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Ottoman Millet System and National-Cultural Autonomy.
A Distance Dialogue

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Abstract:
The paper presents a comparison of the model of National-Cultural Autonomy developed by Austro-Marxists at the end of the XIX century with the Ottoman Millet System. Though in his Stadt und Nation Renner does not make any specific reference to the Ottoman Millet System, the latter is recalled in the literature as the closest precedent to his conceptualization of cultural autonomies for linguistic/national communities. The Millet System was at the basis of the Ottoman multi-cultural and multi-religious social system. It was based on the separation of different religious groups from each other and on the recognition of each denomination as legal entity with specific communal ‘segmental’-rights and privileges. The Millet was ultimately inclusive as it gathered all the people of the same faith independently of their place of living. Constituted as one of the basic administrative units of the state, the Millet provided the non-Muslim peoples with the possibility to cultivate a sense of identity and belonging to their communities, to protect their own culture, traditions, language and religion while acting within the framework of the Empire and in the respect of the authority of the Sultan. As a matter of fact, all Millet members shared a common political identity as subjects of the Sultan who, however, had no power on religious issues. Nonetheless, National-Cultural Autonomies were envisaged to be constituted on the free and individual consent to belong to the national community and had restricted functional capacities if compared with the Millets. The analysis discuss the meaning behind the use of the term Millet and it reconstructs the evolution of the Millet System during the period of reforms which shocked the Ottoman Empire in the XIX century. The comparison between the Millet System and National-Cultural Autonomy is built on the three elements which determine the Austro-Marxist model: Non-territoriality, Personality, Subject of Law.

Keywords: Millet system, personality, non-territoriality, legal entity, inclusion, Empire.

Introduction

There is a shared consensus in the international community about the difficulties encountered by Nation-State to guarantee effective democracy in multinational polities. Recognition of minorities’ rights implies the development of conceptual frameworks and institutional arrangements able to guarantee representation to national diversities in the social and political life of the state. Moving from this consideration, a set of research activities have been conducted in the last years with the aim to assess the capacity of different forms of non-territorial arrangements to address the problem of socio-political inclusion of National Minorities/Communities.

Particularly relevant in this trend of investigations is the new momentum gathered by the debate on the use of the National-Cultural Autonomy Principle as alternative to the territorialization of ethnicity.

The Personality Principle was firstly conceptualized by the Austro-Marxist School of Thought -and in particular by Otto Bauer and Karl Renner- at the end of the XIX century and it rests on three components: Non-territoriality – determined by a clear distinction between state and nation; Personality –defined as the personal decision from the part of the single individual to determine his/her national belonging; Subject of law –based on the recognition of both individuals and nations/groups as depository of rights and duties vis-à-vis the state.

Focusing primarily on the study of National-Cultural Autonomies, the literature has until today maintained on the whole a Europocentric, Western-oriented attitude, as it addresses, in particular, the debate on Non-territorial Autonomies or alternative solutions for the management of diversities which have developed among the ‘Western’ community in the course of the XIX-XX century. A good example in this respect is provided by the fact that it still missing an exhaustive and systematic investigation of the Ottoman Millet System as a system of diversity management able to recognize the specificity of the religious groups which inhabited the Ottoman Empire. The work of Benjamin Braude and Bernard Lewis should certainly be recall here as an exception. They provide a comprehensive and exhaustive analysis of the functioning of Non-Muslim Communities under Ottoman rule from their formation to
the end of the XIX century. However, as the two co-authors point out in the introduction to their work, the Millet System should not be considered as a “uniformly adopted system” but, on the contrary, as a “series of ad hoc arrangements made over the years, which gave each of the major religious communities a degree of legal autonomy and authority with the acquiescence of the Ottoman state.” It follows that, specific investigations of different case studies concerning the administrative units which composed the Ottoman Empire should be conducted in order to grasp the essence of this experience.

Advancing a first generalization, the Ottoman Millet System was standing on the principle of cultural autonomy in the same way as the institutional arrangements conceptualized by Austro-Marxists at the end of the XIX century.

In his *Stadt und Nation* (1899) Renner does not make any specific reference to the Ottoman Millet System, preferring instead to recall the experience of the Carolingian Empire -which “initially united many tribes without abolishing, suppressing or confining to a particular territory their national law, language and specificity”- and, in general, of “religious communities” – with a special reference to the Catholic denomination. However, the Ottoman Millet System for religious groups is recalled in the literature as the closest precedent to his conceptualization of cultural autonomies for national/linguistic communities.

