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OTTOMAN POLITICAL AND SOCIAL ORGANIZATIONS AND NON-MUSLIMS
IN THE PRE-MODERN ERA

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OTTOMAN POLITICAL AND SOCIAL
ORGANIZATIONS AND NON-MUSLIMS
IN THE PRE-MODERN ERA

A Master's Thesis

by
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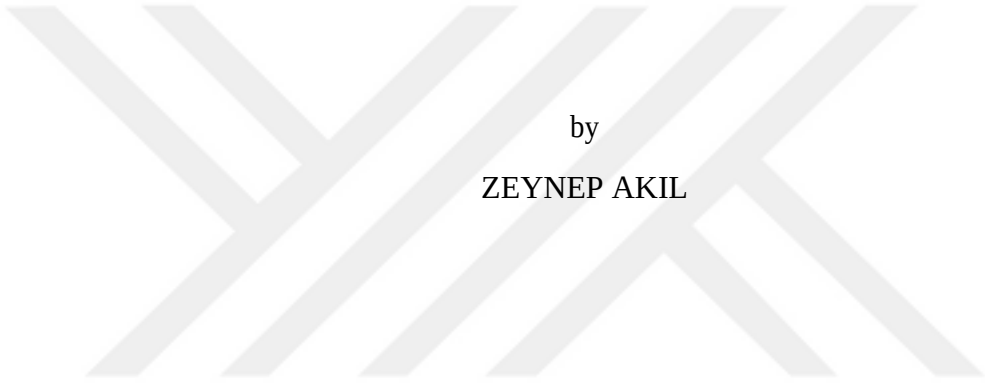
Department of History
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August 2023



To Alp Çağrı

OTTOMAN POLITICAL AND SOCIAL ORGANIZATIONS AND
NON-MUSLIMS IN THE PRE-MODERN ERA

The Graduate School of Economics and Social Sciences
of
İhsan Doğramacı Bilkent University



by
ZEYNEP AKIL

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Ottoman Political and Social Organizations and Non-Muslims in the Pre-Modern Era

By Zeynep Akıl

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ABSTRACT

OTTOMAN POLITICAL AND SOCIAL ORGANIZATIONS AND NON-MUSLIMS IN THE PRE-MODERN ERA

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The non-Muslim subjects of the Ottoman Empire, governed by Muslims, have been a subject of interest for researchers since the 19th century. In this study, the status of non-Muslims among the Ottoman subjects has been examined. The study examines the status of non-Muslims among the subjects, focusing on their status during the classical period and the changes in that status. The study aims to evaluate the claims made by European states in the 19th century regarding the Ottoman Empire's inability to govern its non-Muslim subjects and the alleged second-class status of non-Muslims. Islam, unlike Christianity and Judaism, which maintained an assertion of universal dominion, allowed non-Muslims to become subjects of the Islamic State through the concept of the *zimma*. The Ottoman Empire was able to integrate the non-Muslim populations in the regions it conquered into its subjects through the mechanism of the *zimma* contract, thereby granting non-Muslims the same fundamental rights that were

accorded to Muslims. Through the *zimma* contract, non-Muslims who became subjects of the Ottoman Empire were brought together in the status of *re'âya* alongside Muslims as part of Sultan's subjects. The *re'âya* status served as a higher identity for both Muslims and non-Muslims. Ottoman Sultans regarded their non-Muslim *re'âya* subjects as entrusted to them by God, known as *vedâyi-i hâlik-i kibriya*. In the study, mühimme registers and qadi court registers have been utilized as primary sources. Additionally, due to the extensive nature of the existing literature on the subject, secondary sources have been meticulously examined. Based on the documents and insights from secondary sources, it is concluded that within the Ottoman administrative perspective, non-Muslims were not differed from Muslims, under the possibilities provided by Islamic law, and were regarded as *vedâyi-i hâlik-i kibriyâ*, similar to Muslims.

Keywords: Ottoman Empire, Pre-Modern Period, Non-Muslim, Re'âya, The zimma

ÖZET

PRE-MODERN DÖNEMDE OSMANLI SİYASAL-SOSYAL DÜZENİ VE GAYRİMÜSLİMLER

Akıl, Zeynep

Yüksek Lisans, Tarih Bölümü

Tez Danışmanı: Prof. Dr. Özer Ergenç

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Müslümanlar tarafından yönetilen Osmanlı İmparatorluğu'nun, gayrimüslim tebaası 19. yüzyıldan itibaren araştırmacıların ilgisini çeken bir konu olmuştur. Bu çalışmada gayrimüslimlerin Osmanlı tebaası içindeki durumları incelenmiştir. Çalışma gayrimüslimlerin tebaa içerisindeki durumlarını incelerken, gayrimüslimlerin klasik dönemdeki statülerine ve statünün değişimine odaklanmaktadır. Çalışmanın amacı, 19. yüzyılda Avrupalı Devletlerin, Osmanlı'nın gayrimüslim tebaasını yönetemediği ve gayrimüslimlerin ikinci sınıf statüde olduklarına dair iddialarının değerlendirilmesidir. İslam, evrensel hakimiyet iddiasına bağlı olarak, Hristiyanlık ve Yahudilikten farklı bir şekilde, Müslüman olmayanların da *zimmet* ile İslam Devleti'nin uyruğu olmasına imkân vermiştir. Osmanlı İmparatorluğu'nun fethettiği bölgelerdeki gayrimüslim halkı uyruk haline getirmesi *zimmet akdi* sayesinde mümkün olmuş ve Osmanlılar *zimmet* ile Müslümanlara tanıdığı tüm temel hakları, gayrimüslimlere de tanımıştır. Zimmet akdi ile Osmanlı uyruğu haline gelen gayrimüslimler, Müslümanlar ile birlikte

sultanın tebaası olarak *re'âya* statüsünde buluşmuşlardır. *Re'âya* statüsü Müslümanlar ve gayrimüslimler için bir üst kimlik görevi görmüştür. Osmanlı sultanlarının, *re'âyası* olan gayrimüslimler tanrının bir emaneti yani, *vedâyi-i hâlik-i kibriya* olarak kabul edilmiştir. Çalışmada mühimme defterleri ve kadı sicilleri birincil kaynaklar olarak kullanılmıştır. Ayrıca, konu ile ilgili mevcut literatürün çok geniş olması sebebiyle, ikincil kaynaklar dikkatli bir şekilde incelenmiştir. Belgelerin ve ikincil kaynakların ışığında, Osmanlı yönetim anlayışına göre, gayrimüslimlerin de İslam Hukuku'nun verdiği imkan dahilinde, *vedâyi-i hâlik-i kibriya* olarak Müslümanlardan farksız oldukları sonucuna varılmıştır.

Anahtar Kelimeler: Osmanlı İmparatorluğu, Pre-Modern Dönem, Gayrimüslim, Re'âya, Zimmet

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CHAPTER I

INTRODUCTION

1.1 Objective of the Thesis

This thesis tries to examine the position of non-Muslims among the Ottoman subjects (*re'âyâ*). It focuses on the status of non-Muslims in the Ottoman classical order and how this status changed over time. Also, the thesis aims to show the network of relations between the state and non-Muslim subjects and the place of non-Muslims in Ottoman society.

Non-Muslim constituents formed an integral aspect of the Ottoman Empire's composition, spanning its evolution from a nascent principality to its eventual dissolution as a prominent imperial entity in the early 20th century. Since its establishment, the Ottoman Empire interacted with individuals outside the Muslim faith due to its geographical location. The character of these interactions varied based on the prevailing circumstances. While the Ottomans were mostly fighting with non-Muslims, occasionally, they forged alliances with them, establishing connections grounded in the principles of peace. The Ottomans followed an expansionist policy and began to take control of their non-Muslim neighbours in a short time. Advancing to the Balkan regions, whose people were mostly Christian, meant that many non-Muslims became Ottoman subjects. The Ottomans established a Balkan Empire at the

end of the 15th century, and its borders stretched from Bosnia to Bessarabia.¹ Although the majority of its non-Muslim subjects were people living in the Balkan region, Ottomans also had a non-Muslim population in the territories it ruled, especially in Anatolia. As the 16th century drew to a close, Ottoman Sultans governed an empire where diverse religious and ethnic components coexisted.

In pre-modern societies, religion was one of the fundamental factors, perhaps the most important one, that determined one's status in society. The Ottoman Empire was a political entity ruled by the Muslims. Therefore, the issue of how non-Muslims were governed by the Ottoman Empire, an Islamic state, is a question that naturally comes to mind. The Ottomans accepted the non-Muslims in the territories they dominated as their subjects thanks to the possibilities provided by Islamic Law.² In other words, Islamic Law, unlike Christianity, made it possible for non-Muslims to become subjects of the Muslim state. Accordingly, Ottoman subjects, which were Muslim or non-Muslim, were accepted as *re'âyâ*.³ The status of *re'âyâ* was used for Muslims and non-Muslims, regardless of their religion. However, the non-Muslims could become the subject of the sultan thanks to the *zimma* (*zimmet*) contract. Its origin can be traced back to Islam and it has been practiced since the early days of the religion. The non-Muslims who accepted the rule of the Ottoman Sultan and paid the *cizye* were under the responsibility of the sultan and protected by him. The protection of the subjects was the primary obligation of the sultan. As long as non-Muslims paid their *cizye*, they were subject to the protection of the sultan. Non-Muslim subjects, who were subjected to *fiqh*, were not different from the Muslim ones since the lives

¹ İlber Ortaylı, *İmparatorluğun En Uzun Yüzyılı* (İstanbul: Hil Yayın, 1987), 47.

² Özer Ergenç, "Üretim Süreçleri İçinde Osmanlı Belgeleri," in *Osmanlı Tarihi Tazıları: Şehir, Toplum, Devlet* (İstanbul: Tarih Vakfı Yurt Yayınları, 2013), 462.

³ The word of *re'âyâ* is the plural form of *raiyya*, which means flock in dictionary.

and properties of non-Muslims were guaranteed by the sultan through *zimma* contract.⁴ Non-Muslim individuals under the rule of the Ottomans were accepted as entrusted by God to them. In Ottoman political thought the entrustment of the subjects to the sultan was explained with the discourse of *vedâyi-i hâlik-i kibriya* (*entrusted by God, the Almighty*). In the Ottoman archival documents, *re'âyâ ki vedâyi-i hâlik-i kibriyadır* (the subjects were entrusted by the God, the Almighty) is the phrase to express this position.

Non-Muslims who were under the responsibility of the sultan had to obey him, this was a mutual understanding between the sultan and his subjects. While the sultan accepted his subjects as entrusted by God and protected them, in return, the subjects submitted their obedience to their Sultan. This relationship was based on obedience (*itâat*) and trust (*emânet*) between the sultan and the subjects. In this context, non-Muslim subjects fulfilled their obligations by paying taxes and adhering to the sultan's directives in a manner akin to their Muslim counterparts. These constituted the fundamental responsibilities of all subjects.

Hence, the sultan treated all of his subjects, regardless of their religious affiliation, equally if they demonstrated obedience and met the criteria of compliance. For this reason, a society characterized by a distinct division between Muslims and non-Muslims did not materialize. The *re'âyâ* status served as an identity above all differences for Muslim and non-Muslim, making Muslims and non-Muslims identical in the eyes of the Ottoman Sultan. Nevertheless, during the 19th century, European nations contended that the Ottoman Empire was incapable of governing non-Muslim populations. Their assertion rested on the premise that the legal framework of the

⁴ Yaşar Yücel and Özer Ergenç, "General Characteristic of Ottoman State Policy During the XVIIIth to the XIXth Centuries," *Belleken* 54, no. 209 (1990).

Empire was inadequate for governing non-Muslim subjects.⁵ With these claims, the issue of non-Muslim subjects being second-class citizens came to the fore. However, these assertions were driven by political motives and arose during the exceptional circumstances of the 19th century. They were contingent upon the prevailing conditions of the time. As a result, it becomes imperative to individually analyze every advancement concerning non-Muslims, delving into their underlying reasons without resorting to broad generalizations. The objective of this thesis is to assess these assertions and to provide an elucidation for the politically motivated argument upon which are constructed.

1.2 Literature Review

For various reasons, non-Muslims in the Ottoman Empire have been an interesting subject for researchers. Works on non-Muslims began to appear from the beginning of the 19th century, especially Westerners and Western historians became interested in the topic. This brings about the literature-influenced policies of the 19th century aforementioned.⁶ Until today, many works on non-Muslims have existed, and there is a vast literature about that. It will not be misleading to say that the studies on Ottoman non-Muslims have focused on particular matters such as the Patriarchate, devshirme, millet system, co-existence, and national uprisings. Here, the previous sentence needs clarification. What is meant here is not that the works are limited to these. However, these issues are generally emphasized in research on non-Muslims.

⁵ For example, see; Daniel Seely Gregory, *The Crime of Christendom* (New York: The Abbey Press, 1900); Frederick Davis Greene, *The Armenian Crisis in Turkey: The Massacre of 1894, Its Antecedents and Significance* (New York; London: G.P. Putnam's Sons, 1895); John Llewelyn Davies, *Religious Aspects of the Eastern Question* (London; Paris ;New York: Cassell Petter & Galpin, 1877).

⁶ For example, see; Cyrus Hamlin, *Among the Turks* (Newyork: America Tract Society, 1877); Miss Pardoe, *The City of the sultan; and Domestic Manners of the Turks*, vol. I, II vols. (London: Henry Colburn, 1837); St. John Bayle, *The Turks in Europe : A Sketch of Manners&Politics in the Ottoman Empire* (London: Chapman and Hall, 1853); Hyde Clarke, "On the Supposed Extinction of the Turks and Increase of the Christians in Turkey."

The available literature predominantly comprises writings that focus on specific subsets of non-Muslims, particular geographic regions, specific periods, or distinct facets.⁷

In *Islamic Society and the West*⁸, H.A.R Gibb and Harold Bowen remark on the position of the *zimmîs* in the Ottoman Empire. Gibb and Bowen emphasize that the early Ottoman conquest resulted in a significant number of *zimmîs* being brought under Ottoman control, akin to the early expansion of the caliphate. While the initial Ottoman expansion focused on subduing non-Muslims, the interaction between the Ottomans and non-Muslims assumed a more amicable tone due to the influence of *Batini-Sufi* orders on the Ottomans. Gibb and Bowen support this idea by giving examples of alliances and marriages between the Christians and early Ottomans. Furthermore, the relationship between Muslims and non-Muslims was defined by the Sacred Law, which served as the determinant for the organization of Ottoman society. In the context of Ottoman society, people referred to as *zimmîs* were members of a protected community, and their status derived from their affiliation with this group. Gibb and Bowen underscore that this specific community was recognized as a *millet* within the Ottoman Empire. In *Islamic Society and the West*, the *zimmîs* in the Ottoman Empire are examined in three periods. The first is the establishment period of the Ottoman Empire in Anatolia and Rumelia. In this period, the Ottoman Empire

⁷ Stanford J. Shaw, *The Jews of the Ottoman Empire and the Turkish Republic* (London: Palgrave Macmillan UK, 1991); Victor Roudometof, "From Rum Millet to Greek Nation: Enlightenment, Secularization, and National Identity in Ottoman Balkan Society, 1453-1821," *Journal of Modern Greek Studies* 16, no. 1 (1998): 11–48; Joseph R. Hacker, "Jews in the Ottoman Empire (1580–1839)," in *The Cambridge History of Judaism*, ed. Jonathan Karp and Adam Sutcliffe, 1st ed. (Cambridge: Cambridge University Press, 2017), 831–63; Bruce Masters, *Christians and Jews in the Ottoman Arab World: The Roots of Sectarianism* (Cambridge; New York: Cambridge University Press, 2001); Richard Clogg, "The Greek Millet in the Ottoman Empire," in *Christians and Jews in the Ottoman Empire: The Functioning of Plural Society*, ed. Benjamin Braude and Bernard Lewis (New York: Holmes&Meier Publishers, 1982); Haim Gerber, *Crossing Borders: Jews and Muslims in Ottoman Law, Economy, and Society* (Piscataway, NJ, USA: Gorgias Press, 2011).

