

# CONFRONTING MODERNITY AND THE TRANSFORMATION OF THE MUSLIM FAMILY IN ÖMER NASUHI BİLMEN'S WRITINGS IN THE 20<sup>TH</sup> CENTURY OTTOMAN STATE

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## Abstract

During the 19<sup>th</sup> and 20<sup>th</sup> centuries, the Ottoman State underwent a process of modernization driven by political, legal, and social reforms. This period was marked by a cautious approach to change by Ottoman scholars, including Ömer Nasuhi Bilmen. Bilmen was a highly influential Muslim intellectual and Islamic legal scholar during the late Ottoman era and the early years of secular Turkey. This article examines Bilmen's confrontation of modernity and his responses to

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societal changes through specific issues relevant to his time in the late Ottoman era. It discusses his role in addressing obstacles, his observations of ongoing transformations, and his critiques of European hegemony and modernization. The study focuses on Bilmen's articles written in Ottoman Turkish between 1920 and 1922, particularly on marriage, divorce, polygamy, and population growth policies.

*Keywords:* Islamic family law, Ömer Nasuhi Bilmen, modernity, marriage, divorce

## **Introduction**

The 1920s were the period during which the modernization of the Ottoman State became apparent through the implementation of political, legal, and social institutions. There was a vocal demand for change and the adoption of a modern lifestyle, as well as criticism of this demand. Ottoman intellectuals endeavored to comprehend and elucidate the social and political factors underpinning the demand for change. One of these intellectuals was Ömer Nasuhi Bilmen (1883-1971).<sup>1</sup> Bilmen is arguably among the most influential legal scholars of the 20<sup>th</sup> century who lived during the late Ottoman and Turkish Republican periods. He is renowned for his extensive knowledge and experience of Islamic law, both in theory and practice. However, his unique position in Muslim intellectual history extends far beyond that of a distinguished legal scholar. Bilmen was, in fact, a citizen of two worlds: the Ottoman State and the new Turkish Republic. He was confronted by the Ottoman State's modernization of political and legal foundations, the sociolegal conflict that arose from this process, the later fall of the State, and finally, the legal policies of the new Turkish Republic.

Like many other Ottoman scholars, Bilmen witnessed the structural dynamics of radical legal change and secularization in the Republican era. He played a key role in transferring the Qur'ānic and Islamic intellectual heritage to the new Turkish Republican context. He promptly adopted the Latin script for the Turkish language and authored several books in the field of Islamic studies and Islamic law.

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<sup>1</sup> I am deeply indebted to Alina Celebcigil, relative of Ömer Nasuhi Bilmen, whose assistance has been invaluable throughout this work.

During the late Ottoman period, he was deeply interested in the sociopolitical tensions surrounding the compatibility of Islam with modernity, social issues, and the effects of modernization. Through several Ottoman periodicals, he shared a portion of his views, criticisms, and reflections on theology, understanding the Qurʾān and Ḥadīth, and the practice of Islamic law. The debates concerning the efficiency of Islamic law, as well as the argument that Islam and its legal system are incompatible with modern society, were among the issues in which he was actively involved. As a Muslim intellectual, he also challenged the Western political and cultural hegemony over Muslim societies. Bilmen dedicated a considerable portion of his life to writing. In his writings, Bilmen sought to resolve the conflict between religious knowledge and modernization and to dispel misconceptions about Islam, the Qurʾān, and Islamic law.

This study will particularly examine Bilmen's writings from the 1920s, which mark a crucial transition from the "old Ottoman State" to the "new modern Turkish Republic".<sup>2</sup> This study aims to uncover the social and political agenda that dominated the intellectual and political arena in Bilmen's articles and to explain the impact of modernization on the Muslim community in the early 20<sup>th</sup> century. To present Bilmen's ideas in a systematic way, his thoughts on four topics are outlined: marriage among Muslims, divorce practices, polygamous marriage practices, and policies to control population growth. Unfortunately, in the contemporary academic literature, his contributions to these issues are largely neglected, if not avoided altogether. For example, there is a considerable similarity between the information presented by Alen Duben and Cem Behar in their work entitled *Istanbul Households: Marriage, Family and Fertility, 1880-1940* and Bilmen's articles. Starting from this gap in the recognition of Bilmen's intellectual world, this study concentrates on articles written by Bilmen in the late Ottoman period that were published in the journals *Bayān al-Ḥaqq*, *Şīrāt-i Mustaqīm*, and *Sabīl al-Rashād* between 1920 and 1922.

Finally, while this paper is not a biography of Bilmen or an examination of his entire body of work, it is a valuable goal to provide the English reader with an overview of Bilmen's intellectual background, the political context of his life, and his works. There is a

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<sup>2</sup> Ayla Göl, *Turkey Facing East: Islam, Modernity and Foreign Policy* (Manchester: Manchester University Press, 2013), 23-25.

considerable lack of information about Ömer Nasuhi Bilmen in English; this paper contributes to the essential need to provide this information.

### 1. A Man of Letters: Ömer Nasuhi Bilmen (1883-1971)

Ömer Nasuhi Bilmen was born on January 10, 1883, in Erzurum (a city located in eastern Anatolia), Turkey, into a prestigious *‘ulamā’* family with links to the Ottoman royal family. He passed away on October 12, 1971, in Istanbul. He was orphaned at a young age when his father, Sheikh Hājī Aḥmad Ḥamdī Efendī, passed away and was subsequently brought up by his mother, Muhibah Khanim, and his uncle, ‘Abd al-Razzāq ‘Ilmī Efendī. Bilmen received his primary education from his family. ‘Abd al-Razzāq ‘Ilmī Efendī, the *mudarris* of Erzurum Aḥmadiyyah Madrasah and deputy *naqīb al-asbrāf*, played an important role in Bilmen’s continued education. Eventually, after the deaths of his uncle and his another tutor Narmanlīzādah Ḥusayn Haqqī Efendī, Bilmen and his mother relocated to Istanbul in 1908.<sup>3</sup>

Bilmen pursued further education under Tūqādlī Shākīr Efendī, a *mudarris* at Fatih Madrasahs in Istanbul. After successfully attending Tūqādlī Shākīr Efendī’s lectures, Bilmen was awarded the teaching certificate and began working as a *Bāyazīd Dars-i ‘amm* (lecturer) in 1912. During this time, he also studied law at the *Madrasat al-Quḍāb* (a school of Islamic Law), from which he graduated on July 16, 1913. Although Bilmen wrote poetry in Arabic, Persian, and Turkish during his education in Istanbul, he also enjoyed reading French and writing in that language, as well as translating French into Turkish. Alongside his law studies, he developed an interest in philosophy and ethics, reading extensively and writing articles on Western approaches to ethics and morality.<sup>4</sup>

In July 1913, Bilmen was appointed as *mulāzīm* (rapporteur) to Fatwākhānah-i ‘Ālī (the house of *fatwā*<sup>5</sup>), and within a year, he was promoted to the head of *mulāzīms*. According to the regulations of Fatwākhānah (dated February 18, 1875), only those who had proven

<sup>3</sup> Rahmi Yaran, “Bilmen, Ömer Nasuhi”, *Türkiye Diyanet Vakfı İslâm Ansiklopedisi* (İstanbul: TDV Yayınları, 1992), 6/ 162.

<sup>4</sup> Ömer Nasuhi Bilmen, *Yüksek İslâm Ablakı* (İstanbul: Ravza Yayınları, 2020), 26, 46, 57.