The Millet System was at the basis of the Ottoman multi-cultural and multi-religious social system. It was based on the separation of the main religious communities from each other and on the recognition of each denomination as legal entity with specific communal –‘segmental’- rights and privileges. The Millet was ultimately inclusive as it gathered all people of the same faith independently of their place of living. Constituted as one of the basic administrative units of the state, the Millet provided non-Muslim peoples with the possibility to cultivate a sense of identity and belonging to their religious communities, to protect their own culture, traditions, language and religion while acting within the framework of the Empire and in the respect of the authority of the Sultan.

The members of the Millets shared a common Ottoman identity (which would have assumed later the form of a ‘civic/political’ identity during the Tanzimat period) as subjects of the Sultan who, however, had no power on religious issues. At the same time, members of the Millets were responsibility of their religious leaders and religious institutions (Patriarchs and Holy Synods) within the Millet organization. Besides, the Millet was further divided in sub-communities formed on linguistic/national divisions. Recalling the image of the well-known Russian Matryoshka Doll, the Ottoman system can be pictured as an institutional -read ‘political’- framework containing religious, inclusive and

5 R. Boztemur, Historical Foundations of Multiculturalism in the Ottoman Empire, 2.
6 As N. Berkes points out, the word Tanzim (Tanzimat in its plural form) means “ordering” and it refers to a period of comprehensive and all-encompassing reforms of the Ottoman imperial system which stretched from 1839 until 1860s. N. Berkes, The Development of Secularism in Turkey, London, Hurst & Company, 1998, 144-147.
a-national units - the Millets - which were themselves divided into ethno-linguistic, exclusive and national groups. In Karpat words, “the Millet system therefore produced, simultaneously, religious universalities and local parochialism.”

Local divisions on ethnic basis would have served as incubator of the national feelings at the basis of the nineteenth century uprisings in the Balkan region. In this sense it seems correct to define the Millet as at the historical origin of Balkan nationalism. The Millet created the framework within which national communities could prosper and develop as a group.

The established system would have maintained its stability and religious groups would have been at the basis of the socio-political organization of the Ottoman state until the reforms which swept the Empire during the XIX century. The Gülhane or Tanzimat Charter was proclaimed on November 3, 1839, at the opening of the period of reforms, and it granted a set of principles which would have been at the basis of the new order. In a Protocol prepared by a Consultative Council (Mevadd-i Esasiye) we read that “(a) the old disordered system had to be replaced by one based upon new laws (kavanîn-i cedide), (b) these laws would be in accordance with the Şeriat [Koran –s.b], (c) they would have been based on the inviolability of life, property, and honor as legal fundamentals, and (d) they would have been equally applicable to the peoples of the millets.” More importantly, the Tanzimat would have opened to the concept of ‘Ottomanism’ which brought to the recognition of all members of the religious communities as equal citizens of the Ottoman Empire, overcoming group logic and breaking the borders of the Millets. A particular relevance assumes in this context the Imperial Reform Edict, also known as Rescript of Reform - İslâhat Hatt-I Hümâyûnu, which was adopted on February 18, 1856, and the following 1869 Law on nationality.

The paper addresses the Ottoman Millet System as an historical experience and discusses its structural organization and theoretical foundations in relation to the model of National-Cultural Autonomy proposed by Otto Bauer and Karl Renner at the end of the XIX century. In particular, the Millet System will be analyzed in relation to the three components at the basis of the conceptualization of National-Cultural Autonomy: Non-territoriality, Personality, Subject of law.

Being aware of the impossibility to answer to the need for specific investigations on the Ottoman Millets and on their functioning in the different administrative units of the Empire, the paper aspires to bring the discussion of the Millet System into the broader debate on Non-territorial arrangements as instruments for the management of diversities in multinational states.

To do this, it is firstly necessary to clarify what we mean by Millet, how the term has been interpreted in the literature and how its meaning has changed over the centuries.

**The Millet System – Tentative Definition**

At first glance, the literature seems to agree on the definition of the Ottoman Millet System as a form of social organization with a religious character and composed of ethnically defined sub-groups. This general definition is well represented in the position taken by Ilber Ortayli who refers to the Millet as a “form of organization and legal status
arising from the submission of followers of monotheistic religions (*ehl-i zimmett*) to the authority of Islam after the annexation of a region to the Empire, under an *ahidname* or treaty granting protection.\(^9\) A first distinction appears very clearly: only monotheistic religion based on revelation could be entitled to a Millet. As Braude and Lewis recall in their analysis, the Christian and Jewish communities and Sabians could be tolerated by the Muslims because they were considered as an “earlier, uncompleted and superseded form of Islam itself.”\(^10\) Polytheists and idolaters were on the contrary recognized as inferior and as such condemned to annexation to Islam or to slavery. Said somewhat differently, they were not entitled to sign a contract with the Empire, becoming *ahl al-dhimma* (*dhimmi*), people of the pact (*dhimma*). *Dhimmi* had the right to profess their religion, provided that they recognized the primacy of Islam and their inferior role vis-à-vis the Muslim population.\(^11\) The relation between non-Muslim communities and the Muslim state was therefore regulated by law. At the origin of this interpretation of the social order there was the all-encompassing religious medieval spirit which at the time shaped both Muslim and Christian civilizations.\(^12\) This should be kept well in mind when discussing the functioning of the Millet System and the multilayer organizational structure of the Ottoman state.