⁸ H.A.R Gibb and Harold Bowen, *Islamic Society and the West: A Study of the Impact of Western Civilization on Muslem Culture in the Near East*, vol. 1, *Islamic Society in the Eighteenth Century* (London; New York; Toronto: Oxford University Press, 1957).

dealt with three kinds of *zimmîs*; Orthodox, Armenian, and Jews. The second is when the Arabic-speaking communities were controlled by Selim and Suleiman. The sultan had more Muslim subjects than non-Muslims with the conquest of these lands, and this brought the sultans to follow a stricter policy of Sunnism. Furthermore, additional *zimmî* cohorts were incorporated into the empire's existing framework. Lastly, Gibb and Bowen examine the status of *zimmîs* in the period of decline and focuses on the developments in the 18th century. During this period, it is asserted that the Orthodox were the most affected since they were the sole group with access to the ruling institution; however, their position was compromised as the ruling group gradually became predominantly Muslim. According to Gibb and Bowen, the Treaty of Karlowitz led to important changes in the situation of the *zimmî* subjects of the empire. The writers refer to the Treaty as a turning point for the *zimmîs*. The ideas about overthrowing Ottoman rule among the subjects, especially in the Balkans, began to develop during the end of the 17th and 18th centuries.

*“Osmanlı Yönetiminde Gayrimüslimler: Kuruluştan Tanzimat’a Kadar Sosyal, Ekonomik ve Hukuki Durumları”*⁹ written by Yavuz Ercan is one of the exclusive works about the non-Muslims in the Ottoman Empire. The book covers the period of the early times of the Ottomans when relationships began with non-Muslims. Also, Yavuz Ercan examines the legal, social, and economic situations of the non-Muslims as a whole rather than focusing on one aspect. A lot of archival documents related to non-Muslims are utilized in the book. At first, the writer provides background information about the position of the non-Muslims before the Ottoman Empire, and the non-Muslim groups in the empire and their organizations are explained in detail.

⁹ Yavuz Ercan, *Osmanlı Yönetiminde Gayrimüslimler: Kuruluştan Tanzimat’a Kadar Sosyal, Ekonomik ve Hukuki Durumları* (Ankara: Turhan Kitabevi, 2001).

The legal status of *zimmîs* is one of the matters the writer emphasizes. As stated in the book's preface, the writer aims to scrutinize the origin of the minority issues in Turkey, and he makes comments about both the positive and negative effects of Ottoman rule over non-Muslims at the end. According to him, the Ottoman administration made it possible for non-Muslims to maintain their existence until today.

Karen Barkey, in *Empire of Difference: The Ottomans in Comparative Perspective*,¹⁰ raises questions about the Empire's longevity within an analytical framework. One of the focus points of the Barkey is organizations and networks in the Ottoman Empire. The writer examines the politics of difference and what kind of relationship exists between communities and the state. The concept of difference is the key factor, and she discusses tolerance towards differences. According to Karen Barkey, tolerance is also a tool for the administration and one of the incorporation policies. Barkey emphasizes that the Ottoman Empire approached the differences as a norm necessary to manage, not change. Moreover, she defines the non-Muslim communities in the Ottoman Empire as *separate, unequal, and protected*.¹¹

“*Christians and Jews in The Ottoman Empire: The Functioning of Plural Society*”¹² edited by Benjamin Braude and Bernard Lewis, is one of the prominent works about the history of non-Muslims in the Ottoman Empire. The edited volume compiles essays concerning non-Muslims, addressing the socio-economic and political contexts relevant to historians specialized in this field. It encompasses the period from roughly the 14th century to the conclusion of the 19th century. A few essays in the book should be addressed in connection with the subject of this thesis.

¹⁰ Karen Barkey, *Empire of Difference: The Ottomans in Comparative Perspective* (New York: Cambridge University Press, 2008).

¹¹ *Ibid.*, 120.

¹² Benjamin Braude and Bernard Lewis, eds., *Christians and Jews in the Ottoman Empire: The Functioning of a Plural Society*, vol. 1 (New York: Holmes&Meier Publishers, 1982).

C.E. Bosworth examines the *zimma* institution from a historical perspective in “*The Concept of Dhimma in Early Islam*”¹³. His observation regarding the *zimmîs* is that they held the status of second-class citizens. As per C.E. Bosworth, while non-Muslims received protection, they perpetually remained relegated to the position of second-class citizens within the Islamic social framework. The reason why they were tolerated was that they fulfilled various functions.¹⁴ In his essay on the book “*Foundation Myths of the Ottoman Millet System*”¹⁵ Benjamin Braude discussed the so-called *millet* system. When critiquing the presence of the millet system within the Empire, he presents arguments on the arrangement of non-Muslims within the Ottoman Empire. He questions the use of the word *millet* and says that *tâife* was the word used most commonly to describe the communities of non-Muslims.¹⁶

Belkıs Konan, in her article “*Gayrimüslim Osmanlı Vatandaşlarının Hukuki Durumuna İlişkin Bir Değerlendirme*,”¹⁷ examines the legal status of the non-Muslim subjects. Konan’s study deals with the status of non-Muslims in terms of private and public law. She focuses on the responsibilities and the restrictions imposed on non-Muslims. In the last part of the article, the writer explains the regulations regarding the legal status of non-Muslims during the *Tanzimat* Era. An interesting point that should be mentioned is the title of the article; it involves the phrase *Gayrimüslim Osmanlı Vatandaşları* (Non-Muslim Ottoman Citizens), although citizenship was a concept that the Ottoman subjects became familiar only in the 19th century. According

¹³ C.E Bosworth, “The Concept of Dhimma in Early Islam,” in *Christians and Jews in the Ottoman Empire: The Functioning of Plural Society*, ed. Benjamin Braude and Bernard Lewis (New York: Holmes&Meier Publishers, 1982).

¹⁴ Ibid., 49.

¹⁵ Benjamin Braude, “Foundation Myths of the Ottoman Millet System,” in *Christians and Jews in the Ottoman Empire: The Functioning of Plural Society*, ed. Bernard Lewis and Benjamin Braude (New York: Holmes&Meier Publishers, 1982).

¹⁶ Ibid., 72.

¹⁷ Belkıs Konan, “Gayrimüslim Osmanlı Vatandaşlarının Hukuki Durumuna İlişkin Bir Değerlendirme,” *Ankara Üniversitesi Hukuk Fakültesi Dergisi* 64, no. 1 (2015): 171–93.

to Konan, it is difficult to establish and determine the borders of the legal status of non-Muslims. She asserts that it is conceivable to discuss how non-Muslims were governed by the law of *zimma* in cases where an overarching evaluation is required. Furthermore, during the classical era, the objective wasn't to establish equality between Muslims and non-Muslims; rather, those who were unequally coexisted through tolerance.

*Osmanlı İmparatorluğu'nda Gayrimüslimler: Klasik Dönem Osmanlı Hukukunda Gayrimüslimlerin Hukuki Statüsü*¹⁸ is another work written about the non-Muslims in the Ottoman Empire. The book deals with the legal status of non-Muslims in the Classical Age. Tankut Soykan makes detailed explanations about the concepts of Islamic Law that are related to non-Muslims. Soykan examines the principles of Islamic law regarding non-Muslims and the application of this law in detail. He discusses the law imposed on non-Muslims in two categories; private and public law, which is similar to Belkıs Konan's article. While the writer studies the legal status of the non-Muslims of the Ottoman Empire, he makes comparisons with the previous empires. The writer highlights that the Ottomans exhibited varying approaches towards non-Muslims depending on the era. While relations with non-Muslims were characterized by conciliation during the establishment period owing to the principality's heterodox nature, it progressively became less tolerant as the empire shifted towards adopting a Sunni identity.¹⁹

Bilal Eryılmaz, in "*Osmanlı Devletinde Gayrimüslim Teb'anın Yönetimi*"²⁰ studies the administration of the non-Muslims in three different periods. The work

¹⁸ Tankut Soykan, *Osmanlı İmparatorluğu'nda Gayrimüslimler : Klasik Dönem Osmanlı Hukukunda Gayrimüslimlerin Hukuki Statüsü* (İstanbul: Ütopya Kitabevi, 1999).

¹⁹ Ibid., 41–42.

²⁰ Bilal Eryılmaz, *Osmanlı Devletinde Gayrimüslim Teb'anın Yönetimi* (İstanbul: Risale Yayınları, 1990).

covers a large period. The writer sequentially examines the status of non-Muslims with the inception of the millet system, the developments during the *Tanzimat* Period, and the Constitutional Era. Also, the writer provides diverse information about the non-Muslim population in the Ottoman Empire. However, as the author himself states, he does not benefit from archival materials in the work; instead, he makes use of secondary sources.²¹

In “*Osmanlı Devletinde Gayrimüslimlerin Yönetimi: Pax-Ottomana*”²² Ahmet Akgündüz discusses the attitude of the Ottoman Empire towards the non-Muslim subjects. The non-Muslim subjects are referred to as *azınlık* (minority) by Akgündüz.²³ Although the book is related to non-Muslims, it includes matters different from that, such as the administration of Kurds or disagreement between the Shiites and Sunnis. Ahmet Akgündüz emphasizes that the non-Muslims were ruled according to the principles of Islamic Law and explains the attitude of the Ottomans to *zimmîs* within these principles. To illustrate the Ottoman approach towards non-Muslims, the author draws comparisons between Europe and the Ottoman Empire concerning human rights. According to him, there were profound differences between the Ottomans and the West on this issue.²⁴ Archival documents are frequently utilized in this work, forming the basis for the study's examination of various regions. Therefore, it is possible to say that it is a rich work in terms of the materials used. However, Akgündüz employs the expression *we* to denote the Ottomans and Muslims. For instance, the book's second chapter starts with the question, “*How Did We Treat*

²¹ Ibid., 13.

²² Ahmet Akgündüz, *Osmanlı Devletinde Gayrimüslimlerin Yönetimi: Pax-Ottomana* (İstanbul: Timaş Yayınları, 2017).

²³ Ibid., 58.

²⁴ Ibid., 21.

Non-Muslims (Gayrimüslimlere Nasıl Davrandık?)”. This situation is inconsistent with the principle of objectivity.

Eleni Gara examines the position of non-Muslims within the frame of inter-religious relations in “*Conceptualizing Inter-Religious Relations in the Ottoman Empire: The Early Modern Centuries*”²⁵ The article also features a detailed literature search. In other words, Gara discusses the approach of historiography writing the history of Ottoman non-Muslims. In the article, different approaches are analysed by the author. The distinction between Muslims and non-Muslims constituted a foundational aspect of the Ottoman imperial structure. Her attention is directed towards the legal disparities experienced by non-Muslims, and this circumstance came to a close through the *Tanzimat* reforms, which she characterizes as a form of *emancipation*. An aspect that lends significance to the article is its comprehensive examination of prominent research on non-Muslims. It establishes a framework for topics like tolerance and intolerance, which are frequently debated in scholarly discourse.

In addition to the previously mentioned works, significant contributions have been derived from the writings of Halil İnalcık and the advisor of this thesis, Özer Ergenç, both eminent figures in Ottoman historiography. Although their works do not directly focus on non-Muslims, their studies illuminate the history of Ottoman society.

1.3 Sources and Methodology

As mentioned at the study's outset, there is a substantial volume of secondary sources concerning non-Muslims, resulting in a fragmented literature landscape. This proliferation has given rise to a multitude of diverse perspectives regarding non-Muslims. It is necessary to clarify that this thesis does not claim to be more accurate

²⁵ Eleni Gara, “Conceptualizing Inter-Religious Relations in the Ottoman Empire: The Early Modern Centuries” 116 (2017): 57–91.

than existing studies in the literature. Instead, I aim to bring a new perspective to the position of non-Muslims among the subjects. Also, it should be noted that non-Muslims can become an element of political issues, as stated in the introduction. The reason why I mention this here is that this thesis will be constructed by completely evaluating the sources and by avoiding a nationalist discourse.

The main primary source which will be used in the thesis is Mühimme Registers. They are the collection of the provisions of *Divân-ı Hümâyûn*, which was the supreme court of the Ottoman Empire. Every kind of matter from each corner of *memâlik-i mahrûse* (protected lands) was discussed in the *Divân-ı Hümâyûn* meetings. Therefore, registers have considerable content. The broader context enables the registers to be used in studies about administration in provinces, political and diplomatic history, and socio-economic life.²⁶ Mühimme Registers cover the period 1553 to 1905²⁷, and the oldest register used in this work belongs to 1571 (H.978). Certainly, it cannot be assumed that a source with such extensive content lacks information concerning non-Muslims. Mühimme Registers are among the most crucial sources for affairs related to non-Muslims and organization in the Ottoman Empire.²⁸ They contain documents regarding all kinds of relations between the state and non-Muslims as collective and incollective.²⁹ Let's examine the source specifically for this thesis. They constitute great importance in terms of examining the mutual understanding between the sultan and his subjects, which will be discussed in detail in the second part.

²⁶ Suraiya Farooqi, "Mühimme Defterleri," in *Encyclopedia of Islam*, ed. C.E Bosworth et al., vol. VII (Leiden: Brill, 1993), 471.

²⁷ Halil İnalçık, "Ottoman Archival Materials on Milet," in *Christians and Jews in the Ottoman Empire: The Functioning of Plural Society*, ed. Benjamin Braude and Bernard Lewis (New York: Holmes&Meier Publishers, 1982), 438.

²⁸ Ibid., 438.

²⁹ Ibid., 438.

This study aims to extract historical knowledge by consulting primary sources. Nonetheless, it should not overlook the problems of the source. Mühimme Registers consist of the decrees (*fermans*) related to the cases brought by the subjects to *Divân-ı Hümayûn*. *Divân-ı Hümayûn* was the highest court in which each Ottoman subject had the right to bring their complaint.³⁰ Therefore, Mühimme Registers include petitions of the subjects from the lands of the Empire. However, it is impossible to know whether each subject could appeal *Divân-ı Hümayûn* in practice or not. Accordingly, the source enables us to evaluate the complaints received from *Divân*. Also, the decrees written on Mühimme Registers are not the last decision about the case. In the decrees, the investigation of cases is ordered.³¹ However, it cannot be understood from the edicts in Mühimme Registers how a case was concluded or what kind of sanction was applied.

The Sharia court records had a highly important place in the studies of the Ottoman Empire's social, economic, and cultural history.³² Since these records provide information about the place of non-Muslims in social and economic life, they are used in this thesis as another primary source. The qadi courts opened to non-Muslim subjects as well as Muslims. The courts were applied frequently by the non-Muslims to solve their internal disputes, even sometimes the disputes with their families.³³ The records used in the thesis belong to different cases about the non-Muslims because one of the subjects of the thesis is the place of the non-Muslims in Ottoman society. Dror

³⁰ For detailed information about *Divân-ı Hümayûn* see; Ahmet Mumcu, *Divan-ı Hümayun* (Ankara: Birey ve Toplum Yayınları, 1986).

³¹ Feridun M Emecen, "Osmanlı Divanının Ana Defter Serileri: Ahkâm-ı Mirî, Ahkâm-ı Kuyûd-ı Mühimme ve Ahkâm-ı Şikâyet," *Türkiye Araştırmaları Literatür Dergisi*, 3, no. 5 (2005): 1–34.

³² Dror Ze'evi, "The Use of Ottoman Sharī'a Court Records As a Source for Middle Eastern Social History: A Reappraisal," *Islamic Law and Society* 5, no. 1 (1998): 35–56, <https://doi.org/10.1163/1568519982599616>.

³³ Ronald C. Jennings, "Zimmîs (Non-Muslims) in Early 17th Century Ottoman Judicial Records: The Sharia Court of Anatolian Kayseri," *Journal of the Economic and Social History of the Orient* 21, no. 3 (October 1978): 225–93.

Ze'evi mentions three kinds of methods to use sijills quantitative, narrative, and microhistory. According to Ze'evi, each method has different problems.³⁴ While making use of sijills in studies related to non-Muslims, it should be kept in mind that non-Muslims' use of qadi court depended on their own preferences. Although sijills contain rich information about the private sphere of non-Muslims such as marriage, divorce and internal disputes, it should not be neglected that they were limited to reflected cases.