<sup>5</sup> The response of a qualified legal scholar (*faqīb*) to a question posed by an individual, judge, or government.

their competence in Islamic law could be assigned by the committee as the head of *mulâzims*, and Bilmen was accepted as a qualified candidate for this position. At the age of 30, he joined Hay'at-i Ta'lifiyyah<sup>6</sup> (Research Committee for Fatwás) in 1915 and worked with leading Islamic law scholars, including 'Ali Hâyder Efendî.<sup>7</sup> The Hay'at-i Ta'lifiyyah and Hay'at-i 'Ilmiyyah committees were responsible for issuing the Ottoman Family Law, endowing them with considerable importance. Here, Bilmen was charged with collecting *fatwás* in the field of family law and translating them into Turkish. Years later, when Bilmen published his first volume of *Hukûk-ı İslâmiyye ve Istilâhât-ı Fıkhiyye Kâmusu*, he referred to 'Ali Hâyder Efendî in his foreword to express his gratitude.

Following the establishment of the Turkish Republic (1923), Bilmen was appointed the Vice Muftî of Istanbul in 1926. In 1943, he was appointed to the position of Muftî of Istanbul. His profound expertise in Islamic law and Qur'anic exegesis, combined with years of experience in the House of Fatwá and his esteemed reputation in the community, made him an outstanding candidate for the head of Diyanet İşleri Başkanlığı (Presidency of Religious Affairs of Türkiye). Despite declining to participate in the elections several times, on June 30, 1960, Bilmen was elected as the head of Diyanet İşleri Başkanlığı by a landslide. While heading Diyanet, Bilmen was pressured to regulate the recitation of *adbân* (Islamic call to prayer) and prayers in the Turkish language and to take reformative actions toward Islamic law.<sup>8</sup> Despite strongly opposing the idea that Islam required reform, Bilmen resisted the implementation of these demands for approximately ten months before ultimately resigning from the presidency.<sup>9</sup> Following his resignation, he returned to teaching and

<sup>6</sup> A branch of Fatwá Room attached to Fatwá House in the Office of Ottoman Shaykh al-Islâm. İslam Demirci, "Osmanlı Şeyhülislâmlık Kurumunun Bir Birimi: 'Te'lif-i Mesâil Şubesi'", *İslam Hukuku Araştırmaları Dergisi* 9 (2007), 144.

<sup>7</sup> A well-known Ottoman scholar, judge, and commentator of *Majallah* and the author of *Nâfaqah Qânunnâmahsi*.

<sup>8</sup> Mehmet Görmez, "Açılış Konuşması", *Müftü ve Müderris Ömer Nasuhi Bilmen Sempozyum Tebliğleri 8-9 Kasım 2014*, ed. Nail Okuyucu - Ayhan Işık - Kâmil Büyüker (İstanbul: Marmara Akademi Yayınları, 2017), 26, 28.

<sup>9</sup> Ayhan Işık, "Ehl-i Halden İlmihal'e Bir Ömür: Ömer Nasuhi Bilmen", *Müftü ve Müderris Ömer Nasuhi Bilmen Sempozyum Tebliğleri 8-9 Kasım 2014*, ed. Nail Okuyucu - Ayhan Işık - Kâmil Büyüker (İstanbul: Marmara Akademi Yayınları, 2017), 40.

delivered lectures on ethics, Islamic legal theory, Islamic law, and theology at Darüşşafaka High School, İstanbul İmam Hatip High School, and the İstanbul High Islamic Institute at Istanbul University.

## 2. Bilmen's Intellectual Climate in the 20<sup>th</sup> Century

As previously noted, Bilmen was raised in a renowned 'ulamā' family, and his early intellectual development was influenced by his home education. However, Bilmen's move to Istanbul in 1908 and the intellectual climate that surrounded him substantially affected his writings.

For centuries, Istanbul has been the central hub for Muslim scholars and one of the prominent intellectual nerve centers in the Muslim and Ottoman worlds. Modernization in Istanbul began in the late 1700s, starting with political and military affairs. However, at the start of the 20<sup>th</sup> century, Istanbul encountered many challenges and transformations that brought about changes in its citizens, political and legal structure, and social lifestyle as a result of modernization.<sup>10</sup> During the modernization process, European ideas and concepts were very influential in creating the demand to reform the institutions of the State.<sup>11</sup> After moving to Istanbul, Bilmen found himself in the middle of this modernization process. The impact of this process on Bilmen can be observed in his articles. Bilmen presented his observations and critiques on the modernization process and offered solutions. According to Bilmen, modernization, as a part of the Ottoman experience, is closely related to the process of Westernization and the adaptation of European values.<sup>12</sup> Therefore, he was highly critical of this process and did not hesitate to express his concerns about the

<sup>10</sup> Olivier Bouquet, "From Decline to Transformation: Reflections on a New Paradigm in Ottoman History", *Osmanlı Araştırmaları* 60 (2022), 37-45.

<sup>11</sup> Şerif Mardin, "Tanzimat'tan Sonra Aşırı Batılılaşma", *Türk Modernleşmesi: Makaleler 4*, ed. Mümtaz'er Türköne - Tuncay Önder (İstanbul: İletişim Yayınları, 2006), 21-79.

<sup>12</sup> Ömer Nasuhi Bilmen, "Ta'addüd-i Zevcât Müessesesi-i İctimâiyyesi I", *Sabîl al-Rashād* 23/590 (28 Şubat 1340), 274-277; Bülent Arı, "The Politics of the Ottoman Empire in the 19<sup>th</sup> Century: Institutionalization, Change and Continuity", *The Relationship Between Art and Politics in the 19<sup>th</sup> Century Ottoman Empire: Institutionalization, Change and Continuity*, ed. Ayşegül Komsuoğlu - Hikmet Toker - Federica Nardella (İstanbul: Istanbul University Press, 2021), 1-18.

uncontrolled changes society was undergoing, as well as the Western hegemony over society, Ottoman institutions, and the legal system.<sup>13</sup>

On October 29, 1923, the establishment of the Turkish Republic was officially announced to the world. Like the rest of the country, Bilmen woke up to a completely new world. The institutions, the system, the foundations of the old state, and even the alphabet were radically changed over a few short years. The Ottoman legal system and the shari‘ah-based law were abolished. The law of the new state was based on secular values and concepts. To ensure a rapid transition, the Turkish State adopted an eclectic method for legal transplantation.<sup>14</sup>

On the basis of these two intertwined experiences, Bilmen continued to reflect on how to understand Islam and the objectives of Islamic law within a secular world. Despite the challenge of shifting to a completely new political context, the Republican period was Bilmen’s most productive period, during which he wrote his most important works.

### **3. Major Works of Bilmen**

Bilmen was a traditional Muslim scholar in the sense that his works are highly systematic and portray the classics of Qur’ānic exegesis and Islamic law. At the same time, he was a man of time in the sense that he was well aware of the change that society had undergone and of the compulsion for legal change. In his writing, his objection is toward reform based on the idea that Islam is static and does not accommodate the modern lifestyle and on the pressure to adopt changing concepts to transform Muslim society. After the 1940s, he translated some of his major works into modern Turkish. These works progressed in two directions that tended to intersect and overlap with one another: Qur’ānic exegesis, Islamic law in daily practice, and theology and ethics.

Among his most widely read works, and of particular note, is *Hukûk-ı İslâmiyye ve Istulâhât-ı Fıkhiyye Kâmusu*, the compendium of Islamic law (hereafter referred to as *Kâmus*). *Kâmus* is the first

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<sup>13</sup> Omer Awass, *Fatwa and the Making and Renewal of Islamic Law: From the Classical Period to the Present* (Cambridge: Cambridge University Press, 2023), 198-212.

