3023-5820

Sultan İlahiyat Araştırmaları Dergisi

Sultan Journal of Theological Research (SJTR)

Vol./Cilt: 4 - Issue/Sayı: 2 - Article No/Makale No: 2 - Year/Yıl: 2026 - pp./ss. 1-30.

From Qut to National Sovereignty: The Shift in the Legitimate Holder of Sovereignty in Turkish Law

Kuttan Millî Egemenliğe: Türk Hukukunda Egemenliğin Meşru Sahibinin Değişmesi

Araştırma Makalesi / Research Article

Geliş Tarihi / Arrival Date
06.08.2026

Kabul Tarihi / Accepted Date
25.09.2026

Son Revizyon Tarihi / Last Revision Date
27.09.2026

Yayın Tarihi / Publication Date
28.09.2026

Res. Asst. Dr. Feyza ÖLÇEK
Adana Alparslan Türkeş University of Science and Technology, Faculty of Economics, Administrative, and Social Sciences, Department of Political Science and Public Administration, Division of Legal Sciences.
Adana, TÜRKİYE.

Abstract

This study examines the transition of sovereignty in Turkish law from the Ottoman dynasty to the nation, not as a transfer of powers from the sultan to the Grand National Assembly, but as a change in the subject regarded as holding the original right to rule. Its point of departure is qut, which explained the legitimacy of rulership in the pre-Islamic Turkic tradition. Qut was not the historical equivalent of modern sovereignty. Rather than denoting the abstract, permanent, and impersonal authority of the state, it signified divine recognition that a ruler was worthy of governing. It also confined legitimate claims to rulership to a dynastic circle and linked lineage with customary law, political success, justice, and public order. The article's original contribution lies not in claiming that qut survived unchanged in the Ottoman State, but in arguing that this dynasty-centred framework was reformulated after Islamisation through the sharia, customary law, conquest, the caliphate, justice, and dynastic genealogy. Although sultans could be criticised or deposed, the dynasty's privilege of furnishing the ruler remained intact. The Ottoman Constitution of 1876 converted this privilege into constitutional law, while the amendments of 1909 restricted the sultan's powers without abolishing the dynastic principle. Article 1 of the Constitution of 1921, declaring that sovereignty belonged unconditionally to the nation, replaced the dynasty with the nation as the legitimate holder of sovereignty. The abolition of the sultanate in 1922 and the proclamation of the Republic in 1923 were institutional consequences of this constituent transformation.

Keywords: Qut, Sovereignty, Legitimacy, Dynasty, Ottoman Sultanate, National Sovereignty, Constitution of 1921.

Highlights

- Qut is examined not as the historical equivalent of modern sovereignty, but as a framework of legitimacy that confined legitimate claims to rulership to a particular dynastic circle.
- The dynasty-centred structure formed around qut did not survive unchanged in the Ottoman State; it was reformulated through Islamic, legal, and imperial elements.

Citation Information/Kaynakça Bilgisi

Ölçek, Feyza. "From Qut to National Sovereignty: The Shift in the Legitimate Holder of Sovereignty in Turkish Law". *Sultan Journal of Theological Research (SJTR)* 4/2:2 (2026), 1-30. https://zenodo.org/10.5281/zenodo.23002725

CC BY-NC 4.0

- The study distinguishes between the source of sovereign legitimacy, the holder of sovereignty, and the state organs through which sovereign powers are exercised.
- While the Ottoman Constitution of 1876 transformed the dynasty's ruling privilege into a rule of positive constitutional law, the amendments of 1909 did not abolish that privilege.
- The Constitution of 1921 replaced the dynasty with the nation as the legitimate holder of sovereignty, while the measures adopted in 1922 and 1923 produced the institutional consequences of this constituent transformation.

Öz

Bu çalışma, Türk hukukunda egemenliğin Osmanlı hanedanından millete geçişini, yalnızca padişaha ait yetkilerin Büyük Millet Meclisine aktarılması şeklinde değil, devlet iktidarı üzerinde asli yönetme hakkına sahip olduğu kabul edilen öznenin değişmesi bakımından incelemektedir. Çalışmanın hareket noktasını İslamiyet öncesi Türk devlet geleneğinde hükümdarlığın meşruiyetini açıklayan kut inancı oluşturmaktadır. Kut, modern anayasa hukukundaki egemenlik kavramının tarihsel karşılığı değildir. Devletin soyut, sürekli ve kişiden bağımsız üstün kudretini değil, hükümdarın yönetmeye layık olduğuna ilişkin ilahi ve siyasi bir meşruiyet işaretini ifade etmektedir. Bununla birlikte kut, meşru hükümdarlık iddiasını belirli bir hanedan çevresinde toplamış; soy mensubiyetini töreye bağlılık, siyasi başarı, adalet ve devlet düzenini koruma yükümlülüğüyle ilişkilendirmiştir. Çalışmanın özgün yönü, kutun Osmanlı Devleti'nde değişmeden sürdüğünü ileri sürmesinde değil, bu hanedan merkezli meşruiyet yapısının İslamlaşma sonrasında şeriat, örf, gaza, fetih, hilafet, adalet ve hanedan şeceresi gibi unsurlarla yeniden kurulduğunu savunmasında bulunmaktadır. Osmanlı padişahlarının şahısları tartışılabilmiş ve hükümdarlar tahttan indirilebilmiş olsa da Osmanoğulları'nın hükümdar çıkarma ayrıcalığı uzun süre korunmuştur. 1876 Kânûn-ı Esâsî'si bu ayrıcalığı pozitif anayasa normuna dönüştürmüş, 1909 değişiklikleri ise padişahın yetkilerini sınırlamakla birlikte hanedan ilkesini ortadan kaldırmamıştır. 1921 Teşkilât-ı Esâsiye Kanunu'nun "Hâkimiyet bilâkaydüşart milletindir" hükmü, egemenliğin meşru sahibini hanedandan millete taşımıştır. Büyük Millet Meclisi egemenliğin sahibi değil, millî egemenliğin anayasal kullanım makamıdır. Çalışmada bu süreç, padişahın yaptığı bir devir değil, milletin kurucu iktidar iddiasını hukukileştirmesi olarak nitelendirilmektedir. Saltanatın 1922'de kaldırılması ve Cumhuriyetin 1923'te ilanı, bu kurucu değişimin kurumsal sonuçlarıdır.

Anahtar Kelimeler: *Kut, Egemenlik, Meşruiyet, Hanedan, Osmanlı Saltanatı, Millî Egemenlik, 1921 Anayasası.*

Öne Çıkanlar

- *Kut, modern egemenliğin tarihsel karşılığı olarak değil, meşru hükümdarlık iddiasını belirli bir hanedan çevresinde toplayan bir meşruiyet düzeni olarak incelenmektedir.*
- *Kut etrafında oluşan hanedan merkezli yapı, Osmanlı Devleti'nde aynen korunmamış; İslami, hukuki ve imparatorlukçu unsurlarla dönüşerek yeniden üretilmiştir.*
- *Çalışmada egemenliğin meşruiyet kaynağı, egemenliğin sahibi ve devlet yetkilerini kullanan organlar arasında kavramsal ayrım yapılmaktadır.*
- *1876 Kânûn-ı Esâsî'si hanedanın yönetme ayrıcalığını pozitif anayasa normuna dönüştürürken, 1909 değişiklikleri bu ayrıcalığı ortadan kaldırmamıştır*
- *1921 Teşkilât-ı Esâsiye Kanunu, egemenliğin meşru sahibini hanedandan millete taşımış; 1922 ve 1923 işlemleri bu kurucu değişimin kurumsal sonuçlarını ortaya çıkarmıştır.*

1. INTRODUCTION

One of the most profound changes in Turkish constitutional history occurred before the question of which organ would exercise state power: it concerned who was regarded as holding an original entitlement to that power. Over time, the powers of the Ottoman sultan were narrowed, new institutions entered the decision-making process, and the government's political responsibility to the legislature developed. Yet the assumption that the legitimate head of the state would come from the House of Osman remained, for a long period, a pre-given element of the constitutional order. The declaration in the 1921 *Teşkilât-ı Esâsiye Kanunu* that

'sovereignty belongs unconditionally to the nation' altered not only the manner in which authority was exercised, but also the identity of its lawful holder. Sovereignty was no longer treated as the historical or religious privilege of a particular lineage; it became the nation's original authority, derived from no other will. (Constitution of 1921, 20 January 1921, Art. 1; Özbudun, 1992, 2; Gözler, 2018, 23)

This rupture cannot be adequately explained by reading Ottoman constitutionalism as an uninterrupted line of liberalisation extending from the *Sened-i İttifak* to the amendments of 1909. Those instruments subjected the sultan's will to legal procedures, strengthened the idea of representation, and reduced the field of arbitrary power. The limitation of government, however, is not the same legal phenomenon as a change in the holder of sovereignty. A monarch may be substantially constrained by a constitution, a parliament, and a responsible government while the dynasty retains its original right to rule. National sovereignty, by contrast, requires state organs to exercise powers not as rights inherent in themselves, but on behalf of the nation and within a framework of constitutional authorisation. The distinctive feature of the transition from the Ottoman order to 1921 lies in this second change: the reconstitution of the subject of the right to rule. (Kapani, 1988, 58; Akyılmaz, 1999, 130)

The belief in *qut* brings the historical background of this problem into view. This article does not suggest that *qut* was the pre-Islamic Turkic equivalent of the modern concept of sovereignty. It did not signify the state's permanent and impersonal supreme power, but divine and political recognition that a particular ruler was worthy of governing. Its embodiment within a dynastic circle nevertheless meant that a claim to rulership was not open to every member of society. Lineage defined the field of legitimate candidacy; adherence to *töre*, military and political success, justice, and the capacity to preserve the political order helped determine which candidate's claim would be accepted. In this sense, *qut* was not merely a belief that conferred sacred meaning on power. It formed an order of legitimacy that explained both the conditions of entry into a claim to rulership and the conditions under which that claim could endure.

The central argument is not that this order survived unchanged in the Ottoman State. After Islamisation, the sharia, justice, *gaza*, conquest, the caliphate, *nizam-ı âlem*, and the genealogy of the House of Osman became central to the justification of rulership. Earlier concepts were not preserved with an identical meaning within this new religious and political language; they were reinterpreted. Yet the structure under which legitimate claims to rulership arose within a defined dynastic circle did not disappear altogether. What changed was less the existence of the dynastic principle than the vocabulary through which it was justified. Accordingly, continuity is sought not in *qut* surviving as an autonomous rule of Ottoman law, but in the reproduction, within a different legal and political language, of a logic of legitimacy that attached the right to rule to a particular lineage.