Another primary source used in this thesis is *Ahlâk-ı Alâî* written by Kınalızâde Ali Çelebi in the 16th century. The work of Kınalızâde does not address the information about non-Muslims directly. However, what makes *Ahlâk-ı Alâî* essential as the primary source for this thesis is its content's relevance to the interaction between the state and its subjects. The book constitutes a vital place to comprehend the Ottoman understanding of governance. In the last part of the book, *Ilm-i Tedbir'ül Medine*, the framework delineating the sultan's conduct towards his subjects is established.

The method used in constructing this thesis is to turn the information presented by primary sources into historical knowledge. The vocabulary related to non-Muslims is taken from the sources as data. As stated above, the claims about the non-Muslims derive from the 19th century. Since these claims need an explanation, the thesis aims to analyse the position of non-Muslims in Ottoman society in the pre-modern era. To understand the position of non-Muslims, the *zimma* should be explained in detail because it was the *zimma* that made the non-Muslims Sultan's *re'âyâ*. It is crucial to understand the nature of the *zimma* contract to understand the place of non-Muslims in the Ottoman Empire.

³⁴ Ze'evi, "The Use of Ottoman Shari'a Court Records As a Source for Middle Eastern Social History."

After examining the *zimma*, the *itâat-emânet* (obedience-trust) relationship will be examined. Understanding the *itâat-emânet* relationship is essential not only to discover the relationship between the state and non-Muslims but also to understand their position compared to Muslims. This part will focus on the word *re 'âyâ* and its comprehensiveness to both Muslims and non-Muslims. Also, the *tâife* structure of Ottoman society will be discussed in this part.

The relations of the Ottoman Empire with the non-Muslims were not limited to those who became their subjects with the *zimma* contract. The subjects of foreign countries could reside for various reasons in the Ottoman realm with the permission of the sultan. In the last part, the relations with the non-Muslims who were not *zimmî* will be explained. I explained their relevance to the alteration in the status of non-Muslim subjects. This part aims to explain that the change in the status of non-Muslims did not happen all at once and that the attempts of non-Muslim people to become independent from the Ottoman Empire in the 19th century were the result of a process. Here, it is necessary to clarify that the time scope of the thesis is limited to pre-modern times. Periodizing history is an issue that is turbulent all the time.³⁵ The Pre-modern era can refer to various times based on periodization.³⁶ In this study, the pre-modern era defines the period from the end of the 15th century to the period before the Tanzimat Era.

³⁵ Virginia H Aksan and Daniel Goffman, "Introduction: Situating the Early Modern Ottoman World," in *The Early Modern Ottomans: Remapping the Empire*, ed. Virginia H Aksan and Daniel Goffman (Cambridge: Cambridge University Press, 2007), 1.

³⁶ For example, see; Jakub Grygiel, "The Primacy of Premodern History," *Security Studies*, no. 22 (2013): 1–32.

CHAPTER II

LEGAL AND SOCIAL STATUS OF NON-MUSLIMS

2.1 The *Zimma*

The Ottoman principality, which emerged at the end of the 13th century in the West of Anatolia, on the border of the Byzantine Empire, was a political organization that was familiar with various religious and ethnic groups because of its geography.³⁷ That means the Ottomans dealt with the non-Muslims since their early days. It is known that Osman Beg established good relations with non-Muslims; also, Orhan Beg visited his non-Muslim neighbours occasionally and brought them gifts.³⁸ Over time, their non-Muslim neighbours began to become subjects of the Ottomans, and as Ottoman rule expanded, especially in the Balkan Region, the number of non-Muslim subjects increased. At the end of the 16th century, the Ottomans governed an empire comprising subjects of diverse religions and ethnic backgrounds. In the newly conquered territories, the non-Muslim population was subject to the authority of Muslim rulers. However, being a subject of the Islamic state under a Muslim ruler did not prevent non-Muslim people in the conquered lands from maintaining their religion.

³⁷ Feridun Emecen, “Osmanlı Toplumunda Birlikte Yaşama Mutabakatı,” in *Çeşitli Yönlerden Türk-Ermeni İlişkileri* ed. Şafak Ural, Kâzım Yetiş, and Feridun Emecen (İstanbul: İstanbul Üniversitesi, 2006), 25.

³⁸ Bilal Eryılmaz, *Osmanlı Devletinde Gayrimüslim Teb'anın Yönetimi* (İstanbul: Risale Yayınları, 1990), 24–25.

The treatment of Islam to non-Muslims relied on their stipulations of the *zimma*. These stipulations continued to be followed by the Ottoman Empire as an Islamic state exactly in the same way.³⁹ The Ottomans' approach to non-Muslim subjects was often associated with tolerance. Yet, the tolerance was not an arbitrary practice of the sultan but was a result of the rights granted to non-Muslims by the *zimma* contract. It obliged all administrators to treat all People of the Book (*ahl al-kitab*), whether Christian or Jewish, as commanded by the Qur'an. In parallel with that, Christians and Jews enjoyed religious and personal freedom and had the right to own property and solve the matters of marriages and inheritance, and disputes according to their own canon laws in the Ottoman Empire, like in other Islamic empires.⁴⁰

The term *zimma* is used to define the contract regulating the relationship between the Islamic state and non-Muslims. It means agreement, deal, security, and protection, literally.⁴¹ Those who benefitted from *zimma* are called *zimmî*; the term *ahl al-zimma* refers to a collective group of *zimmîs*.⁴² However, all non-Muslims could not be beneficiaries of the *zimma*. According to the Islamic view, the world was divided between believers and unbelievers. The believers, Muslims (*pl. müminin*) formed a single group as *ummah*. The lands under the domain of Islam were called *Dar'al-Islam* (House of Islam), while the territories controlled by non-Muslims were called *Dar'al-Harb* (House of War). Unbelievers were classified among them as polytheists (*pl. müşrikin*) and People of Book (*ahl al-Kitab*). Each Muslim obliged to Holy War (*cihad*) against the non-Muslims since it was their owe to God. The target of the Holy

³⁹ Aron Rodrigue, *Difference and Tolerance in the Ottoman Empire*.

⁴⁰ Eleni Gara, "Conceptualizing Inter-Religious Relations in the Ottoman Empire: The Early Modern Centuries" 116 (2017): 57–91.

⁴¹ Yavuz Ercan, *Osmanlı Yönetiminde Gayrimüslimler: Kuruluştan Tanzimat'a Kadar Sosyal, Ekonomik ve Hukuki Durumları*, 7.

⁴² CL Cohen, "Dhimma," in *Encyclopedia of Islam*, ed. Bernard Lewis, J. Schacht, and C.P Hellat, vol. II (Leiden: Brill, 1991), 227.

War (*cihad*) was to exalt Islam and overpower infidelity.⁴³ Therefore, the choice for the polytheist was clear; they would either convert to Islam or die.⁴⁴ On the other hand, the People of the Book, including Christians, Jews, Zoroastrians, and Sabians, could be beneficiaries of the *zimma* contract by accepting the rule of the Islamic state. According to the *zimma* contract, the People of Book were under the protection of the Islamic state because they accepted the rule of the Islamic state and paid *cizye*, the poll tax, as the symbol of their subordination and in exchange for protection. This is explained in a verse (Tevbe 29).⁴⁵

The beginning of the relations between the Islamic State and its non-Muslim subjects was traced back to the career of the Prophet.⁴⁶ After the Prophet migrated to Medina, with the events that took place between Muslims and non-Muslims, the provisions of Islamic law regarding non-Muslims began to form.⁴⁷ Agreements were made with Jewish tribes and Christians that would determine the principles of the *zimma* after the migration. The agreements made with the Jews in Khaybar and the agreements with the Christians of Najran are the most well-known agreements among them. The Jews of Khaybar were given the right to stay in their places and keep their property, but they had to give half of their produce. The last agreement of the Prophet with the Christians of Najran is considered to be the most important agreement. According to the deal, the property, worship, and personal freedoms of the people of

⁴³ Colin Imber, *Ebu's-Su'ud: The Islamic Legal Tradition* (Edinburgh: Edinburgh University Press, 1997), 68.

⁴⁴ Bernard Lewis, *The Jews of Islam* (Princeton, N.J: Princeton University Press, 1984), 10.

⁴⁵ *Fight those who believe not in Allah nor the Last Day, nor hold that forbidden which hath been forbidden by Allah and His Messenger, nor acknowledge the religion of Truth, (even if they are) of the People of the Book, until they pay the djizya (cizye) with willing submission, and feel themselves subdued.*

⁴⁶ Ibid.

⁴⁷ Tankut Soykan, *Osmanlı İmparatorluğu'nda Gayrimüslimler : Klasik Dönem Osmanlı Hukukunda Gayrimüslimlerin Hukuki Statüsü* (İstanbul: Ütopya Kitabevi, 1999), 39.

Najran would be guaranteed by the Islamic state.⁴⁸ During the period of the Rashidun Caliphate after the Prophet, the legal status of non-Muslims continued to be determined in detail depending on the developments in Islamic law.⁴⁹ The status of non-Muslims became apparent with the expansion of Islam in the Near East.⁵⁰

Islam gathered Muslims under a single group as an *ummah* but also established the *zimma* for non-Muslims who were the People of the Book. This was related to the fact that Islam was based on a universal revelation concept.⁵¹ On the contrary, in Christianity and Judaism, there was no status to correspond to *zimma* in Islam. The expulsion of Jews in 1492 and Muslims in 1502 from Spain might be an example of that.⁵² Before the expulsion, many Jews converted to Christianity with the increase of persecution in the 14th century.⁵³ Also, the Muslim people of Granada experienced encouraging policies to convert to Christianity after the conquest of Granada by Isabella and Ferdinand.⁵⁴ In Judaism, policies of forced conversion were not followed as in Christianity. However, Jews were believed to be chosen by God and given privileges and responsibilities.⁵⁵ According to the recognition of the Quran, Judaism and Christianity are missing and misinterpreted forms of the same divine message and

⁴⁸ Yavuz Ercan, *Osmanlı Yönetiminde Gayrimüslimler: Kuruluştan Tanzimat'a Kadar Sosyal, Ekonomik ve Hukuki Durumları*, 4.

⁴⁹ Tankut Soykan, *Osmanlı İmparatorluğu'nda Gayrimüslimler : Klasik Dönem Osmanlı Hukukunda Gayrimüslimlerin Hukuki Statüsü*, 39.

⁵⁰ Haim Gerber, *Crossing Borders: Jews and Muslims in Ottoman Law, Economy, and Society* (Piscataway, NJ, USA: Gorgias Press, 2011), 35.

⁵¹ Bülent Şenay, "Islam and Other Religions: Religious Diversity and Living Together," *Uludağ Üniversitesi İlahiyat Fakültesi Dergisi* 9, no. 9 (2000): 409–30.

⁵² The life story of İsmail, an Ottoman subject becoming captive, which transferred by Aykut Kansu in; "18. Yüzyılda İngiltere'de Bir Yeniçeri Ya Da Yasalara Bağlı Bir 'Serserinin' Yaşamından Kesitler," in *Osmanlı'dan Cumhuriyet'e Problemler, Araştırmalar, Tartışmalar* (Ankara: Tarih Vakfı Yurt Yayınları, 1998) might be constituted another example about that issue.

⁵³ Jackson J. Spielvogel, *Western Civilization*, Seventh Edition (Canada: Thomson Wadsworth, 2009), 365.

⁵⁴ Ibid.

⁵⁵ Matt Stefon, *Judaism : History, Belief, and Practice*, The Britannica Guide to Religion (New York: Britannica Educational Publishing, 2012), 2.

Islam leads perfection and finality of Christianity and Judaism.⁵⁶ The new subjects were not expected to embrace Islam,⁵⁷ and Islamization by force was considered cruel and unacceptable.⁵⁸

The division of the world into *Dar'al-Islam* (House of Islam) and *Dar'al-Harb* (House of War), the distinction applied by Islamic law, was also practiced by the Ottomans. Accordingly, the lands that belonged to the Ottomans were accepted as *Dar'al-Islam*, while the lands controlled by the non-Muslim states were regarded as *Dar'al-Harb*. As mentioned above, *cihad* was the obligation of each Muslim. The Ottomans were motivated by the *gazâ* ideology from the beginning. Both words *gazâ* and *cihad* are used synonymously, but there is a difference between them. Most canonical source defines *cihad* as a war that is undertaken if the world of Islam or the peace of ummah is threatened.⁵⁹ On the other hand, *gazâ*, which was defined as "fighting the enemy" in old dictionaries, was often used as both a motivation and an element of legitimacy in the late 13th century and the beginning of the 15th century, when the Ottoman Principality emerged. It had acquired the connotation of engagement in raids and "combat" aimed at endeavors such as propagating Islam and extending territory or influence, all under the dominion of Muslims.⁶⁰ In this context, it is possible to say that while *cihad* refers to a defensive war, *gazâ* means an offensive one. In the 15th and 16th centuries, the ideology of offensive holy war held dominance. However, the failure of the second siege of Vienna in 1683 led to the prevalence of the

⁵⁶ Oded Peri, *Christianity under Islam in Jerusalem: The Question of the Holy Sites in Early Ottoman Times* (Brill, 2001), 51.

⁵⁷ Bruce Masters, *Christians and Jews in the Ottoman Arab World: The Roots of Sectarianism* (Cambridge ; New York: Cambridge University Press, 2001), 20.

⁵⁸ Gerber, *Crossing Borders*, 35.

⁵⁹ Cemal Kafadar, *Between Two Worlds: The Construction of the Ottoman State* (Berkeley: University of California Press, 1995), 79.

⁶⁰ Cemal Kafadar, "Gaza," in *İslam Ansiklopedisi*, vol. 13 (İstanbul: Türkiye Diyanet Vakfı, 1996), 427.

ideology of defensive *cihad*.⁶¹ However, the crucial aspect to note here is that *cihad* and *gazâ* were referred to as "holy war" and conducted in the name of God and religion. The phrase "*niyyet-i gazâ fi sebîl-i Allah*" was the standard of the Ottoman chronicles when defining the holy war against the enemies. It means to intend to wage a holy war on the path of God.⁶²

The Ottoman rulers saw themselves as the sultans of *gazis*⁶³ and conquered the non-Muslim territories on the way to turning *Dar'al-Harb* into *Dar'al-Islam*. The Ottomans extended an offer of surrender to the non-Muslims within the besieged region. This offer is made before attempting to conquer the city with the sword.⁶⁴ With the acceptance of this offer, the Ottoman sovereignty would have been accepted, and *amânnâme* or *ahîdnâme*, which was a document promising that they were secured by the Ottomans, would be given. Thus, the *zimma* contract would have been realized. This contract made with *zimmîs* and this guarantee of protection were expressed with the word of *amân* (ensuring, relying upon).⁶⁵ In the archival documents, it is seen frequently that the phrase '*ahd u amâna mugâyir iş olmamak*'. This explains the sultan's order of not acting opposite of the agreement ('*ahd u amân*'). As long as actions from the opposing side did not breach the agreement, it would remain in effect, and efforts would be made to ensure its preservation.

The decree dating H.974⁶⁶ belonged to the time of Suleiman I and was sent to his grand vizier. It pertains to the violation of the terms of the agreement provided to

⁶¹ Viorel Panaite, *Ottoman Law of War and Peace*, 2nd ed. (Leiden, Boston: Brill, 2019), 40.

⁶² Ibid., 58.

⁶³ *Osmanlılar: Fütühat, İmparatorluk, Avrupa İle İlişkiler* (İstanbul: Timaş Yayınları, 2010), 110.

⁶⁴ Ibid., 107.

⁶⁵ Mehmet İpşirli, "Eman," in *İslam Ansiklopedisi*, vol. 11 (İstanbul: Türkiye Diyanet Vakfı, 1995), 77.

