order of the eternal sky" (*mongka tengri-yin küçündür* or *mengü tengri küçündür*) (Vladimircov, 1950, p. 54; Grousset, 1993, pp. 212-213; Gürcistan Tarihi, 2003, p. 468; Genceli Kiragos, 1928, p. 173). In the assembly, Chenghiz Khan appointed Tatar Shigi Kutuku the chief judge. Shigi Kutuku registered court verdicts and distribution of some tribes among Mongol nobility in

[‡] Allah commands you to deliver trusts to those worthy of them; and when you judge between people, to judge with justice. Excellent is the admonition Allah gives you. Allah is All-Hearing, All-Seeing (Kur'an, An-Nisa, 58).

[§] Believers! Obey Allah and obey the Messenger, and those from among you who are invested with authority; and then if you were to dispute among yourselves about anything refer it to Allah and the Messenger if you indeed believe in Allah and the Last Day; that is better and more commendable in the end (Kur'an, An-Nisa, 59).

“kökö debter” (blue notebook) and, in a sense, formed a series of laws. Chenghiz Khan Laws were formed in the 1206 assembly within this framework (Alinge, 1954, pp. 525-542; Grousset, 1993, p. 217; Moğolların Gizli Tarihi, 1995, p. 136). The laws established by Chenghiz Khan in the big assembly were organized in line with Turkish-Mongolian traditions and customs. The underlying spirit was a rigid understanding of morality and discipline to conform to God’s power and request. Such crimes as murder, big theft, purposeful lie, adultery, sexual perversion, doing evil through magic, and hiding stolen property were instances of capital punishment. Military and civilian disobedience were handled as misdemeanors (Alinge, 1954, pp. 525-542; (also XI/3-4, pp. 286-304).). Chenghiz Khan decreed that his laws should pass from one generation to another, not be changed, and those trying to change his laws should be punished (Moğolların Gizli Tarihi, 1995, p. 136).

As noted above, Chenghiz Khan’s state was predicated on divine right with the support and contribution of Shaman Gökçe (Vernadsky, 1944, p. 116). At the centre of these beliefs were Zoroastrianism, certain Chinese elements, and old Turkish-Mongol animism. The heavenly power or the heavenly sky finding reflection in Chenghiz Khan was “Tengri”. Batacihan, born from a grey wolf and a yellow-reddish female deer which were created by God’s appreciation, was shown to be Chenghiz Khan’s ancestor (Pelliot, 1951, p. 304; Moğolların Gizli Tarihi, 1995, p. 136; Ögel, 1971, p. 575).

Chenghiz Khan was strictly bound to a heavenly power residing on Mount Burkan Kaldun near the source of the Onon River. As an indication of his loyalty to this god, he occasionally prayed on this mountain in Mongol style taking off his cap, putting his belt on his shoulders, kneeling down on the ground nine times, and drinking koumiss (mare’s fermented milk). Before marching on the Chinese, he organized a rite on this mountain and begged god saying that he was armed to take the revenge of his forefathers and asked god for help if he approved his decision. He prayed in his tent for three days and at the end of the third day he walked out of his tent and informed his men that the eternal god promised him victory (Grousset, 1993, pp. 214-215). And he used a striking expression after establishing his state and uniting tribes around him: “I collected the whole nation under one rule being strong with the power that the Great God gave, with the permission of the earth and the sky” (Moğolların Gizli Tarihi, 1995, pp. 136, 149, 190)**. Chenghiz Khan was believed to have ascended the sky when he died in 1227.

** That some researchers call Chenghiz Khan “*the son of God*”, that is, “*Chingiscam Filius Dei*”, in their translation of Mongolian letters is a mistake stemming from the belief in Christianity, an this is corrected by P. Pelliot (Pelliot, 1922-1923, pp. 119-121).