According to Barbara Jelavich, the Millet System should also be seen as part of a broader strategy for controlling the new conquered territories by taking advantage of already existing institutions. This was of course true only for those peoples which accepted to succumb to the Ottoman rulers. In these cases, the pre-existing civil administrators would have been substituted with leaders of the religious communities which were spread all over the territory. Civil administrators could have been killed during the military occupation or could have escaped. Alternatively, they might have caused instabilities to the Empire.\(^13\) In this sense, incorporating religious institutions, the Ottoman government had the advantage to incorporate a complete and already established administrative network of relations which was able to reach the far corners of the Empire.\(^14\)

Braude agrees in describing the Millet as a “religiously-defined people.”\(^15\) However, discussing the origin of the term, he reverses Ortayli’s definition pointing out that, before the period of reforms, the term ‘Millet’ was actually used to identify the community of Muslims in contraposition to *dhimmis*.\(^16\) In this sense the term was also used as a synonym for *umma*/*ümnet*, the people of Islam. It follows that all Muslims were part of the Millet with the only exclusion of heretics. Following this definition there was only one Millet in the Ottoman Empire, the Muslim Millet, which was composed of all peoples inhabiting its lands with the only exception of heretics, Christians, Jews and, if we accept the reconstruction made by Braude and Lewis, Sabians.

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\(^9\) As reported in B. Braude and B. Lewis, *op. cit.*, 4.

\(^10\) B. Braude and B. Lewis, *op. cit.*, 5

\(^11\) Non-Muslim were obliged to pay extra-taxes, they were subject to restrictions in their behavior and actions and had an inferior status. B. Braude and B. Lewis, *op. cit.*, 5. See also B. Jarevich, *History of the Balkans*, Cambridge, Cambridge University Press, 1990, 40.

\(^12\) One could say, in the same way as nowadays the national modern spirit shapes both Eastern and Western societies. For an analysis of social system in the Ottoman Empire during the medieval time see Niyazi Berkes, *op. cit.*, 8-10.


\(^14\) *Ibidem*, 50.

\(^15\) B. Braude, *Foundation Myths of the Millet System*, in B. Braude and B. Lewis, *op. cit.*, 70.

\(^16\) *Ivi.*
However, it is probably because of the general confusion on the meaning of the term Millet that the literature generally recognizes the Muslims as the only religious group without a Millet within the Ottoman Empire.

In Braude’s interpretation, during the XV and XVI century the Millet could also identify foreign people, in some cases, religious communities (generally Christians) and, more rarely, foreign civilizations at large (without a religious connotation). For example the expression “the illustrious among the Christian Millet” was used to identify the doge of Venice; “the pride of the Christian Millet” to identify the king of France; “exemplar of the women of the Christian Millet” to identify the queen of England. From his investigation of official texts and administrative writings, it emerges that, at the time, the term was rarely used and that in general it expresses a high sense of respect for non-Muslim cultures and honorable individuals. In some cases it could be used as honorific prize for courageous deeds and to recognize special titles and honors.

The use of the term in the ancient time was therefore certainly more restricted and it differed substantially from the meaning it would have assumed over the XIX century. Braude explains this difference adducing linguistic reasons and bringing into play the strong influence exercised by the Western powers over the century, as well as their capacity to bring about changes in the Ottoman socio-political system. During the XV and XVI century, the term Millet belonged to the official vocabulary of Ottoman foreign correspondence clerks and only later it would have been taken for internal usage. In Braude’s view, the rare and specific use of the term could origin from the implicit reference to the idea of sovereignty that it implied. During the XV and XVI century, sovereignty was recognized to ‘Islamic Ottoman Sultan and powerful Christian Rulers’ and, in sporadic cases, to individual Ottoman subjects (generally Jews). Most interestingly, at the time, the term was never used to identify Christian and Jewish communities but always to address single subjects of the Empire or prominent foreign figures.

This has clear implication for our discussion of the Millet as communal organization within the Ottoman state system.

The XIX century usage of the term is in Braude’s view a consequence of the incorrect understanding of its meaning from the part of European lexicography and it primarily originated from the publication of a set of dictionaries built on the vocabulary used in diplomatic sources where the term appeared with the meaning reported above. Later, the European understanding of the term Millet entered the Ottoman usage and the term started to identify religious self-administered communities inhabiting the Ottoman Empire, substituting the term cemaatlar and zimmi (which in the Ottoman tradition were both used to indicate non-Muslim communities).