⁶⁶ BOA, Topkapı Sarayı Müzesi Arşivi Evrakı, No: 867/10: "*Hakk-ı te'âlânun 'inâyeti ile cihân fahri Muhammed Mustafa 'aleyhisselam mu'cizâtı ile cemm'-i enbiyâlar ve evliyâlar himmeti ile sefere kasd olunub Belgrad'a gelindikde sizki ser'askerim ve vezîr-i azamımsız şöyle 'arz itmiş idin ki memleket kâfirleri gelüb amân isteyüb 'asker-i mansûreye azık getürüb hiçbirü zarar ve ziyân etmeyeler bu takdirce amân-ı şerîf verilmiş idi ki müslümânlardan ber-'ahd mezkûrların amânlarına ve oğullarına*

the non-Muslims of Belgrade. According to the document, the grand vizier informed the sultan that when the Ottoman army reached Belgrade, the non-Muslims there came to the Ottoman side and demanded *amân* (guarantee of protection)” and they brought food to the Ottoman soldiers, and they had no harm (*ki memleket kâfirleri gelüb amân isteyüb ‘asker-i mansûreye azık getürüb hiçbirü zarar ve ziyân etmeyeler*). Therefore, they were given *amân* (guarantee of protection) and according to the contract, Muslims, their daughters, and sons could not damage the agreement. However, the non-Muslims of Belgrade violated the conditions of the agreement and stopped bringing food to Ottoman soldiers. They inflicted harm upon the Muslims, prompting the sultan to declare the termination of the agreement. Subsequently, non-Muslims' possessions were to be plundered, and they would face violence, while their daughters and sons would be enslaved (*ben de ‘ahd u amânı bozub emr-i hak ile mallarına garet olub hepsi kılıcdan geçüb oğulları ve kızları esir ola*).

A decree from Mühimme Registers, dating H.978⁶⁷ can set an example for the importance given to the *‘ahd u amân*. The decree was sent to *beylerbey* of Budin. It

ve kızlarına el uzatmayalar sonra yine şöyle arz eyledinki kâfirler ‘ahdına durmayub ‘asker-i mansûreye azık getürmeyüb belliki buldukları müslümânı katl idüb kimine dürlü dürlü ceza ederler imiş bu takdirce ben de ahd u amânı bozub emr-i hak ile mallarına garet olub hepsi kılıcdan geçüb oğulları ve kızları esir ola ? ‘asker-i mansûreye ismarlayasız gaflet üzre almayalar hakk-ı te’alanun ‘inâyeti iki cihân fahri Muhammed Mustafa ve cemm-i ‘enbiyâlar ve evliyâlar himmeti ile olası bu emirle ‘amel edesiz bu kağıd Mohac Ovası’na kârib yerde yazıldı”

⁶⁷ BOA,Bab-ı Asafî,Mühimme Defterleri,No:14/1098:“Budin Beylerbeyisine hüküm ki: Südde-i sa’âdetime mektûb gönderüb Estergon Sancağı Beyi Mahmud dâme ‘izzihû sana mektûb gönderüb Uyvar nâm harbî kaleden hayli küffâr çıkub Ciğerdelen Barkanı gazilerinden oduna varanları almağ için pusuya girüb voyvodasın anda olan guzzat ile pusu yerlerinde tecessüs için gönderüb küffâra rast gelüb muhkem cenk olub küffâr münhezim olub otuz dört nefer kâfir diri tutulub serdarları ve hayli keferenin başları kesülüb on neferi harb için irsal olunduğun ve müşârünileyhin yararlığın bildirmişsiz imdi bir sancağa sancakbeyi nasb olunmakdan murâd-ı hümayunum ol sancağı gereği gibi hıfz ve hırâset eyleyüb eğer sâir ehl-i fesâddan siyânet eyleyüb eyyâm-ı hümayun ‘adâlet makrûn-ı sa’âdet encâmında tâife-i re’âyâ ki vedâyi-i hâlik-i berâyadır âsûde olmaktadır buyurdum ki vusûl buldukda bu bâbda dâima mukayyed olup ol cevânibin hıfz ve hırâsetinde ve ahd u amâna mugâyir iş olmamakda enva’i say’ u ikdâm eyleyüb müşârünileyhe tenbîh eyleyesin ki sancağının hıfz ve hırâsetinde mücidd ve merdâne olup gaflet ile küffâr-ı haksâr cânibinden ve sâir ehl-i fesâddan bir mahale zarar ve güzend erişdirmeyüp amma Mâbeyn’de vâkı olan ahd u amana mugâyir madem ki ol taraftan bir vaz-ı sudûr eylemeye bu cânibden dahi ahde muhâlif iş olmakdan ziyâde hazer eyleyüb anun gibi memâlik-i mahrûse hududu dâhiline fesâd ve mazarrat kasdına gelen ehl-i fesâda himâyet eylemeyüb mümkün olduğu üzere ele getürüb haklarından gelmek bâbında envâ’-i ihtimâm üzere ola

was a letter sent to the sultan by the *beylerbey*. According to the letter, Mahmud, *sancakbey* of Estergon, sent a letter to *beylerbey* of Budin and informed him that the Castle of Uyvar had a lot of enemy soldiers and they ambushed to hold *gazis* of Ciğerdelen Barkanı, who went to the wood. When *voyvoda* sent the *gazis* to gather information, they encountered the enemy and a battle occurred. Following their victory over the enemy, the *gazis* slew both their leader and a substantial number of his followers. The sultan commanded the *beylerbey* of Budin to strive in safeguarding the region and to refrain from any actions contradicting the '*ahd u amân*' agreement. the sultan directed the *beylerbey* of Budin to instruct the *sancakbey* of Estergon to exhibit diligence and courage in safeguarding the *sancak*, preventing any harm from the enemy or *ehl-i fesâd* (agitators). As long as there was no contravention of '*ahd u amân*', it was mandated to ensure peace and to confine those who aimed to plot and inflict harm within the borders of *memâlik-i mahrûse*. The edict underscored the repeated emphasis on not breaking the covenant unless confronted with exceptional circumstances.

The *zimma* contract provided certain rights and guarantees to non-Muslims. The Ottomans applied the *zimma* contract in its widest sense.⁶⁸ The most fundamental right given by the contract was to protect the lives, property, and honor of *zimmîs*. Since these were guaranteed, it will not be permissible to reach out to them.⁶⁹ Non-Muslims were not subjected to any policy of forcible conversion to Islam by the

lakin bu bahâne ile ol tarafdan ahde mugâyir vaz-ı sâdır olmadan bu cânibden sulhe muhâlif iş olmakdan ziyade ihtirâz üzere olası"

⁶⁸ Halil İnalcık, "Türkler ve Balkanlar," *Baltam Türklük Bilgisi*, no. 3 (2005): 20–44.

⁶⁹ Yılmaz Yurtseven, "İslam Hukuku ve Klasik Dönem Osmanlı Uygulamasında Zimmîlerin Hukuki Statüsü," *Selçuk Üniversitesi Hukuk Fakültesi Dergisi* 8, no. 1–2 (2000): 439–62.

Ottoman Empire, and even the state intervened when it hindered their freedom of worship. The decree dating H.1027 can be constituted as an example of this situation.⁷⁰

In the decree, it is mentioned that a *zimmî* whose name was Kiriko repaired his house on his property and built a new one. Also, it is stated that Kiriko was harmless (*kendü halinde olub*) and did not harm anybody. However, he was accused of building another house and giving advice when he read the Bible according to the rites of the military class and someone from the outside (*içinde gayri nesne dahı binâ itmiş diyü ve âyînleri üzre incıl okudukda va'z u nasîhat ider imişsin.*). The accusation attributed to Kiriko here is to propagate his own religion, which was an act not allowed. The sultan was informed Kiriko was hurt (*rencîde*) and scared (*remîde*), but he had a fatwa given by sheyk'ul-Islam about Kiriko who could not be hurt due to these accusations. Although the fatwa was an Islamic institution, non-Muslims could reach it. *Zimmîs* appealed the fatwa of *muftî* if they discussed it with Muslims or their co-religionist.⁷¹ Kiriko did not harm or oppress anyone and was harmless. Nil Tekgöl explains those who were "*kendü halinde*" as people who are not perceived as a potential threat to the physical and moral order.⁷² the sultan decreed that the fatwa should not be disregarded,

⁷⁰ "Fetvâ mücebince buyurulmuşdur Kaysariyye kadısına hüküm ki: Nefs-i Kaysariyye'de sâkin Kiriko nâm zimmî mülk bâğı içinde olan evini ta'mîr idüb ve bir ev binâ idüb kendü hâlinde olub şer'an kimesneye zarar ve ta'addîsi yoğken ehl-i örf tâifesinden ve hâricden ba'zı kimesneler mücerred celb ü ahz için içinde gayri nesne dahı binâ itmiş diyü ve âyînleri üzre incıl okudukda va'z u nasîhat ider imişsin diyü hilâf-ı şer'-ı serîf rencîde ve remîde idüb ta'addîden hâlî olmadukları i'lâm olunmağın bu bâbda ol vechile rencîde itmeğe kâdir olmazlar." diyü elinde şeyhü'l-islâmdan fetvâ-yı serîfe olmağla fetvâya muhâlif rencîde olunmamak emrüm olmışdur buyurdum ki vusûl buldukda mezbûra ol vechile dahl ve rencîde olunur ise fetvâsına nazar idüp göresin; mezbûrun bi-hasbîş-şer'i serîf kimesneye ta'addîsi olmayup kendü hâlinde iken ve bâğı içinde binâ eylediği evin şer'an kimesneye zararı yoğken mücerred celb ve ahz için ol vechile rencîde eyledükleri vâkî ise ve fetvâsı da vâsına mutâbık ise mücebi ile amel idüp ehl-i [örf] tâifesine dahi hilâf-ı şer'-i şerîf rencîde itdürmeyüb men' u def' eylesin memnû' olmayub ol vechile yine rencîde itmek isteyenleri südde-i saâdetüme havâle eylesin" 82 Numaralı Mühimme Defteri (1026-1027/1617-1618) (Ankara: Türkiye Cumhuriyeti Başbakanlık Devlet Arşivleri Genel Müdürlüğü, 2000), 226–27.

⁷¹ Ronald C. Jennings, "Zimmîs (Non-Muslims) in Early 17th Century Ottoman Judicial Records: The Sharia Court of Anatolian Kayseri," *Journal of the Economic and Social History of the Orient* 21, no. 3 (October 1978): 225–93.

⁷² Nil Tekgöl, *Emotions in the Ottoman Empire: Politics, Society, and Family in the Early Modern Era*, 83.

and if anyone were to harm the *zimmî* for the same reason once their authority was established, the qadi should review their fatwa. If Kiriko were accused, even though he was acting on his own and not causing harm to anyone, and if the house he built complied with Sharia law and his fatwa aligned with his inquiry, then there should be no permission to harm or intimidate him through military means. It should be stated here that this can be defined as injustice. Those who continued to do the same act were ordered to be sent to the presence of the sultan. According to the decree, the sultan ordered that a Christian subject should not be prevented from fulfilling his religious duties.

The Ottomans did not constrain non-Muslims in matters forbidden by Islam but not prohibited by their own faith. The most concrete example of this was drinking wine and eating pork. There was no prohibition for non-Muslims to consume wine or pork, as it was not forbidden according to their own religious convictions. They were even permitted to engage in trading pork and wine amongst themselves, but they were required to pay special taxes.⁷³

The edict dating H. 972⁷⁴ serves as an example in this regard. In the edict addressed to the qadi of Gallipoli, it was indicated that Christians stored an excessive amount of wine in their homes, sold the surplus to Muslims and that this wine was being consumed. the sultan ordered that the houses that were likely to contain wine were inspected and if there was a surplus, the *zimmîs* would take the amount they

⁷³ Macit Kenanoğlu, “Osmanlı Devletinde Millet Sistemi ve Gayrimüslimlerin Hukuki Statüleri,” 43–44.

⁷⁴ “Yazıldı. Gelibolı kadısına hükmü ki: Mahmiyye-i Gelibolı’da sâkin ba’zı kefare tâifesi kendü nefslerine kifâyet ider hamrdan ziyâde evlerinde hamrları olup âhara bey’ etmekle hilâf-ı şer’-i şerîf muttasıl şübh-i hamr olunmakdan hâlî olunmaduğu istimâ’ olunmağın buyurdum ki: Hükm-i şerîfüm varıcak, bu husûsı kimesneye i’timâd itmeyüb bi’z-zât kendü nefsünlen mahmiyye-i mezbûrede olan kefare tâifesinden hamr ihtimâli olan evlerin yoklayup gereği gibi tettebbü’ u tefahhus idüp kefare tâifesine kendü nefsleri için kifâyet mikdârı hamr alıkoyub dahı mâ-adâsın sirke itdürüp bey’ itdüresin. Bu bahâne ile kimesneye dahl olunup celb ve ahz olunmakdan ve şer’a ve emre muhâlif iş olmakdan ziyâde hazer eylesin” 6 Numaralı Mühimme Defteri (972 / 1564–1565) (Ankara: Türkiye Cumhuriyeti Başbakanlık Devlet Arşivleri Genel Müdürlüğü, 1995), 207.

needed and the rest should be made into vinegar. The sultan ordered the qadi to inspect it himself without entrusting it to anyone. It should be noted here that the problem was not that *zimmîs* keep wine, but that they sell it to Muslims, although it was forbidden in Islam. The prohibition of non-Muslims selling wine to Muslims is a recurring topic in archival documents.

Apart from personal and religious liberties, non-Muslims enjoyed unrestricted property ownership and possessed the entitlement to engage in contracts and trade without hindrance.⁷⁵ Also, a *zimmî* had the right to inheritance and to establish waqf. At this point, it should be stated that all of these rights derived from the *zimma* that the Ottomans granted to their non-Muslim subjects. With the *zimma* contract, non-Muslim subjects had all the basic rights that Muslim subjects had.

Inheritance, marriage, and divorce fell under private domains, with non-Muslims governing family and inheritance affairs, resolving disputes among themselves according to their canonical law.⁷⁶ However, they could appeal to the Sharia courts regarding these issues. The court records include several cases of dissension between the non-Muslims. Not only the disputes but also marriage and divorce records of *zimmîs* are also included in sijills. For example, the record of the marriages of two *zimmîs*, which the qadi court held is given below.⁷⁷ The document

⁷⁵ Belkıs Konan, "GAYRİMÜSLİM OSMANLI VATANDAŞLARININ HUKUKİ DURUMUNA İLİŞKİN BİR DEĞERLENDİRME," *Ankara Üniversitesi Hukuk Fakültesi Dergisi* 64, no. 1 (2015): 171–93.

⁷⁶ Eleni Gara, "Conceptualizing Inter-Religious Relations in the Ottoman Empire: The Early Modern Centuries."

⁷⁷ "Vech-i tahrîr-i sicil oldur ki Posa bt. Nikola nâm zimmîyyenin Yorgi b. Andon nâm zimmîye nefsinî Müslümân nikâhı ile nikâh olunmasını İstani b. Yorgi ve Ali b. Halil şehâdetleri ile sâbit oldukdan sonra mezkûref[y]i mezbûr Yorgi'ye meclis-i şer' de akd-i nikâh olunduğu bi't-taleb kayd olundu. Şuhûd: İsmail Çelebi b. Hayreddin, Mehmed b. Hasan, Hüsâm b. Nebî el-muhzır, Mehmed b. Mustafa el-muhzır, Hasan b. Abdullah, Ali Çelebi, Hâcî Ahmed b. Hâcî Şeyh ve gayruhüm mine'l-hâzırîn." Transcribed by ISAM. Beşiktaş Mahkemesi JCR 2,v.42:172

<http://www.kadisicilleri.org/goster.php?blm=bsk002&bsm=bsk002b172>

recorded that Posa b. Nikola and Yorgi b. Andom entered into a Muslim marriage (*Müslümân nikâhı*) with Istani b. Yorgi and Ali b. Halil as witnesses.

The other case in the records dates H.1077.⁷⁸ According to the case, a Jewish woman from Keçeci Neighborhood in Hasköy sued her husband. Her complaint about her husband was that despite their divorce, the husband continued acting as if the marriage was not over. The woman's request was to prevent her husband from this action, asserting that the marriage had terminated. When asked to substantiate her assertion, Abdurrahman Efendi b. Maksud, the local imam, and Mustafa b. Yunus declared that İlya v. Yasef had divorced his wife in their presence. Based on their testimonies, the case was resolved in favor of the woman.