Such a claim of continuity is defensible only if its limits are made explicit. To posit an unbroken chain of norms between *qut* and the Ottoman sultanate would erase centuries of Islamisation, imperial transformation, and institutional change. Conversely, the fact that sultans could be deposed, or that other dynasties were occasionally contemplated, does not make the dynastic principle insignificant. The more revealing question is the range within which political opposition could be articulated. The person of the sultan and his fitness to occupy the throne could be contested; in most crises, however, the solution was sought not by removing the right to rule from the House of Osman, but by enthroning another member of the dynasty.

For this reason, the article does not employ the absolute proposition that the sovereign right of the House of Osman was never questioned. The Interregnum, extra-dynastic searches for power, decisions of deposition, military interventions, and the alternatives contemplated when the dynasty appeared close to extinction all undermine a narrative of complete and uninterrupted consensus. It nevertheless remains significant that these challenges did not produce a lasting change of dynasty. Opposition generally looked for a new ruler within the dynastic principle rather than beyond it. The ruler's person could therefore be distinguished from the dynasty's privilege of furnishing the ruler, while the ordinary field of legitimacy remained defined for centuries by the House of Osman. (Tanör, 2020, 244; Abadan - Savcı, 1959, 6)

The article does not claim to be the first study to relate *qut* to national sovereignty. Turkish legal history and constitutional scholarship have already examined the divine source of authority in pre-Islamic Turkic polities, ruler- and dynasty-centred legitimacy in the Ottoman order, and the conception of national sovereignty adopted by the Constitution of 1921. Its contribution is not to place those periods once more along the same chronology. It instead places at the centre of the inquiry a narrower legal question: who may assert an original right to rule over the state? This makes it possible to distinguish the source of sovereignty, its holder, and the organ exercising public powers, and to analyse the transformation not only as a passage from divine to human authority but also as a transfer of legitimate title from dynasty to nation. (Arsal, 2020, 116; Aydın, 1999, 25; Pamir, 2022, 323)

This approach also sharpens the contrast between 1876 and 1921. By assigning the sultanate and the caliphate to the Ottoman dynasty, the *Kânûn-ı Esâsî* converted a dynastic privilege protected for centuries by historical and political understandings into a rule of positive constitutional law. The Constitution of 1921, by declaring sovereignty to belong unconditionally to the nation, excluded any birth-based claim to original authority over the state from the new constitutional order. The issue is therefore not exhausted by asking how many powers passed from the sultan to the Assembly. The decisive rupture lies in the fact that the Assembly exercised those powers not in the sultan's name, but as the sole and true representative of the nation. (İnalcık, 1959, 70; Karateke, 2005, 13)

The expression 'transfer of sovereignty' must therefore be used with technical caution. The Ottoman dynasty did not renounce its claim through a legal transaction, nor did the sultan confer constituent authority upon the nation. The Grand National Assembly derived its authority not from a mandate conferred by the old legal order, but from its constituent claim to represent the national will. What occurred was not an assignment made with the consent of a previous title-holder; the new order constituted the nation as the legitimate holder of sovereignty. In this account, the nation is not a secondary subject that acquired a right at a later stage, but the political community that assumed and legalised its own constituent claim.

Within this framework, historical continuity and constitutional rupture are treated not as mutually exclusive explanations, but as different planes of the same transformation. The article first distinguishes sovereignty, legitimacy, and the right to rule, and then examines *qut* in relation to *töre*, dynastic membership, political success, and the ruler's obligations. The Ottoman section does not posit the unchanged survival of a pre-Islamic political inheritance; it asks how a dynasty-centred right to rule was reconstructed through Islamic law, *gaza*, justice, the caliphate, and dynastic genealogy. The distinction between the person of the sultan, the biological continuity of the dynasty, and the institutional continuity of the state lies at the heart of that inquiry.

The *Sened-i İttifak*, the *Tanzimat* instruments, the *Kânûn-ı Esâsî* of 1876, and the amendments of 1909 are then read through the distinction between limiting power and changing the holder of sovereignty. Finally, the Constitution of 1921, the decision of 1 November 1922 abolishing the sultanate, and the amendment of 29 October 1923 are considered together. This demonstrates that 1921 was the normative rupture that identified the new holder of sovereignty, 1922 removed the dynastic office incompatible with that principle, and 1923 institutionalised the government and headship of a state founded upon national sovereignty. (Emecen, 2001, 68; Yosmaoğlu, 1996, 508)

Ethics Statement: This study was conducted in accordance with all ethical standards. The information and findings presented in this article have been written in accordance with the principles of honesty and transparency. The author has not compromised scientific integrity and objectivity at any stage of the research. In addition, all sources used in this study have been properly cited. Since the research is based on document review, no ethics committee approval is required.

2. DISTINGUISHING SOVEREIGNTY, LEGITIMACY, AND THE RIGHT TO RULE

2.1. The Historical Limits of the Modern Concept of Sovereignty

In modern public law, sovereignty denotes the original and supreme power of a state that recognises no superior will within its territory and is independent in external relations. Bodin's account of permanent and absolute power was decisive in systematising the concept, although the separation of sovereignty from the ruler's person and its conceptualisation as the impersonal power of the state were products of a longer historical development. Modern

sovereignty took shape as central political authority established itself as the final locus of decision against feudal powers and rival imperial and ecclesiastical claims. To transpose the concept, with all these elements intact, to pre-Islamic Turkic societies would therefore produce an anachronistic reading that searches the past for the legal categories of the modern state. (Bodin, 1992, 1; Akyılmaz, 1999, 134)

Avoiding anachronism does not, however, require abandoning questions about the source of the right to govern in earlier societies. State theory is concerned not only with the historical emergence of a supreme power belonging to an abstract legal personality. It must also ask who was deemed entitled to command, by which beliefs and norms that claim was justified, who could qualify as a candidate for rulership, and what failures could deprive a ruler of legitimacy. This second field of inquiry permits the study of earlier structures of legitimacy without extending the history of modern sovereignty backwards.

Qut belongs to this second plane of analysis. It was not the permanent and impersonal sovereign power of the state, but a divinely grounded sign that a particular ruler was qualified and worthy to govern. The khagan's superiority rested not merely on military force, but also on the belief that he enjoyed divine support, preserved *töre*, administered justice, and governed the polity successfully. The value of *qut* for legal history therefore lies not in treating it as an ancient name for modern sovereignty, but in its capacity to explain why a claim to rulership could demand obedience and under what conditions that claim could be shaken. (Pamir, 2022, 325; Ahmetbeyoğlu, 2020, 35)

A further consequence of *qut* was that it confined access to legitimate rulership. The right to rule was not conceived as an authority that every member of society could assert on equal terms; legitimate candidacy arose within a defined dynastic circle. This did not make every member of the dynasty a simultaneous sovereign. Lineage identified the class of persons eligible for rulership, while conformity with *töre*, political success, protection of the people, and the capacity to preserve the political order indicated which candidate could be regarded as possessing *qut*. What this article calls the dynasty's privilege of furnishing the ruler enables the political effect of *qut* to be understood on a plane broader than the individual ruler.

The relationship between *qut* and sovereignty must therefore be one of functional comparison rather than conceptual identity. Modern sovereignty explains the supremacy and continuity of state power within a legal order. Qut explains why the exercise of political authority by a particular ruler was considered rightful and within which dynastic circle a claim to rule could arise. The former concerns the legal quality of state power; the latter concerns the legitimacy of rulership. Unless this distinction is maintained, analysis either projects modern sovereignty onto early Turkic polities or overlooks the significance of *qut* for state and constitutional theory.

2.2. The Holder of Sovereignty and the Exercise of Public Powers

The source of legitimacy, the holder of sovereignty, and the organs through which public powers are exercised do not denote the same matter. The source identifies the belief or legal principle that justifies a claim to political authority. The holder is the subject regarded as possessing original and ultimate title to that authority. Exercise concerns the institutions through which sovereignty assumes legal form in a constitutional order. Under national sovereignty, the nation is the continuing and abstract holder of sovereignty, not reducible to the electorate living at a particular moment. The national will acquires legal form through elections, representation, and constitutional authorisation. No state organ therefore becomes sovereign merely because it exercises authority on the nation's behalf. (Tanör, 2020, 247; Esen, 1968, 63; Turan, 2023, 87)

Nor does a monarch cease to be regarded as sovereign simply because he does not personally conduct every affair of state. Councils, ministers, and assemblies may exercise extensive powers; the monarch's acts may require countersignature or parliamentary approval. If those powers continue to be derived from the dynasty's historical title or the monarch's constitutional position, what has changed is the method by which power is exercised, not its original holder. Ottoman constitutional monarchy substantially constrained sultanic power, yet preserved the premise that the sultanate belonged to the House of Osman. The novelty of 1921 therefore lies, before the extensive powers of the Assembly, in Article 1's answer to the question on whose behalf those powers were exercised.

2.3. The Scope of the Claim of Historical Continuity

No direct institutional or normative continuity can be established between *qut* and the Constitution of 1921. Islamisation, the Seljuk and Ottoman experiences, imperialisation, centralisation, the *Tanzimat*, constitutional monarchy, and the National Struggle transformed both the language and the institutions of government. Patterns of thought concerning who may assert a right to rule, however, can outlive the institutions in which they first emerged. The continuity argued for here does not consist in the same legal rule surviving across centuries. It lies in the reproduction, through changing religious and political justifications, of the assumption that the legitimate ruler should emerge from a particular lineage. This is not normative identity, but a structure of legitimacy that persisted through transformation. (Arsal, 2020, 119; Üçok et al., 2015, 17)

This approach neither reduces the Ottoman sultanate to an extension of *qut* nor treats 1921 as an abrupt beginning without historical foundations. The development of legality, representation, and political responsibility in Ottoman constitutionalism prepared a legal language in which national sovereignty could be articulated. That preparation did not, however, extinguish the dynasty's birth-based right to rule. Earlier forms of legitimacy were narrowed and reinterpreted within new institutions; the normative rupture that expressly constituted the nation as the holder of sovereignty occurred in 1921.