The mix-up of the term Millet in the XIX century is well represented by a fragment of the recalled Decree of reform -Hatt-i Hümayun- introduced in 1856. In the text both uses of the term appear simultaneously: non-Muslim communities are recalled with the Ottoman traditional term cemaatlar, their leader are patrikler ve cemaatbaşlar and each community, cemaat, had a “lay-religious council” in charge with the administration of national affairs. However,

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17 Ivi.
18 Braude brings the example of a letter dated 1412 and written by Orhan, son of Prince Suleyman, to the Monastery of Saint Paul of Mount Athos in which he refers to “the pride of the Christian Millet”. Ibidem, 70.
every *cemaat* was allowed to establish “Millet Schools” and the “head of the Millet” must have been approved by the authorities. All “heads of the Millets” would have become part of state bureaucracy.  

The edit clearly outlines the structure of the ‘Millet’ System: a community whose leader acted as a member of state bureaucracy and whose election had to be approved by the Sultan. The community was led by a Council which was in charge with national affairs and which had the right to control over religious and cultural matters.

Giving the strongly bureaucratic character of the Ottoman state, the lack of a precise terminology concerning the Millet System should be seen in Braude’s view as a substantial lack of attention towards religious communities. This would have also occasioned the lack of an overwhelming strategy to deal with the numerous national ‘sub-communities’ which inhabited the Empire. The result was the institutionalization of a set of different bodies, “largely local” and substantially different one from the other: the Cemaat/Millets.

**The Millet System between Mediaeval Tradition and Reform**

The Ottoman practice to institutionalize self-administered religious communities as constituent components of the Empire’s institutional arrangement started in 1454, right after the conquest of Istanbul from the part of Sultan Mehmet II. The first Cemaat/Millet to be constituted was the Orthodox Millet, followed by the Armenian Millet in 1461 and by the Jewish Millet at the end of the fifteen century.  

The Ottoman Millet System was built on the recalled medieval idea of social order and it stood on pre-existing religious structures. In most of the cases this did not cause significant changes for the local population which maintained its tradition and pre-existing legal system. The ‘incorporation’ of religious communities within the new state system together with their pre-existing structural organization in dioceses and sub-dioceses followed as a consequence. As a result, religious leaders would have assumed a role of intermediation between the people and the Ottoman bureaucracy acting from within.

**XVIII century, Tanzimat and the Imperial Reform Edict**

This whole system would have been swept away by the wind of reforms that has lambasted the Ottoman Empire over the XIX century. Since the reform period started with Mahmud II at the beginning of the century, the Millet System has been brought into play because of its own nature and fundamental principles. Besides, after the Ottoman Empire was defeated in the 1774 Russian-Turko War, the Millet became protagonist of the so called Eastern Question as a result of the international pressure from Western diplomacy.

In Berkes’s view, “the most propitious development within Turkey between 1809-1826 was the transformation of the Ottoman ruling institution into something different from anything that had existed before.”

The reforms advanced by Mahmud II implied the development of a secular idea of justice, different from the one which depended from the Şeriat (Koran) and the Kanûn, and it opened to the process of secularization of leadership – as it could be seen in the use of the title Adlî and in the formation of a set of advisory councils. It is in this same period

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20 R. Boztemur, *op. cit.*, 6-7.  
21 *ibidem*, 8.  
22 N. Berkes, *op. cit.*, 90.
that Mahmud II would have advanced the hypothesis of abolishing the Millet System in the name of an idea of equality for all citizens of the Sublime Porte.\textsuperscript{23}

The evolution of the Ottoman state during the Tanzimat period strongly affected the functions and capacities of the Millets System. At the beginning of 1830s, Mahmud II hit two of the most important officeholders of religious and temporal power in the traditional Ottoman system: Sadrazam (which had administrative and juridical role) and Seyhül-Islâm (which was in charge with the interpretation of Şeriat and Kânun). While the first was substituted in its capacity in the field of internal, external, financial, educational, commercial, agricultural and industrial affairs by a Chief Minister (başvekil) and by a set of new ministers (vekils), the second lost the power to intervene “in religious-legal matters concerning temporal affairs.”\textsuperscript{24}

The Millets became also protagonist of the debate concerning the reform of the educational system. However this attempt to secularize the educational system stopped in front of the willingness from the part of the Millets to keep their exclusive control on cultural matters and schooling activities for their respective communities.\textsuperscript{25}

Reformers would have got back on the issue of education in 1864 when a High Council for general education was formed at the constituted Ministry for Education. A representative for each of the existing Millets –Greek, Armenian, Catholic, Protestant and Jewish- would have been appointed to the Council.\textsuperscript{26} This clearly shows the relevant role plaid by the Millets on issues concerning education and culture until the end of the Tanzimat period.