Although non-Muslims were subjected to their own canonical laws regarding matters of private law, they were subjected to limitations in terms of criminal law. There were two competent authorities for non-Muslims in the field of criminal law. While the first was the criminal law of the Ottoman law, the second was the criminal law, which fell under the jurisdiction of their own religious authorities.⁷⁹ However, the jurisdiction of their own religious authorities in terms of criminal law was limited only

⁷⁸“Havâss-ı aliyye müzâfâtından kasaba-i Hasköy’de Keçeci mahallesi sâkinelerinden Nehime bt. Robin nâm Yahudiye mahfil-i kazâda zevc-i sâbıkı İlya v. Yasef nâm Yahudi muvâcehesinde üzerine da’vâ ve takrîr-i kelâm edip mezbûr İlya târih-i kitâbdan on sekiz gün mukaddem beni selâsen tatlik eylemişken hâlâ yine benim ile zevciyyet mu’âmelesi etmek murâd eder suâl olunup men’ olunmak murâdıdır dedikde gibbe’s-suâl ve ’l-inkâr müdde’iyye-i mezbûreden müdde’âsını mübeyyine beyyine taleb olundukda udûl-i müsliminden olup yine mahalle-i mezbûre imâmı olan Abdurrahman Efendi b. Maksud ve Mustafa b. Yunus nâm kimesne li ecli’ş-şehâde meclis-i şer’a hâzırân olup istişhâd olunduklarında fi’l-hakîka müdde’iyye-i mezbûre Nehime’yi zevc-i sâbıkı mezbûr İlya târih-i kitâbdan on sekiz gün mukaddem zikr olunan mahallede bizim huzûrumuzda selâsen tatlik eyledi hâlâ mezbûre Nehime mezbûr İlya’dan selâsen mutallakadır, biz bu hususa bu vech üze şâhidleriz şehâdet dahi ederiz deyû her biri edâ-i şehâdet-i şer’iyye eylediklerinde ba’de’t-ta’ dîl ve ’t-tezkiyye şehâdetleri makbûle olmağın mücebince ba’de’l-hükm mâ vaka’a bi’t-taleb ketb olundu. Fi’l-yevmi’s-sâmin aşer min Cumâdelâhire li sene seb’a ve seb’in ve elf.

Şuhûdü’l-hâl: Ârif Mehmed Efendi b. Mehmed, Mustafa Beşe b. Receb, Ali Bey b. Muharrem, Mehmed Bey b. Ahmed, Veli Beşe b. Ahmed, Ahmed b. Mehmed, Şükrullah b. Mustafa, Abdi Çelebi b. Hüseyin.” Transcribed by ISAM. Bab Mahkemesi JCR 3,v.17:282.

<http://www.kadisicilleri.org/goster.php?blm=bab003&bsm=bab003b282>

⁷⁹ Yavuz Ercan, *Osmanlı Yönetiminde Gayrimüslimler: Kuruluştan Tanzimat’a Kadar Sosyal, Ekonomik ve Hukuki Durumları*, 197.

to the fact that it was a violation of religious rules.⁸⁰ Apart from this, they were subject to Ottoman law for crimes falling within the scope of criminal law. The most interesting principle of Ottoman criminal law was that the non-Muslims had to pay only half of the fine imposed on Muslims for the same offense.⁸¹ Until now, efforts have been made to elucidate the concept of *zimma* and the rights bestowed upon non-Muslims under the scope of the *zimma* contract. With the *zimma* contract, non-Muslims became the subjects of the sultan. Accordingly, they had certain obligations.

Taxation was at the forefront of them since it was the indication of the obedience of the subjects.⁸² *Cizye* is the first tax type that comes to mind when non-Muslims are mentioned.⁸³ Taxes that the *re'âyâ* was liable in the Ottoman state consisted of two types, mainly customary (*rûsûm-ı 'örfiyye*) and religious (*rûsûm-ı şer'iyye*) taxes. *Cizye* belonged to the group of religious taxes. It was a poll tax and was paid by the *zimmî* subjects of the Islamic state in return for protection provided to them.⁸⁴ It should be underlined that *cizye* was not an additional tax. This is because, within the Ottoman Empire, taxation encompassed the allocation of various services rendered to the subjects.⁸⁵ If a service was not provided to *re'âyâ*, the tax could not be claimed. *Cizye* was a poll tax that was paid by non-Muslim subjects in return for the same protection provided to Muslim subjects by an Islamic state.⁸⁶

⁸⁰ Konan, "GAYRİMÜSLİM OSMANLI VATANDAŞLARININ HUKUKİ DURUMUNA İLİŞKİN BİR DEĞERLENDİRME."

⁸¹ Uriel Heyd, *Studies in Old Ottoman Criminal Law* (Great Britain: Oxford University Press, 1973), 286.

⁸² This will be explained in the next section.

⁸³ Yavuz Ercan, "Osmanlı İmparatorluğu'nda Gayrimüslimlerin Ödedikleri Vergiler ve Bu Vergilerin Doğurduğu Sosyal Sonuçlar," *Belleten* 55, no. 213 (1991): 371–91.

⁸⁴ Boris Christoff Nedkoff, "Osmanlı İmparatorluğunda Cizye (Baş Vergisi)," trans. Şinasi Altundağ, *Belleten* VIII, no. 32 (1994): 599–652.

⁸⁵ Yunus Emre Tortamış, "A Study Over Tax and Relationship Formed Around Taxation in the Ottoman Empire(16th-17th Century)" (Unpublished Master Thesis, Ankara, İhsan Doğramacı Bilkent University, 2019), 1.

⁸⁶ Halil İnalçık, "Sephardic Jews in the Ottoman Empire," in *From Empire to Republic: Essays on Ottoman and Turkish Social History* (İstanbul: The Isis Press, 2010), 108.

Until the 16th century, the word *harâc* was used to express the *cizye* in the Ottoman Empire, then the *cizye* or *cizye-i şer'î* became widespread.⁸⁷ The records containing the *cizye* payers in the newly conquered areas were called *defter-i cizye-i gebrân*. Inspections were made every three years in order to identify those who paid the *cizye* and the name of the general inspections was *nev yafte yılı*.⁸⁸ Every man who was considered *balig* (adult) had to pay the *cizye*. Subjects who paid the *cizye* were called *harâçgüzâr*, but they also appear in documents as *cizyegüzâr*. Those who paid the *cizye* were classified as *ednâ*, *evsât* and *alâ*. The rationale behind this categorization was the collection of the *cizye* tax based on income. Those classified as *ednâ* was considered poor and generally paid their *cizye* at 12 akçes. *Evsât*, on the other hand, were middle class and paid 24 akçes. *Alâ* were the ones with the highest income and 48 akçes were taken from them. The amount of *cizye* was determined by the sultan following Sharia. A fatwa from the shaykh al-Islam was necessary to determine the amount. The Ottomans, following a conservative policy in the places they conquered, equated the taxes that existed before them with the *cizye*.⁸⁹

The collection of the *cizye* could be done in two different ways. The first one was the collection of a certain amount from the taxpayers. This kind was called *ber vech-i maktu*. The second type was collected from the individuals, which was called *cizye al-ruûs*. The first kind (*ber vech-i maktu*) was applied in two fields. Principalities, which were vassals of the Ottoman Empire, submitted the determined amount as annual tax and the subjects of these principalities were treated as the same sultan's own *harâçgüzâr* subjects.⁹⁰ Also, a community (*tâife* or *cemâ'at*) could pay their *cizyes*

⁸⁷ Halil İnalçık, "Djizya," in *Encyclopedia of Islam*, ed. Bernard Lewis, C.P. Hellat, and J. Schacht, vol. Second (Leiden: Brill, 1991), 562.

⁸⁸ Ibid., 563.

⁸⁹ Ibid., 562.

⁹⁰ Ibid., 563.

based on the *ber vech-i maktu* system. That is, the fixed amount was paid by the whole community. For example, the Armenian community of Jerusalem paid the *cizye* as *maktu* in the sixteenth century.⁹¹ This system can be associated with the mutual agreement between the sultan and his subjects since it will protect the subjects against abuses, its implementation is in favor of them.

Cizye was collected in Muharram, the beginning of the Hijri year⁹², and its payment was in cash. Officers called *harâççı* or *cizyedâr* were appointed to collect the *cizye*. In the Ottoman Empire, the financial obligations of non-Muslim communities were managed by their religious leaders.⁹³ Apart from *harâc*, *cizye*, and *ispençe*, related taxes belonging to non-Muslim people were collected by rabbis and patriarchates.⁹⁴ *İспенçe* was the poll tax, which was a customary tax that taxpayers had to pay. The elderly, children, the disabled and those who had no income were exempt from the *cizye*. Otherwise, *zimmîs* were usually exempt from *cizye* in return for military services such as *martolos*, *voynuks*, and *eflaks*.⁹⁵ Although non-Muslim clergy was exempted from *cizye* until a certain time, it was later abolished. The exception in this regard was the disability of the clergyman.

A comprehensive *cizye* reform was carried out in 1691. Papers were distributed to the *cizye* payers in return for the tax they paid due to the increase in corruption in the collection of the *cizye*.⁹⁶ Each person was responsible for his/her own *cizye*, unlike the previous practice, after collecting the *cizye*, papers were given to everyone

⁹¹ Amnon Cohen and Bernard Lewis, *Population and Revenue in the Towns of Palestine in the Sixteenth Century* (Princeton: Princeton University Press, 2015), 97.

⁹² Boris Christoff Nedkoff, “Osmanlı İmparatorluğunda Cizye (Baş Vergisi).”

⁹³ Mehmet Öz, “Klasik Dönem Osmanlı Toplum ve Ekonomisine Genel Bir Bakış,” in *Osmanlı Tarihi Üzerine: İnsan, Toplum, Ekonomi II* (Ankara: Cedit Neşriyat, 2020), 50.

⁹⁴ Yavuz Ercan, “Osmanlı İmparatorluğu’nda Gayrimüslimlerin Ödedikleri Vergiler ve Bu Vergilerin Doğurduğu Sosyal Sonuçlar.”

⁹⁵ Halil İnalçık, “Djizya,” 563.

⁹⁶ Yavuz Ercan, “Osmanlı İmparatorluğu’nda Gayrimüslimlerin Ödedikleri Vergiler ve Bu Vergilerin Doğurduğu Sosyal Sonuçlar.”

individually, not collectively. The regulations made in 1691 provided the fixed system and all kinds of exemptions were abolished. However, many old practices and exemptions survived, and only in 1839, with the proclamation of equality in payment of taxes all such exemptions and privileges were abolished.⁹⁷ With this reform, the aim was to eliminate the abuses in collecting the *cizye* and the practices that were a burden on the subjects. A few more additional points should be mentioned regarding the *cizye*. Muslims who had the right to use large farms called *baştına*, which belonged to non-Muslims in the Balkan regions, were required to pay the *cizye*. It was also collected from Gypsies even though they adopted Islam.⁹⁸

Harâc was the other religious tax that non-Muslims were obliged to pay, other than *cizye*. *Harâc* was a tax which was paid based on land. In the Ottoman Empire, the land was divided into three parts: the first one was *arz-ı 'öşrîyye*, the second was *arz-ı harâcîyye* and the last one was *arz-ı memleket*.⁹⁹ This classification was shaped in the mid-sixteenth century by *Ebu's-suud*. The property of *arz-ı 'öşrîyye* belonged to Muslims. On the other hand, the ownership of the *arz-ı harâcîyye* was left in the hands of the non-Muslim people of the conquered region and all kinds of usage rights in such lands belonged to the owner.¹⁰⁰ While the owners of the *arz-ı 'öşrîyye* paid the '*öşr*' (tithe), the owners of *arz-ı harâcîyye* were obliged to pay *harâc*. *Harâc* was divided into two types. These were *harâc-ı muvazzafa* and *harâc-ı mukasama*. *Harâc-ı muvazzafa* was paid for ownership of the land. The amount of *harâc-ı muvazzafa* was fixed and the person who saved the land, whether Muslim or non-Muslim, was

⁹⁷ Halil İnalçık, "Djizya," 565.

⁹⁸ Emine Dengeç, "Ottoman Gypsies and the Head Tax Collection: A Case Study of the Gypsies Living in Silistre in 1843," *Türk İslam Medeniyeti Akademik Araştırmalar Dergisi*, no. 4 (2007): 211–29; Eyal Ginio, "Neither Muslims nor Zimmîs: The Gypsies (Roma) in the Ottoman State," *Romani Studies* 5 14, no. 2 (2004): 117–44.

⁹⁹ Cengiz Orhonlu, "Kharadj," in *The Encyclopaedia of Islam*, ed. E. Von Donzel, Bernard Lewis, and C.H. Pellat, vol. IV (Leiden: Brill, 1997), 1053.

¹⁰⁰ Halil İnalçık, "İslam Arazi ve Vergi Sisteminin Teşekkülü ve Osmanlı Devrindeki Şekillerle Mukayesesi," *İslam İlimleri Enstitüsü Dergisi*, no. I (1959): 29–46.

obliged to pay it. *Harâc-ı mukasama* was the tax demanded the products. Lands in the Ottoman Empire was *arz-ı memleket*, also known as *miri*. The subjects had no property rights on such lands because their *rakabe* (tenure) belonged to the state. Muslims and non-Muslim subjects only had the right to dispose of these lands. *Harâc-ı muvazzafa* of *miri* lands was equivalent to *çift akçesi* (*çift akçesi*). The amount was calculated according to the size of the soil and was usually 100 dirhams.¹⁰¹ *Harâc-ı mukasama* paid for *miri* land was known as '*öşr*'. There was no fixed amount for this, and it was paid according to the crops received. For each crop taken from the *mîrî* land, *harâc-ı mukasama* was paid. The way this tax was collected was in-kind and obtained from Muslims and non-Muslims at the same rate. Although *harâc* and *cizye* were paid by Muslims in certain circumstances, these taxes were specific to non-Muslims.

2.2 The Position of Non-Muslim Subjects in *Îtâat-Emânet* Relationship

Kınalızâde Ali Çelebi defines civilization as consisting of the coexistence of different communities and opposite people, getting along with each other and their order.¹⁰² Similarly, Ottoman society consisted of people belonging to different ethnicities and religions. The Ottoman society, which was formed by the combination of many different elements, was divided into two, *askerî* (military) and *re'âyâ* (subjects) in terms of legal division. In other words, this was the division between the groups of ruling and ruled. *Askerî*, consisting of *seyfiyye*, *ilmiyye*, and *kalemiyye* were authorized by the sultan with a *berât* (charter). *Askerî* was in the government service and received a salary with the charter. They were exempted from taxes and had some

¹⁰¹ Yavuz Ercan, "Osmanlı İmparatorluğu'nda Gayrimüslimlerin Ödedikleri Vergiler ve Bu Vergilerin Doğurduğu Sosyal Sonuçlar."

¹⁰² Pes ma'lûm olsun ki temeddün ki-tavâyif-i muhtelif ve ümem-i mütebâyînenin ictimâ'-i 'amm ve te'ellûf ü intizâmından ibarettir...Kınalızade Ali Çelebi, *Ahlâk-ı Alâî*, ed. Mustafa Koç (İstanbul: Klasik, 2007), 474.

privileges over the subjects. On the contrary, *re'âyâ* was the tax-paying subjects, which were agriculturists, craftsmen, and merchants.¹⁰³ While the ruling group did not pay the taxes and did not produce, the ruled were the tax-payers and responsible for the production. This was the main factor of the differentiation between the military and subjects.

In addition to the legal division, different elements determined the status of the person in society. Religion was one of the most decisive elements to the status of the individual in Ottoman society.¹⁰⁴ In terms of religious affiliation, the society consisted of Muslims and non-Muslims. The status of both Muslims and non-Muslims was *re'âyâ*, that is; as tax-payers of the Empire, they both had the same status as separate from the military group, regardless of their religion. Non-Muslims were becoming the Ottoman Sultan's *re'âyâ* through the *zimma* contract. Therefore, there was no difference between Muslims and non-Muslims in terms of basic rights.¹⁰⁵ The word *re'âyâ* had three basic meanings. The first one was those who were tax-paying under a ruler, the second one was the whole society and the last one was the subjects who were not Muslim.¹⁰⁶ In the pre-modern era, the term *re'âyâ* primarily carried the first meaning.