<sup>14</sup> Muhammet Derviş Mete, “Turkey’s Experience of Legal Transplantation and Turkish-Style Presidential System”, *Selçuk Üniversitesi Hukuk Fakültesi Dergisi* 30/3 (2021), 1159-1173.

encyclopedia work on Islamic law written in the modern Turkish language. Eventually, with the encouragement of Prof. Ebül'ulâ Mardin, Prof. Ord. Hüseyin Nail Kubalı (the dean of the Faculty of Law at Istanbul University), and Prof. Ord. Hıfzı Veldet Velidedeoğlu (professor of civil law at Istanbul University), *Kâmus* was published twice by the Istanbul University Faculty of Law Publishing House (1949-1952). The chancellor of Istanbul University, Sıddık Sami Onar, wrote a foreword to justify the significance of *Kâmus* and Bilmen's achievement. In Onar's own words:

To deliver a comprehensive and taut piece of work to today's generation in a way they can understand about an advanced legal system –which is spread through centuries, across continents, and among nations and civilizations– is not a task that can be accomplished by anyone. Our dignified scholar and Muftî, Ömer Nasuhi Bilmen, has completed this difficult task by producing this work with his advanced and excellent knowledge and tireless effort. Legal experts of today and tomorrow will find information on original comparisons of legal examinations and principles for future legislation. With this book, Turkish legal literature has attained a precious legal source.<sup>15</sup>

As Onar states, this work provides a systematic account of Islamic law, including legal theory, and discusses its philosophical underpinnings for legal experts in both civil and Islamic law. Moreover, it represents the first comprehensive work on Islamic law written in modern Turkish, and due to its substantive contributions, it remains unrivaled to this day. Bilmen predominantly based his work on the Ḥanafî school of law and acknowledged the nuances among the Ḥanafî, Shāfi'î, Mālikî, Ḥanbalî, and Zāhirî schools of law. Bilmen aimed to reveal the subjects of legal theory, the foundation of Islamic law, the history of Islamic law, and all subjects of Islamic law except the principles and rulings regarding worship and prayers. Later, the subjects of worship and prayers were gathered in a separate, well-known work, *Büyük İslâm İlmihali*.

<sup>15</sup> Sıddık Sami Onar, "Hukûk-ı İslâmiyye ve Istilâhat-ı Fıkhiyye Kâmusu'nun Temin Edeceği Büyük Faydalar", *Hukûk-ı İslâmiyye ve Istilâbât-ı Fıkhiyye Kâmusu* (İstanbul: İstanbul Üniversitesi Hukuk Fakültesi, 1955), 1/4.



*Büyük İslâm İlmihali* falls into a special book genre known as ‘*ilm-i hâl*. ‘*İlm-i hâl* is composed of concise guidebooks for Muslims that provide practical information about Islamic faiths, prayers, worship, and ethics. Among Bilmen’s collection of works, *Büyük İslâm İlmihali* stands out as one of the most extensively read books due to its robust language, comprehensive insights, and ability to provide solutions to modern-day questions and problems. In his writing, Bilmen explained his motivation behind creating this particular ‘*ilm-i hâl*.

Another important work is Bilmen’s translation and exegesis of the Qur’ân (*Kur’ân-ı Kerîm’in Türkçe Meâl-i Âlisi ve Tefsiri*, İstanbul 1963-1966). This exegesis consists of eight volumes. Other books by Bilmen related to Qur’ânic studies include the history of the Qur’ânic exegesis (*Büyük Tefsir Tarihi*, in two volumes, Ankara 1955-1961), *Kur’ân-ı Kerîm’den Dersler ve Öğütler* (İstanbul 1947), and the Turkish commentary of Sûrat al-Fatḥ (*Sûre-i Feth’in Türkçe Tefsîri İtilâ-yı İslâm ile İstanbul Taribçesi*, İstanbul 1953).

Before the Republican era, Bilmen’s publications primarily consisted of articles, some of which are examined below.

#### **4. Bilmen’s Articles on Marriage, Divorce, and Changes in the Muslim Family**

During the process of modernization, the concept of marriage in Ottoman society underwent unprecedented social, legal, and theological changes.<sup>16</sup> At that time, being modern served as an organizing concept for understanding family, marriage, and marital relations. It also reflected the modern lifestyle and endorsed a progressive concept of marriage. In general terms, the modern family or modern marriage was characterized by the nuclear model family and monogamous marriage, administered by the state, excluding religious authorities, providing flexibility in marital norms, and prescribing equal rights and responsibilities for the partners.<sup>17</sup> The

<sup>16</sup> Mehmet Âkif Aydın, *Osmanlı Aile Hukuku* (İstanbul: Klasik Yayınları, 2017), 137-141.

<sup>17</sup> Nihal Altınbaş, “Marriage and Divorce in the Late Ottoman Empire: Social Upheaval, Women’s Rights, and the Need for New Family Law”, *Journal of Family History* 39/2 (2014), 7; Alan Duben - Cem Behar, *Istanbul Households: Marriage, Family and Fertility 1880-1940* (Cambridge: Cambridge University Press, 1991), 194-197; 215-225; Julia Moses, “Introduction: Making Marriage ‘Modern’”,

genesis of this dramatic change lay in prolonged wars, close encounters with European culture and values, and changing economic circumstances. As a result, the functions of Ottoman family law, polygamous marriage, traditional marital norms, family dynamics, and access to divorce began to be questioned through the lens of the new concept of marriage, namely, modern marriage.<sup>18</sup>

The modern family became a dominant concept that left no room for traditional or alternative models of marriage and family. Therefore, during the initial two decades of the 20<sup>th</sup> century, increased demands arose for the amendment of the Ottoman family and family-related legislation to bridge the disparity between modern and traditional marriage. While the demand for the adaptation of the modern family model was vociferous, some Muslim scholars responded with caution. They emphasized the dynamic role of Islamic law in finding solutions to new problems and changing circumstances and explained the potential pitfalls of the modern family model. Bilmen was one of these scholars. His main criticisms were directed toward the disregard for the principles and values of Islamic law, the impact of the hegemony of European values over Muslim and family structures, and the failure to understand the underlying causes of change in the traditional Muslim family model.

In 20<sup>th</sup> century Ottoman Istanbul, the number of divorces increased. Bilmen acknowledged the high divorce rates in society and thus emphasized the importance of establishing a strong foundation for marriage to reduce these rates. Bilmen argued that to have a stable family, it is important to understand why Islam recommends marriage for Muslims, what kind of marital relationship is expected, and why marriage can become more fragile over time.

#### **4.1. Marriage as a Social Institution and the Virtue of Marriage**

Bilmen produced two articles entitled *İzdivâc Müessesesi-i İctimâiyyesi* (The Sociological Institution of Marriage), in which he assessed the concept of marriage. From a legal point of view, marriage is a contract that enables a man and woman to legitimize an intimate relationship and establish a family in terms of legal norms. However, the legal aspect of marriage alone does not provide a full picture of

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*Marriage, Law and Modernity: Global Histories*, ed. Julia Moses (London: Bloomsbury Academic Publishing, 2018), 2-3.

<sup>18</sup> Duben - Behar, *Istanbul Households*, 206-208.

what marriage means in Islam. The Qurʾān and Ḥadīth explain the kind of moral, religious, and solid grounds on which a marriage should be built and present the ethics of marriage and marital relations in greater detail than the legal dimension of marriage.<sup>19</sup> According to Islam, marriage has social, biological, and religious benefits (*maṣlahah*) and is a source of mutual affection and cooperation, an essential aspect of providing a good life for spouses, protecting the lineage, and creating a stable society. With reference to both dimensions, Bilmen explains what marriage is from a legal point of view and then focuses on the positive aspects, the benefits of marriage, why it is advisable for people to marry, and why people should not be forced into marriage if they are not ready. In his articles, he aims to cover all aspects of life and all colors of human conditions to provide insight into how Islam views marriages from a holistic perspective.