In 1856, it was the turn of the Reform Edict to recognize, among other provisions, equality of all subjects of the Ottoman Empire –"a guarantee of equal treatment of the adherents of all creeds in matters of education, appointment to government posts, administration of justice, taxation and military service"- and to limit the role of the Millets to spiritual and religious matters - “a reaffirmation and renovation of all ancient privileges and spiritual immunities granted to the non-Muslim religious communities (millets).”\textsuperscript{27} The Millets’ privileges would have been limited to the field of religion, while their capacity to intervene on issues related to civil and judicial affairs should have been brought to an end.\textsuperscript{28} In this sense, according to Berkes, during the Tanzimat period, the Millet would have become a mere “ecclesiastical community,” getting back to the original meaning of the term cemaat.\textsuperscript{29}

In this same period, European powers intervened in particular on the debate over the structure and functioning of the Millet System being able to exercise a considerable pressure not only in relation to the use of the term, as mentioned above, but also in supporting the development of national-separatist movements. The Balkan region is here a case in point. International diplomacy brought its Western understanding of diversity which was national and not religious in character. The limitation to the capacity of the Millet, from the one side, and the external pressure, from the other, would have caused the uprising of those sub-communities which were previously part of the non-Muslim self-administered units and, through the latter, incorporated into the Ottoman system.

\textsuperscript{23} It is during the Tanzimat’s reforms that this term firstly appeared to identify the government of the Empire and its institutions. \textit{Ibidem}, 96.
\textsuperscript{24} \textit{Ibidem}, 97-99.
\textsuperscript{25} \textit{Ibidem}, op. cit., 108.
\textsuperscript{26} \textit{Ibidem}, op. cit., 179.
\textsuperscript{27} As reported in \textit{Ibidem}, 152.
\textsuperscript{28} \textit{Ibidem}, 152-154.
\textsuperscript{29} \textit{Ibidem}, 158.
All in all the reforms initiated by Mahmud II had a revolutionary significance. They would have brought to the end of the medieval Ottoman arrangement and to the development of a new idea of Ottoman state. Besides, by introducing a secular idea of sovereignty, they pushed forward the separation between state and religion in the name of modernization. In this sense the XIX century reforms would have caused the end of the Millet System and opened the way to the upraising of nation-building movements.

Ottoman Millet System and National-Cultural Autonomy: a Distance Dialogue

The present section aims to discuss the Millet System in relation to the Austro-Marxist conceptualization of National-Cultural Autonomy referring to the three components which define the latter model: Non-territoriality, Personality and Subject of law.

Non-Territoriality

The Ottoman Empire was organized in a complex multilayer territorial arrangement divided, on a first level, into administrative sections called eyalets, vilayets or pashaliks, which were themselves divided, on a second level, into sanjaks/sancaks or livas. The latter were again composed, on a third level, of kazas, which themselves finally included, on a fourth level, nahiyes. At the local level this system was based on rural (village) and town quarters (mahalle) communities. All these units could potentially be multiethnic – the more the biggest territories, the less the smallest sections/communities. Finally, family-based communities were the basic fundamental social component of the Ottoman construction.

A good example of this complex territorial arrangement is represented by the eyalets of Sofia which included sixteen sanjaks/sancaks and at least a dozen of different ethnic groups, among which Turks, Greeks, Bulgarians, Vlachs, Serbs and Macedonians.

Running parallel to the territorial organization of the Empire, the Millet System and its sub-communities were organized on a different level and following a different scheme based on the idea of non-territoriality. Similarly to the territorial administrative components of the Empire, the Millets had a clear multiethnic character, composed of a set of peoples located and relocated over the Ottoman territory: the Orthodox Millet - Greeks, Bulgarians, Macedonians, Serbs, Albanians, Vlahs, Moldovans, Ruthenians, Karaman Turks, Croats, Assyrians and Arab Christians; the Armenian Millet - Armenians, Assyrians, Nasturians, Coptics, Georgians and Abyssinians; the Jewish Millet - Ashkenazi population and Sephardic Jews, together with Romaiots in the Balkans area and Karaim Jews in Crimea.

The Millet and its constituting national/linguistic communities were represented by their religious leaders who were to be elected by the community members and approved by the Sultan.