As elaborated earlier, the components comprising Ottoman society exhibited considerable diversity among themselves. The aspect where this divergence became most apparent was within the religious affiliations of the people. Muslims, Christians, and Jews collectively constituted the entirety of Ottoman society, and their religious identity delineated each individual as a member of a distinct community. Nevertheless,

¹⁰³ Halil İnalcık, *Osmanlı'da Devlet, Hukuk, 'adâlet* (İstanbul: Eren Yayıncılık, 2005), 36.

¹⁰⁴ Öz, "Klasik Dönem Osmanlı Toplum ve Ekonomisine Genel Bir Bakış," 49.

¹⁰⁵ Ahmet Tabakoğlu, "Osmanlı İctimai Yapısının Ana Hatları," in *Osmanlı 4:Toplum*, ed. Güler Eren (Ankara: Yeni Türkiye Yayınları, 1999), 23.

¹⁰⁶ Ercan, *Osmanlı Yönetiminde Gayrimüslimler:Kuruluştan Tanzimat'a Kadar Sosyal,Ekonomik ve Hukuki Durumları*, XXI.

these distinctions did not hold significance for the Ottoman Sultan, as there existed no status associated with being Muslim, Jewish, or Christian. In Ottoman society, someone mainly holds the status of *askerî* (military) or *re'âyâ* (subjects). The Ottoman Sultans accepted all subjects, Muslims and non-Muslims, as *re'âyâ*.¹⁰⁷ *Re'âyâ* functioned as an upper identity for all Ottoman subjects. Therefore, being *re'âyâ* was the foremost status for the Ottoman subjects. All identities of the subjects came after being *re'âyâ*.

It was Islamic Law shaping the state and the subject, so the relationship between these groups was shaped within the frame of Islamic Law. In the Ottoman Empire, the relationship between the state and its subjects was built on *itâat-emânet* (obedience-trust) relationship. The relationship between the ruling and the ruled was based on a mutual understanding. While this mutual understanding ensured the legitimacy of the sultan, at the same time, it aimed to raise the subjects' living conditions.¹⁰⁸ The relationship of the sultan with all his subjects, whether Muslim or non-Muslim, was based on this principle.

Islam was the mainstay of Ottoman political thought; however, it was nourished by two other sources, Turkish and Middle Eastern traditions. Ottoman political thought focused on the matters of the ruler, bureaucracy, army, subjects, and their status, mutual duties, and responsibilities within the framework of ruling and ruled relationship.¹⁰⁹ The subjects, the most important matter of the Ottoman books of government, constituted the cornerstone of the sultan's politics.¹¹⁰ Subjects, referred to as *vedâyi-i hâlik-i kibriya*, were trusted (*vedi'a*) of God to the Ottoman sultan.

¹⁰⁷ Halil İnalcık, *Osmanlı İmparatorluğu Klasik Çağ (1300-1600)* (İstanbul: Yapı Kredi, 2015), 73.

¹⁰⁸ Hülya Taş, "Osmanlıda Şikayet Hakkının Kullanımı Üzerine Düşünceler," *Memleket Siyaset Yönetim* 2, no. 3 (2007): 186–204.

¹⁰⁹ Ahmet Yaşar Ocak, "Din ve Düşünce," in *Osmanlı Devleti ve Medeniyeti Tarihi*, ed. Ekmeleddin İhsanoğlu, vol. II (İstanbul: IRCICA, 1998), 169.

¹¹⁰ *Ibid.*, 171.

Vedâyi-i hâlik-i kibriya means entrusted by God, the Almighty. The decrees of Ottoman Sultans frequently reiterated that God had given them the subjects in trust.¹¹¹¹¹² *Vedâyi* is the plural form of the Arabic word *vedi'a*, which means entrusted. Hence, the sultan bore the responsibility for the well-being of the subjects. The Ottoman Empire named the lands under its rule *memâlik-i mahrûse*. It means protected lands. The Ottoman Sultan was obliged to establish a comfortable domain for the subjects within the boundaries of the protected lands. the sultan should have his subjects made prosperous. In other words, the subjects should have been *müreffeh'ül-bal* (prosperous) and *âsûde-hâl* (content). These phrases are seen in the Ottoman archival document frequently. For example, a decree from Mühimme Registers dating H.985,¹¹³ talks about the *âsude-hâl* of the subjects.

The sultan sent the decree to the *sancakbey* and qadi of Sigetvar. In the decree, it is stated the *sancakbey* sent a letter to the sultan and *zeamet* and *tımar* holders, *cemm'-i gâfir*, and subjects came to the court and expressed their gratitude about *sancakbey* (*senden her vehicle râzı ve şâkîr olduğuna.*) Thanks to his justice, villages became liveable. On the other hand, the *sancakbey*, appointed by the sultan, was required to be just and ensure the safeguarding of the subjects from any form of oppression and danger. In the conclusion of the decree, the sultan mandated that the

¹¹¹ İnalcık, *Osmanlı İmparatorluğu Klasik Çağ (1300-1600)*, 73.

¹¹² BOA, Bab-ı Asafî, Mühimme Defterleri, No:78/4012: "Haliya eyâlet-i mezbûrede vâkî' olan re'âyâ ve berâyâ ki vedâyi-i hâlik-i kibriyadır[...]; BOA, Bab-ı Asafî, Mühimme Defterleri, No:73/1026: "Acara Beylerbeyisine hüküm ki hala sa'âdet ve ikbâl ile cülûs-ı hümayunum olub etrâf ve eknâf-ı âlemde umûmen re'âyâve berâyâ refâhiyet ve itminân ve ve cihed-i istirahat ve amânda olmak iktizâyı murâdımdan olmağın buyurdum ki vardıkda mi'n-bad ahvâl-i refâhiyet-i re'âyâ ve berâyaya ziyâde takayyüd olub re'âyâki vedâyi-i hâlik'il berâyadır[...]"

¹¹³ BOA, Bab-ı Asafî, Mühimme Defterleri, No:30/190: "Ademisi Ali'ye virildi. Fi 29. M. Sen e 5 Sigetvar Sancağı Beyine Sigetvar Kadısına hüküm ki: Mektûb gönderüb züemâ ve erbâb-ı tımâr ve re'âyâ ve berâyadan cemm'-i gâfir meclis-i şer'îye gelüb senden her vechile râzı ve şâkîr olduğuna sunulan rik'alar halk vâkî olub 'adilâne sebeb ile vilâyet-i karyeler mâ'mur olmuştur deyu bildirmeğın buyurdum ki vusûl buldukda min-ba'd dahi kemâl-i "adâlet üzere olub re'âyâ ve berâyayı zulmden himâyet ve memlekete varan ehl-i fesâd ve eşkiyâdan siyânet idüb adamların ve subaşılarn gereği gibi zabt kimesneye zulm ve ta'addî iddürmeyüb re'âyâ ve berâyânın eyyâm-ı 'adâletimde âsûde-hal olmalarına sa'y ve ihtimâm eylesiz şöyle bilesiz"

sancakbey exhibit the utmost care for the subjects' *âsûde-hâl* during the era of justice. At this point, it is necessary to explain that, the decree includes crucial points in terms of the relationship between the state and subjects, such as protections (*siyânet*), justice (*‘adâlet*), and oppression (*zulm ve ta’addî*) in addition to *âsûde-hâl*. Nonetheless, these expressions will be explored further in the subsequent sections.

The sultan's authority originated from God; hence, the sultan held no obligations toward earthly rulers. While the sultan remained a servant of God, he was selected and granted power by divine providence. The title of the shadow of the God on the earth (*zillu’llahi fi’l ırz*), which the Ottoman Sultans used, can be understood as a reflection of that. According to Kınalızâde, “*reign, state, and sultanate are beneficence and gift of God. God crowns some of his subjects and honors them. This is the highest rank.*”¹¹⁴ The sultan, whose power was derived from God, was supposed to rule his subjects properly.

As mentioned above, Ottoman political thought had traces of Turkish and Middle Eastern Traditions. Similar to those who came before them, the Ottoman Empire placed the idea of justice (*‘adâlet*) as a focal point within its perspective on the state, and the concept of the Circle of Justice (*dâire-i ‘adlîyye*) was formulated as the understanding of a good government by the Ottoman Empire.¹¹⁵ The concept originated from ancient Middle Eastern tradition, but the name of the Circle of Justice was the invention of Kınalızâde Ali Çelebi, the Ottoman writer, in the 16th century. According to Circle of Justice;

¹¹⁴ “Ba’dehû ma’lûm olsun ki saltânât u hükümet ü padişâhî atıyye-i rabbânî ve hediye-i ilâhîdir ki Hakk celle ve *âlâ* ba’zı bendelerinin ser-i sa’âdet-firâzını bu efserle serbülend ve efser-i saltânât tîrâzın bu gevherle ercümend eyler. Ve bundan *âlâ* ne mertebe ola ki...” Kınalızâde Ali Çelebi, *Ahlâk-ı Alâî*, ed. Mustafa Koç (İstanbul: Klasik, 2007), 457.

¹¹⁵ Nil Tekgül, *Emotions in the Ottoman Empire: Politics, Society, and Family in the Early Modern Era* (London: Bloomsbury Academic, 2022), 64.

“Justice is necessary for the world; the world is a vineyard and the state is its wall. The governor of the state is Sharia and its maintenance is based on the ruler. The troops are necessary for the ruler to govern. Without wealth, the ruler could not have troops. It is the subjects who gain wealth and justice become the subjects of the ruler.”¹¹⁶ Each chain formed the whole of the Circle and each of them is interdependent. Thus, the problem in any part would affect the whole.”

Justice had different meanings in different times and places, but it had been a key feature of a good ruler.¹¹⁷ The important policy and administrative principle that the Ottoman administration applied to all its Muslim and non-Muslim subjects was justice.¹¹⁸ The Ottoman Sultan was obliged to enjoin the good and forbid what was accepted as wrong by the society (*emr bi'l ma'rûf neyh ani'l münker*).¹¹⁹ “To enjoin the good and forbid the wrong was a command of God to the Ottoman Sultan. In Kınalızâde's *Ahlâk-ı Alâî*, justice is defined as “the most honorable merit and the highest temperament.”¹²⁰ However, what did the concept of justice, which was so important in the Ottoman understanding of administration, mean for the Ottoman Sultans and their subjects? The definition of justice in Ottoman political thought was to prevent and eliminate *zulm* or oppressive acts of those exercising power on behalf

¹¹⁶ “Adldir mucib-i salahı cihan/Cihan bir bağdır divarı devlet/Devletin nazımı şeri'attir/Şer'iate olamaz hiç haris illa melik/Melik zabt eylemez illa leşker/Leşkeri cem'edemez illa mal/Malı kesb eyleyen ra'ıyyettir/Raiyyeti kul eder padişah-ı 'aleme 'adl”. Kınalızâde Ali Çelebi, *Ahlâk-ı Alâî*, ed. Mustafa Koç (İstanbul: Klasik, 2007), 532.

¹¹⁷ Bernard Lewis, *The Political Language of Islam* (United States of America: The University of Chicago Press, 1988), 70.

¹¹⁸ Bilal Eryılmaz, *Osmanlı'da Birlikte Yaşama Politikası* (İstanbul: İşaret Yayınları, 2019), 39.

¹¹⁹ BOA, Bab-ı Asafi, Mühimme Defterleri, No:78/4012: “[...]imdi her diyâra beylerbeyi ve sancakbeyi nasb olunub her birine müstakîl haslar tayin olunmakdan murâdım vilâyet üzerine çıkub cemm'-i emvâl eyleyüb memleket ve vilâyeti viran eylemek için değildir vâli oldukları vilâyetde emr-i ma'rûf neyh-i münker idüb hilâf-ı şer'i şerif ve mugayir-i kanun-ı münif bir ferde zulm ve ta'addi idürmeyüb zuhur eyleyen ehl-i fesâd hüsn-i tedârikle ele götürülüb muhtâc-ı 'arz ise habs ve 'arz eyleyüb değil ise şer'le gereği gibi hakkından gelüb memleket ve vilâyeti her vechile hirâset idüb ma'mûr ve abâdân eylemek içündür”

¹²⁰ “Ma'lûm ola ki 'adâlet eşref-i fezâyîl ve ala-yı hasâyildir...” Kınalızâde Ali Çelebi, *Ahlâk-ı Alâî*, 129.

of the sultan.¹²¹ According to Ottoman Law, *zulm* (oppression) was the name of the offenses committed by public servants by introducing various *bid'ats* to the subjects that were recognized by Sharia (*şer'i*) and Customary (*örfî*) Law.¹²²

The subjects, whether Muslim or non-Muslim, were poor (*fukara*) and weak (*zuefa*), and the highest authority to bring them justice was the sultan. In this context, Ottoman justice was related to preventing the powerful from oppressing the weak.¹²³ Therefore, it was the sultan's primary duty of the sultan to protect the non-Muslim subjects whom God entrusted. One of the titles of the Ottoman Sultans was '*alem-penah*, which meant refuge of the world, and the title conveyed an image of the ruler as caretaker and protector of his subjects.¹²⁴ The word '*âlem* expresses the inclusive nature of the sultan's refuge; that is, he was the refuge of all world.

According to a decree dating H.979¹²⁵ related to the oppression experienced by non-Muslims of Cyprus, qadi of Cyprus started giving a deputy (*nayib*) to the *vilâyet muharrîri*, the official responsible for *tahrir* registration since assigning the investigation, and the registration was made with the deputy of qadi since the qadis

¹²¹ Halil İnalcık, "State and Ideology under Sultan Suleiman I," in *The Middle East and the Balkans under the Ottoman Rule: Essays on Economy and Society* (Bloomington: Indiana University Turkish Studies, 1993), 71.

¹²² Ahmet Mumcu, *Osmanlı Hukukunda Zulüm Kavramı*, Toplumsal Araştırmalar Dizisi 1 (Ankara: Birey ve Toplum Yayınları, 1985), 9.

¹²⁴ Marlene Kurz, "Gracious Sultan, Grateful Subjects: Spreading Ottoman Imperial 'Ideology' throughout the Empire," *Studia Islamica* 107, no. 1 (2012): 96–121, <https://doi.org/10.1163/19585705-12341237>.