The foundation of power for authority in Chenghiz Khan's sovereignty and in his successors' and descendents' tradition reflected aspects of traditional and charismatic authority because the sanctity attributed to Chenghiz Khan passed on to his successors, too. They also regarded themselves as the representatives of God on earth: their orders were regarded as God's orders and any revolt against them was a revolt against God. His grandson, in his letter to Pope Innocent IV, said: "with the power and order of eternal sky" or "the decree of our khan as boundless as the sea with the power and order of the eternal God"^{††}. Chenghiz Khan's successors also started their letters to Muslim khans with such expressions denoting that they were representatives of God. Ogeday Khan's letters and Hulagu's letters also included such expressions (Zehebî, 1364, p. 108; Kerimüddin Mahmud Aksarayî, 1999, p. 51). Applying this formula to Islam, Altınordu Khans, who were also descendents of Chenghiz Khan, also used expressions denoting the power of God and the Prophet of Islam: "with the power of Great God, *Muhammed Resulullah, Hacı Giray's Decree*" (*Mengü Tanrı gücünde, Muhammed Resulullah, Hacı Giray sözü*) (Kurat, 1940, p. 64).

8. JIHAD FIGHTERS: TIMURID EMPIRE (1370-1507)

Timur (commonly known as Tamerlane in the West), who is defined as the Islamic version of Chenghiz Khan, took to the throne in Semerkant in 1370. He claimed that he was Chenghiz Khan's descendant. The motifs that Chenghiz Khan used gained an Islamic manifestation in Timurid Empire. Timur's historian, Nizamuddin Shami, tells about a number of motifs resembling those that helped Chenghiz to overcome numerous troubles through the power that Great God granted him:

Because God destined Emir Timur for important things into this world, he kept him away from misfortunes. The works of his sovereignty and state emerged every new day one by one. Moreover, in order to increase his fortune and happiness, he wanted to give power into his heart and inspired this in him. While he was busy with an idea early in a morning, he heard a divine voice: "Keep your heart relaxed, do not feel any grief, God has destined you with help and victory". Because God created Emir Timur for the state and sovereignty, or in other words, because God wished to make Emir Timur the commander and director of the affairs of the world, he made the hearts of his subjects have affection and obedience towards him (Nizamüddin Şamî, 1949, pp. 30-31, 35, 41).

^{††} When Chenghiz Khan adopted Turkish culture, legends, Yughur alphabet and many institutions from Uyghurs, he established his formula of management and administration. He wrote not in Mongolian but in Turkish. Guyuk Kagan's letter to Pope Innocent IV starts in Turkish and goes on in Persian (see. Pelliot, 1922-1923, p. 22).

This description indicates that sovereignty was bestowed by God upon Timur, who was protected by God. Accordingly, a letter in Arabic by Timurids says: “Our state will live until the last day with the continuous favour and divine protection of God” (Çandarlıoğlu, 1995, p. 101). It is possible to see this understanding also on the coins printed by Timur. Such expressions as those seen on the coins of Altnordu Khans are also seen on Timur’s coins: “With the power of Great God, Muhammed Resulullah, Hacı Giray’s Decree” (*Mengü Tanrı gücünde, Muhammed Resulullah, Hacı Giray sözü*). Although Timur had this formula written in Mongolian, his grandson used a Turkish expression: “Uluğ Beg Gurgan’s Decree” (*Uluğ Beg Gurgan sözü*) (Kurat, 1940, p. 64).

Like Chenghiz Khan, Timur was also a law maker. His laws were intended to discipline the affairs of rulers and the state, as recorded in *Tüzükât-ı Timur* (*Tüzükât-ı Timur*, 2004, pp. 47-111). The first of his laws was the establishment of Islamic law and the tradition of Prophet. This is indicative of his accepting Islam as the basic reference in both his understanding of government and establishment of the legal order. Yet, his expression, “I connected the institution of government tightly to tradition and laws” (*Tüzükât-ı Timur*, 2004, p. 48), shows that he also maintained moral laws and traditions. Islamic laws and traditions were the two bases legalizing the Timurid dynasty. In addition, Timur attached great importance to consultation in state management. For him, advisors should be far sighted and wise, and have a deep understanding, immense knowledge and accurate intuitions. They were indispensable for advice and negotiation in every important affair. As said in *Tüzükât-ı Timur*, “I made every decision by consulting, as Prophet Mohammed said. When advisors gathered and assemblies were opened, I always asked them for good and bad, benefit and loss, whether to do or not to do what was before us. After I listened to their opinions, I made detailed judgments and assessed the benefits in my mind” (*Tüzükât-ı Timur*, 2004, pp. 49-59). Clearly, his consultation assembly was the foundation of legality on an institutional basis.

