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Author(s): Albert H. Lybyer

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THE TURKISH PARLIAMENT

BY ALBERT H. LYBYER

Oberlin College

The political situation of Turkey is undoubtedly the most complicated in the world to-day. To begin with, it contains a full measure of internal problems of the usual sort but of unusual acuteness. It is further seriously conditioned by the actions and interactions of three sets of rival interests: the group of distinct nationalities within the country, unassimilated after centuries; the cluster of small but active neighboring states, formerly a part of Turkey, and not yet satisfied with the terms and bounds of separation; and the family of the distant great nations, seeking strenuously to apportion and regulate the world. In the presence of these numerous forces, the Ottoman Empire, once during a brief period of splendor the strongest state in the Mediterranean sphere of civilization, has for some generations hung balanced on the verge of destruction. Two years ago a new spirit seemed to be breathed into it, a new life to be begun whose precarious thread perhaps furnishes the only genuine hope for the permanence of the nation. This new spirit and life is striving to find a sure embodiment and an effective means of expression in and through the Turkish Parliament.

Fortunately for the new institution, its promoters of the Committee of Union and Progress inspired such general confidence by their earliest actions in connection with the Revolution of July, 1908, that public opinion in the great nations declared strongly in favor of leaving them free to try out the experiment without interference. The Balkan States, with varying degrees of willingness, acquiesced in this attitude, and had not the Cretan question missed the psychological moment for solution, the complications which confronted the Parliament would practically have been confined to internal affairs.

Even after these simplifications, the situation could hardly have been called promising. It is possible to mention here only a few of the elements of difficulty. Diversity and conservative individuality

of racial character are very marked in a country which contains portions of Europe, Asia, and Africa, and includes some of the oldest seats of human civilization. The constituent nationalities show a duality of grouping, based not primarily on territorial lines, racial descent, or linguistic relationship, but on the far more permanent foundation of the opposition of two great world-religions. One of the Moslem nationalities, the Turkish, has for some centuries maintained over all others, both Moslem and Christian, the iron rule of the conqueror, and has reserved to itself nearly all important places in the public service, both military and civil.

Within this ruling nationality have existed from early times two institutions which correspond in some degree to the Church and State of Medieval Christendom. The religious institution, which possesses great political influence, rests upon the Sacred Law, the *Sheri*, or *Sheriat*, a system more of jurisprudence than of law, theoretically changeless, and binding on all Moslems. An ancient system of education trains teachers, interpreters, and judges of the Sacred Law, who together make up the body of the *Ulema*. The head of these, the *Sheik-ul-Islam*, is final authority on all matters touched by the Sacred Law, even to the declaration of war and the dethronement of a Sultan. The secular institution has undergone vicissitudes. In early Ottoman days it consisted, as Ranke phrased it, of "a lord and his bondsmen." Having developed gradually from a slave-family to a despotic government, and having passed through a period of great efficiency and authority, attempts were made to stay its decline by the introduction of military and governmental improvements from the West. Imperfectly understood and half-heartedly applied, such attempts at "reform" neither uprooted despotism, nor destroyed excessive centralization, nor removed unspeakable administrative and judicial corruption. The reign of Abdul Hamid II brought these and other evils to high perfection.

The inhabitants of Turkey seemed, in 1908, little prepared for Parliamentary government. In large majority illiterate and without political experience, they appeared to possess few statesmen who united training and ability with integrity and progressiveness. Thirty years of reaction from the attempts at reform seemed to furnish the worst possible preparation for a new régime.

In reality the situation was far from being as hopeless as it looked. There lay hidden some precedent, much preparation, and a strong desire, for a parliamentary government.

Both the religious and the secular institutions of Turkey involve precedents for a Parliament. Mohammed himself conferred with the wisest of his Companions, and once spread his cloak to receive envoys of Christian tribes. The *Ulema* have taken counsel together on occasion up to the present time. The Sacred Law is fundamentally democratic and opposed in essence to absolutism. The habit of regarding it as fundamental law enables even the most ignorant of Moslems to grasp the idea of a Constitution. The Christian nationalities of the Empire also, especially the Greek and the Armenian, have long governed their own affairs under special constitutive laws, which authorized national assemblies. Further, in the early Ottoman times the Sultan gathered about him a Divan of his chief servants, his captains, judges and secretaries. In the glorious period this assembly met regularly four days in the week for the transaction of business. Of late there have been at least a Council of State and a Council of Ministers. The Turkish Parliament may therefore be regarded not as a complete innovation, but as an enlargement and improvement of familiar institutions.