Bilmen supports the idea that not everyone should be forced to get married. People are different, as are their life choices and conditions. One might have biological or physiological conditions that prevent him or her from getting married. In addition, one might be in a situation where she or he has no desire to marry or might have low sexual desire. Bilmen openly states that a person who lives in one of these conditions should not be forced to marry if he or she cannot take the responsibility of marriage.<sup>20</sup> Forced marriages (regardless of gender) do not help to achieve the religious, psychological, and social benefits that should be derived from the marital relationship in Islam.<sup>21</sup> These articles clarify that Bilmen is aware of the nature of marriage and the deadlocks that can sometimes come with it and is trying to offer a perspective of what marriage and marital relations are.

For Bilmen, economic factors have a negative impact on the decision to marry. For example, he raises the issue of how the *mahr* (indirect dowry, the financial responsibility of marriage) and wedding expenses become a burden for the younger generation. He refers to complaints about rising wedding expenses and an increase in the amount of *mahr*:

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<sup>19</sup> Ömer Nasuhi Bilmen, “İzdivâc Müessesesi-i İctimâiyyesi I”, *Sabîl al-Rashād* 23/594 (27 Mart 1340), 347.

<sup>20</sup> Bilmen, “İzdivâc Müessesesi-i İctimâiyyesi I”, 347.

<sup>21</sup> Ömer Nasuhi Bilmen, “İzdivâc Müessesesi-i İctimâiyyesi II”, *Sabîl al-Rashād* 23/595 (3 Nisan 1340), 358.

Although there is a religious and legal desire to marry, unfortunately, there are many people among Muslims who are not yet married. This issue arises for various reasons. One of these reasons is the increase in the conventional amount of mahr and other wedding charges that are not necessary or required.<sup>22</sup>

It seems that in late Ottoman society, the demand for excessive or insufficient *mahr* was an issue. In Islamic law, it is a right of women to ask for a *mahr*. Therefore, Bilmen does not approve of proposing a worthless or small amount of *mahr*, as this would contradict the right given by God. He reminds the reader that the *mahr* is one means by which women obtain financial security; therefore, it should be delivered fairly.<sup>23</sup> On the other hand, Bilmen also reminds us that excessive demand for *mahr* is not recommended for two reasons.<sup>24</sup> First, the deliverability of the *mahr* is highly important. This means that the more the amount of *mahr* increases, the more difficult it becomes to deliver. Second, the greater the demand for *mahr* is, the more difficult it becomes for a man to marry.<sup>25</sup> Bilmen expressed a similar concern about the wedding feast's costs. He advised that both the *mahr* payment and the cost of the wedding feast or other wedding costs should be in line with the groom's economic capabilities.<sup>26</sup>

#### 4.2. The Increase in Divorce Rates

The practice of divorce in 20<sup>th</sup>-century Ottoman society was another important topic for Bilmen to consider. He wrote two articles entitled *Müslümanlıkta İftirāk-ı Zevceyn* (Separation of the Spouses according to Islam). In both articles, Bilmen concentrates on the following topics: the permissibility and legitimacy of divorce according to Islam, the demand for reform of divorce laws, possible factors that could lead to divorce, and ethical and social precautions that could help to prevent an increase in divorce rates.<sup>27</sup>

<sup>22</sup> Bilmen, "İzdivâc Müessesesi-i İctimâiyyesi II", 357.

<sup>23</sup> Bilmen, "İzdivâc Müessesesi-i İctimâiyyesi II", 357.

<sup>24</sup> Bilmen, "İzdivâc Müessesesi-i İctimâiyyesi II", 358.

<sup>25</sup> Bilmen, "İzdivâc Müessesesi-i İctimâiyyesi II", 358.

<sup>26</sup> Bilmen, "İzdivâc Müessesesi-i İctimâiyyesi II", 358; Duben - Behar, *Istanbul Households*, 118 (fn. 68), 145-147.

<sup>27</sup> Duben - Behar, *Istanbul Households*, 130-131.

In line with the approach of his Muslim legal predecessors, Bilmen sees divorce as an option given by God, even if it is not strongly recommended. The primary goal of Islam is to maintain a healthy marital relationship to pursue a healthy family relationship. As mentioned earlier, marriage has many benefits for both husbands and wives. If one can find the beauties in his or her marital relationship, then that couple will find joy in marriage. However, not all couples can find harmony and ease in marriage. In particular, when the relationship between the husband and wife is built on physical or psychological suffering, divorce can become inevitable. In Bilmen's words:

Sometimes, the relationship between the spouses can be so damaged that there is no other solution but to file for divorce. A divorce decision can protect the family from major catastrophes. In this way, the divorce gives each of them a new chance in life.

... in fact, in these cases, nothing is more natural than to opt for divorce. How can a life be spoiled by soured by an inharmonious marriage, and how can one expect that continuing to such a marriage is a blessing?<sup>28</sup>

It can be derived from his statements that abusive attitudes in marriage had become visible in twentieth-century Ottoman society, so divorce represented potential salvation for such couples. On the other hand, Bilmen still expresses his discomfort with the increase in the number of divorces; as the Prophet said, it is not recommended to decide on divorce with an arbitrary attitude. To avoid an undesirable decision regarding divorce, Bilmen gathers ethical and sociological findings that might help couples avoid making the decision to divorce. For example, both men and women should be cognitively capable of getting married and ready to take on the associated responsibilities. Marriage brings happiness and benefits as well as difficulties. When spouses encounter difficulties, they should support each other and treat each other with kindness. Bilmen reiterates the Ḥanafī legal school's view that a woman should marry someone who is compatible (*kufuw*) in her religion, social status, morality, piety, wealth, lineage,

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<sup>28</sup> Ömer Nasuhi Bilmen, "Müslümanlıkta İftirâk-ı Zevceyn I", *Sabîl al-Rashād* 23/579 (13 Kanun-i Evvel 1339), 101.

or custom.<sup>29</sup> This requirement is necessary to derive sociological benefits and to facilitate the protection of marriage and the welfare of women. Children in families, regardless of whether they are boys or girls, should be well brought up by their parents. If they are well brought up and educated, then a man will know the financial and emotional responsibilities that come with marriage. For example, he is responsible for giving his wife the *mabr* (dowry), providing for her well-being during the marriage, and showing her love. Another reminder Bilmen presents regards the responsibility of the husband. The husband should stay away from gambling and drinking to protect the tranquility of his home. Keeping these conditions in mind, there is a safe ground on which to develop a healthy marital relationship.<sup>30</sup> In fact, in Islam, a person's piety is more valued than anything else. The most valuable spouse is a pious one. Bilmen is aware of this ethical standard. However, he is also very conscious of the social understandings, norms, and psychological realities that exist in society and that this ethical standard does not apply to everyone. Therefore, Bilmen emphasizes considering the principle of compatibility, as it has many advantages for women and marriage.<sup>31</sup>

Furthermore, for Bilmen, parents and community support preserve a secure and stable family. In some cases, a relationship may reach a deadlock. The couple may have disputes that they cannot resolve between themselves, in which case friends, relatives, and respected members of the community should help the couple resolve their dispute.<sup>32</sup> In some cases where the dispute cannot be resolved, and even if it is undesirable, divorce can be a solution to achieve the goal (*maqāşid*) if the couple is not fulfilling the expected benefits in their marriage.