3. QUT, TÖRE, AND DYNASTY IN THE PRE-ISLAMIC TURKIC STATE TRADITION

3.1. The Legitimacy Conferred on Rulership by Qut

In pre-Islamic Turkic political thought, the khagan's authority was not explained by naked military superiority alone. The ruler was believed to enjoy the support of Gök Tengri and to have received the capacity to govern through *qut*. This belief did not deify the khagan or turn him into the absolute and unaccountable earthly embodiment of divine will. Qut was a superior sign legitimising the ruler's privileged position and his claim to command; its political meaning, however, was inseparable from the duties he was expected to perform. (Pamir, 2022, 325; Ahmetbeyoğlu, 2020, 35)

The khagan was expected to protect the polity, provide for the people, act justly, and maintain *töre*. Success was therefore not merely an outcome of political power; it was visible evidence that *qut* resided in the ruler. A ruler who disrupted the political order, failed to protect his people, or departed from *töre* could be understood to have lost *qut*. Divine origin did not immunise the ruler from worldly consequences. Qut thus performed a dual function: it legitimated power while making its continuation dependent upon success, justice, and the preservation of order. (Pamir, 2009, 363; Arsal, 2020, 284)

3.2. The Functions of Töre and the Kurultay in Relation to Qut

Töre formed the normative environment within which *qut* operated. It is inadequate to regard it as no more than an aggregate of social customs. It constituted a body of rules antecedent to the ruler's will, governing the organisation of the polity, the ruler's duties, and procedures of political decision-making. The khagan could develop *töre* and promulgate new rules, but he could not substitute his personal will for it. This did not amount to judicial constitutional review in the modern sense. It nevertheless imposed a genuine limit of legitimacy by subjecting political power to an order regarded as superior to the ruler's individual preferences. (Pamir, 2022, 329; Donuk, 1982, 108)

The role of the *kurultay* must likewise be assessed without exaggerating it through the categories of modern parliamentarism. It was not a representative assembly exercising popular sovereignty, but it provided an influential forum of recognition and consultation through which a claim to rulership gained acceptance among political elites. Even if the source of *qut* was deemed divine, the identity of the khagan was not determined independently of the political community. Dynastic membership supplied the basis of candidacy, while the support of the *kurultay*, tribal leaders, and leading office-holders enabled the claim to become effective political authority. The political function of *qut* becomes clearest at this intersection between divine selection and worldly recognition.

3.3. The Dynastic Embodiment of Qut

One of the most important political effects of *qut* was to delimit who could qualify as a ruler. Legitimate candidacy arose within a particular dynasty, while the rest of society was not accorded an equivalent claim to govern. This arrangement did not render all members of the

dynasty sovereign at the same time. Effective authority was exercised by the enthroned ruler, whereas other dynasts retained a capacity for rulership unavailable to ordinary persons. The fact that struggles for the throne generally unfolded among members of the same lineage, rather than between dynasty and society, followed from this distinction. (Üçok et al., 2015, 25; Golden, 2006, 59)

The absence of a fixed rule of male primogeniture further demonstrates that dynastic membership did not operate automatically. Lineage conferred legitimate candidacy but did not guarantee accession. Military success, the support of leading office-holders, and the capacity to govern the realm were read as signs revealing the candidate in whom *qut* had become manifest. The victorious dynast did more than eliminate his rivals; he could present success itself as proof that divine favour rested upon him. Effective power thus became evidence of legitimacy, while legitimacy supplied the political explanation of success.

3.4. The Transformation of Rulership in *Kutadgu Bilig*

Kutadgu Bilig is important because it reveals the reinterpretation of an older Turkic vocabulary of rulership through Islamic political and ethical concepts. In the work, *qut* is not understood solely in terms of fortune or superiority of lineage, but is considered alongside justice, reason, felicity, and moderation. A ruler's worthiness to govern is connected to his duty to protect the people and establish a just order. It would be mistaken to treat the text as proof that *qut* passed into the Ottoman order unchanged. It is better understood as an intermediary field in which the Turkic inheritance of rulership encountered Islamic political thought and older concepts were translated into a new ethical and legal vocabulary. (Beşirli, 2016, 24; Yusuf Has Hâcib, 1991, 70)

The adoption of Islam should therefore not be viewed as the sudden erasure of an earlier world of legitimacy. Ideas of dynastic membership and divine support continued, while the ruler's obligations to protect religion, observe the sharia, and administer justice acquired greater prominence. This was not a simple accumulation of independent elements; older elements changed meaning within a new political language. The historical background of Ottoman legitimacy must accordingly be sought neither in the pre-Islamic inheritance alone nor in Islamic law alone, but in their reconstruction within an imperial experience. (Abadan - Savcı, 1959, 6; Eroğlu, 2003, 25)

4. THE TRANSFORMATION OF DYNASTY-CENTRED LEGITIMACY IN THE OTTOMAN STATE

4.1. The Multiple Foundations of Ottoman Legitimacy

Ottoman rulership did not rest on a single source of legitimacy. At different times, the genealogy connecting the House of Osman to the Oghuz and Kayı lineages, the achievements of *gaza* and conquest, the ideal of justice, the protection of the sharia, the power to enact customary law, the caliphate, and the state's capacity to maintain order complemented one another. This plurality makes clear that *qut* did not survive as an autonomous institution of

Ottoman law. The common effect of these diverse instruments of legitimation was nevertheless to reproduce the claim to rulership within the House of Osman. The older dynasty-centred structure did not disappear; it assumed a new form within an Islamic and imperial repertoire of legitimacy. (İnalcık, 1959, 74; Imber, 1987, 7)

The components and relative weight of this repertoire changed over time. Narratives of the founding period emphasised *gaza* and conquest; lawgiving, *nizam-ı âlem*, and justice became more prominent with centralisation; and the caliphate developed into a powerful political resource in the empire's final centuries. Rather than necessarily eroding the dynastic principle, shifts in the language of legitimacy often supplied it with new grounds. Continuity in Ottoman legitimacy therefore lies not in the repetition of one concept in every period, but in the capacity of changing concepts to justify anew the same dynasty's privilege of furnishing the ruler. (Altuntaş Duman, 2023, 668; Karateke, 2005, 20)

To explain the sultan's legitimacy solely through the title 'shadow of God on earth' would similarly reduce a complex structure to one formula. Alongside divine favour stood conformity with the sharia and customary law, the dispensation of justice, military success, protection of the subjects, and the capacity to maintain the political order. The sharia did not confer unlimited sacredness on the sultan; the ruler himself was understood to be subject to legal and ethical obligations. Yet the legal restraint of the ruler did not mean that sovereignty belonged to the subjects. The distinction between limited monarchy and popular sovereignty must be preserved here as well. (Akyılmaz, 1999, 143; Yosmaoğlu, 1996, 510**)**

4.2. The Sultan, the Dynasty, and the Continuity of the State

Within the Ottoman political order, the person of the sultan could be distinguished from the dynasty's privilege of furnishing the ruler. A sultan might die, be deposed, or be judged unfit to govern, while the enthronement of another Ottoman dynast preserved the dynastic principle. Decisions of deposition commonly alleged that the incumbent had acted contrary to the sharia, justice, or the interests of the state; the remedy, however, was usually sought not in abolishing the sultanate but in finding a new ruler within the dynasty. Personal failure could thus be attributed to a particular sultan without discrediting dynastic legitimacy as a whole.

The institutionalisation of the state apparatus also produced a degree of separation between the person of the sultan and the continuity of the state. The Imperial Council, the bureaucracy, the fiscal administration, and the military organisation generated a continuity extending beyond the ruler's lifetime. This development makes it impossible to reduce the Ottoman State to the sultan's private patrimony. Yet the depersonalisation of the institutional state did not by itself alter the lineage from which its legitimate head was expected to emerge. An increasingly impersonal state apparatus and the dynasty's monopoly over legitimate rulership could coexist for centuries. (Kıvrak, 2021, 704)

Kantorowicz's account of "the king's two bodies" offers a useful but necessarily limited comparative perspective from which to consider this distinction. In the English juristic tradition reconstructed by Kantorowicz, the king's mortal and natural body was distinguished from the enduring body politic attached to kingship. The death of an individual ruler therefore did not create a discontinuity in political authority: the office and the legal personality associated with it survived the natural person. In this sense, political continuity was increasingly conceptualised through a corporate and juridical abstraction capable of transcending the biological life of any particular monarch. (Kantorowicz, 1957, 7-13)

The Ottoman structure differed at a crucial point. The death or deposition of a particular sultan likewise did not entail the extinction of the state or of the sultanate, but legitimate succession remained structurally tied to the continued existence of the House of Osman. The office could outlive an individual sultan, yet the question of who could legitimately occupy that office was not detached from dynastic lineage and transferred to an autonomous corporate body comparable to the body politic in Kantorowicz's analysis. The biological continuity of the dynasty therefore retained constitutional significance: so long as an Ottoman dynast survived, the established principle of legitimate succession could continue to operate; the extinction of the dynasty, by contrast, would have raised not merely the problem of filling a vacant office but the more fundamental question of the source from which a legitimate ruler could be supplied. The comparison thus reveals two different forms of depersonalisation. In the Western corporate model described by Kantorowicz, continuity could be located increasingly in the legally enduring office; in the Ottoman order, institutional continuity developed without fully severing legitimate rulership from the biological continuity of the dynasty. (Kıvrak, 2021, 704; Kantorowicz, 1957, 270-273)

4.3. Fratricide, Seniority, and the Preservation of the Dynastic Monopoly

The practice of dynastic fratricide demonstrates that Ottoman princes were not personally regarded as inviolable or sacred. Its political logic was to terminate, in favour of a single ruler, conflicts among several legitimate dynastic candidates that threatened to fragment the state. The harsh solution formulated in Mehmed II's law code under the rationale of *nizam-ı âlem* did not reject the dynasty's right to rule. On the contrary, it aimed not to move political authority outside the dynasty, but to eliminate the plurality of candidates within it. What was protected was not the life of every prince, but the unitary exercise of dynastic rule. (Akman, 1997, 125; Peirce, 1993, 153)

The later adoption of seniority and suitability answered the same problem by different means. Rather than allowing princes to build power in provincial governorships and reach the throne through armed competition, succession was assigned to the oldest male dynast considered fit to rule. This altered not the holder of the right to the sultanate, but the manner of its transmission within the dynasty. The form of rivalry changed while the House of Osman's privilege of furnishing the ruler remained intact. One of the central functions of succession law

thus became the joint preservation of the dynasty's biological continuity and the continuity of the political order.