Nor did the Turkish Parliament as such date merely from 1908. Midhat Pasha's attempt of thirty-two years before had prepared the way for it, both by providing a Constitution and by leading to two ineffective parliamentary sessions. A few Young Turks, in those troubled days, thought to find in constitutional government a remedy for their country's grievous ills. Abdul Hamid II and his supporters, on the other hand, desired only to make temporary use of constitutional forms as a means of blocking the interference of the Great Powers. The latter view prevailing, the Parliaments of 1877 and 1878 were noted only for their ready acceptance of the recommendations of their President, and for their running fire of criticisms upon the Ministry. Of the eighteen measures which they passed only one became effective. After the prorogation of 1878, the Sultan neglected to summon another Parliament, though year after year the Constitution continued to be published officially.

The thirty years of oppression seem to have had a curious educative effect. The very badness of the government appeared to turn the minds of many thinking Ottomans toward the principles of the unused Constitution. It alone seemed to promise release from captivity and the restoration of the nation to an honorable place before the world. In patience and silence the end of absolute government was awaited. When in July, 1908, Abdul Hamid, forced by the army

and the Committee of Union and Progress, ordered the election of a new Parliament and proclaimed his intention of governing under the Constitution, the whole country responded with an outburst of joy and a unanimity of approval that seemed miraculous.

So ready was Turkey for the new régime, that in the twinkling of an eye, the nation transferred its obedience from the Sultan to the power that had triumphed over him. The Committee of Union and Progress, relying on the support of the Army, accepted the sovereign control of Turkey, as a trust to be delivered over to Parliament when it should assemble.

The Constitution of 1876 did not fit closely the situation of 1908. This will become clear if its main provisions as regards the Parliament be set forth.

Very careful provision was made to prevent the Parliament from exercising sovereignty or even self-direction. The Sultan or the Ministry might rule, according as the one or the other might be stronger, but the Parliament could only discuss and criticise. While sessions were supposed to last from November first to March first, Old Style, Parliament could be opened and closed only by the Sultan's decree, and with him rested also the power to shorten or prolong the session. The ministers were appointed by the Sultan, quite independently of the Parliament. They were declared responsible, but it was not stated to whom. A cumbersome machinery was provided by which an objectionable minister could be brought before a High Court of Justice for trial, provided the Sultan would give effect to the Parliament's request by his decree. The ministers had the right of entry to the sittings of Parliament. The Parliament had the right of interpellation, but a minister might postpone his answer if he would assume the responsibility of so doing. The initiative of legislation belonged to the Ministry. The Parliament, however, could by another cumbersome process ask for a bill on some subject; in that case the Sultan, if he so willed, would ask the Council of State to formulate a bill and present it to the Chamber of Deputies. The Sultan possessed an absolute veto on all legislation, since a bill could not become law unless its passage by majority vote of each house were followed by the Sultan's decree. It was provided that taxation and expenditure should be adjusted by an annual budgetary law. In case of dissolution before the budget of any year should be passed upon, the Ministry could repeat the budget of the preceding year. These financial provisions might have given the Parliament some power, but

they were not applied in 1877 and 1878. Either house of Parliament or the Ministry might propose constitutional amendments, but these, after passage by two-thirds vote in both Chambers, needed an Imperial decree to give them force. Evidently the Parliament could debate and could harass the Ministry, but it was not given so much power as to become a genuine limitation upon despotism.

Most of the provisions just mentioned have been altered. Those which follow have mostly been retained. The Parliament consisted of an elected Chamber of Deputies, and an appointed Senate. The members of the popular house were to be elected for four years on the basis of one to every fifty thousand males. They were to be apportioned by provinces, and each must be a resident of the province for which he was chosen. The deputies were, however, specifically stated to represent the entire nation. The necessary qualifications were numerous, including Ottoman nationality, the age of thirty years or more, good character, knowledge of the Turkish language, and freedom from foreign service, domestic bondage, bankruptcy, and sentence of court. Pay of \$880 per session and the expenses of travel were provided. The officers, a president and two vice-presidents, were to be selected by the Sultan from a list of three names for each, proposed by the Chamber. The deputies were immune from arrest, except for flagrant crime, or after the vote of a majority of the Chamber.