¹²⁵ BOA, Bab-ı Asafî, Mühimme Defterleri, No.16/309: "*Kıbrıs Kadısına hüküm ki: hâlâ vilâyet tahrîrine mübâşeret idüb teftîşe bile tayin olundum deyu vilâyet muharririnin yanına bir nayib koşub cümlesin nayib-i mezbur ile yazub andan defteri mucibince dört akçe alub cem'iyetine sümme cem'an(?) hüccet verülüb akçesi alınsun deyu teklîf eyledüğün ve bi'l-cümle nayiblerin memleket ve vilâyete külli dahl ve tecâvüz idüb cem' olunan harâclardan naiblerin harâclardan her haneye üç akçe alub birin sana virüb maadası kendülerin ekl ü bel' idüb kefereden resm-i nikâh alub ve maadası tahrîr olundukda cümle bin doksan dört evler olub her birine birer hüccet vermek istediğün buna buna benzer hilâf-ı şer'i şerîf ta'addi olunduğu istima' olundu imdi tâife-i re'âyâ ki vedâyi-i hâlik-i berâyadır hilâf-ı şer'i şerîf zulm ve ta'addi olunduğuna asla rızâ-yı şerîfim yokdur buyurdumki vusûl buldukda gafil olmayub nayiblerini onat zabt eyleyüb kimesne hilâf-ı şer'i şerîf zulm ve ta'addi iddürmeyüb ve tahrîr husûsuna karışmayub şer-i şerîf mucibince ahkâm-ı şer'îyeyi kemâl-i 'adâlet üzere icrâ eylemek bâbında ihtimâm üzere olub re'âyâya vegayrihû zulm ve ta'addi olunmaktan ihtiyât eylesiz şöyle bir daha istimâ oluna beyan olunan 'özü'n kabul olunmaz bilmiş ola Kıbrıs Çavuşlarından Ali'ye verildi fi 23 Zilhicce sene 979."*

were responsible for supporting the *vilâyet muharrîri* during the registration. According to the defter, he proposed to take four akçes and gave a script collectively and took the money. Four akçes was the price paid for their services. Also, his deputies damaged the region and the province. They received three akçes from the *harâc*, collected for each house, gave one akçe to the qadi, and took the left for themselves. Also, they collected *resm-i nikâh* (marriage fee) from the non-Muslims, but the marriage of the non-Muslims was carried out by their own church generally so they paid it to the metropolitan. In the continuation of the decree, the qadi wanted to give a script (*hüccet*) to each of the one thousand and ninety-four households determined with *tahrir* although a script was given collectively. the sultan said that he had heard of all these and similar oppressive acts contrary to *şer'-i şerîf*¹²⁶ (*buna benzer hilâf-ı şer'i şerîf ta'addî olunduğı istima' olundu*). The sultan stated that he knew everything that happened in every corner of the *memâlik-i mahrûse*. The awareness of the sultan was also expressed with the phrase *Sem'i Hümâyûnuma vusul bulmuştur*. *Sem'i Hümâyûn* was a word that indicated that the sultan was aware of what happened all over *memâlik-i mahrûse*. In such a reference, while it was pointed out the omnipresent position of the Ottoman Sultan, in every corner of the Ottoman realm, which encompassed many different areas and could be reached by traveling very long distances, it was envisaged the sultan's degrees only would be valid in *memâlik-i mahrûse*.¹²⁷

Then he emphasized that the subjects were entrusted by God and he never consented to oppression (*zulm*) and transgression (*ta'addî*) contrary to *şer'-i şerîf* (*Sharia*). Subsequently, he instructed the qadi not to overlook this circumstance, to prevent oppression and excess, and to refrain from involvement in *tahrir*. As can be

¹²⁷ Berrak Burçak and Özer Ergenç, "İmge ve Siyaset: "Sem'-i Hümâyûn," *Journal of Turkish Studies* 39 (2013): 233–44.

understood from the decree, the qadi of Cyprus and his deputies had unjustified demands from non-Muslim subjects. In other words, they oppressed them. In the end, the sultan sharply warned the qadi that he should be careful about applying the rules of religion based on justice and that he should be careful about the subjects not being oppressed or transgressed anymore. He also reminded that if he heard these kinds of acts again, his apology would not be accepted (*şöyle bir daha istima' oluna beyân olunan 'özü'n kabûl olunmaz bilmiş ola*).

Each sultan introduced certain dramatic measures when he acceded to the throne to declare that his reign would be an era of justice.¹²⁸ Justice was directly related to the legitimacy of the sultan; that is, if he could not rule with justice, he would lose his legitimacy. the sultan was only responsible to God, but his absolute authority was restricted by the opinion of 'ulema, established order, and tradition. *İlmiyye* class had the right to issue fatwas, which means the groups that supported the sultan could have dethroned him in that case. Justice and legitimacy have been interconnected concepts since the early days of the Ottoman Empire. According to Linda Darling, "*justice was stressed by the Ottomans to establish their right to rule, and they reduced the taxes to gain popular loyalty because the Ottomans had no religious or dynastic claims to legitimize themselves.*"¹²⁹ The legitimacy of the Ottoman Sultan could not be questioned as long as he provided justice to his subjects.

Within the Middle Eastern context, petitioning served as the primary mechanism through which the weak could seek justice from the powerful.¹³⁰ Non-

¹²⁸ İnalcık, "State and Ideology under Sultan Suleiman I," 73.

¹²⁹ Linda T. Darling, *A History of Social Justice and Political Power in the Middle East: The Circle of Justice From Mesopotamia to Globalization*, 0 ed. (United States of America;Canada: Routledge, 2013), 128, <https://doi.org/10.4324/9780203096857>.

¹³⁰ Linda T. Darling, *A History of Social Justice and Political Power in the Middle East: The Circle of Justice From Mesopotamia to Globalization*, 0 ed. (United States of America;Canada: Routledge, 2013), 7, <https://doi.org/10.4324/9780203096857>.

Muslims could submit their complaints to the higher authorities about all kinds of injustice they experienced, and if these authorities could not provide justice, they had the right to complain directly to the sultan. The most influential person to provide justice was the sultan, who could provide justice to the whole subjects. For example, the non-Muslim subjects of the sultan in the Balkans saw the *Tsar (sultan)* sitting in *Charigrad (Istanbul)* as the last authority of justice and protection.¹³¹ There are many archival documents in which the non-Muslims demand the removal of injustice they have suffered by the authorities. Responses to complaints affirmed the government's desire to control oppression.¹³² Anyone who disregarded the principles of justice would be punished harshly if they belonged to the ulema class, who were not accepted as the slaves of the sultan and held a prestigious religious status.¹³³

The plaintiff would initiate proceedings in the qadi court, and if their issue remained unresolved, they had the option to bring their petition to higher authorities. In other words, a plaintiff could apply *Dîvân-ı Hümâyûn* because *Dîvân-ı Hümâyûn* served as the supreme court. Petitioning *Dîvân-ı Hümâyûn* meant petitioning the sultan since it belonged to the sultan and responses to complaints were given on behalf of the sultan.¹³⁴ Sultan was the highest authority that could eliminate injustice as the only authority who had accountability only towards God. The subjects could present their petitions to the sultan (*rik'a*) directly as well as to *Dîvân-ı Hümâyûn* during the Friday Prayer, hunting, and on the way of the campaign. As different from modern times, it was possible that an individual of the pre-modern era may not have seen the sultan

¹³¹ Halil İncalcık, "Türkler ve Balkanlar," *Baltam Türklük Bilgisi*, no. 3 (2005): 20–44.

¹³² Darling, *A History of Social Justice and Political Power in the Middle East*, 144.

¹³³ Boğaç Ergene, "On Ottoman Justice: Interpretations in Conflict (1600-1800)," *Islamic Law and Society* 8, no. 1 (2001), <https://doi.org/10.1163/156851901753129674>.

¹³⁴ Murat Tuğluca, *Osmanlı Devlet-Toplum İlişkisinde Şikayet Mekanizması ve İşleyiş Biçimi* (Ankara: Türk Tarih Kurumu Yayınları, 2020), 31.

physically in their life. Therefore, their opportunity to see the sultan and petition was limited.

The decree dating H.985¹³⁵ was sent to the governor of Alacahisar and qadi of Prespa related to the complaint of Christians of Kaza of Skopje. The *zimmîs* mentioned in the decree petitioned to grand vizier about the oppressive acts of qadi of Skopje, Mevlânâ Mehmed. He made people pay one hundred and thirty akçes for a hundred sheep to the *sipâhî*, who came every year for the collection of '*adet-i ağnâm*. It was a tax collected for small cattle, and one akçe per two or three sheep was allocated in many places.¹³⁶ Also, he took *esîr akçesi* (slave fee) for himself and his man. *Esîr akçesi* should have been paid to the state. In return for the signature, he demanded six thousand kuruş from the *sipâhî* under the name of *imzâ akçesi* (sign fee). He had the official who came to collect *harâc* take thirty akçes more than the actual amount and shared the inheritances of the deceased *zimmîs* forcibly (*cebren kismet idüb*) despite the lack of consent of their children and received the overpaid amount. Qadis received a fee for the sharing of inheritance, called *resm-i kismet*, but heirs did not have to

¹³⁵ BOA, Bab-ı Asafî, Mühimme Defterleri, No.30/551: "Alacahisar beyine ve Prespa kadısına hüküm ki: Kazâ-i Üsküb keferesinden harâmî Rısk ve Mile ve Lazar ve Kaliba ve Nikoilye ve Poliko ve Poyo ve Kara Gavri ve Petri ve Estoyan nâm zimmîler kaz'a-i mezbûre keferesi tarafından rikâb-ı hümâyûna rik'a sunub bil-fi'il Üsküb kadısı olan Mevlana Mehmed ehl-i zulm olub cümle cümle zulmünden her bir sene a'det-i ağnâm cem'ine gelen sipahiye yüz koyuna yüz otuz akçe aldırub ve kendü için adamı ikişer akçe esir akçesi aldırub ve defterin imza etdikde sipâhiden imzâ akçesi deyu altı bin akçe alub ve bundan ma'ada harâc cem'ine gelen kuluma dahi asıl harâcdan ziyade otuz akçe aldırub ve kismet deyu mürd olan olan zimmîlerin evlad-ı kibârı var iken kendülerinin rızâsı yoğiken cebren kismet idüb ziyade bahâya tutub on beş akçe alınmak yerde yüz iki yüz akçe alub avâriz akçesi için dahi cümle kazâ-i mezburda iki bin iki yüz yetmiş beş hane iken dört bin haneden ziyade yazub ona göre akçe almışdır emri şerîfde hane başına ellişer akçe iken yetmiş beş akçe ve seksan akçe alınmışdır ve yağ ve bal alub narh-ı rûzi üzere akçe vermeyüb noksan üzere virüb bundan gayrı zulm ve ta'aadisine nihayet yokdur deyu zulm eyledikleri ecilden buyurdum ki vardıkda müşârunileyhi davâ-yı hak edenlerle beraber idüb bir def'a şer'le fasl olmayub on beş yıl mürûr etmeyen husûsları onat vechile hak üzere muktezâ-yı şer'le teftîş idüb göresin vech-i 'arz itdükleri gibi ise ki bi-hasbi's-şer' sabit ola ol babda emr-i şer' ile 'amîl olub ashâb-ı hukuka şer'le müteveccih olan hakların bi-kusûr hükm idüb alıverdikden sonra üzerine şer'le ne makule hukûk sâbit olub ve kaç neferin hakları alıvirüldüğüne mufassal ve meşrûh yazub bildiresiz hîn-i teftîş ve tamâm hak üzere olub ahz ve celb ile aher cânibine meyl ve muhâbâdan tamâm-ı hazer idesin"

¹³⁶ Ahmet Akgündüz, *Osmanlı Kanunnâmeleri ve Hukuki Tahlilleri*, vol. 1 (İstanbul: Fey Vakfı, 1990), 159.

appeal to qadi for the division of inheritance.¹³⁷ While there was a total of two hundred and seventy-five *avârizhâne* in Skopje, they wrote more than four thousand *avârizhânes* and received akçe accordingly. The tax paid for *avârizhânes* was related to the total number of households, an increase in the number of *avarizhânes* meant an increase in the amount to be paid by taxpayers. As can be seen in the decree, while 50 akçes were to be taken per *avârizhâne*, 75 akçes were received. He took oil and honey without paying according to the fixed price (*narh-ı ruzi*) and the subjects stated that there was no end to his oppression (*zulm*) and transgression (*ta'addî*). Upon the complaint of the non-Muslim subjects about the oppression of the qadi, the sultan ordered those who complained and the qadi to be brought together. He ordered that matters which had not been pursued for fifteen years due to the statute of limitations should be reviewed, and if problems were presented, the individuals' rights should be fully recognized and documented.

The case dating H.1072¹³⁸ is related to petitions of monks. The monks, whose names were Abraham, Haçador, Tomar, Bedros, Gazar, Andriyas, and the other Haçador submitted a petition to the sultan and they complained about their patriarch

¹³⁷ Murat Tuğluca, *Osmanlı Devlet-Toplum İlişkisinde Şikayet Mekanizması ve İşleyiş Biçimi* (Ankara: Türk Tarih Kurumu Yayınları, 2020), 208.

¹³⁸ “Keşişlere müte‘allikdir. Akzâ kuzâtî’l-Müslimîn evlâ vülâtî’l-muvahhidîn madenü’l-fazl ve’l-yakîn hüccetü’l-hakk ale’l-halk ecma‘în vâris-i ulûmî’l-enbiyâ ve’l-mürselîn el-muhtas bi mezîdi inâyeti’l-meliki’l-mu‘în Mevlânâ İstanbul kadısı -dâmet fezâ’iluhu- tevkî‘-i refî‘-i hümayûn vâsıl olıcak ma‘lûm ola ki, kazâ-i mezbûr sâkinlerinden Abraham ve Haçador ve Tomar ve Bedros ve Gazar ve Andriyas ve diğer Haçador nâm papazlar Dersa ‘âdet’ime arzuhâl sunup, bizler ra‘iyyet keşişlerinden olup kâr ü kisbde olmayıp, fukarâdan olup hâlâ patriğimiz olan ve sâir ehl-i örf tâ‘ifesin hilâf-ı kânûn ve mugâyir-i berât-ı hümayûn hamursuz nâmına ve çarhî nice bid‘at peydâ edip, külli akçemiz alıp zulm ve ta‘addiden hâlî değildir hayfdir men‘ olunup hilâf-ı kânûn ziyâde bir akçe alınmamak bâbında emr-i şerîf recâ ederiz deyû bildirmeğin, kânûn üzre olagelenden ziyâde alınmaya deyû emr edip buyurdum ki, hükm-i şerîfim vardıkda husûs-ı mezbûra mukayyed olup göresin. Fi’l-vâki‘ mezbûrûn papazlar lâzım gelen rûsûmların kânûn üzre ve fermân-ı âlîşânım muktezâsınca edâ eylemeğe râzılar iken me‘mûr olanlar kanâ‘at eylemeyip, hilâf-ı kânûn ve mugâyir-i berât-ı hümayûn ziyâde akçelerin alıp zulm ü ta‘addî eyledikleri vâki‘ ise men‘ u def‘ edip mezbûrları hilâf-ı kânûn ve olagelmişe mugâyir kimesneye fukarâyı rencide vü remîde ettirmeyesin, husûs-ı mezbûr için tekrâr şikâyet gelmeli eylemeyesiz, şöyle bilesiz alâmet-i şerîfe i’timâd kılasız. Tahrîren fi’l-yevmi’s-sâdis aşer min şehri Rebî‘ilâhir li sene seb‘a ve işrîn ve elf. Be makâm-ı Kostantiniyye el-mahrûse.” Transcribed by ISAM. İstanbul Mahkemesi JCR 3,v.13:486

<http://www.kadisicilleri.org/goster.php?blm=ist003&bsm=ist003b486>

and members of the military class (*ehl-i 'örf*) who had introduced new taxes (*bid'at*) under the name of *hamursuz* and several taxes contrary to the law and the charter (*mugâyir-i berât-ı hümayûn*). The reason why these taxes were contrary to *berât-ı hümayûn* was that the patriarchs were given a charter (*berât*) and in that charter, the taxes that the patriarchs would collect from their own communities were specified one by one; thus it was aimed to prevent the collection of taxes under other names.¹³⁹ The monks demanded the order of the sultan (*emr-i şerîf*), since the patriarch and the others took all monks' *akçes* and did not stop oppressing and transgressing (*küllî akçemiz alıp zulm ve ta'addiden hâlî değildir hayfıdır*). They stated that they had no income and (*kâr ü kisbde olmayub*) they were poor (*fukarâdan olub*). the sultan issued an order to ensure that no more than what had been consistently taken following the law should be collected, (*kânûn üzre olagelenden ziyâde alınmaya deyû emr edip*) and further investigation into the matter was conducted. If the monks were prepared to fulfill their obligations as described, and yet the officials were dissatisfied and engaged in oppression and transgression, they were to be restrained. the sultan commanded that no one was allowed to hurt (*rencide*) and scare (*remide*) the poor and he ordered not to hear any complaint again for this issue (*kimesneye fukarâyı rencide ve remide ettirmeyesin, husûs-ı mezbûr için tekrâr şikâyet gelmeli eylemeyesiz*).

Özer Ergenç defines the ideal Ottoman individual as; religious (*mütedeyyîn*), obedient to *ulu'l emr*, one who did not hold himself/herself responsible for order and the future of the world and question *nizâm-ı âlem*, was therefore eager to change neither place and nor attitude.¹⁴⁰ The Ottoman Sultan was *ulu'l-emr* according to

¹³⁹ Macit Kenanoğlu, "Osmanlı Devleti'nin gayrimüslim teb'anın idaresinde kullandığı bir yöntem olarak 'ruhanî iltizam' sistemi," *Disiplinlerarası Çalışmalar Dergisi*, no. 14 (2003): 67–84.