4.4. The Last Prince and the Possibility of an Alternative Dynasty

The position of Sultan İbrahim makes visible the value attached to dynastic continuity. By the time of Murad IV's death, İbrahim was the dynasty's sole surviving male member. His disappearance would have caused more than a temporary vacancy of the throne; it would have thrown into crisis the centuries-old assumption identifying the lineage from which a legitimate ruler was to be drawn. The importance attached to İbrahim's survival, accession, and fathering of heirs therefore had a political significance independent of his personal qualities. The state was protecting not a particular sultan deemed indispensable in himself, but its capacity to produce a legitimate sultan. (Gökpınar, 2020, 20; Emecen, 2001, 70)

This example does not prove that *qut* operated directly within Ottoman succession law. The importance assigned to dynastic survival can also be explained by an entrenched law of succession, the relationship forged over centuries between state institutions and the House of Osman, and the absence of an accepted procedure for choosing a new ruler if the dynasty disappeared. Qut illuminates the remote intellectual background of this structure, but it cannot be presented as the sole and immediate cause of the last-prince problem. The article's continuity thesis rests not on such a direct causal claim, but on the persistence, through transformation, of a dynasty-centred logic of legitimacy.

Searches for alternatives to the House of Osman require the same caution. In moments of crisis, possibilities involving the Karamanids, Düzmece Mustafa, the circle of Sheikh Bedreddin, the Girays, or powerful military actors could be contemplated. Anxiety over the extinction of the dynasty in particular sustained reports that the Girays might be invited to the Ottoman throne. Such examples preclude the assertion that the Ottoman right to rule was never questioned even in thought. Yet the fact that alternatives emerged in exceptional crises rather than ordinary politics, and never produced a durable change of dynasty, demonstrates the unrivalled position of the House of Osman in the day-to-day operation of political legitimacy. (Emecen, 2001, 70)

The defensible proposition, therefore, is not that the Ottoman dynasty's right to rule remained absolutely uncontested, but that political opposition continued for a long period to operate within the boundaries drawn by the dynastic principle. The ruler could be replaced, the law of succession could be revised, and other lineages could be imagined in extraordinary circumstances. The Ottoman order nevertheless failed to generate a permanent and general title-holder capable of displacing the dynasty as the subject of state authority. The shift of that subject from dynasty to nation would be established in fact during the National Struggle and given legal form by the Constitution of 1921.

5. THE PRESERVATION OF THE DYNASTIC PRINCIPLE DURING CONSTITUTIONAL LIMITATION

5.1. The Significance of the *Sened-i İttifak* and the *Tanzimat* Instruments

The *Sened-i İttifak*, the *Tanzimat* Edict, and the Reform Edict were important stages in making the legal limits of Ottoman government more visible. The *Sened-i İttifak* placed the relationship of power between the centre and the provincial notables under reciprocal commitments, while the *Tanzimat* Edict announced general rules concerning the security of life, property, and honour, as well as taxation and military service. These developments showed that the sultan's will could no longer be conceived as an unlimited power subject to no procedure. None of the instruments, however, declared sovereignty to belong to the nation or recognised that the sultanate had passed from the House of Osman to representative institutions. Legal limitation advanced, while original title remained unchanged. (Abadan, 1957, 6; Tanör, 2020, 134)

The constitutional value of the *Sened-i İttifak* must be assessed within these limits. The provincial notables constituted a real social and military power against the centre and secured commitments capable of restricting the sultan's unilateral freedom of action. They did not, however, exercise constituent authority as representatives of the nation. The document left both the office of the sultanate and the House of Osman's right to rule outside the field of contestation. The *Sened-i İttifak* is therefore better characterised not as the first appearance of national sovereignty, but as a moment in which bargaining and reciprocal commitment acquired greater legal and political weight in the exercise of dynastic power. (Pamir, 2004, 74; Abadan, 1957, 18)

During the *Tanzimat*, the ruler's undertaking to comply with rules that he had himself proclaimed strengthened the idea of legality. The governed were becoming not merely objects of administration, but addressees of recognised rights. The nation was nevertheless not the constituent source of the reforms; that source remained the sultan and the bureaucracy acting to preserve and reorganise the state. The recognition of rights and the attribution of sovereignty to the nation did not occur in the same process or at the same pace. This distinction explains why Ottoman constitutional development cannot be understood solely as an expansion of liberties.

5.2. The Ottoman Constitution of 1876: Constitutionalising the Dynastic Right

The *Kânûn-ı Esâsî* of 1876 was a major threshold for representation, fundamental rights, and the idea of constitutional government. Article 3 nevertheless expressly provided that the exalted sultanate, together with the supreme caliphate, belonged to the eldest male member of the Ottoman dynasty. Article 5 declared the sultan's person sacred and immune from legal responsibility, while Article 7 enumerated extensive monarchical powers. A dynastic privilege previously protected through tradition, religion, and political acceptance was thereby rendered

an express and written rule through the techniques of a modern constitution. (Ottoman Constitution, 23 December 1876, Arts. 3, 5, 7; Kili - Gözübüyük, 1985, 91)

This conclusion does not diminish the constitutional character of the *Kânûn-ı Esâsî*. The text subjected sultanic power to procedures, created representative chambers, and recognised fundamental rights. Constitutional government and national sovereignty are not, however, identical concepts. A constitution may limit the monarch's powers while leaving original title to state authority in the dynasty. Representation in the order of 1876 did not transform the population into the constituent sovereign. The subjects participated in government, but they did not share the dynastic principle that determined the legitimate holder of the sultanate. (Akyılmaz, 1999, 155; Tanör, 2020, 183)

Article 3 also shows that the dynastic principle was not a residual institution destined automatically to dissolve under modernisation. As the Ottoman State accepted representative institutions, it redefined and protected the right to the sultanate. In this respect, 1876 represented not only the limitation of an older legitimacy, but also its reconstruction within positive law. Parliament and dynasty occupied the same constitutional structure without forming equal constituent sources. Society entered government through representation, while the headship of state and title to the sultanate continued to be determined by descent.

5.3. The Amendments of 1909: Parliamentarisation and the Continuing Dynastic Principle

The amendments of 1909 substantially narrowed the sultan's powers, strengthened the political responsibility of the government to the Chamber of Deputies, and moved the Ottoman order closer to parliamentary monarchy. The ruler's influence on legislation, his power of dissolution, and his role in the formation of government were revised. These changes produced a genuine, and not merely formal, transformation in the exercise of state power. Article 3, however, continued to assign the sultanate to the House of Osman, and the hereditary foundation of the headship of state remained intact. (Tanör, 2020, 200; Ahmad, 1969, 42; Turan, 2023, 63)

After 1909, therefore, the sultan was no longer an absolute monarch who personally exercised all the powers of the state, but the Ottoman dynasty remained the legitimate holder of the sultanate. The strengthening of parliament was not equivalent to recognising the nation as the original title-holder of state authority. The changes of 1909 limited the manner in which dynastic power was exercised and developed political responsibility and representation. The Constitution of 1921 addressed a more fundamental and different question: it rejected the premise that sovereignty belonged to the dynasty and declared that public powers were to be exercised in the name of the nation.

6. THE NATIONAL STRUGGLE AND THE NEW SUBJECT OF SOVEREIGNTY IN THE CONSTITUTION OF 1921

6.1. From the Congress Governments to the National Will of the Grand National Assembly

The principle of national sovereignty did not appear suddenly on 20 January 1921. The Amasya Circular declared that the nation's independence would be secured by the nation's own determination and resolve, while the Erzurum and Sivas Congresses adopted the objective of making the national will supreme. At a time when central state authority had become ineffective, the congresses formed new centres of decision that claimed first regional and then nationwide representation. The 'nation' was thus no longer invoked only as a passive community requiring protection; it began to function as the subject producing the legitimacy of political decision. The provision of 1921 was the constitutional expression of this practical and discursive transformation. (Turan, 2023, 73; Akın, 2023, 138)

The importance of the congress governments lay not in their legal succession to the sultan's powers, but in their development of a claim to representation and decision-making independent of the authorities in Istanbul. The Representative Committee derived its authority not from an imperial decree, an appointment, or a mandate conferred by the old constitution, but from the national will embodied in the congresses. It was not yet a complete state organisation, but it disclosed a new centre of legitimacy outside the dynasty. With the opening of the Grand National Assembly, this representative claim ceased to be a temporary movement and became a central and continuing institution capable of taking binding decisions throughout the country. (Tanör, 2009, 113; Akın, 2023, 140)

6.2. The Constituent Position of the Grand National Assembly and the Language of the Sultanate

The Grand National Assembly, convened on 23 April 1920, did not position itself as an ordinary Ottoman parliament. It concentrated legislative and executive powers in its own hands, adopted binding decisions in the name of the state, and claimed to be the true representative of the nation. Its authority was not derived from the Chamber of Deputies dissolved by the sultan or from the Istanbul Government. The Assembly was therefore not a subsidiary institution merely filling a vacancy within the old order; it was the centre and constituent assembly of a new legal order whose validity rested on the national will. (Tunaya, 1958, 231; Özbudun, 1985, 483; Anayurt, 1997, 674)

The First Assembly's continued use of the language of rescuing the caliphate and the sultanate does not simply negate this constituent position. Nor is it sufficient to dismiss that language as mere political tactics. The Assembly contained divergent views, and the National Struggle depended upon a broad social coalition. Elements of the old language of legitimacy and the new claim of national will could therefore coexist in the same political documents. The road to 1921 was not a linear programme founded from the outset upon consensus in favour of a

republic. The new order of sovereignty was constructed through conflict with older concepts and, at times, through their reinterpretation. (Konan, 2022, 449, 456–457)

The constitutional debates concerning the caliphate make this normative conflict particularly visible. The government programme had envisaged that, once the caliphate and sultanate were liberated, the Sultan and Caliph would assume their position within the framework of constitutional law. When this formula was omitted from the draft Constitution, conservative deputies objected. Karesi deputy Hasan Basri Bey proposed that the text expressly provide that the Caliphate, once freed from captivity, would assume its lawful position. Significantly, he distinguished the institution of the caliphate from the person then occupying it: he did not regard the incumbent caliph as necessarily legitimate, but nevertheless sought constitutional recognition for the office itself. The dispute therefore did not concern a simple choice between national sovereignty and loyalty to Mehmed VI. It concerned whether an older office of legitimacy could retain a constitutionally recognised place within an order increasingly founded upon national will. (Konan, 2022, 454–457)