The Senate, or House of Lords, consisted of members appointed for life by the Sultan, to a number not exceeding one-third that of the deputies. The senators must be forty years old, and must have attained distinction in some public way. They were paid \$440 per month. The function of the Senate was to examine bills sent up by the Chamber of Deputies, and to sift the petitions of private citizens. The basis for examining bills is interesting. Not merely was constitutionality to be considered, but also conformity with the sovereign rights of the Sultan, liberty, the territorial integrity of the Empire, internal security, national defense, and good morals.

The Constitution of 1876 also promised a number of much-needed reforms, which were to be embodied by legislation. The chief of these were to concern the civil service, the judiciary, education, finance, and the decentralization of local government.

Such was the provision for a Turkish Parliament, according to the Constitution which was brought to the front in July, 1908, as the supreme law of the land. For the time, the fact that there was a liv-

ing Constitution was regarded as all-important. Such modifications as would heal its imperfections were decided upon by the Committee of Union and Progress and put into practice as unwritten law, pending the regular process of parliamentary amendment.

No opposition could be seen to the rule of the sovereign Committee, whose membership was judiciously enlarged until it contained, according to report, eighty thousand of the best of the Ottomans, of all nationalities and religious beliefs. Its inner circle, located at Salonica, acted in the formative days of the new régime with the perfect wisdom of the ideal enlightened despot, effacing self utterly, smoothing away difficulties, recognizing the rights of all internal groups, gaining and preserving the goodwill of the Great Powers, passing between not one Scylla and one Charybdis, but safely and surely avoiding a hundred vortices of destruction. Thus was maintained for months a quiet unanimity of purpose in Turkey, to which there are few parallels anywhere. Age-long difficulties and insoluble problems, fanatics, spies, and corruptionists, dropped completely out of sight, though unfortunately not out of existence.

In this preternatural calm, a sunshiny day after a year of storms, the elections were held for the new Parliament. Under such perfect prenatal influences, the lines of its character were projected as broad-minded and tolerant, public-spirited and patriotic, calm and cautious, firm and imperious. The Committee arranged all details. A dormant bill of the earlier Parliaments was brought forth as an election law. The voters on a basis of manhood suffrage choose electoral bodies of five hundred, and those choose the deputies. Careful manipulation secured the representation of all nationalities with approximate justice. Out of some 260 deputies, there were chosen about 120 Turks, 72 Arabs, 20 Kurds, 15 Albanians, 23 Greeks, 10 Armenians, 4 Bulgarians, 2 Servians, 1 Wallachian, 3 Jews. About two-thirds of these appear to have been the candidates of the Committee. Nearly all were well-disposed towards the new régime, except perhaps the conservative Moslem clerics from the heart of Asia Minor, and the Greeks, who feared the impairment of their privileged position. Taken as a whole, the Chamber of Deputies would seem to represent very well the best elements of the country; all varieties of opinion and of nationality, the Old Turk and the Young Turk, religion, law, leadership, and property.

The Committee decided that two-thirds of the senators should be its nominees, and that the Sultan with the Grand Vizier might choose

the remainder, subject to the Committee's approval. The number 39 was considered sufficient, and the venerable and experienced Said Pasha was made President. Two Arabs, two Greeks, two Armenians, a Bulgarian, and a Wallachian were among those chosen. Four marshals, four ministers of state, two of the *Ulema*, and a poet, helped make the Senate a dignified body of distinguished Ottomans, representing not so much vested interests, as eminent service to the state. The Senate has so far served well as a revising chamber, and has had no noticeable friction with the Chamber of Deputies.