Another subject Bilmen shares his thoughts on is the discussion regarding the demand for reform in Ottoman divorce law. In the twentieth century, one of the issues debated in the State was the reform of divorce and the enforcement of equal access to divorce for

<sup>29</sup> In his *Kâmus*, Bilmen again addresses the importance of compatibility (*kaḫā'ab*) between the couple, the reasons leading to divorce; Ömer Nasuhi Bilmen, *Hukûk-ı İslâmiyye ve İstulâbât-ı Fıkhiyye Kâmusu* (İstanbul: Bilmen Yayınevi, 1967), 2/216-217.

<sup>30</sup> Bilmen, "Müslümanlıkta İftirâk-ı Zevceyn II", 116.

<sup>31</sup> Bilmen, "Müslümanlıkta İftirâk-ı Zevceyn II", 116.

<sup>32</sup> Bilmen, "Müslümanlıkta İftirâk-ı Zevceyn II", 116.

husbands and wives through jurisdiction. Traditionally, Islamic law allows a husband to unilaterally divorce his wife. Although the right to divorce is primarily vested in the husband, under certain conditions, the wife can apply for divorce, such as *kbul'* (a type of divorce based on the wife's taking off her dowry), judicial divorce, or *ṭalāq al-tafwīd* (delegated divorce, where the husband delegates one of his divorce rights to his wife). It is legitimate for a wife to obtain a divorce through any of these three divorce types.<sup>33</sup> However, these options were also discussed as inequalities in divorce laws during the 20<sup>th</sup> century. While the husband could divorce his wife by pronouncing the divorce without any further procedure, the wife had to follow a specific procedure or meet certain conditions to obtain a divorce. For the reformist Ottoman intellectuals, the traditional mechanism of divorce was seen as an obstacle for Muslim women to gain the power dynamic of divorce. To balance the power between husbands and wives in divorce, the idea of delegating divorce to a legal process was proposed.<sup>34</sup> Bilmen critiques this proposal, arguing that although it would not affect wives for whom a judicial divorce is already an option, delegating divorce to a judicial process curtails the rights of husbands as prescribed by the Qurʾān.<sup>35</sup>

Bilmen contends that the traditional Islamic divorce process is often misunderstood and superficially depicted by reformists. He emphasizes that Islamic law provides women with several ways to seek a divorce, with the juridical process being merely one among them. On the other hand, Western family law, particularly Western canon law, had a specific legal framework regarding the termination of marriage, which indeed did not allow divorce as an option. Building on this, Bilmen briefly explains how Western family law evolved and contextualizes the implementation of divorce through the legal process in this legal framework. In Bilmen's words:

<sup>33</sup> Kecia Ali, *Marriage and Slavery in Early Islam* (Chicago, London: Harvard University Press, 2010), 141-142. Ahmet Yaman, *İslâm Aile Hukuku* (İstanbul: Marmara Üniversitesi İlahiyat Fakültesi Vakfı Yayınları, 2011), 90-92.

<sup>34</sup> Aydın, *Osmanlı Aile Hukuku*, 167; Altınbaş, "Marriage and Divorce in the Late Ottoman Empire", 6-8.

<sup>35</sup> Bilmen, "Müslümanlıkta İftirāk-ı Zevceyn II", 116-127; Bilmen, "Müslümanlıkta İftirāk-ı Zevceyn I", 101-102.

Eventually, the Western Church had to accept the law of divorce, even though the Church used to be against any kind of divorce. To meet the demands of Christian society, the Eastern Church was convinced that a marriage could be dissolved in the same way as it had been contracted, i.e., by the clergy.<sup>36</sup>

Although not explicitly stated, Bilmen's aim is to draw the reader's attention to the roots of the proposed legal reform and to understand why reducing divorce to court decisions does not fully cover Islamic law.<sup>37</sup> According to him, this regulation neither offered a new option to Islamic law nor would reduce the number of divorces in Ottoman society. Today, from the perspective of Muslim feminism, Bilmen's argument may not be considered sufficient to explain how to find the balance of power in divorce. In his articles, Bilmen's main point is not to offer an egalitarian perspective on Islamic divorce law. Rather, he analyzes the roots of this legal change from a broader perspective and aims to provide a context for it. Bilmen's argumentation should be discussed in detail in future studies to evaluate Bilmen's ideas fairly.

#### **4.3. Understanding the Islamic Concept of Polygamy and Questioning the Hegemony of European Values on Polygamy**

Bilmen's other two articles include an analysis of polygamy in Muslim society to explain the context of multiple marriages, and he seeks to clarify the function of polygamous marriage. Moreover, he devotes considerable space to responding to critics who describe the practice of polygamy as an inappropriate element in modern times, and he challenges the hegemony of European perspectives and values embodied in these critiques.<sup>38</sup>

Before reviewing these critics, it is important to understand Bilmen's views on polygamy and explain why he chose to write about it. Bilmen articulates that theologically speaking, God is just and merciful, and his Prophet is also merciful to the believers; therefore, this marriage model must be meaningful and provide some benefits. God would not enforce upon people something that does not bear

<sup>36</sup> Bilmen, "Müslümanlıkta İftirâk-ı Zevceyn I", 101.

<sup>37</sup> Saffet Köse, *Genetiğiyle Oynanmış Kavramlar ve Aile Medeniyetinin Sonu* (Konya: Mehir Vakfı Yayınları, 2020), 33-36.

<sup>38</sup> Bilmen, "Ta'addüd-i Zevcât Müessesesi-i İctimâiyesi I", 274.



fruit, and the Prophet Muḥammad would not do so either. Bilmen argues that it is the choice of the Muslim subject to determine these benefits or ignore them. For those who seek benefits, the wisest way is to look at the lifestyles of the Prophet and his family members, who are splendid examples for the Muslim community.<sup>39</sup>

The practice of polygamy in Islamic law is based on a verse (Q 4:3) in the Qurʾān. In his approach to this verse, Bilmen reminds us that this verse emphasizes the protection of the rights of orphan girls.<sup>40</sup> Contrary to the view that polygamy is associated with lust and hedonistic practices, as depicted in exotic stories, Islamic law stipulates that polygamic marriage requires certain conditions to be fulfilled. This verse stipulates that a man should be fair to all his wives. For example, the husband is expected to take psychological and financial responsibility for his wife and his family members, whether he has one or more wives and whether he has children or not. Those who are unable to fulfill these conditions are not advised to initiate additional marriages.

In his articles, Bilmen does not romanticize polygamous marriages, nor does he seek to outlaw them. Instead, he wants to discuss this practice fairly.<sup>41</sup> From Bilmen's perspective, it can be argued that the problems and shortcomings in his time or today regarding the practice of polygamy do not allow us to retrospectively embrace how this model of marriage has been practiced throughout Muslim social history and in all Muslim-majority regions. Bilmen criticizes the reductionist view that polygamous marriage is dominant in Islam and among Muslim families.<sup>42</sup> To address the topic on a solid foundation, Bilmen begins by elucidating the historical background of multiple marriage models before Islam.

Bilmen begins by demonstrating polygamy throughout history by showcasing different cultures and religions that have been embedded

<sup>39</sup> Bilmen, "Ta'addüd-i Zevcât Müessesesi-i İctimâiyyesi I", 274.

<sup>40</sup> Ömer Nasuhi Bilmen, "Ta'addüd-i Zevcât Müessesesi-i İctimâiyyesi II", *Sabîl al-Rashâd* 23/591 (6 Mart 1340), 296.

<sup>41</sup> Bilmen, "Ta'addüd-i Zevcât Müessesesi-i İctimâiyyesi I", 274. Later in his *Kâmus*, Bilmen again explains what polygamic marriage is in Islamic law and the reasons behind this marriage model. Here, we see that in the Republican period, Bilmen had not changed his views on multiple marriage model; Bilmen, *Hukûk-ı İslâmiyye ve İstûlâbât-ı Fıkhiyye Kâmusu*, 2/112-113.