9. THE FOUNDATION AND TRANSFORMATION OF POLITICAL AUTHORITY FROM OTTOMAN EMPIRE TO THE REPUBLIC OF TURKEY

A tribe belonging to Kayı Clan of Oghuzs (Turkman), Karakeçilis emerged in the historical scene at the beginning of the fourteenth century as a frontier district governed by a beg. This state, named after its founder, Osman Ghazi became an empire almost 150 years following its establishment, conquering the capital of the Byzantine Empire in 1453.

The Ottoman State suits Weber’s three typologies regarding the foundation of legality in the classical period (1300-1600) with changes it brought about in Turkish-Islamic and world history. It exhibits features of

traditional authority, the most important type of which is patrimonialism. An example of patrimonialism is what Weber calls “sultanism”. Sultanism is a peculiar instance where authority operates on the grounds of personal evaluation (Weber, 1978, p. 232). This was true in Ottoman State, where the last word was said by sultans in the affairs of the state. Decisions reached by Imperial Divan, having the status of consultation assembly, could only be applied with sultan’s approval^{††}. The sultan’s verdict about any issue was a law. He had every right over his subjects. He was the director of the ruling class, the caliph of Muslims, and the worldly chief of non-Muslim population. Like his European counterparts, the holder of authority in Ottoman State had to provide justice, prevent the oppression by the powerful and prevent bribery as his most important duties (İnalçık, 2005, p. 69). The sultan’s orders were called the “Legal Code” (*Adaletname* or *istimaletname*) in Ottoman historical terminology. They were intended to bring to an end any injustice and oppression by officials in the capital city as well as in other cities and rural areas and to guarantee the rights of subjects. With its laws, the state tried to make justice gain a priority in the issues between the ruler and the ruled without any discrimination between Muslims and non-Muslims. The requirement in Islamic law that the law maker is to make laws only for the welfare of the public was an effective factor in the organization of the state. Sultans counseled lawyers (Sheikhul Islam, Anatolian Kadi and Rumelian Kadi) to make legal codes and even to make political decisions. They established the Sheikhul Islam institution for this purpose. Yet, in areas of management and administration, the right to make laws belonged only to the sultan. Despite this condition, Sheikhul Islam institution existed until the end of the empire as one of the structural bases of sultan’s authority.

Ottoman emperors were considered sacred and ingenious from the very beginning, and were not compared with any other statesmen in the history of the world. The belief that there had never existed such a royal family led to credence in the sanctity of Ottoman rulers (İnalçık, 1959, p. 76). This condition created charismatic authority. Legendary Dede Korkut’s prophecy for Kayı Clan, which he placed at the top of twenty four Oghuz klans, was realized in Ottoman State (Yazıcı-zâde Ali, 2009, p. 872). They obtained the title “Caliph of Muslims” because of their service to Islam. Yet, the caliphate in this state was not only a religious position but one with political authority.

Combining all the foundations of power and authority of former steppe Turkish-Islamic states in the essence of their state, Ottomans reached ways of a good government: a high level in their belief systems, ways of

^{††} Divan-ı Humayun (Imperial Divan) is composed of a Grand Vizier, viziers of 3-5, two Qadilaskers, two Daftardars, a Nishancı. Those decision makers are the administrators of the state. They reach their position following a step by step training. In this respect, Imperial Divan is a Professional institution.

correspondence, state structure and understanding of management. The state's founder and first begs were called "ghazi", meaning "fighting on behalf of Islam and God" (Aşıkpaşa-zade, 1332, p. 25). Sultans had a conviction that they were endowed with sultanate through the grace of God. Accordingly, Mehmet The Conqueror, in his letter in Uyghur Turkish to Turkistan kings informing them of his victory over Akkoyunlu Uzun Hasan Beg (Otlukbeli-1473), said: "Through the grace of Great God and Sultan Mehmet Khan's Decree" (Kurat, 1940, p. 64; Kurat, 1939, p. 298). Such introductory expressions are also seen in letters of other Ottoman sultans. For instance, Yavuz Sultan Selim started one of his letters with the utterance, "el-Müeyyed min indillah ebu'l-Muzaffer"; and his son, Suleyman the Magnificent indicated with his expression in his letters to Austrian and Spanish kings that sovereignty existed in Ottoman State in line with Islamic belief: "I, sultan of sultans, the shadow of God on earth, crowning khans on earth through the grace of divine God and abundant miracles of our great Prophet (Feridun Beg, 1275, p. 76). Unlike earlier Turkish and Mongolian traditions, in Ottomans, taking to throne required the approval of the upper class administrative elite as well as the grace of God.