The elections could not be completed by November 14, 1908, and the Parliament was opened on December 17, by Abdul Hamid in person, with magnificent ceremony. About a month was spent in organizing for business and gathering momentum. Ahmed Riza Bey, who had been during twenty years of exile a prominent leader of the Young Turks in Paris, was chosen President of the Chamber. Twice re-elected, he has presided, on the whole, wisely and well. The two Vice-Presidents were chosen and four clerks, and the House was divided by lot into five sections, for the better preliminary consideration of business.

The Sultan gave a banquet to the Parliament on January 1, at which he sat between the Presidents of the two Houses. Most of the members attended, and for so doing and for kissing the Sultan's hand were promptly and roundly reprimanded by the Press. The real work of the Parliament may be said to date from January 13, 1909, when the Grand Vizier explained his policies and received a unanimous vote of confidence. A party of opposition began to form at once, under the name of the *Ahrar* or Liberal Union.

It is not possible here to follow in any detail the history of the Parliament during its two completed sessions and the first six weeks of the third. The principal aims which it has kept before it will be set forth, and the extent to which it has so far realized these aims will be explained in a general way.

The aims of the Turkish Parliament may be grouped under five heads. First, the Parliament has, from its opening, endeavored to secure and maintain sovereign control. Second, it has striven to establish in Turkey, permanently and beyond the possibility of recall, the other leading principles of the Revolution of 1908. Third, it has begun a process of thorough amendment of the Constitution, in conformity with the ideas of the Revolution, the best practice of the most advanced nations, and the peculiar circumstances of Turkey.

Fourth, it has labored at the preparation of laws which will put into operation such provisions of the Constitution as call for legislation to give them embodiment. Fifth, it has endeavored to meet other urgent needs by suitable legislation.

Taking up these aims in the order stated, the story of the first, or the maintenance of sovereign power, constitutes the essential and vital element of the Parliament's labors. When the Parliament assembled, two bodies were exercising governing power in Turkey. On the one hand, sovereignty was felt to reside temporarily in the Committee of Union and Progress, whose published program and successive decisions seemed to have been accepted by all. On the other hand, the administration of home and foreign affairs was manifestly in the hands of the Ministry, which was presided over by the Grand Vizier, Kiamil Pasha, an experienced and high-minded patriarch of eighty-five years, possessed of that almost royal independence of mind which characterizes the best Moslems. Kiamil had been designated by the Committee, but it seems that the harmony of his actions with its ideas resulted from inward agreement rather than from direct outward suggestion. Now that sovereignty was supposed to pass from the Committee to the Parliament, the question arose, would Kiamil acknowledge the latter's authority over his actions? Further, would the Committee, whose inner council had been removed from Salonica to Constantinople, really hand over the supreme direction of affairs to the Parliament?

It would seem that the Committee was sincerely ready to turn over its control to the Parliament, as soon as the transfer could be accomplished safely. But clearly the situation needed most careful watching, while Abdul Hamid and his supporters were in a position to promote reaction. Kiamil seems not to have wished to restore despotism, but to have preferred the doctrines of the Liberal Union, which favored administrative decentralization, to those of the Committee. He seems also to have preferred that sovereign power should rest with the Ministry rather than with the Parliament. About the same time a Mohammedan League began to be formed, with the declared purpose of securing the Sacred Law against infringement, but apparently with no intention of overthrowing the Constitution. The struggle which ensued, however, became in its essence a contest between the old régime and the new, in which the prize of victory was the sovereign control of Turkey.

Kiamil threw down the gauntlet, when on February 11, he dismissed

the Ministers of War and Marine without consulting the Parliament. This act was not contrary to the written Constitution but was contrary to the Committee's proposal to establish full responsibility of ministers to the Parliament. Further, if the armed forces of the nation were to be in unfriendly hands, the Parliament's power could not be maintained. After great excitement, during which Kiamil refused to come before the Parliament, want of confidence was declared by a nearly unanimous vote (198 to 8). Kiamil resigned, and Hilmi Pasha was designated, a man who had the confidence of the Committee and who declared in his speech on policy, that he would observe the closest responsibility to Parliament. A few days later the Committee, which was being seriously blamed both at home and abroad on the ground of continuing to act as an irresponsible power behind the Parliament, announced the formation of a parliamentary Party of Union and Progress, which would support the Ministry. On April 13, this party announced its program.