A similar tension appeared during the debates on Article 8 of the Constitution. Hüseyin Avni Bey defended the supremacy of the Assembly and argued that powers previously associated with the sultan could, in the existing circumstances, be exercised by the Assembly rather than transferred to the executive. Mustafa Kemal's response was equally revealing. While maintaining in principle the continued existence of the caliphate and the sultanate, he resisted defining at that moment which powers might eventually belong to those offices and emphasised that the Assembly possessed constituent authority to alter the existing constitutional order. The disagreement thus concerned not only institutional competence but also the unresolved constitutional status of the old offices within the emerging regime. The debates show that acceptance of national sovereignty did not immediately produce agreement on the legal consequences of that principle for the caliphate and the sultanate. (Konan, 2022, 466–468)

What is decisive in the face of this dual language is the Assembly's legal and institutional practice. Although it spoke of saving the sultanate and the caliphate, the Assembly did not condition the validity of its acts upon the approval of either office. Its legislation was not submitted for sultanic assent; executive authority was exercised by the Council of Executive Ministers chosen by the Assembly; and acts of the Istanbul Government were treated as invalid. The rhetoric did not entirely sever its connection with the old order, but normative practice located the source of valid authority in a new centre. The constituent rupture occurred before the word "republic" was employed, in the determination of who could formulate the legally valid will of the state. (Can, 2021, 138; Eren, 2023, 156)

6.3. The Constituent Meaning of 'Sovereignty Belongs Unconditionally to the Nation'

Article 1 of the Constitution of 1921 provided that sovereignty belonged unconditionally to the nation and that the system of government rested on the principle that the people themselves should directly and effectively govern their own destiny. Article 2 concentrated executive power and legislative authority in the Grand National Assembly, described as the sole and true representative of the nation. Read together, these provisions answered three separate questions within the same constitutional structure: the nation was the holder of sovereignty; the legitimacy of government was oriented towards the people's determination of their own destiny; and the Grand National Assembly was the ordinary constitutional organ through which public powers were exercised. (Constitution of 1921, 20 January 1921, Arts. 1-2; Özbudun, 1992, 25)

The novelty of Article 1 was not simply to replace the sultan with the Assembly. If the sultan and the Assembly are compared only as rival state organs, the plane on which the transformation occurred is missed. The text identified the nation, not the dynasty, as the holder of sovereignty. The Assembly was not the owner of that sovereignty, but the organ exercising it in its capacity as representative of the nation. Its powers thus arose neither from its own institutional existence nor from a mandate granted by the sultan; they rested upon the claim of national representation. This distinction makes 1921 a constituent transformation extending beyond the strengthening of a legislature. (Arsel, 1965, 71; Esen, 1968, 65)

Different accounts in Turkish constitutional scholarship converge at this point. Bülent Nuri Esen observes that the 1921 text adopted the opposite of monarchical sovereignty; İlhan Arsel emphasises that the nation was not merely declared the holder of sovereignty, but made the active subject of the political order. Mümtaz Soysal, in turn, notes that although the text did not abolish the sultanate by name, it established a new state founded upon national sovereignty. The common implication of these views is that the Constitution should be read from the provision in which it expressly identified the holder of sovereignty, rather than from its silence concerning the office of the sultanate. (Soysal, 1969, 160)

6.4. The Joint Use of the Terms 'Nation' and 'People'

The use of 'nation' in the first sentence of Article 1 and 'people' in the second is also significant. The nation appears as the continuing and abstract holder of sovereignty, whereas the people denotes the living political community expected to direct its own destiny in practice. These formulations should not, however, be taken as proof that the distinction drawn in French theory between national and popular sovereignty was consciously adopted with all its theoretical consequences. Drafted under wartime conditions, the 1921 text combined demands for popular government, representation, and national unity in a brief and flexible formula. The coexistence of the terms reflects the plural political language of the constituent period rather than doctrinal purity. (Ceylan, 2023, 132; Akyılmaz, 2022, 282)

The representative provisions of the Constitution also limit any interpretation in terms of direct democracy. Article 2 declared the Grand National Assembly to be the sole and true representative of the nation, while Article 5 provided that deputies represented the entire nation rather than only their electoral districts. The people's direction of their own destiny was not organised as continuous direct decision-making independent of the Assembly. The political community's status as a subject was given legal form through representation, local administration, and the exercise of authority by the Assembly in the nation's name. Popular government and national representation thus complemented one another within the same constitutional formula. (Constitution of 1921, 20 January 1921, Arts. 2, 5; Soysal, 1979, 35; Oktay, 2023, 171)

Conceptual caution is therefore required when the order of 1921 is described as 'sovereignty of the Assembly'. The Assembly was superior and central among the organs of the state, and legislative and executive powers were concentrated in it. The Constitution nevertheless expressly vested sovereignty in the nation, not in the Assembly. The Assembly's supremacy was not self-generated; it arose from its representative capacity. To treat the Assembly as the holder of sovereignty would merely replace dynastic sovereignty with the original and unlimited power of an elected body. The constituent choice of 1921 instead placed all state organs in the position of exercising authority on behalf of the nation. (Akın, 2023, 141; Özbudun, 1985, 481)

6.5. The New State, Dual Constitutionalism, and Normative Conflict

Article 3's reference to the 'State of Turkey' and its provision that the state was to be governed by the Grand National Assembly show that the organisation in Ankara had moved beyond a temporary committee of resistance. Article 7 vested the Assembly with authority over war, peace, and treaties, fields traditionally associated with monarchical prerogative. A new state order was thus emerging that defined its own territory, organs, and valid will. The Assembly was not an agent acting in the sultan's name; it was an original organ exercising state authority on behalf of the nation. The characterisation of this order as a 'new state', however, does not mean that every legal bond with the former order was severed at once. (Constitution of 1921, 20 January 1921, Arts. 3, 7; Tunaya, 1958, 241)

The Constitution of 1921 did not expressly repeal the *Kânûn-ı Esâsî* of 1876. It is therefore generally accepted that the provisions of the older text not inconsistent with the Constitution of 1921 continued to be used in areas such as fundamental rights, the judiciary, and matters left unregulated. This formal coexistence did not reconcile the two constitutions' conceptions of sovereignty. The *Kânûn-ı Esâsî* assigned the sultanate to the House of Osman, while the Constitution of 1921 vested sovereignty unconditionally in the nation. Since a single legal order cannot contain two original holders of sovereignty, the provisions of the older text concerning dynastic sovereignty lost their substantive applicability. (Gözler, 2018, 42; Özbudun, 1992, 19; Tanör, 2020, 247; Aydın, 2023, 3)

The brevity of the 1921 text and its failure to regulate fundamental rights and the judiciary in detail do not diminish its constituent character. The constituent force of a constitution depends not only on the number of subjects it regulates, but on whether it redefines the basis of validity of state authority and the original organs of the state. The Constitution of 1921 did not abolish the entire body of older law in a single act. It did, however, establish the superior principle by which the provisions capable of surviving in the new order would be identified. It was at once a concise framework responding to the needs of a transitional period and an original constituent act changing the legitimate subject of sovereignty. (Can, 2021, 145; Eren, 2023, 156)

7. THE ABOLITION OF THE SULTANATE, NUTUK, AND THE COMPLETION OF THE TRANSFORMATION

7.1. The Legal Function of the Decision of 1 November 1922

The Constitution of 1921 vested sovereignty in the nation, while the Ottoman sultanate continued for a time to exist formally. The resulting situation was not a balanced coexistence of two sovereignties, but a temporary tension between the new constitutional principle and an old dynastic institution not yet abolished. The decision of 1 November 1922 separated the caliphate from the sultanate, declared the legal existence of the Istanbul Government to have ended, and abolished the sultanate. The hereditary headship of state, incompatible with national sovereignty, was thereby removed from the legal order. (GNA Decision No. 308, 1 November 1922; TBMM Zabıt Ceridesi, 1922, 24/314)

The abolition of the sultanate was not an independent choice of regime premised on the view that the holder of sovereignty had remained unchanged in 1921. It was the institutional consequence of the conception of national sovereignty established by Article 1. If sovereignty belonged unconditionally to the nation, no lineage could assert original authority over the state by historical or birth-based right. The act of 1922 did not confer sovereignty upon the nation for the first time; it removed the office of the sultanate that contradicted the principle already legalised, thereby bringing institution into conformity with norm. (TBMM Zabıt Ceridesi, 1922, 24/310)

The decision's retention of the caliphate within the Ottoman dynasty shows that abolition had not yet reached all its religious and symbolic consequences. The fact that the caliph was to be chosen from within the dynasty by the Grand National Assembly nevertheless demonstrates that the office was no longer treated as an inherent and sovereign dynastic right. The sultanate was abolished, the caliphate was separated from political sovereignty, and for a time it survived in the restricted status defined by the Assembly. The dynasty's temporal right to rule had ended; the removal of its final public status was left to 1924.

7.2. *Nutuk* and the Narrative of Sovereignty Being 'Taken'

In *Nutuk*, Mustafa Kemal does not describe the abolition of the sultanate as a grant, a contract, or a reciprocal transaction of transfer. He states that sovereignty and the sultanate

would not be given through discussion or favour, but taken by force and in fact. In this narrative, the nation is not a passive community upon which the sultan confers rights; it is the constituent subject that assumes in practice the sovereignty understood to belong to it. The idea that 'Atatürk took sovereignty from the House of Osman and gave it to the nation' is therefore misleading: it reduces the transformation to the will of one individual and misidentifies the subject of national sovereignty. (Atatürk, 1973, 2/691)

The statement in *Nutuk* that the House of Osman had forcibly appropriated the Turkish nation's sovereignty and sultanate should not be employed as a neutral historical thesis summarising every period of Ottoman history. It reveals the language of legitimacy through which the republican constituent will retrospectively reinterpreted the past. Dynastic power was stripped of the character of a historical right and recast as the usurpation of the nation's original sovereignty. This retrospective constituent narrative makes clear that the new legal order located its validity not in dynastic consent, but in the prior and original right of the nation. (Atatürk, 1973, 2/692; Özçelik, 2022, 183)

Nutuk is, in this respect, a political source that illuminates the legal meaning of the Constitution of 1921 without taking the place of the constitutional text. The rule vesting sovereignty in the nation was established in 1921. *Nutuk* later explained the revolutionary significance of that rule by constructing a sharp historical opposition between dynasty and nation. To derive the legal result from the Constitution and the Assembly's decisions, while using *Nutuk* to understand how the constituent leadership interpreted that result, is essential if the distinct functions of these sources are not to be confused.