<sup>42</sup> Bilmen, "Ta'addüd-i Zevcât Müessesesi-i İctimâiyyesi I", 274.

in Middle Eastern society. He first references Judaism (Torah) and Christianity (Christians), as these were ancient religions that also allowed polygamous marriages.<sup>43</sup> One reference he describes is the Torah, as several stories describe polygamous marriages. To elaborate on his point, he mentions that the Jewish community in Ottoman Syria practiced polygamous marriage.<sup>44</sup> Likewise, he refers to Christians living in the Levant and the legalization of polygamous marriage types through the Roman Empire.<sup>45</sup> The objection of these societies toward this marriage model came much later.<sup>46</sup> Later, Bilmen shifts focus to Islam, emphasizing its juridical perspective on polygamy by contrasting it with pre-Islamic Arabic marriage customs. Islamic law stipulates specific circumstances and conditions for a man to marry more than one woman, emphasizing fair treatment and provision for each wife, including housing, health, hygiene, food, clothing, and affection.<sup>47</sup>

Bilmen analytically evaluates each claim to address these criticisms comprehensively. These criticisms can be summarized succinctly: First, polygamy impedes the establishment of stable and harmonious families. Second, this family model fails to safeguard women's rights and is perceived as incompatible with gender equality, as women are limited to marrying one man, potentially subjecting them to insult and harm within polygamous unions. Additionally, concerns arise regarding population growth stemming from polygyny, which can exacerbate poverty and societal hardship. Last, the excessive division of inheritance poses challenges for family members within polygamous marriages.<sup>48</sup>

<sup>43</sup> Bilmen, "Ta'addüd-i Zevcât Müessesesi-i İctimâiyyesi I", 274.

<sup>44</sup> Bilmen, "Ta'addüd-i Zevcât Müessesesi-i İctimâiyyesi I", 275.

<sup>45</sup> Bilmen, "Ta'addüd-i Zevcât Müessesesi-i İctimâiyyesi I", 274.

<sup>46</sup> Bilmen, "Ta'addüd-i Zevcât Müessesesi-i İctimâiyyesi I", 275; Today, various studies approve of the information given by Bilmen. See Heather Johnson, "There are Worse Things Than Being Alone: Polygamy in Islam, Past, Present, and Future", *William & Mary Journal of Women and the Law* 11/3 (2005), 565; Bat-Zion Eraqi Klorman, *Traditional Society in Transition: The Yemeni Jewish Experience* (Leiden & Boston: Brill, 2014); Mordechai Akiva Friedman, "Polygyny in Jewish Tradition and Practice: New Sources from the Cairo Geniza", *Proceedings of the American Academy for Jewish Research* 49 (1982), 33-68.

<sup>47</sup> İbrahim Yılmaz, "İslâm Hukukunda Çok Eşliliği Meşru Kılan Şartlar ve Buna Ruhsat Veren Özel Durumlar", *Bilimname* 37/1 (2019), 559-591.

<sup>48</sup> Bilmen, "Ta'addüd-i Zevcât Müessesesi-i İctimâiyyesi I", 276.

Bilmen openly disagrees with the claim that this model of marriage leads to unstable families. One of his points is that there is no clear evidence or research to support this claim. Furthermore, there are unsteady communities consisting of monogamous marriages. Troubled families are not just polygamous families. There are many monogamous marriages where there is conflict, a lack of harmony, and struggle.<sup>49</sup> If the practice of polygamy is well-regulated and the parties choose to live in this model of marriage, then a stable family can be established.<sup>50</sup> Islamic law issued particular principles to create a stable family without focusing on monogamic or polygamic families. As such, the husband is responsible for building a stable family and providing a financial and psychological balance between the spouses. If the husband cannot ensure justice among his wives, the wives can legally raise this claim.<sup>51</sup> Moreover, Bilmen claims that no research has been carried out to prove the relationship between polygamy and conflict in marriage.<sup>52</sup> From Bilmen's point of view, it can be seen that he has a reasonable point. Since the negative aspect of polygamy in his time had not been justified by in-depth research, this assertion remained a reductive perception of Muslim families.<sup>53</sup>

Bilmen's analysis of polygamy gains another dimension when he compares polygamous practices in other legal cultures and regions. He argues that the practice of polygamy, though not always in the form of marriage, can be found in different cultures, societies, and regions. Some legal systems regulate this practice, while others do not. In legal systems where polygamy is not legally accepted, the use of mistresses comes to the fore. Bilmen illustrates the European practice where polygamous marriage is unlawful, but taking a mistress is a common practice. Bilmen questions the paradox here. The paradox lies in the understanding that legally accepted polygamous marriage is criticized because it is a negative and oppressive experience for women while being a mistress can be considered a socially accepted reality. Using

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<sup>49</sup> Duben and Behar state that there are no divorce records for polygamous families in court records from the 16<sup>th</sup> to the 20<sup>th</sup> centuries. Duben - Behar, *Istanbul Households*, 151-152.

<sup>50</sup> Bilmen, "İzdivâc Müessesesi-i İctimâiyyesi I", 276.

<sup>51</sup> Bilmen, "Ta'addüd-i Zevcât Müessesesi-i İctimâiyyesi I", 277.

<sup>52</sup> Bilmen, "İzdivâc Müessesesi-i İctimâiyyesi I", 276-277.

<sup>53</sup> Hester Donaldson Jenskin, *Behind Turkish Lattices: The Story of a Turkish Woman's Life, 1911* (New Jersey: Gorgias Press, 2004), 70-75.

this example, Bilmen criticizes the view that polygamous marriages are ethically questionable and the poorly analyzed claim that a woman's rights cannot be protected in this type of marriage. In fact, as Bilmen points out, a marriage contract legitimizes and honors a woman's status in the family and society and makes her an object of law. The same is true for polygamy in Islam. Moreover, he reminds us that a woman can find herself in a negative and oppressive experience or that a man can treat a woman harshly in any model of marriage or intimate relationship. However, if the law recognizes a woman's status, then she will be able to claim her rights.<sup>54</sup>

Another question arises with this model of marriage: how can the husband fairly share his love for his wives? Bilmen acknowledges that love cannot be justly shared, but he explains that this can happen in another scenario where the husband is still in love with his divorced or dead wife or with someone else. It is the affection, care, and attitude that can be justly shown. He adds that modern expectations of love and romance in marriage are synthetic. These synthetic expectations fail to reflect life and the possibilities hidden in life.<sup>55</sup>

Another claim that polygamous marriages increase poverty and excessive division of inheritance is also not well founded, according to Bilmen. It is true that polygamy contributes to population growth, and population growth leads to poverty to some extent. However, population growth is an issue for cities or populations living in confined areas, not for rural and vast areas where labor is needed for agricultural production. Here, Bilmen does not accept the relationship between urban impoverishment and population growth.<sup>56</sup> To prove his point, Bilmen describes the difference in the gender population of important cities in the Ottoman State.<sup>57</sup> Regarding the concern about the share of inheritance, Bilmen argues that the more the family expands, the more the income, and therefore the inheritance, will increase. According to this reasoning, Bilmen focuses on extended families rather than nuclear families.

<sup>54</sup> Bilmen, "Ta'addüd-i Zevcât Müessesesi-i İctimâiyyesi I", 277.

<sup>55</sup> Bilmen, "Ta'addüd-i Zevcât Müessesesi-i İctimâiyyesi II", 292, 293, 294.

<sup>56</sup> Bilmen, "Ta'addüd-i Zevcât Müessesesi-i İctimâiyyesi II", 293.

<sup>57</sup> According to this population census in 1335 AH, there are 5,466 women in Bursa; 37,622 in Konya; 30,009 in Ankara; and 27,655 in Diyarbakır more than men's population; Bilmen, "Ta'addüd-i Zevcât Müessesesi-i İctimâiyyesi II", 295.