This approach was maintained even in the ages of the decline of the empire. Tatarcik Abdullah Efendi attributes aspects of divinity to the state in 18th century, when decline was obviously felt, with his expression: "Ottoman State under the protection of God" (Özcan, 1987, pp. 55-64). In Ottoman firmans and declarations during the difficult years of the 19th century, such expressions as "min ind-Allah müeyyed devlet-i aliyye-i Muhammediye", and "*Devlet-i Aliyye-i ebediyyü'd-devâm*" were used.

Another Islamic definition similar to the one used for Atilla, the king of European Huns, "the whip of God", was used for Ottoman army: Ottoman army was called "God's army" (*Cundullah*) (Feridun Bey, 1275, p. 255), and Sultan Mahmut II named his military organization "Prophet Mohamed's army, victorious through the grace of God" (*Asakir-i Mansûre-i Muhammediye*) (BA, C. ADL., 29/1734-1; Karal, 1993, p. 168).

Because of the belief that they had divine ancestry and were the descendants of Oguz Khan, khans, sultans and princes of Turkish royalty did not face bloody execution for capital punishment. In Seljuk and Ottoman states, uprising members of the royalty were executed by choking them to death with a bow (Köprülü, 1944, pp. 1-9).

The foundations of legality for political authority during the Ottoman State in classical times began to change with the modern age when almost all values belonging to traditional periods were challenged. Being defeated in battles against Europeans and Russians, Ottomans also declined politically, economically and institutionally. The first serious response to this process was the Constitution. This process, despite the fact that it could not lead to

significant improvements in the political and institutional arena, was important because it was the start of placing the foundation of legality on a constitutional ground^{§§}. The efforts to keep pace with the modern world challenged the basis of traditional and charismatic authority.

Modernisation starting with Tanzimat Ferman (November 3, 1839) and the following process obliged Otoman sultans to establish a constitutional ground for their authority. The introduction to the ferman is indicative of this change in the character of the administrative system:

“My Vizier; As it is known the power of our Sultanate and the prosperity level of our citizens have increased as long as the rules have been obeyed the foundation of our state. Unfortunately, our power and prosperity have turned into weakness and poverty as Sher-i Sherif has not been obeyed because of some reasons for last fifty years. Considering the geography, productivity of territories, and ability of the people, we can reach the level aimed. Fort his reason, we need new laws to rule our state well. The laws which are planned to be enacted will include the conservation of the soul, property, and honour of the citizens, taxation, recruitment, and duration of military service. According to the law, the cases of guilty persons are to be heard publicly and the execution is never to be secretly or puplicly carried out without sentence. Whoever opposes the laws is to be sentenced. Changing the previous system, all these laws are to be proclaimed to our citizens, friendly states, and all ambassadors. Who opposes those laws, may God’s curse be upon him. Amen” (BA, İ. MSM, 24).

The Constitution in 1876 forced sultans, once holders of absolute authority, further to lose their traditional authority and move to a constitutional ground. In fact, it was not a people-based constitution but was organized in order to establish an institutional absolutist regime by the Sultan (Berkes, 2002, p. 323). Because the positions of Sultan and the Caliphate were guaranteed, the constitution could be said to only legalize Ottomans’ understanding of legality. However, as the need to legalize the sultan’s authority on a constitutional basis was felt even more heavily, the second Constitution was declared in 1908. The emergence of Committee of Union and Progress as policy and administration in 1913 meant that a second authority from the elite class (military-official) other than the Sultan had a say on the affairs of the state.