Meanwhile matters were becoming critical. The Press and populace of Constantinople had fallen into violent commotion. The government began to restrict freedom of publication and of meeting. Finally, on April 13, the garrison of Constantinople murdered some of its officers, intimidated the Parliament and compelled a change of ministry. The Sultan designated Tevfik Pasha as Grand Vizier, and it was declared that all had been done in the interest of the Constitution and the Sacred Law.

No one in Turkey believed the declaration. It was felt that sovereign control, stricken from the hands of the Parliament by the mutinous soldiery, had been seized once more by Abdul Hamid. Prominent men of the Committee and three-fourths of the deputies went into hiding. The new régime seemed ended.

A part of the Army had upset the situation. Another part saved it. Within two weeks Constantinople was taken by supporters of the Parliament and the Committee. Abdul Hamid was deposed by vote of Parliament, followed by *fetva* of the *Sheik-ul-Islam*, and his brother Mohammed V, was proclaimed, a man not desirous of ruling.

The way had now been cleared for constructive progress. Parliament was definitely established as wielding the sovereign power of Turkey. The principle of full responsibility of ministers had been brought to the test and decided. The Army had shown itself in great majority loyal and reliable. Constantinople, for sixteen centuries recognized as dangerously excitable, had been placed under martial

law,—it has not yet been released. From that time to the present no one has questioned the dominance of the Turkish Parliament.

On May 5, 1909, Hilmi Pasha again became Grand Vizier. He held power until December 30. On December 31, Hakki Pasha, an able, just, and independent man, replaced him, and has retained the office until the present. Since the opening of the third session six weeks ago, another move has been made toward establishing solidarity between the Ministry and the majority party in the Chamber of Deputies. Hakki Pasha was required, despite some reluctance, to submit his speech on the state of the nation to a caucus of the Party of Union and Progress before delivering it in Parliament. In return, all members of the party refrained from criticizing the speech before the Chamber; and voted solidly in favor of the policy of the Ministry.

The Committee of Union and Progress, after the revolutions of 1909, established its inner circle once more at Salonica. While it has carefully maintained its organization, declared to be devoid of secrecy, it seems to have exerted no influence upon the government, except through the members of the party of the same name in Parliament. This party was at first careful to claim no high places, but beginning with Javid Bey, who was made Minister of Finance in June, 1909, some of its ablest members have been introduced gradually into the Ministry. The Party of Union and Progress has retained such a majority among the deputies, that the opposition has had to confine its efforts to the exercise of vigorous criticism. The opposition suffers also from division, since it concludes within its scanty membership a Liberal Party, a Democratic Party, most of the Greek deputies, some of the Armenians, and a few Socialists.

The Parliament has supported actively the leading principles of the Constitution, which constitute a program for the reconstruction of the nation. The methods used have been legislation, discussion, and careful control of the Ministry, in regard to which the right of interpellation has been employed freely. Chief among these principles are: the territorial integrity of Turkey; absolute equality in political matters of all citizens of Turkey, irrespective of nationality and religion; the participation of all nationalities in military service and public office; the subjection to the constitutional government of all internal interests, such as the Press and the different nationalities; the maintenance of Turkish as the official language; and the preservation of individual liberty. It is evident that these principles when applied, must conflict with each other at some points. In

particular, the reconciliation of individual liberty with the other aims has not yet been accomplished to the satisfaction of all concerned.

In amending the Constitution, the most important clauses which concern the Parliament have been those which have secured its sovereign power. The ministers are responsible individually and collectively, and must resign after a vote of want of confidence succeeding an interpellation. In case of disagreement with the Chamber, a ministry must submit or resign. Only if the new ministry and the Chamber can not agree on the matter in question, shall the Chamber be dissolved. If then the new Chamber persists in the opinion of the old, its will shall prevail. Deputies and senators have now the right to initiate legislation. The Sultan must within two months after the presentation to him of a proposed law, either sanction it or return it for second consideration. If Parliament passes it again by two-thirds vote, it becomes law. Emergency measures must be sanctioned or returned within ten days. Parliament shall convene each November first, Old Style, without being summoned. The Sultan can not abridge the four months' session, and he is obliged to summon Parliament ahead of time on the written demand of a majority of the deputies, or to prolong the session if a majority vote so decides. The Sultan is bound on his accession to take oath to respect the provisions of the Constitution and to remain faithful to the fatherland and the nation. The fate of Abdul Hamid indicates that failure to observe the promises of this oath would lead to a Sultan's deposition by the *Sheik-ul-Islam* upon demand of the Parliament. The approval of Parliament has been made necessary for treaties which concern peace, commerce, the cession and annexation of territories, the rights of Ottoman citizens and any expense for the state. Thus by fundamental law the Parliament has been confirmed in complete sovereign control.