7.3. The Relationship among 1921, 1922, and 1923

To explain the passage of sovereignty from dynasty to nation through a single date or legal act obscures the different juridical planes of the constituent transformation during the National Struggle. The Constitution of 1921, the decision of 1 November 1922, and the amendment of 29 October 1923 were not repetitive acts. The first identified the legitimate holder of sovereignty; the second removed the dynastic office incompatible with that principle; and the third expressly regulated the form of government and headship of a state based on national sovereignty. The process therefore consisted of normative foundation, institutional abolition, and the constitutional specification of the new regime. (Turan, 2023, 78)

The Constitution of 1921 supplied the normative basis of the transformation. Article 1 did more than enlarge the powers of the Grand National Assembly; it constituted the nation as the original title-holder of state authority. A transfer of competence may preserve the legitimacy of the transferring office and of the former legal order. The Constitution of 1921, by contrast, did not derive the Assembly's authority from the sultan. It connected the concentration of legislative and executive power in the Assembly to the latter's character as the sole and true representative of the nation. The source of validity of the new state will was

thereby removed from dynastic volition and reconstructed through national representation. (Yamaç, 2022, 259)

The Constitution's failure to abolish the sultanate by name did not mean that dynastic and national sovereignty coexisted as two principles of equal validity. On one side stood a constituent provision vesting sovereignty unconditionally in the nation; on the other, the old headship of state founded upon lineage. These two claims to original title could not be permanently reconciled. The cautious language employed during the National Struggle did not remove the contradiction. It postponed the institutional consequence that the new norm would eventually produce for the sultanate. (Yamaç, 2022, 243)

The function of the decision of 1 November 1922 emerges at this point. The decision did not first bestow sovereignty upon the nation; it abolished the dynastic title and the office of the sultanate that remained opposed to the national sovereignty constituted in 1921. Yet it would also be incomplete to treat the decision as merely declaratory of a pre-existing result. By removing the old headship of state from the legal order, it produced a constituent effect. The act of 1922 therefore performed a dual legal function: it articulated the normative transformation of 1921 and abolished the institution incompatible with it.

The abolition of the sultanate ended more than the sultan's effective power. It also extinguished the historical and constitutional privilege of the House of Osman to determine the legitimate head of the state. The dynastic right converted into positive law by Article 3 of the *Kânûn-ı Esâsî* lost its foundation before the principle of national sovereignty in 1921, and the institution representing that right was expressly abolished in 1922. Normative and institutional rupture thus completed one another.

The amendment of 29 October 1923 was the stage at which the transformation became explicit in the form of the state and the office of head of state. It declared the form of government of the State of Turkey to be a republic and provided for a president elected by the Grand National Assembly. The proclamation of the Republic did not first vest sovereignty in the nation: the holder of sovereignty had been determined in 1921, and the dynasty's claim to the sultanate had been abolished in 1922. After those two steps, the amendment of 1923 established the express constitutional form of the state founded upon national sovereignty. (Amendment Law No. 364, 29 October 1923, Arts. 1, 10, 11; Özbudun, 1992, 4)

The Republic was, in this respect, not the source of national sovereignty but its consequence for the form of government and headship of state. One individual was not simply substituted for the sultan; the basis of legitimacy of the office itself changed. An elective presidency whose powers arose from the Constitution replaced a dynastic office acquired by descent and succession. Like the Assembly, the president was not the holder of sovereignty, but a state organ exercising constitutional authority on behalf of the nation. More important than the change of person was the transformation of the office from dynastic right into public function.

The connection among these three acts runs deeper than chronological succession. In 1921 the nation was constituted as the holder of sovereignty; in 1922 the sultanate incompatible with that choice was abolished; and in 1923 the form of government of the state founded upon national sovereignty was named a republic and an elective headship of state was established. The abolition of the caliphate in 1924 ended the dynasty's last remaining public status. The transformation was therefore not a single act of transfer, but a process of constituent reconstruction whose normative, institutional, and symbolic consequences emerged at different dates. (Abolition of the Caliphate Law No. 431, 3 March 1924, Arts. 1-2)

8. THE LEGAL CHARACTER OF THE TRANSFORMATION: CONSTITUENT RECONSTRUCTION

8.1. The Technical Limits of the Expression 'Transfer of Sovereignty'

The expression 'transfer of sovereignty from the sultan to the nation' may summarise the historical change, but it is misleading as a matter of legal technique. Transfer suggests that an existing right-holder conveys a right to another subject through a valid act of will. The Ottoman dynasty did not renounce its claim to sovereignty by contract, nor did the sultan confer constituent authority upon the Grand National Assembly. The validity of the new order did not arise from the former order's permission, assent, or authorisation. The change was therefore not the assignment of a right within the same legal order, but the reconstruction of the criterion of legal validity itself. (Tunaya, 1958, 242; Özbudun, 1985, 481)

The Grand National Assembly derived its authority not from the sultan's will, but from its claim to be the sole and true representative of the nation. This is decisive from the perspective of original constituent power. Unlike derived constituent power, which acts through the authority and procedures for amendment conferred by an existing constitution, the Assembly neither relied upon the amendment procedure of the *Kânûn-ı Esâsî* nor left the source and holder of sovereignty intact. The constituent character of the Constitution of 1921 lay not only in its introduction of new provisions, but in its refusal to ground its own validity in the will of the old constitution. (Eren, 2023, 158)

The event was consequently neither an assignment in the private-law sense nor the voluntary abdication of a monarchical office. The dynasty's birth-based right to rule was treated as invalid by the new order, and the powers of state institutions were linked to the national will. If the language of 'transfer' is retained, it must be made clear that it denotes a constituent change in the legitimate subject of political authority rather than a voluntary conveyance by the sultan. Otherwise, the nation is reduced to a secondary subject acquiring rights by dynastic consent, and the constituent logic of 1921 is reversed.

8.2. From Lineage to Constitutional and Impersonal Legitimacy

The deepest difference between *qut* and national sovereignty concerns access to the right to rule. In the order shaped around *qut*, a legitimate claim to rulership arose within a particular dynasty. Success, adherence to *töre*, and justice could strengthen or weaken the

claim, but all members of the political community were not equally eligible for rulership. In the Ottoman order, this structure was reconstructed through Islamic and imperial elements, and the House of Osman retained for centuries its privileged position as the lineage furnishing the legitimate head of the state. (Karateke, 2005, 20)

The Constitution of 1921 detached legitimacy from descent. The nation was not a biological dynasty, but an impersonal whole whose legal and political existence continued despite changes in its members and rulers. The source of state authority was no longer a particular person's birth, sacred standing, or genealogy. Authority was exercised in the nation's name through relations of representation and public office established by the Constitution. The continuity of state power was thus removed from the ruler's body and the dynasty's survival and connected instead to the continuity of the nation and the legal order. (Kantorowicz, 1957, 13; Kıvrak, 2021, 705)

This change did not release modern political authority from the problem of legitimacy. Justice, law, representation, and social consent remained important to the justification of power. What changed was that those standards no longer tested a particular lineage's privilege of rule; they defined the legal and democratic limits of public authority exercised on behalf of the nation. Töre tested whether the ruler acted in a manner worthy of *qut*. The constitution, by contrast, established that no state organ owned sovereignty and that every organ exercised limited authority in the nation's name. (Arsal, 2020, 288; Ahmetbeyoğlu, 2020, 40)

8.3. Reading Continuity and Rupture Together

To read Turkish legal history as an uninterrupted state tradition erases the conceptual and institutional ruptures between periods. To treat 1921 as a sudden beginning without historical preparation, on the other hand, overlooks the earlier development of legality, representation, and the national will. Qut, Ottoman dynastic legitimacy, constitutional monarchy, and national sovereignty are not different names for the same concept. Each nevertheless offered a historically distinct answer to the questions on what basis political power was regarded as rightful and in whose name it was exercised. (İnalcık, 1959, 80)

Continuity may be found in the fact that political authority was never reduced entirely to naked force and that rulers were associated with duties of justice, order, and law. The rupture lies in the subject of the right to rule. In the pre-Islamic Turkic and Ottoman dynastic traditions, a legitimate claim to rulership arose within a defined lineage. After 1921, no lineage possessed a birth-based title to state authority. All public organs exercised authority on behalf of the nation and derived legal validity not from dynastic genealogy, but from the constitutional order. (Ottoman Constitution, 23 December 1876, Arts. 3, 5; Constitution of 1921, 20 January 1921, Arts. 1-2)

The phrase 'from *qut* to national sovereignty' does not therefore mean that *qut* directly evolved into national sovereignty. It compares two different political and legal worlds that identified the legitimate holder of political authority in fundamentally different ways. On one

side stood a right to rule confined by divine favour and dynastic membership; on the other stood constitutional sovereignty belonging to the nation, exercised through representation, and attached to no lineage. The article's original contribution is to explain this long transformation through the distinction between limiting power and changing the subject of the right to rule, and to understand the Ottoman legacy of *qut* not as an unchanged norm but as a dynasty-centred structure of legitimacy that persisted through transformation.

CONCLUSION

The transformation extending from the Ottoman State to the Constitution of 1921 cannot be reduced to a transfer of the sultan's powers to the Grand National Assembly. At a more fundamental level, what changed was the subject regarded as possessing an original right to rule. Ottoman constitutionalism could restrict the sultan's powers, create representative institutions, and develop governmental responsibility to the legislature while preserving the assumption that the House of Osman would furnish the legitimate head of state. The distinctive feature of 1921 lay in constituting the nation, rather than the dynasty, as the holder of sovereignty.

