

(p. 39). As I have found no mention of this term prior to 2004, I wonder which scholars and politicians Yavuz is referring to. Moreover, the fact that the term does not have an established Turkish translation equivalent calls for elaboration.

I also find it difficult to believe that Ziya Gökalp was “one of Atatürk’s right-hand men” (p. 41). The Turkish War of Independence lasted until 1922 and Mustafa Kemal (Atatürk from 1934) was primarily a military leader up until then. Gökalp died in 1924, before the socially transformative reforms of the Turkish Republic were initiated. His writings may have been influential, but Gökalp was hardly Atatürk’s right-hand man.

More egregious than the varying quality of factual claims is the overall framing of the work. The post-Kemalist take that was refreshing in the early 2000s appears stale when used in 2020. Perhaps it is because the party that its political version fostered has grown authoritarian, but more pertinently the scholarly version has run out of analytical purchase. If I were to be unkind, *Nostalgia for Empire* is a scholarly counterpart to those books and think pieces where American journalists go to “fly-over country” to interview Trump supporters in diners, essentializing “the real America” and buying/reproducing a particular narrative of where that America is (in Kansas) and what it wants (“make America great again”). The difficulty is that the resulting analysis is not only analytically problematic, but at the same time it is the legitimizing discourse of a particularly nasty political current.

This review could have been the equivalent of a music fan claiming “I liked his early work better.” But the problem runs deeper. Like the “Trump voter in diner” genre, *Nostalgia for Empire* turns the sources’ political narrative into its own scholarly analysis. Despite extensive criticism of Erdoğan and Ahmet Davutoğlu, the book reads as an apologia for imperial nostalgia and for the post-Kemalist political project as much as an analysis of it.

Einar Wigen

University of Oslo, Norway

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Avi Rubin, *Ottoman Rule of Law and the Modern Political Trial: The Yıldız Case*. Syracuse, NY: Syracuse University Press, 2018, xviii + 226 pages.

The Yıldız trial (June 27–29, 1882) was among the most critical political events of the Hamidian era. This unique regicide trial of Ottoman history

helped Abdülhamid II to eliminate his main reformist-constitutionalist opponents and hence allowed him to further monopolize power. İsmail Hakkı Uzunçarşılı (1888–1977) published three monographs on the case, respectively in 1947, 1950, and 1967, by transcribing almost all the available Ottoman archival sources.¹ Since then, this famous case has not been subject to extensive academic study. This book puts an end to this decades-long neglect.

The book opens with a prologue that evokes İlker Başbuğ's (the retired chief of the general staff) allusions to the Yıldız trial in July 2013 when he was accused of plotting against the government. This prologue brings an additional present-day context to the book, which essentially swings between 1876 and 1909, and demonstrates how vivid the memory of the trial is. The introduction presents the qualities of the available documents (notably their higher potential for a historical reconstruction compared to the previous centuries' legal documentation) and reviews the earlier works on trial. Rubin criticizes previous studies' approaches to reading documents like a judge. He defines his book's alternative approach as sociolegal history. Accordingly, the book analyses the trial from a microhistorical perspective. Yet, at the same time, it focuses on the significance of the case in terms of legal culture without neglecting its political implications.

Each chapter carries this twofold interest. The book devotes large passages to the reconstruction of the trial and other major events related to it, starting with the suspicious suicide of Abdülaziz (1876). The historical reconstructions are based on a meticulous reexamination of the published documents and narratives. Rubin's findings in the Ottoman and British national archives do not challenge the existing narratives but enrich the available information on the case. Yet, the originality of this study lies not in its archival materials but in its conceptual framework. As the book's title hints, Rubin places two concepts, namely "the political trial" and "the rule of law," at the center of his analysis. According to him, modern political trials are particularly suitable for a sociolegal analysis since these "scandalous and controversial" trials play with the boundaries between the political and legal. Approaching the Yıldız case as a political trial, Rubin discusses the influence of judicial reforms and doctrinal novelties on the legal culture. "The rule of law" is the key concept in this evaluation. He approaches the concept not as an abstract norm but as "a cultural phenomenon" within a concrete historical context.