We will refer here as an example to the Orthodox Millet. The Orthodox formation was led by the Patriarch and the Holy Synod. In particular, the former was elected by the latter and then confirmed by the Sultan who was also in charge of approving high church officials after their election. By no means this would have limited the Millet rights...
and privileges as it seems evident from the broad range of responsibilities recognized to the Patriarch.\textsuperscript{33} In particular, he represented his rulers and was responsible for tax collecting, public order, schools and the legal and church system. Besides, he was in charge with a set of juridical issues such as matters concerning marriage and family. The Millet had autonomous jurisdiction though its ecclesiastic courts on a plurality of cases, among which criminal cases where no Muslims were involved. From an economic point of view, the Patriarch was in charge with the considerable amount of properties of the Millets and responsible for commercial/economic activities among Christians. Taking a broad view, religious leaders were in control of issue concerning their denomination, while the Sultan was in general to guarantee order, security and protection.

If we refer to the Austro-Marxist model of National-Cultural Autonomy, in his famous 1899 \textit{Stadt und Nation}, Renner refers very clearly to the need to redistribute competences between state and nation. In particular, following his model, the state should have been in charge with guaranteeing the common interest of the polity, while the nation would have been in charge with those interests which specifically belonged to the national groups. Renner provides a few examples in this respect: “representative sovereignty” is dual as it refers to the sovereignty of the state -“within and beyond its borders”- and of the nation -“within the framework of the state as a whole, as well as with respect to the other nationalities of the state and to its own nationals.” It is on the other hand very clear the separation between “policing sovereignty” and “cultural sovereignty.” This firm division originates form the nature of state and nation. Being the nation defined as a \textit{cultural communion} with a “dominant orientation of thought and feelings,”\textsuperscript{34} it has exclusive sovereignty over “schooling, art and literature.”\textsuperscript{35} On the other hand, state intervention should be considered as limited to those cases in which the nation is unable to provide a minimum standard required. Financial and military sovereignty are also recognized to the nation. The first as a necessary component for the nation in order to accomplish its cultural functions; the latter as a mean of last resource in those cases in which cultural development is “unlawfully denied.”\textsuperscript{36} Finally, “juridical sovereignty” is defined by Renner as an exclusive competence of the state. The same holds true for “territorial sovereignty, [...] the least important with regard to the nationality concept.” “Personal sovereignty” is on the contrary understood as the right of control over individuals and it is exclusive of the state only in those matters which are not competence of the nation. In this sense territorial and personal sovereignty could be seen as the two ends of a continuum in which “asset sovereignty” stands in the middle.\textsuperscript{37}

The non-territorial character of National-Cultural Autonomy is embedded in the very definition of nation. In Renner’s view, the nation is a “cultural community” of individual which stands in contraposition to the state. As it was the case for the Millets within the Ottoman Empire, the borders of the nation do not coincide, if not very rarely, with the borders of the territory. The latter is on the contrary the founding element of the state which is defined as “a territorial authority.”\textsuperscript{38}

\textsuperscript{35} ibidem, 38.
\textsuperscript{36} ibidem, 37-38.
\textsuperscript{37} ibidem, 38-39.
\textsuperscript{38} Ivi.
Located and relocated within the borders of the Austro-Hungarian Empire, co-nationals could live compactly and form national communities. A number of national communities, which could be territorially connected or culturally affiliated, would have formed a “national canton.” National cantons of the same national groups would have formed the nation.

Though both the Millet and National-Cultural Autonomies shared clear non territorial foundation, important differences could be seen at first glance. The Millet represented a religious community which was far more complex and articulated than national groups in the Austro-Hungarian Empire. As a matter of fact, as it has been seen, the Millets were themselves divided into national/linguistic sub-units. Further analysis are needed to depict whether and to which extent this complexity was represented in the structural arrangement of the Millet and whether its non-territorial character was also reproduced at the lower level.

In addition, the Millets had a much broader room for action than it was envisaged in Renner’s redistribution of sovereignty between state and nations. This could be partially explained referring to the all-encompassing religious medieval spirit. Besides, it should be kept in mind that the conceptualization of National-Cultural Autonomies were seen by the Austro-Marxists as a possible solution to national uprisings and growing requests from the part of national minorities, while the Millet can be considered as the ‘incubator’ of national movements which were to develop centuries later.

In Kaplat’s words, there is a chief difference between the origin of the nation in Western Europe and in Southeastern Europe. In this latter case, nations were to declare their statehood and identity on the basis of their religious difference vis-à-vis the Muslim character of the Ottoman Empire. If we refer to the Balkan region, the religious component is fundamental in the definition of national identities and it still effects the nation-building process in today’s Balkan societies. On the contrary, in Western Europe, nations would have defined themselves on the basis of their linguistic and cultural peculiarities “in order to asset the king’s rights against the authority of the Church.”