Other amendments increase the salary of deputies to \$1320 per session with \$220 a month during prolongation; give closer control over the budget; and permit the Senate to sit behind closed doors, without however excluding the deputies from the hall of meeting. All these amendments date from the first session of Parliament. A number of others were during the second session voted by the Chamber of Deputies, modified by the Senate, and returned to the Chamber of Deputies for further consideration.

Both houses have labored upon laws designed to carry out the provisions of the Constitution. Chief among those so far enacted is

that providing for the military service of Christian Ottomans. The promotion of army officers has been regulated, and the pension system has been revised. The administration of justice has been improved somewhat, primary education has been encouraged, and a beginning has been made of the decentralization of local government by establishing special régimes for Yemen and Bagdad. The budgetary and other bills relating to finance have constituted the largest single task of each session. Revenues have been increased and retrenchments have been made. But owing to the desire to make the Army thoroughly fit, to acquire a navy, to pay salaries regularly, and to increase the appropriations for education and justice, the budget still fails to balance by from 25 to 30 million dollars a year, or by about one-fourth of the revenue. Thus a series of loans has been found necessary, increasing the already heavy burden of debt. A number of important laws concerning the reorganization of justice, the civil service, higher education, and the like, are pending.

Other legislation than that connected in some way with the Constitution has not as yet found much place. Most such laws that have been passed concern economic matters, such as concessions of various sorts, the encouragement of agriculture, and copyrights. The law which attempted to settle the ownership of disputed Christian churches in Macedonia has displeased all the contestants, which indicates that it may be approximately just.

As regards the sum total of work done, the Parliament passed 53 laws during the nine months of the first session and 65 during the six and one-half months of the second session. Several hundred motions and interpellations were discussed and about 10,000 petitions were considered, during each session. The first session lost time from the necessity of getting organized and from the double revolution of April, 1909. The second session was interrupted seriously by the burning of its palace of meeting and the destruction of its records in January, 1910. Considering that the Parliament has been serving as both a legislative body and a constituent assembly, that the Senate exercises also the function of passing upon the constitutionality of laws, and that the Parliament has kept a very close control over the Ministry, the amount of legislation would seem to be creditable. Further, it is undoubtedly true that conservatism and caution in the Parliament's present situation are far more likely to achieve permanent results than radicalism and precipitation. The institutions which are to rejuvenate enduringly an old and disordered country can not be fashioned hastily.

The Turkish Parliament, all things considered, may be pronounced to have been so far distinctly successful. It has learned to exercise sovereign control, and has fixed its position by constitutional law. It has attacked carefully the series of exceedingly difficult problems that presented themselves, and has solved some and made progress toward solving others. It has maintained a high sense of its responsibility and a vision of future greatness for its nation. It has held the allegiance of the Army and the *Ulema*, and apparently of a substantial majority of the thinking and influential populace. It has entered into the international life of Parliaments, by exchange of visits and felicitations.

One can endeavor to look ahead in Turkish affairs only with the greatest reserve. The Parliament, barring a serious quarrel with the Ministry, has still before it nearly two years of life. In case of dissolution in the near future, the same organization that procured its election would probably be able to return most of the present deputies. A dangerous crisis brought on from within is therefore unlikely. That which is more to be feared is a total subversion of the constitutional régime. This again, while quite possible, does not seem probable, for nearly all in Turkey were heartily sick of the old ways. Each day of continued power strengthens the new government. Great caution is needed lest the active hostility of certain elements be aroused dangerously. The present leaders are well aware of this, and it would seem safe to look forward with much hope to the permanency of the Turkish Parliament's rule.