At the beginning of this long transformation, *qut* appears not as the equivalent of modern sovereignty, but as a concept explaining the legitimacy of the right to rule. It confined claims to rulership within a particular dynastic circle, while *töre*, success, justice, and political recognition helped determine the dynast in whom that claim became effective. The article's thesis of historical continuity rests on this function of *qut*: not on an identity between *qut* and later forms of sovereignty, but on the persistence of a dynasty-centred understanding of legitimate rulership. (Oktay, 2023, 171)

After Islamisation, *qut* did not survive as an autonomous or unchanged rule. Ottoman legitimacy drew upon the sharia, customary law, justice, *gaza*, conquest, the caliphate, *nizam-ı âlem*, and dynastic genealogy. These elements nevertheless continued to sustain an order in which legitimate claims to rulership ordinarily arose within the House of Osman. The deposition of individual sultans did not fundamentally alter this structure, since the remedy was generally to enthrone another Ottoman dynast. The case of Sultan İbrahim is illustrative in this regard: as the dynasty's sole surviving male member, his significance lay not merely in his person, but in preserving the continuity of the dynastic line. This example does not establish the direct application of *qut* in the Ottoman State; it serves only to illuminate the remote intellectual foundations of a dynasty-centred structure of legitimacy.

The *Kânûn-ı Esâsî* of 1876 reconstructed this dynastic privilege through the techniques of modern constitutional law. By assigning the sultanate and the caliphate to the Ottoman dynasty, it transformed a historical and religious understanding into a rule of positive constitutional law. The amendments of 1909 substantially constrained the sultan without abolishing that rule. Ottoman constitutionalism therefore demonstrates that the exercise of

political power may become more representative and accountable without simultaneously changing the original holder of the right to rule.

Article 1 of the Constitution of 1921 marked a qualitative rupture at precisely this point. By declaring that sovereignty belonged unconditionally to the nation, it did not merely replace the sultan with a stronger Assembly; it redefined the holder of sovereignty. Article 2's description of the Assembly as the sole and true representative of the nation further indicated that the Assembly itself was not the owner of sovereignty. The nation was the holder, while the Assembly was the constitutional organ through which that sovereignty was exercised. The powers of the Grand National Assembly therefore did not arise from a mandate granted by the sultan, but from its claim to represent the national will.

Nutuk's account of sovereignty being "taken" reflects the same understanding of the constituent subject. *Nutuk* should not, however, be read as a neutral historical explanation of the entire Ottoman past. It represents the republican constituent will's retrospective interpretation of that past. Within this narrative, dynastic rule appears not as a right voluntarily transferred to the nation, but as an appropriation of sovereignty that originally belonged to the nation. The Constitution of 1921 provided the constitutional expression of this claim.

The transformation was completed in stages rather than on a single date. In 1921, the nation was identified as the holder of sovereignty; on 1 November 1922, the sultanate was abolished as incompatible with that principle; and on 29 October 1923, the republican form of government and an elective presidency were constitutionally established. The abolition of the caliphate in 1924 ended the dynasty's remaining public status. These developments should therefore be understood as successive legal consequences of the same constituent transformation: 1921 provided the normative foundation, 1922 terminated dynastic headship, and 1923 institutionalised the republican form of state.

This process also entailed the depersonalisation of political authority. In the dynastic order, legitimate headship was closely connected to lineage and succession. Under national sovereignty, public powers ceased to be rights attached to a ruling family and became competences exercised by constitutional organs on behalf of the nation. This did not render those organs unlimited. No state organ, including the Assembly, owned sovereignty; their authority derived from and remained bounded by the constitutional order established in the name of the nation.

The conclusion, therefore, is not that an inevitable or linear progression led from *qut* to national sovereignty. *Qut*, the Ottoman sultanate, and modern national sovereignty belong to different conceptual and historical worlds. They may nevertheless be compared through a common constitutional question: who may claim an original right to rule over the state? Viewed from this perspective, the decisive rupture in Turkish constitutional history occurred when dynastic title to rulership was replaced by the nation's title to sovereignty. The

Constitution of 1921 thus emerges not merely as a text reorganising state institutions, but as the constituent constitutional moment in which the legitimate subject of the right to rule was reconstituted from dynasty to nation.

REFERENCES

Abadan, Yavuz. "Osmanlı İmparatorluğunda Anayasa Sistemine Geçiş Hareketleri". *Ankara Üniversitesi Hukuk Fakültesi Dergisi* 14/1 (1957), 3-37.

Abadan, Yavuz – Savcı, Bahri. *Türkiye'de Anayasa Gelişmelerine Bir Bakış*. Ankara: Ankara Üniversitesi Siyasal Bilgiler Fakültesi Yayınları, 1959.

Abolition of the Caliphate Law No. 431, *Hilâfetin İlgasına ve Hanedan-ı Osmanî'nin Türkiye Cumhuriyeti Memâliki Haricine Çıkarılmasına Dair Kanun (Law No. 431)*. Türkiye: Grand National Assembly, 3 March 1924.

Ahmad, Feroz. *The Young Turks: The Committee of Union and Progress in Turkish Politics, 1908-1914*. Oxford: Clarendon Press, 1969.

Ahmetbeyoğlu, Ali. "Eski Türklerde Kut ve Töre Bağlamında Hükümranlığın Hududları". *Tarih Dergisi* 71 (2020), 29-50.

Akın, Rıdvan. "1921 Teşkilât-ı Esâsiye Kanunu'nun Türk Kamu Hukukundaki Yeri". *100. Yıl Perspektifiyle 1921 Teşkilât-ı Esâsiye Kanunu ve Millî Egemenlik*. ed. Haluk Alkan – Ahmet Köroğlu. 137-148. Ankara: TBMM Basımevi, 2023.

Akman, Mehmet. *Osmanlı Devleti'nde Kardeş Katli*. Istanbul: Eren Yayıncılık, 1997.

Akyılmaz, Gül. "Osmanlı Devleti'nde Egemenlik Kavramının Gelişimi". *Selçuk Üniversitesi Hukuk Fakültesi Dergisi* 7/1-2 (1999), 129-159.

Akyılmaz, Hatice Cemre. "1921 Anayasası ile Değişen Egemenlik Anlayışının Yasama ve Yürütme İlişkilerine Etkisi". *1921 Teşkîlât-ı Esâsîye Kanunu ve Makaleler*. ed. Murat Alper Parlak. 267-298. Ankara: Atatürk Araştırma Merkezi Yayınları, 2022.

Altuntaş Duman, Nezahat. "Osmanlı Devleti'nde İktidarın Meşruiyeti Üzerine". *Ankara Üniversitesi Siyasal Bilgiler Fakültesi Dergisi* 78/4 (2023), 663-686.

Amendment Law No. 364, *1921 Teşkilât-ı Esâsiye Kanunu'nun Bazı Mevaddının Tavzihan Tadiline Dair Kanun (Law No. 364)*. Türkiye: Grand National Assembly, 29 October 1923.

Anayurt, Ömer. "1924 Anayasasında Meclis-Yürütme İlişkileri". *Atatürk Araştırma Merkezi Dergisi* 13/39 (1997), 673-694.

Arsal, Sadri Maksudi. *Türk Tarihi ve Hukuk*. Ankara: Türk Tarih Kurumu Yayınları, 2. Basım, 2020.

Arsel, İlhan. *Türk Anayasa Hukukunun Umumi Esasları*. 1 Cilt. Ankara: Ankara Üniversitesi Hukuk Fakültesi Yayınları, 1965.

Atatürk, Mustafa Kemal. *Nutuk*. 2 Cilt. Istanbul: Türk Devrim Tarihi Enstitüsü Yayınları, 1973.

Aydın, Mehmet Âkif. "1921 Tarihli Teşkilât-ı Esâsiye Kanunu ve Getirdiği Yasama Anlayışı". *100. Yıl Perspektifiyle 1921 Teşkilât-ı Esâsiye Kanunu ve Millî Egemenlik*. ed. Haluk Alkan – Ahmet Köroğlu. 3-19. Ankara: TBMM Basımevi, 2023.

Aydın, Mehmet Akif. *Türk Hukuk Tarihi*. Istanbul: Beta, 1999.

Beşirli, Hayati. "Kutadgu Bilig'de Hükümdarlık ve Hükümdarın Meşruiyeti". *21. Yüzyılda Eğitim ve Toplum* 5/14 (2016), 19-33.

Bodin, Jean. *On Sovereignty: Four Chapters from The Six Books of the Commonwealth*. ed. and trans. Julian H. Franklin. Cambridge: Cambridge University Press, 1992.

Can, Osman. "1921 Anayasası'nın 100. Yılı: Bir İstisnai Başarı ve Dramatik Başarısızlık Hikâyesi". *Anayasa Yargısı* 38/1 (2021), 127-170.

Ceylan, Ayhan. "Osmanlı Anayasacılığı ve 1921 Teşkilât-ı Esâsiye Kanunu'na Yansımaları". *100. Yıl Perspektifiyle 1921 Teşkilât-ı Esâsiye Kanunu ve Millî Egemenlik*. ed. Haluk Alkan – Ahmet Köroğlu. 117-136. Ankara: TBMM Basımevi, 2023.

Constitution of 1921, Teşkilât-ı Esâsiye Kanunu (Law No. 85). Türkiye: Grand National Assembly, 20 January 1921.

Donuk, Abdülkadir. "Eski Türklerde Hükümdarın Vazifeleri ve Vasıfları". *Türk Dünyası Araştırmaları* 17 (1982), 103-152.

Emecen, Feridun Mümtaz. "Osmanlı Hanedanına Alternatif Arayışlar Üzerine Bazı Örnekler ve Mülahazalar". *İslâm Araştırmaları Dergisi* 6 (2001), 63-76.

Eren, Abdurrahman. "Kurucu İktidar Yetkisi Açısından 1921 Anayasası'nın Kabulü ve Uğradığı Değişiklikler". *100. Yıl Perspektifiyle 1921 Teşkilât-ı Esâsiye Kanunu ve Millî Egemenlik*. ed. Haluk Alkan – Ahmet Köroğlu. 151-158. Ankara: TBMM Basımevi, 2023.

Eroğlu, Haldun. "Osmanlılarda İktidarın Değişim Süreci ve Meşruiyet Sorunu". *Ankara Üniversitesi Dil ve Tarih-Coğrafya Fakültesi Dergisi* 43/2 (2003), 19-39.

Esen, Bülent Nuri. *Türk Anayasa Hukuku*. Ankara: Ankara Üniversitesi Hukuk Fakültesi Yayınları, 1968.

GNA Decision No. 308, *Türkiye Büyük Millet Meclisinin 1 Kasım 1922 Tarihli ve 308 Sayılı Kararı*. Türkiye: Grand National Assembly, 1 November 1922.