**Personality**

As Nicolao Merker recalls in his introduction to the Italian edition of the famous Bauer’s *Die Nationalitättenfrage und die Sozialdemokratie*, Renner considered the Personality Principle as the only solution to the nationalities question in the Austro-Hungarian Empire. This principle should be seen as the founding element in the definition of the nation which originates, in Nimni’s words, from the “widest personal choice of its members to partake in a particular national association,” independently from their connection with the territory. According to Renner’s interpretation the nation is a ‘communio’ of individuals rather than a societas as “the individuation principle is not a form of collective will” but a shared “dominant orientation of thought and feelings.”

Looking back in history, personal associations were the primitive form of social associations. They were based originally on shared blood relations. Later, these bonds would have evolved into social and cultural constructions. The

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41 *Ibidem*, 25.
example adduced by Renner in his 1899 *Stadt und Nation* brings us back to the Carolingian and Frankish Empire and to the example of *religious communities*, referring in particular of the Catholic Denomination. In contrast with these examples, the emergence of the modern state and the imposition of the territorial principle would have brought about the imposition of one domination, one law and one language over citizens.

The existence of the Personality Principle in the Carolingian Empire was represented in the formula “‘Quo jure vivi’ - Which law do you live by?”. The Empire guaranteed the existence within its boards of different “nations” (this is the term used by Renner) which had the right to use their language (and therefore to develop a form of identity) and to resort to their legal codes. Similarly, the Personality Principle was dominant in the Frankish Empire, where it was applied “not only in the more formal respect of the language, but also in regard to the gamut of private and public law.”

A lawman, Renner places emphasis on the legal element.

Religious communities are equally recalled because of their use of the Personality Principle, “in its purest form.” Religious denominations are presented as “corporation under public law,” with administrative bodies, properties and autonomous capacities in a plurality of areas, among which education, charity and business. Each denomination could be located and re-located over different territories and intermixed with other denominations under the formula “Give to the Emperor (the state) what is the emperor’s, and to God what is to God’s.”

Similarly to the Millet System different denominations could co-exist in the same city with their own distinct schools and institutions without claiming control over the territory.

Renner does not make any reference to the Millet System.

If we compare the Millet System with the proposed examples we can find a set of similarities as well as important differences.

The functioning of the Ottoman Millets certainly recalls the structure and functioning of the religious denomination presented by Renner in his writing: they were composed of administrative bodies, they owned properties and they had the right of exclusive control over issues of concern of their groups. In the same way, similarly to the Carolingian and Frankish Empires, the Millets had the rights to use their own languages and had separated court systems.

On the other hand, the Millet was not based on the voluntary participation of its members but on their compulsory belonging to one of the recognized monotheistic religion. With the words of Ilbert Ortaylı, “individuals lived in the religious section, the millet, in which they were born and came under the spiritual, financial and administrative authority of the community concerned.” It was through their participation to a religious community that individuals were represented vis-à-vis the state and therefore included into its socio-political system of the Empire.

Since the participation to the religious group did not originate from the choice of the single individual but it was inherited at birth, no conversion was possible. The only exception in this respect was obviously represented by

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43 *Ivi.*
44 *Ivi.*
the case of Non-Muslims who could be converted to Islam. The issue of conversion/changing national affiliation was, however, particularly problematic also in the context of National-Cultural Autonomies. It is a case in point the 1925 Estonian Law on National-Cultural Autonomy which prohibited Estonian citizens to change their national belonging in favor of any other groups inhabiting the Estonian territory. The same holds true for the other minority groups (article 10).  

Finally, national registers cemented the undoubted centrality of the Personality Principle in the Austro-Marxist conceptualization of National-Cultural Autonomy. Declaration of belonging to the national group is for National-Cultural Autonomy as fundamental as it is the territory for the creation of a nation-state. National-Cultural Autonomies cannot be formed without the formal registration in national registers of those people who belong to the national community. According to Renner’s model, each individual had to declare his/her nationality when he/she reached the age of voting. In the case of the 1925 Estonian law recalled above a minimum number of 3000 individuals were necessary to form a NCA (article 8). This practice was of course not necessary in the case of the Millets.

Subject of Law

In Stadt und Nation Renner very clearly states that “[r]ights, and moreover ‘inviolable’ rights”, can be held only by legal entities.” Said somewhat differently, the nation does not exist if it is not recognized as a subject of law. For this reason nations should be formed as public bodies or associations with legal personality, collective rights and specific competences on issues concerning national-cultural affairs.

Following Renner’s model, “[t]he co-nationals inhabiting a parish or district would [have formed] a national community [Gemeinde], i. e. a corporation under public and private law with the power to issue decrees and levy taxes, as well as [to manage]its own property. A territorial and culturally affiliated number of communities would [have formed] a national canton [kreis] with corporates rights. The totality of cantons would [have formed] the nation. It too would [have been] a legal entity under public and private law.”