The first chapter underlines the major changes in the judicial field since 1840s and rereads the Yıldız trial as a by-product of these developments. According to Rubin, this trial is a full manifestation of the effects of the judicial

1 *Midhat Paşa ve Rüştü Paşaların Tevkifine Dair Vesikalar* (Ankara: TTK, 1947); *Midhat Paşa ve Taif Mahkumları* (Ankara: TTK, 1950); *Midhat Paşa ve Yıldız Mahkemesi* (Ankara: TTK, 1967).

reforms on the legal culture: the court carefully follows the standard Nizamiye procedure; the rhetoric of the prosecutor, judge, advocates, and defendants demonstrates a strong adherence to the rule of law. This chapter overall claims that during the second half of the nineteenth century, “thinking in terms of legalism” (p. 41) dominated the Ottoman legal sphere, thanks to the judicial reforms of legal codification and the transition to a hierarchical review system.

The following chapter reframes the Yıldız case as a political trial. Arguing that understanding the political context is indispensable for analyzing any political trial, it initially focuses on the political factors which shaped the trial: personal enmities between Ahmed Cevdet and Midhat Paşas, the crisis of 1876, and constitutionalism. Rubin then drifts away from the political context and turns back to the trial. He focuses on the legal term “compelling superior” (*amir-i mücbir*), which aims, in the context of the Yıldız trial, to indicate the command responsibility of Midhat and other pashas for the commission of the crime in question. Rubin demonstrates the significant importance of this legal term for the strategies of both the prosecutor and defendants during the trial. However, the term was completely omitted from the formal court decision as it was not suitable for the political objective of the trial. According to Rubin, this choice of the judges confirms the travesty characteristic of justice in the Yıldız trial.

Modern political trials are known as legal tools in the service of the regime. They instrumentalize the law and the principle of legality in order to eliminate political enemies. As Rubin admits, the Yıldız trial is no exception to this general rule. Yet, he claims that this show of travesty justice itself reveals concrete changes in the legal system and culture. Accordingly, the third chapter analyzes the Yıldız case as a “show trial.” It attributes particular importance to its performative aspects and repercussions in the press. Rubin analyses the rhetorical tactics in newspapers and official documents produced during the entire proceedings, including police reports, bills of indictment, depositions, and court decisions. The conclusive analysis underlines the main argument of the book: all the associated rhetoric demonstrates how much the principle of the rule of law was engrained in the Ottoman legal culture.

The final chapter is reserved for the aftermath of the trial. It focuses on three major events: the exile of the prisoners to Taif fortress, the suspicious death of Midhat and Mahmud Paşas in exile in 1884, and finally Ali Haydar Bey’s struggle to reopen the trial to exonerate the name of his father Midhat Paşa in 1909. It also recaps the issue of the difference between the historian and the judge, and criticizes the historicist and “legalistic approach” of Uzunçarşılı’s works on the aftermath of the trial.

The conclusion opens with a quotation from a 2015 article (but not a satirical poem contrary to what Rubin claims) by the journalist Hasan

Cemal, which complains about the ideological misuse of rule of law. The quotation highlights the relevance of the major conceptual theme of the book for current history and its prevalent abuse. Rubin summarizes the critiques regarding the utilization of this concept as a category of analysis (particularly in political theory) due to its overuse and abuse. Yet, he claims that the book overcomes these limitations by approaching “rule of law” “as a cultural phenomenon” or “a mode of thinking about the law.”

The book’s contribution to Ottoman historiography can be summarized in three interrelated points. First, it proves the rich potential of an already-studied historical case when it is analyzed within a new framework. Second, Rubin’s sociolegal analysis reframes the Yıldız case within the social, political, and legal transformation of the Ottoman nineteenth century. Finally, the book invites scholars to consider Ottoman legal culture as a crucial part of the social and political changes in the empire.