Golden, Peter Benjamin. "The Türk Imperial Tradition in the Pre-Činggisid Era". *Imperial Statecraft: Political Forms and Techniques of Governance in Inner Asia, Sixth-Twentieth Centuries*. ed. David Sneath. 53-78. Bellingham: Center for East Asian Studies, Western Washington University, 2006.

Gökpınar, Bekir. "Osmanlı Kronikleri Işığında Sultan İbrahim ve Dönemi (1640-1648)". *Erzurum Teknik Üniversitesi Sosyal Bilimler Enstitüsü Dergisi* 6/10 (2020), 1-22.

Gözler, Kemal. *Türk Anayasa Hukuku Dersleri*. Bursa: Ekin, 22. Basım, 2018.

Imber, Colin. "The Ottoman Dynastic Myth". *Turcica* 19 (1987), 7-27.

İnalcık, Halil. "Osmanlılar'da Saltanat Veraseti Usulü ve Türk Hâkimiyet Telakkisiyle İlgisi". *Ankara Üniversitesi Siyasal Bilgiler Fakültesi Dergisi* 14/1 (1959), 69-94.

Kantorowicz, Ernst Hartwig. *The King's Two Bodies: A Study in Mediaeval Political Theology*. Princeton: Princeton University Press, 1957.

Kapani, Münci. *Politika Bilimine Giriş*. Ankara: Bilgi Yayınevi, 4. Basım, 1988.

Karateke, Hakan T. "Legitimizing the Ottoman Sultanate: A Framework for Historical Analysis". *Legitimizing the Order: The Ottoman Rhetoric of State Power*. ed. Hakan T. Karateke – Maurus Reinkowski. 13-52. Leiden-Boston: Brill, 2005.

Kili, Suna – Gözübüyük, A. Şeref. *Türk Anayasa Metinleri: Sened-i İttifak'tan Günümüze*. Ankara: Türkiye İş Bankası Kültür Yayınları, 1985.

Kıvrak, Ensar. "Osmanlı Erken Modern Döneminde Egemenliğin Sürekliliği Sorunu ve Devlet Tüzel Kişiliğinin Gelişimi (1453-1617)". *International Journal of Social Inquiry* 14/2 (2021), 693-714.

Konan, Birsen. "1921 Teşkilât-ı Esasiye Kanunu Layihası". *Ankara Üniversitesi Hukuk Fakültesi Dergisi* 71/1 (2022), 437-476.

Oktay, Cemil. "Geleneksel Dönemin Reayasının Millete Dönüşümü". *100. Yıl Perspektifiyle 1921 Teşkilât-ı Esâsiye Kanunu ve Millî Egemenlik*. ed. Haluk Alkan – Ahmet Köroğlu. 161-174. Ankara: TBMM Basımevi, 2023.

Ottoman Constitution, Kânûn-ı Esâsî. Ottoman Empire, 23 December 1876.

Özbudun, Ergun. *1921 Anayasası*. Ankara: Atatürk Araştırma Merkezi Yayınları, 1992.

Özbudun, Ergun. "TBMM Hükûmetinin Hukukî Niteliği". *Atatürk Araştırma Merkezi Dergisi* 1/2 (1985), 475-503.

Özçelik, İsmail. "Atatürk'ün Nutuk Adlı Eserinde 1921 Anayasası". *1921 Anayasası'nın Kabul Edilişinin 100. Yılı Ulusal Sempozyumu*. ed. Ömer Anayurt – Yusuf Tekin. 177-197. Ankara: TBMM Basımevi, 2022.

Pamir, Aybars. "Eski Orta-Asya Türk Kamu Hukuku'nda Kağanların Görev ve Sorumlulukları". *Ankara Üniversitesi Hukuk Fakültesi Dergisi* 71/1 (2022), 321-348.

Pamir, Aybars. "Orta-Asya Türk Hukukunda Töre Kavramı". *Ankara Üniversitesi Hukuk Fakültesi Dergisi* 58/2 (2009), 359-375.

Pamir, Aybars. "Osmanlı Egemenlik Anlayışında Sened-i İttifak'ın Yeri". *Ankara Üniversitesi Hukuk Fakültesi Dergisi* 53/2 (2004), 61-82.

Peirce, Leslie Penn. *The Imperial Harem: Women and Sovereignty in the Ottoman Empire*. New York: Oxford University Press, 1993.

Soysal, Mümtaz. *100 Soruda Anayasanın Anlamı*. Istanbul: Gerçek Yayınevi, 5. Basım, 1979.

Soysal, Mümtaz. *Anayasaya Giriş*. Ankara: Sevinç Matbaası, 2. Basım, 1969.

Tanör, Bülent. *Osmanlı-Türk Anayasal Gelişmeleri (1789-1980)*. Istanbul: Yapı Kredi Yayınları, 33. Basım, 2020.

Tanör, Bülent. *Türkiye'de Kongre İktidarları (1918-1920)*. Istanbul: Yapı Kredi Yayınları, 2009.

TBMM Zabıt Ceridesi. Term 1, Vol. 24, Sitting 130. 1 November 1922.

Tunaya, Tarık Zafer. "Türkiye Büyük Millet Meclisi Hükümetinin Kuruluşu ve Siyasî Karakteri". *İstanbul Üniversitesi Hukuk Fakültesi Mecmuası* 23/3-4 (1958), 227-247.

Turan, Namık Sinan. "Monark Hâkimiyetinden Hâkimiyet-i Milliyeye: Meşrutiyet'ten Cumhuriyet'e Politik Kültürde Egemenliğin Kaynağı Tartışmaları". *100. Yıl Perspektifiyle 1921 Teşkilât-ı Esâsiye Kanunu ve Millî Egemenlik*. ed. Haluk Alkan – Ahmet Köroğlu. 31-96. Ankara: TBMM Basımevi, 2023.

Üçok, Coşkun vd. *Türk Hukuk Tarihi*. Ankara: Turhan Kitabevi, 17. Basım, 2015.

Yamaç, Müzehher. "1921 Teşkilât-ı Esasiye Anayasası'nın Tadilatı". *1921 Teşkîlât-ı Esâsîye Kanunu ve Makaleler*. ed. Murat Alper Parlak. 239-267. Ankara: Atatürk Araştırma Merkezi Yayınları, 2022.

Yosmaoğlu, İpek. "Kanun, Yasallık ve Meşruiyet: Osmanlı'da Meşruiyet Meselesi Hakkında Bir Deneme". *Toplum ve Bilim* 71 (1996), 507-519.

Yusuf Has Hâcib. *Kutadgu Bilig*. çev. Reşid Rahmeti Arat. Ankara: Türk Tarih Kurumu Yayınları, 1991.

Declaration of Authenticity / Orijinallik Beyanı: This manuscript is an original work authored by the author. All sources used in the preparation of this study have been properly cited in accordance with academic and ethical standards. The manuscript has not been published previously and is not under consideration for publication elsewhere. The manuscript has been scanned using a generally accepted web-based plagiarism detection Turnitin, and the similarity rate does not exceed 15%. I hereby declare that I accept full ethical and legal responsibility for any violation detected otherwise. / Bu makale tamamen yazara aittir ve özgün bir çalışmadır. Makalenin hazırlanmasında yararlanılan tüm kaynaklar akademik etik kurallar çerçevesinde uygun biçimde atıf verilerek kullanılmıştır. Bu çalışma daha önce herhangi bir yerde yayımlanmamış ve eş zamanlı olarak başka bir dergide değerlendirmeye sunulmamıştır. Makale, genel kabul gören web tabanlı benzerlik tespit sistemlerinden Turnitin kullanılarak taranmış olup, benzerlik oranı %15'i geçmemektedir. Aksi bir durumun tespiti halinde doğabilecek her türlü etik ve hukuki sorumluluğun tarafıma ait olduğunu beyan ederim.

Ethical Statement / Etik Beyan: This study was conducted in accordance with all ethical standards. The information and findings presented in this article have been recorded in accordance with the principles of integrity and transparency. The author has not compromised scientific integrity or objectivity at any stage of the research. Furthermore, all sources used in this study have been properly cited. / Bu çalışma, tüm etik standartlara uygun olarak gerçekleştirilmiştir. Bu makalede sunulan bilgi ve bulgular, dürüstlük ve şeffaflık ilkelerine uygun olarak yazıya geçirilmiştir. Yazar, araştırmanın her aşamasında bilimsel bütünlük ve objektiflikten ödün vermemiştir. Ayrıca, bu çalışmada kullanılan tüm kaynaklara uygun şekilde atıf verilmiştir.

Ethics Committee Statement / Etik Kurulu Beyanı: As the research is based on document review, ethics committee approval is not required. / Araştırma doküman incelemesine dayalı olduğundan etik kurul onayı gerekmemektedir.

Artificial Intelligence Use Disclosure/ Yapay Zekâ Kullanım Beyanı: ChatGPT 5.6. was used solely to review and correct the English grammar, wording, and linguistic clarity of this manuscript. It was not used to generate, interpret, or evaluate the scientific content of the study. All arguments, analyses, findings, and conclusions, as well as the final responsibility for the manuscript, belong exclusively to the author. / Bu makalede ChatGPT 5.6'dan yalnızca İngilizce dil bilgisi, ifade ve dilsel açıklık bakımından kontrol ve düzeltme amacıyla yararlanılmıştır. ChatGPT, çalışmanın bilimsel içeriğinin oluşturulması, yorumlanması veya değerlendirilmesi amacıyla kullanılmamıştır. Makaledeki tüm görüş, analiz, bulgu ve sonuçlar ile çalışmaya ilişkin nihai sorumluluk yalnızca yazara aittir.

Authorship Contribution / Yazarlık Katkısı: The entire study was written by Feyza Ölçek/ Araştırmanın tümü Feyza Ölçek tarafından kaleme alınmıştır.

Conflict Statement / Çatışma Beyanı: There is no conflict of interest with any other individuals or institutions regarding the article titled "*From Qut to National Sovereignty: The Shift in the Legitimate Holder of Sovereignty in Turkish Law*" / "*Kuttan Millî Egemenliğe: Türk Hukukunda Egemenliğin Meşru Sahibinin Değişmesi*" başlıklı makaleyle ilgili olarak diğer kişi veya kurumlarla herhangi bir çıkar çatışması söz konusu değildir.