Each nationality would have been represented as a component of the state apparatus, becoming part of its structural organization. Renner does not further elaborate on the relation between National-Cultural Autonomies and state institutions and on the way how the former should have become a functional component of the latter. He simply mentions the possibility for organized national councils or canton councils to be entrusted with governmental

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47 Which does not imply that Millets communities did not use to have registers to record their members.
48 This position is also debated by Renner in National Problem (War of Nationalities in Austria). In Renner’s words: “Questions on the subjects of law, on the content of right and on juridical sanctions, that the legislator should ask himself while producing any act of law, if only he wants to make it a basic element of the social mechanism, [these question] should be applied also in regards to the nation in its entirety and in its organic components. It is not possible to talk about law of nation if this fundamental point will not be solved.” Rudolf Springer, “Natsional’naya problema (Bor’ba natsional’nostei v Avstrii) [izvlechenie]” in Natsional’no-Kul’turnye avtonomii i ob”edineniya. Istoriografija. Politika. Praktika. Antologija. Tom. 1, Moskva, 1995, 67.
49 E. Nimni, National Cultural Autonomy and its Contemporary Critics, cit., 11.
functions in the fields of their competences. It is on the contrary made explicit the possibility for National-Cultural Autonomies to function both within the structure of a centralized state and of federal arrangements.

Promoting the possibility of a multinational state, the Austro-Marxist model was de facto rejecting the connection between nation and state which was taking the scene in those years. The nation could have counted on “tran-territorial national organizations” which were functioning as “public corporations” with sectorial areas of competence.\(^{51}\)

A clear similarity with the functioning of the Millet System is again evident.

However, the interrelation of the Millets with the Ottoman apparatus is certainly more explicit than it is the relation between National-Cultural Autonomies and state institutions in the model proposed by the Austro-Marxists.

The Millet constituted one of the basic administrative units of the state through which religious groups carried out their administrative affairs, beside protecting their socio-cultural and religious interests. As recalled above, the leaders of the Millets were part of the Ottoman state bureaucracy.

The recognition of religious communities as juridical entities of the Ottoman Empire can be presumed from the role and responsibility attributed to the Millets and their rulers within the state system. Addressing this issue, İlber Ortaylı points out that the Millets’ legal status within the Ottoman state apparatus originated from the ahidname (“treaty granting protection”\(^{52}\)) signed by the communities after their takeover from the part of the Ottomans. In contrast with ‘atomized’ modern liberal societies, until the Tanzimat reforms, the Ottoman construction saw religious communities as the only depositary of rights and duties. Individual would have been in charge of rights and duties vis-à-vis the Empire and the community (and possibly sub-community) as a result of their belonging to the Millets.

The evolution of this strict social construction would have followed the developments of events that shacked the Empire in the XIX century.

**Conclusions**

The Millet system was a response to the multiethnic character of the lands which happened to be included into the Ottoman Empire as it was the case for the Balkan region. In this sense it should be considered as an historical model of non-territorial arrangement for the management of diversities.

The Millet System brings us to think of the functioning of religious communities and of their co-existence as institutional organizations which capacities and functions overcome the borders of nation-states. In these very days, the Pope of the Catholic Church, Benedetto XVI, leaves his Pontificate becoming the first Pope Emeritus in the history of the Catholic Church and causing astonishment and concern in the Catholic believers all over the worlds, from Italy to the Philippines, from Spain to the United States of America. The Catholic Church is a trans-national institutions which organization is structured in a complex multilayer system able to reach people in their village or district communities. At the top of this pyramid stands the Vatican City State, a sovereign city state located within the territory of the city of Rome. The citizenship of the Vatican City is regulated by the "Law concerning citizenship, residency and access" enacted by Pope Benedetto XVI on February 22, 2011, as a replacement to the 1929 "Law

\(^{51}\) *Ibidem*, 12.
\(^{52}\) As reported in B. Braude and B. Lewis, *op. cit.*, 4.
concerning citizenship and residence.⁵³ According to this law there are four categories of citizens in the Vatican: (1) the Pope, (2) cardinals residing in Vatican City, (3) active members of the Holy See’s diplomatic corps, and (4) other directors of Vatican offices and services. These categories make the Vatican case a very peculiar and unique one.

Unique is also the example of the Ottoman Millet System. Its relevance and peculiarity vis-à-vis the broader debate over non-territorial arrangement for the management of diversities stands in my view in its institutional arrangement and in the interrelation between the Millets and the Ottoman state apparatus. It is in this particular element that the Millet System seemed to make a step forward than the Austro-Marxist model of National-Cultural Autonomy. More attention and investigations are therefore needed to discover the way how the Millets were included within the socio-political Ottoman structure both at the central level and at the level of administrative units and local communities.

⁵³<http://en.wikipedia.org/wiki/Vatican_City>