The authority of the elite military class reached its zenith following victory in The War of Independence after World War I and declaration of the foundation of Republic in 1923. The abolishment of the sultanate and caliphate was complete with the establishment of Turkish Republic. This put

^{§§} Sened-i İttifak, 1808, is the first episode that challenges the absolute power of Otoman Sultans (See İnalçık, 1964, pp. 606–607).

an end to the Ottoman State as well as the existence of traditional legality in Turkey. In this period rational-legal and charismatic features were dominant. As Weber theorized, charismatic leaders emerge during trouble eras of societies. Mustafa Kemal Atatürk's emergence as a charismatic leader coincided with a time of crisis in the Turkish nation. The national salvation movement began in Anatolia and later transformations were shaped around his charisma.

The common characteristic of the modern age is secularism and criticism (Timur, 1968, p. 94). Thus, the transformation of legality in the Ottoman State is to be considered within the context of secularism and criticism. The period of modernization of the Ottomans was experienced in an age when traditional legality foundations were challenged and there were trends towards a rational-legal basis. Atatürk emerged as a charismatic leader in a period with a number of charismatic leaders. Yet, the Republican Era cannot be defined only through charismatic authority because of the positive norms limiting charismatic authority.

Rustow (1969, p. 574), a political scientist, maintains that Ataturk's role in the transition from Ottoman State to Turkish Republic is of a charismatic nature. Defining Ataturk as a figure of establishment finding himself in a charismatic situation, he demonstrates that Ataturk created a number of establishments based on the legacy of the past yet resistant to invisible dangers of the future. However, Ataturk's establishments should be seen as efforts to base his authority on a legal basis on. This was of prime importance for Ataturk because he believed that organization should have a legal nature, which makes his authority also a legal one. His holding conferences in such Anatolian cities as Erzurum (July 23-August 7, 1919), Sivas (September 4-7, 1919); his opening of National Assembly in Ankara (April 23, 1920); and his declaring of a new Constitution (Teşkilat-i Esasiye) (January 20, 1921) all indicate how much importance he attached to institutions. Besides, as a victorious commander, Ataturk was given the title traditionally bestowed to most courageous Ottoman war heroes, "Ghazi", a title of Islamic reference. Thus, his abolishing of Caliphate (March 3, 1924), an institution esteemed much by Turkish nation, is notable in that it was done by a leader appraised by his charisma and heroism in the religious sense.

Turkish republic had, until 1950, kept on one-party (Republican People's Party) system. This political system, both during Ataturk's rule and, following him, İsmet İnönü's (commonly called National Chief) reign had central authoritarian aspects. The first election in the multi-party system in 1950 brought Adnan Menderes to power. Although not very well-known at the start of his term in office, Menderes built his charisma in time with his close contact with public. The most notable instance of his charisma

occurred when his plane crashed while flying to London in 1959 and he survived. On returning to Turkey, people enthusiastically showed affection to him trying to lift his car on their shoulders, believing that God protected him. Yet, the understanding of politics represented by Inonu, which had a conviction that there was not much probability for them to win any parliamentary election within the existing democratic political atmosphere, included military and civilian bureaucracy into politics. This led to the military coup on May 27, 1960 which overthrew Menderes government and sentenced him to death. Yet, this intervention could not erase Menderes charisma from the minds of public and the political scene in Turkey. Claiming that he carried on Menderes legacy, Süleyman Demirel became an effective political figure in Turkey.

At present, too, the foundation of political power in Turkey exerts a charismatic authority within democratic/rational rules (Türkiye’de Liderler ve Demokrasi, 1968). The present Prime Minister, Recep Tayyip Erdoğan, taking office in 2002 (President of the Republic of Turkey in 2014), received the support of the public because of his conservative democratic figure and charismatic personality, which shows that the foundation of authority is still charisma within democratic/rational rules.

10. CONCLUSION

Transformations in line with Weber’s typology were experienced during the Ottoman classical period, the Period of Reforms, Constitution; and have still been observed in the Republican Era. During the classical period the foundation of the legality of authority was a mixture of traditional, charismatic and rational authority; in Period of Reforms and Constitution it was a mixture of traditional and rational authority; and with the Republican period it has gained the feature of rational-legal and charismatic authority. In fact, Weber notes that each of these typologies of the foundations of legality may not exist purely; they may reveal themselves as an eclectic panorama (Kapani, 2000, p. 100). According to Weber, political systems mostly exist with a combination of these three typologies.

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