Bilmen also explains that the call for family law reform is fueled by exported values and ideas rather than internal questioning or evaluation within the Muslim community.<sup>58</sup> Born in the crucible of the Reformation, the nuclear family model drew most of its strengths from European understandings. Bilmen posits that the rationale behind calls to prohibit multiple-marriage models is fundamentally shaped by Western perceptions of the ideal form of marriage. Therefore, these claims and critiques are out of touch with the social reality and cannot escape from being underdeveloped.<sup>59</sup> In these articles, Bilmen argues that the criticism of Muslims is not deeply analyzed or objectively considered. One claim of those who support outlawing this model of marriage is based on the idea that multiple marriages do not exist in European culture and values. For this reason, some Muslim intellectuals assumed that if this practice were abolished in Islamic law,<sup>60</sup> then the Muslim community would be able to take further steps toward the process of Westernization.<sup>61</sup>

It would be wrong, however, to conclude that Bilmen denies the shortcomings of polygamy in Ottoman society. His thoughts on polygamy should be read in conjunction with his thoughts on the formulation of marriage and Muslim families. Again, it is important to understand that Bilmen's main objective in this series of articles is to demonstrate how polygamy in Islam is misunderstood by Western thinkers and how the Muslim mind succumbs to these misunderstandings. As noted above, Bilmen does not prescribe polygamy as a compulsory model of marriage for Muslim society. As he explains theologically, there is no need to offer a new prescription because God and His Prophet have already declared that multiple marriages are only one of the marriage models that can be practiced

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<sup>58</sup> Bilmen, "Ta'addüd-i Zevcât Müessesesi-i İctimâiyyesi II", 296; Duben - Behar, *Istanbul Households*, 213.

<sup>59</sup> Bilmen, "Ta'addüd-i Zevcât Müessesesi-i İctimâiyyesi I", 294; Joseph Chamie, "Polygamy Among Arabs", *Population Studies* 40/1 (1986), 55-56.

<sup>60</sup> Manşürizâdah Sa'îd, "İslam Kadını: Ta'addüd-i Zevcât İslâmiyyet'te Men Olunabilir", *İslâm Majmû'absi* 1/8 (1330), 233-238.

<sup>61</sup> Bilmen, "Ta'addüd-i Zevcât Müessesesi-i İctimâiyyesi I", 276. From the early 19<sup>th</sup> century to the fall of the Empire, polygyny in Islamic law was one of the most complex and most debated subjects among Muslim intellectuals. In addition to Bilmen, Manşürizâdah Sa'îd, Mustafa Sabri, Ahmed Hamdi Akseki, Babanzâde Ahmed Naim, Zakircan Alhan, and Hüsain Qidwâ'î are among the intellectuals who contributed to this debate through their articles.

under certain conditions and should be built on legal grounds with the promise to follow ethical and financial stipulations.<sup>62</sup>

#### **4.4. Population Growth and Evaluation of the Malthusian Theory**

Population change in the late Ottoman State and its effects also received much attention from Bilmen. For the last two decades, the State had been engaged in a census of the population. The results of this census led to the development of a policy to control population numbers and to predict the political influence of the assessed population.<sup>63</sup> Bilmen was engaged with policies aimed at controlling population growth. The focus of his attention was on the advantages of population growth and the reasons for population decrease.<sup>64</sup> In addition, Bilmen challenged the well-known population theory of Thomas Malthus and explained why he disagreed with Malthus' theory.

To start with the latter, briefly, Malthus' theory argues that population growth causes an increase in the food supply, which leads to massive food production and results in the overconsumption of resources. According to Malthusian theory, the population grows geometrically, which means that the population increases by multiple doublings (1, 2, 4, 8, and so on). If population growth is not controlled, the balance between people and food will change, leading to a shortage of food. To avoid this unfortunate situation, population density should be controlled and limited.<sup>65</sup> Bilmen criticizes the formalization by Malthus on the relationship between population growth and food supply and the idea of depopulation in a stable economy.

Bilmen questions the validity of this theory on many grounds, particularly on the direction of causality. Bilmen argues that the link

<sup>62</sup> Bilmen, "Ta'addüd-i Zevcât Müessesesi-i İctimâiyyesi II", 295, 296.

<sup>63</sup> Kemal Karpat, *The Politicization of Islam: Reconstructing Identity, State, Faith, and Community in the Late Ottoman State* (Oxford: Oxford University Press, 2001), 176-77, 210-211.

<sup>64</sup> As Duben and Behar state the decrease of the population in the 19<sup>th</sup> and 20<sup>th</sup> centuries in the Ottoman Empire, in particular in Istanbul, was striking. Duben - Behar, *Istanbul Households*, 15-16.

<sup>65</sup> Thomas Malthus, *An Essay on the Principle of Population* (London: J. Johnson, in St. Paul's Church-Yard, 1798), 21; David N. Weil - Joshua Wilde, "How Relevant Is Malthus for Economic Development Today?", *The American Economic Review* 99/2 (2009), 378-382.

between population growth and per capita income growth has not yet been sufficiently demonstrated. To explain an economic crisis, it is not enough to focus on population growth or to establish a cause-and-effect relationship between the two.<sup>66</sup> This theory is based on data from the European context. Bilmen points out that the number of people per square meter in Europe is many times greater than the number of people per square meter in the Ottoman State. For this reason, Bilmen sees the increase in population as essential for the Ottoman State.<sup>67</sup>

Bilmen also notes that the relationship between population and food supply does not have to end, as Malthus prescribed, in every country.<sup>68</sup> There is a complex relationship between population and economic outcomes. There may be some possible links, but the method used to interpret these links and the results may differ due to geographical factors. Bilmen provides an example from the agricultural sector. For him, this theory is applicable in cases where land is unavailable and agricultural activity is poor.<sup>69</sup> However, in countries with a large agricultural sector, a young working population is needed to provide food.<sup>70</sup> Interestingly, while discussing the relationship between population and food supply, Bilmen links this theory to a practice in the Jāhiliyyah (pre-Islamic period in Arabia), when pre-Islamic Arabs would kill their children out of fear of poverty and lack of food. Bilmen argues that Islam criticizes the fear of starvation or poverty by saying that God is the true Provider for human beings.

In addition to the shortcomings of the theory, Bilmen emphasizes the relationship between colonial activity and depopulation policies. He argues that there is an unspoken consequence of depopulation in Malthus' theory that paves the way for colonization. Bilmen also criticizes the assumption that the population will always increase if birth rates are not controlled. In reality, people are confronted with unexpected events such as wars, epidemics, and natural disasters. Under these conditions, the population inevitably decreases, and a

<sup>66</sup> Ömer Nasuhi Bilmen, "Kesret-i Nüfûs I: Nüfûsun Çoğalmasına Müslümanlığın Verdiği Büyük Ehemmiyyet", *Sabîl al-Rasbâd* 23/592 (13 Mart 1340), 320.

<sup>67</sup> Ömer Nasuhi Bilmen, "Kesret-i Nüfûs II: Nüfûsun Çoğalmasına Müslümanlığın Verdiği Büyük Ehemmiyyet", *Sabîl al-Rasbâd* 23/593 (20 Mart 1340), 325.

<sup>68</sup> Bilmen, "Kesret-i Nüfûs I", 320.

<sup>69</sup> Bilmen, "Kesret-i Nüfûs I", 320.