The book overall makes two fundamental claims regarding Ottoman legal culture during the period in question: that the Yıldız trial was an enactment of a new legal culture and that Ottoman legal culture embraced the principle of the rule of law. I have two major criticisms regarding these arguments. First, Rubin’s claims regarding the new legal culture are based on his microhistorical analysis of the Yıldız trial. Yet this exceptional case’s ability to represent Ottoman legal culture remains doubtful. The case was obviously different from an ordinary trial in several ways, starting with its location (the yard of the palace). Most importantly, international powers closely observed it. As Rubin shows, all the components of the court (judges, prosecutors, advocates) took the international audience into consideration in their rhetorical tactics. So, the echoes that Rubin observes in the trial may not be always or completely reflect those of Ottoman legal culture. Moreover, considering the complex structure of Ottoman legal culture, I do not think that any trial may alone have this representative capacity. Despite the ongoing centralization and standardization process in the legal domain, there were still gray areas, mainly because of the differences between sharia law and the state-enacted codes. Besides, Islamic legal tradition remained a reference point in the legal culture.² If the author—an expert of Ottoman legal history—had enriched his analysis with other examples from Ottoman legal history, and taken into consideration the probable impacts of the Islamic-legal tradition on the legal culture, it would have been useful in enabling the reader to better apprehend the inevitable limits of the book’s claims.

2 See Ebru Aykut, “Judicial Reforms, Sharia Law, and the Death Penalty in the Late Ottoman Empire”, *Journal of the Ottoman and Turkish Studies Association* 4, no. 1 (2017): 7–29.

My second criticism is about the limits of the scope of analysis on Ottoman legal culture. Rubin describes legalism and the notion of the rule of law as defining features of this culture. Yet he underestimates the significance of the abuse of this principle on a regular basis. Abdülhamid II had suspended the *Kanun-ı Esasi* four years before the Yıldız trial began. As Noémi Lévy demonstrates, in doing so the sultan did not even refer to Article 113 of the *Kanun-ı Esasi*, which allowed him to declare *idare-i örfiyye* (state of siege), and hence “suspend the legal order in the name of the rule of law.” Still, the Hamidian regime continued to refer to this article whenever it needed to declare the state of siege.³ Besides, the prologue and the conclusion of the book recall the legal practices from contemporary Turkey, which is quite fertile ground for finding similar examples. In some ways Rubin is perfectly right: the notion of the rule of law was a defining feature of the legal culture in the late Ottoman Empire (as it is today in contemporary Turkey). But what if its abuse was also “normalized” or turned into an expected practice? Does this abuse only matter for political theory? Did not it have any significance for Ottoman legal culture? Considering his sociolegal approach, I would have expected Rubin to evaluate Ottoman legal culture together with its paradoxes and tensions in a more nuanced way. To conclude, despite these limitations, this well-constructed book with its microhistorical analysis and multilayered interests is certainly a valuable contribution to the legal and political history of the late Ottoman Empire.

Burak Onaran

Mimar Sinan Fine Arts University, Istanbul, Turkey
 Email: burak.onaran@msgsu.edu.tr

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Darin N. Stephanov. *Ruler Visibility and Popular Belonging in the Ottoman Empire, 1808–1908*. Edinburgh: Edinburgh University Press, 2019. vii + 240 pp.

The intersection of political, intellectual, and cultural history embodies critical material to understand the great transformations of the nineteenth century. The symbolic background of nation-state formation in Europe is a fundamental component in this research area. Most of the analyses in this field focus on the end of the century, and thus they often miss the continuity

3 Noémi Lévy, “An Ottoman Variation on the State of Siege: The Invention of the *Idare-i Örfiyye* During the First Constitutional Period”, *New Perspectives on Turkey* 54 (2016): 1–24.