<sup>70</sup> Bilmen, "Kesret-i Nüfûs I", 320.

country's population growth becomes unpredictable and uncontrollable.<sup>71</sup>

To make his point, Bilmen briefly explains the conditions that lead to population growth and decline and the advantages of population growth. According to him, population growth is important because large families help to develop security and trust in the community. When an environment of trust is created in a community, trade will develop. Under these conditions, large families tend to experience increased economic prosperity. On the other hand, nuclear or childless families tend to protect their wealth by not taking risks. In addition, population density can create competition among community members to produce more and become wealthier. Another positive effect is that population growth promotes urbanization and institutionalization and strengthens the political power of the country.<sup>72</sup> Despite the economic crises in the Ottoman State in the 20<sup>th</sup> century, Bilmen took a positive attitude toward population growth.<sup>73</sup> In his articles, Bilmen tries to contextualize the reasons that lead to lower fertility and those that help to increase fertility. From an economist's point of view, Bilmen lists the possible reasons for lower fertility as follows:

1. A lack of wealth also means a lack of living standards. However, living standards can reduce fertility.<sup>74</sup>
2. Higher levels of education and long-term education reduce fertility. After a long period of education, the age of marriage increases. These marriages are less likely to result in multi-child families. Another problem is the negative image of marriage. Negative representations also prevent the younger generation from entering into the family institution.<sup>75</sup> By promoting marriage for the younger generation, Bilmen proposes an idea that contradicts the common understanding of marriage age in the Istanbul community. In contrast to that in rural areas, the marriage age in 20<sup>th</sup> century Istanbul was higher, and marrying after 25 years of age was recommended.<sup>76</sup>

<sup>71</sup> Bilmen, "Kesret-i Nüfûs I", 320.

<sup>72</sup> Bilmen, "Kesret-i Nüfûs I", 319-320.

<sup>73</sup> Duben - Behar, *Istanbul Households*, 161.

<sup>74</sup> Bilmen, "Kesret-i Nüfûs II", 324.

<sup>75</sup> Bilmen, "Kesret-i Nüfûs II", 324; Duben - Behar, *Istanbul Households*, 195-197.

<sup>76</sup> Duben - Behar, *Istanbul Households*, 137.



3. Another issue is the uncontrolled use of birth control or abortion. This means that an increase in the birth rate is hindered.<sup>77</sup>
4. High tax rates also have a negative effect on fertility. In communities suffering from excessive taxes, fertility tends to decrease.<sup>78</sup>
5. Ongoing wars and long-term military service lead to a decline in fertility and population.<sup>79</sup>

After listing the reasons for the decline in fertility, Bilmen identifies the conditions that contribute to population growth:

1. Geographies with mild climates, arable lands, and fertile soils are the most suitable places for population growth.<sup>80</sup>
2. The population of countries with high morals and industriousness tends to increase more. On the other hand, laziness and indolence lead to poverty, and poverty leads to a decline in fertility.<sup>81</sup>
3. Prudent and careful spending of the nation's personal and public wealth strengthens the economy, which in turn contributes to population growth.<sup>82</sup>
4. Advances in arts and commerce and better health services also help to increase fertility.<sup>83</sup>
5. Policies that support population growth, such as exempting multichild families from financial responsibilities and taxes and providing financial support or endowments for these families, are important.<sup>84</sup>
6. Encouraging young people to marry and even paving the way for their marriages is another strategy for encouraging future generations.<sup>85</sup>
7. The regulation of abortion rights is another issue to be considered.<sup>86</sup>

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<sup>77</sup> Bilmen, "Kesret-i Nüfûs II", 324.

<sup>78</sup> Bilmen, "Kesret-i Nüfûs II", 324-325.

<sup>79</sup> Bilmen, "Kesret-i Nüfûs II", 325; Duben - Behar, *Istanbul Households*, 242.

<sup>80</sup> Bilmen, "Kesret-i Nüfûs II", 325.

<sup>81</sup> Bilmen, "Kesret-i Nüfûs II", 325.

<sup>82</sup> Bilmen, "Kesret-i Nüfûs II", 325.

<sup>83</sup> Bilmen, "Kesret-i Nüfûs II", 325.

<sup>84</sup> In March 1918, government employees are exempt from taxes. Duben - Behar, *Istanbul Households*, 44-45.

<sup>85</sup> Bilmen, "Kesret-i Nüfûs II", 326.

<sup>86</sup> Bilmen, "Kesret-i Nüfûs II", 326-327.

8. Occasional immigration can also support population growth.<sup>87</sup>
9. Finally, attention should be given to the moral and psychological education of children during their upbringing. Children who grow up in happy and well-educated families will also produce prosperous families.<sup>88</sup>

In the 20<sup>th</sup>-century Ottoman State, the population decline was alarming, especially in Istanbul; therefore, Bilmen argued that population policy should be taken seriously and be well considered. Especially after long wars and the loss of a considerable part of the population during these wars, population growth played a crucial role in the survival of the economy and the State. In this historical context, Bilmen's concerns about population growth coincide with the situation of the State.

### **Conclusion**

During his youth, Bilmen questioned the strategies for modernization and the management of change. Bilmen's thoughts did not aim to promote a Western lifestyle, nor did they seek to discredit the idea of change entirely. What he desired was to analyze the underlying ideology that leads to change, assess its necessity, and anticipate the consequences that may arise from it. He questioned the reality and accuracy of the problems that were said to require change in understanding the Qur'ān and Sunnah and the practice of Islamic law. In his understanding, it is a misconception to directly relate the problems observed in the Muslim community to Islam. The challenges are instead deeply related to the neglect or incomplete application of the rules laid down by Islam, prolonged wars, and the economic weakness of the State.

To illustrate his ideas, Bilmen took up subjects such as marriage, divorce, polygamy, and population planning in his articles. These subjects stemmed from his desire to question the existence of a society that was transforming, changing, and evolving with its encounter with modernity. Bilmen was aware of the transformation of the marriage and family model in the Muslim community, and because of this awareness, he sought to share his thoughts and objections. One of his concerns revolved around adopting the modern family model without

<sup>87</sup> Bilmen, "Kesret-i Nüfûs II", 326.

<sup>88</sup> Bilmen, "Kesret-i Nüfûs II", 326.

fully considering its positive and negative outcomes and without questioning the extent to which this model would benefit Ottoman society.

Bilmen also discussed the misconceptions and misrepresentations of polygamous practices in Islam. He openly stated that his intention was not to promote or glorify polygamous marriages but to discuss this model of marriage fairly and without prejudice. Islamic law allows polygamy under certain conditions, with the requirement to follow ethical and financial rules. Decontextualized understanding or orientalist representations of polygamy would help to understand neither the pitfalls and shortcomings in communities practicing polygamous marriage nor what kind of responsibilities this model of marriage imposes. While discussing polygamy, Bilmen also questioned why Muslims were asked to advocate for the renewal of marriage models. Was it merely the existence of the marriage model or the shortcomings of its practice? Each question had its own answer.

During the 1920s, population growth rates were a notable concern in the Ottoman State. Therefore, Bilmen argued that population planning policies must be selected with great care. Among the policies considered, the Malthusian theory was deemed unsuitable for meeting the demands and needs of the Ottoman State. According to Bilmen, when developing a policy, it is important to consider colonization policies, the economic and agricultural characteristics of the state, and geographic advantages and disadvantages. Simply imitating a European data-based population planning policy may not meet the needs of the State.

In these discussions, Bilmen's writings demonstrated that Ottoman scholars in the 20<sup>th</sup> century closely followed and actively participated in the process and effects of modernization. The present study shows that Bilmen observed the transformation of society, made predictions, and issued warnings and recommendations based on these predictions. Bilmen's criticism of the change extended beyond a Westernization bias. He questioned the sources and patterns that accompanied the transformation and argued that Islam is dynamic and reconcilable with change.

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