¹⁴⁰ Özer Ergenç, "'İdeal İnsan Tipi' Üzerinden Osmanlı Toplumun Evrimi Hakkında Bir Tahlil Denemesi," in *Osmanlı Tarihi Tazıları: Şehir, Toplum, Devlet* (İstanbul: Tarih Vakfı Yurt Yayınları, 2013), 424.

Islamic tradition. They followed a policy to govern their non-Muslim subjects properly and made various practices to ensure their welfare because they were entrusted to him by God, the Almighty. In return for this good administration, non-Muslim subjects were expected to submit their obedience (*itâat*) to *ulu'l emr* or the sultan. In other words, as previously explained, while one side of this mutual agreement was to ensure the subjects' welfare, the other was the subjects' obedience to the sultan. In this context, non-Muslim subjects were responsible for obeying the *ulu'l-emr* unconditionally. The point where they differed from the Muslims in this regard was that obedience to the *ul'ul-emr* was not a religious obligation like the Muslims. For Muslim subjects, the duty of obedience to legitimate authority is not one of political expediency. It is also a religious obligation.¹⁴¹ The obedience to *ulu'l-emr* by Muslims derived from Qur'an itself. In the Qur'an, it was commanded to obey God, the Prophet, and *ul'ul-emr* (An-Nisa:4/59).¹⁴² Muslim subjects fulfilled their religious duty by obeying the sultan. The Ottoman Sultans and their Muslim subjects belonged to the same religion. The sultans represented themselves as religious individuals. In societies, whose central organizing force is religion, the members of the society desire their leader to be religious, even if they are not devout individuals.¹⁴³ Moreover, the Ottoman Sultan was also the caliph, who had the symbolic title of “*The Servitor of Two Holy Shrines*.” Religion was the spiritual bond between the Ottoman Sultans and their Muslim subjects and the base for legitimization for the sultans. According to Hakan Karateke, “*Ottoman legitimacy was divided into two aspects; normative and factual. Normative legacy was based on matters such as the divine right to rule and conquer*

¹⁴¹ Bernard Lewis, *The Political Language of Islam*, 91.

¹⁴² “*O believers! Obey Allah and obey the Messenger and those in authority among you...*”

¹⁴³ Hakan Karateke, “Opium For the Subjects? Religiosity As A Legitimizing Factor For Ottoman Sultan,” in *Legitimizing The Order: The Ottoman Rhetoric of The State*, ed. Maurus Reinkowski and Hakan Karateke (Leiden, Boston: Brill, 2005), 113.

Muslim subjects. On the other hand, factual legitimacy implies a practical policy built on ensuring welfare, justice, and order. They were tools for propagating for establishing a victorious sultan, prosperous state, and generous ruler.”¹⁴⁴

İstîmâlet was a policy of Ottomans in governing their subjects. In the Ottoman chronicles, it was used in the sense of “*care for the subjects and especially the non-Muslim subjects, being tolerant towards them and raiyyetperver.*”¹⁴⁵¹⁴⁶ *İstîmâlet* generally evokes a conciliatory policy of the Ottoman Empire that facilitated the advance in the Balkans.¹⁴⁷ However, *istîmâlet* is a policy applied not only to non-Muslim subjects but also to Muslim subjects. Although it was not a policy applied exclusively to non-Muslim subjects, there is no doubt that it had a special place to ensure the obedience of them. The Ottomans removed the practices that caused difficulties for the people and provided privileges such as tax exemption. Also, it preserved the pre-Ottoman administrative boundaries of the conquered lands.¹⁴⁸ Thus, they were not ruled by an administration alien to them, but by familiar rulers. The policy of *istîmâlet* which applied to non-Muslims was based on *müellefe-i kulûb*, a Quranic term (Tevbe:90/60). It denotes the ones who should be brought closer to Islam, non-Muslims.¹⁴⁹

¹⁴⁴ Hakan Karateke and Maurus Reinkowski, “Introduction,” in *Legitimizing The Order: The Ottoman Rhetoric of The State*, ed. Hakan Karateke and Maurus Reinkowski, Ottoman Empire and Its Heritage 34 (Leiden, Boston: Brill, 2005), 7.

¹⁴⁵ Mücteba İlgürel, “İstîmâlet,” in *İslam Ansiklopedisi*, vol. 23 (İstanbul: Türkiye Diyanet Vakfı, 2001), 362.

¹⁴⁶ *Raiyyetperver* means the ones who taking care of the people. *Raiyyet* refers to the subjects, while *perver* means the ones who protect, feed and love.

¹⁴⁷ Saim Savaş, “İstîmâlet: Bir Osmanlı Yönetim Klasığı,” in *Ötekilerin Peşinde Ahmet Yaşar Ocak’a Armağan*, ed. Mehmet Öz and Fatih Yeşil (İstanbul: Timaş, 2015), 453.

¹⁴⁸ Halil İnalcık, “Ottoman Methods of Conquest,” *Studia Islamica*, no. 2 (1954): 103–29, <https://doi.org/10.2307/1595144>.

¹⁴⁹ Alms are for the poor and the needy, and those employed to administer the (funds); for those whose hearts have been (recently) reconciled (to Truth); for those in bondage and in debt; in the cause of Allah. and for the wayfarer: (thus is it) ordained by Allah, and Allah is full of knowledge and wisdom.

Non-Muslim subjects submitted their unconditional obedience to the sultan, who was their protector and continued their lives under Ottoman rule, which was an umbrella for them. For example, the sultan was titled in the chronicle of *Synadinos*, a seventeenth-century Orthodox priest from Serres in modern Greece as *basileus* based on Byzantine fashion without ever calling into question the legitimacy of the sultan.¹⁵⁰ *Basileus*, which was a Greek term that was the title of the Byzantine emperors, was used from the of Heraklius onwards.¹⁵¹ The expectation of the sultan from his non-Muslim subjects and his Muslim subjects was to obey his orders and pay their taxes. The individual who paid his taxes and fulfilled the sultan's order had no responsibility toward the state.¹⁵² The sultan's view of the subjects as *ulu'l-emr* was equally applied to everyone, Muslim and non-Muslim. Everyone who submitted obedience to the state by paying taxes theoretically had the same right in the eyes of the sultan.¹⁵³

The decree dating H.978¹⁵⁴ is related to rebels in *sancak* of Delvine. The document states that the rebels (*âsî*) within the *sancak* of Delvine were to be suppressed, and upon the arrival of the army, those who refused to end their rebellion were commanded to be subdued. To the ones who were obedient (*mutî*) and submissive (*münkâd*) by paying their *harâc* if they paid their *cizyes* to the *sancak* of Delvine same

¹⁵⁰ Baki Tezcan, "Ethnicity, Race, Religion and Social Class: Ottoman Markers of Difference," in *The Ottoman World*, ed. Christian Woodhead (London and New York: Routledge, 2012), 163.

¹⁵¹ Timothy E. Gregory, *A History of Byzantium, 306-1453*, Blackwell History of the Ancient World (Malden, Mass: Blackwell Pub, 2005), 360.

¹⁵² Hülya Taş, "Osmanlı Devlet ve Toplum Yapısında Sözleşme Kültürü," The Multilateral Comparative Study on Documents from the 9th to the 19th Centuries (National Institutes for the Humanities, March 2012).

¹⁵³ Ahmet Yaşar Ocak, *Osmanlı Toplumunda Zındıklar ve Mülhidler: 15-17. Yüzyıllar*, 4th ed. (İstanbul: Tarih Vakfı Yurt Yayınları, 2013), 106.

¹⁵⁴ BOA, Bab-ı Asafî, Mühimme Defterleri, No.14/1369: "Sinân Subaşı oğlu Ahmed Çavuş'a hüküm ki: Delvine sancağında vâkî olan âsîlerün haklarından gelinmek lâzım ve mühimm olmağın ol cevânibe 'asâkir-i mansûre vardukda 'isyânda musîr olanların gereği gibi haklarından gelinmek fermân olunmuşdur buyurdum ki vardukda, onat vechile basîret üzere olup zikrolunan âsîlerden harâcın virüp mutî ve münkâd olanların kemâ-kân cizyelerin Delvine sancağına vireler, kimesne dahl eylemez. Ammâ; itâat ve inkıyâd üzere olmayub inâd ve muhâlefet üzere olanlar iniâ'a'llâhü'l-E'azz ol cevânibe 'asker-i nusret-eser vardukda fermân-ı celilü'l-kadrüm mücebince haklarından gelirler ana göre sen dahi istimâlet virüb zikrolunan âsîlerden itâat ve inkıyâda tergîb eyleyüp müdârâ üzere olasın."

as before, nobody should intervene. However, those who were not obedient, persistent in the rebellion (*inâd*), and continued to be against the orders (*muhâlefet*) should be subdued. At the end of the decree, the sultan warned the *sancakbey* of Delvine about imposing the policy of *istimâlet*. In the decree, it was used the phrase *tergîb* (*encourage*) *eyleyüp müdârâ üzre olasin*. It explains that the rebels should be encouraged to obey. *Müdârâ* as a term, refers to “behaviors that aim to prevent evil or to please people who are concerned about causing unrest with their excessive acts or who are overly touchy.”¹⁵⁵ It is possible to say the emphasis here about the *istîmâlet* is the conciliatory aspect of the policy.

The other decree dating H.981 is quoted.¹⁵⁶ It was informed that village of Ravniçe, one of the savings (*has*) of Ahmed Paşa rebelled (*hala ‘isyân ve tuğyân ‘arz eyledüğünüz*), but the people of this village paid their harâc and booties immaculately and they paid the tithe (*‘öşr*) and taxes (*rûsûm*) directed towards them in full obedience and did not rebel. Therefore, the sultan ordered that if the village of Ravniçe in question was the *has* (*saving*) of Ahmet Paşa, no one would be attacked or harmed. Upon reviewing both documents, a common theme emerges, which is the acknowledgment of non-Muslim subjects' compliance in paying the taxes solely assigned to them, and the other taxes.

For the sultan's subjects to be obedient and to ensure justice, the society was subject to an organization based on the place, profession, religion, and sect of the

¹⁵⁵ Mustafa Çağrııcı, “Müdara,” in *İslam Ansiklopedisi*, vol. 31 (Ankara: Türkiye Diyanet Vakfı, 2020), 459.

¹⁵⁶ BOA, Bab-ı Asaî, Mühimme Defterleri, No.12/390: “Ahmed Paşa Hazretlerine gönderildi Avlonya ve Delvine beylerbeyine hüküm ki: Hala ‘isyân ve tuğyânı arz eyledüğünüz kurrâdan Ravniçe nâm karye düstûr-ı mükerrem Ahmed Paşa adem ‘allahü-teâla iclâlihunun haslarından olmağın zikr olunan karye ahâlîsi harâc ve resîm ganîmetlerin bi-kusûr edâ idüb ve kendüye müteveccih olan ‘öşr ve rûsûmun adamlarına kemâl-i itâatle edâ idüb bi-vech min ‘el-vech isyânları yokdur deyu bildirmeğın buyurdum ki arz eyledüğünüz Ravniçe köyü müşârûn-ileyhin haslarından olan Ravniçe ise atı urmayub ve garet ve hasârat itmeyüb hali üzere koyasın emrime muhâlif dahl ve ta’arruzdan hazer eylesin”

person, and in this system, transitions between groups were limited as much as possible.¹⁵⁷ The social organization of the Ottoman society was sub-communities, which were called *tâife* used in general or *cema'ât*. *Tâife* (طائفة) which was a word deriving from Arabic and means body, team, people, and tribe¹⁵⁸ while *cema'ât* refers to people gathered in one place, body and team.¹⁵⁹ Both words were used to express communities. In addition, the words *millet* and *fırka* were used sometimes, but they referred to religious identities.¹⁶⁰ Several factors could be decisive in determining the *tâifes*. In other words, legal situation, religion, beliefs, occupation, gender, settlement, ethnicity, etc. could shape the *tâifes*. For example, *re'âyâ tâifesi*, *ehl-i 'örf tâifesi*, *Kızılbaş tâifesi*, *kul tâifesi*, *terzi tâifesi*, *Arab tâifesi*, *şehirli tâifesi* or etc.

Religion was the main factor in defining the communities of non-Muslims. Besides religious differences, there were also sectarian differences among non-Muslims.¹⁶¹ Hence, the sects to which non-Muslims were associated constituted components of identification, alongside religion, with religion being the essential aspect. Christians were the most numerous among the non-Muslim population groups in the Ottoman Empire.¹⁶² Catholicism and Orthodoxy were major sects of Christianity, and most of the Christian subjects followed Orthodoxy. Those who belonged to Catholicism were fewer in number. Also, there was the Gregorian sect adopted by the Armenians. In the Ottoman Empire, there were two main churches; the Greek Orthodox Patriarchate and the Armenian Patriarchate of Constantinople. Jews, the

¹⁵⁷ Özer Ergenç, “Osmanlı Klasik Düzeni ve Özellikleri Üzerine Bazı Açıklamalar,” in *Osmanlı Tarihi Tazıları: Şehir, Toplum, Devlet* (İstanbul: Tarih Vakfı Yurt Yayınları, 2013), 335.

¹⁵⁸ Şemseddin Sami, *Kamus-ı Türki* (İstanbul: Şifa Yayınevi, 2015), 722.

¹⁵⁹ Ibid., 397.

¹⁶⁰ Nil Tekgöl, “A Gate to the Emotional World of Pre-Modern Ottoman Society: An Attempt to Write Ottoman History from ‘The Inside Out’” (Unpublished PhD Thesis, Ankara, İhsan Doğramacı Bilkent University, 2016), 150.

¹⁶¹ Öz, “Klasik Dönem Osmanlı Toplumunu ve Ekonomisine Genel Bir Bakış,” 49.

¹⁶² Yavuz Ercan, *Osmanlı Yönetiminde Gayrimüslimler: Kuruluştan Tanzimat’a Kadar Sosyal, Ekonomik ve Hukuki Durumları*, 55.

other major religious groups in the empire, were also divided into sects: Rabbanis, Karais, and Samiris. However, rather than their sects, Jews are divided into sub-groups according to the place and province of origin,¹⁶³ such as *Portakal*¹⁶⁴ or Portugal *Cema'âti* or *Katalan Cema'âti*.¹⁶⁵ The sub-communities non-Muslim subjects belonged were referred in general as; *Zimmî Tâifesi*, *Nasara Tâifesi*, *Kefere Tâifesi*, *Hristiyan Tâifesi*, *Rum Tâifesi*, *Ermeni Tâifesi* for Christians and *Yahudi Tâifesi*, *Yehud Tâifesi* and *Musevî Tâifesi*, *Yahudi Cema'âti*, *Musevî Cema'âti* for Jews.

According to the Ottoman perspective on the state, the cornerstone of the *nizâm-ı âlem* (world order) was that everyone occupied a designated position, and this position was not to be altered. It should be noted that the term place in this context does not solely refer to physical space; it also signifies one's belonging to a specific group. In other words, subjects were expected to maintain their lives within a particular place and group. The desire to determine *re'âyâ* as a member of certain groups brought the regulations on clothing.¹⁶⁶ Therefore, non-Muslims were subject to some rules about their clothing. Nonetheless, not only non-Muslims but also Muslims' clothes were regulated¹⁶⁷ since each group's outfit should reveal its belonging.¹⁶⁸

A decree dating H.1040 from Mühimme Registers is examined.¹⁶⁹ The order was sent to *mutasarrıf* (governor) of Dimetoka and qadi of Tağardı. It complained

¹⁶³ Stanford J. Shaw, *The Jews of the Ottoman Empire and the Turkish Republic* (London: Palgrave Macmillan UK, 1991), 45, <https://doi.org/10.1007/978-1-349-12235-6>.

¹⁶⁴ Prononciation of Portugal in Ottoman Turkish.

¹⁶⁵ Katalan cemâ'atinden Abraham v. Yasef ve Hayder v. David ve Portakal cemâ'atinden Mosi v. Yasef ve İlya v. David ve Yako v. David nâm Yahudiler[...]Trancibed by ISAM.Bab Mahkemesi JCR 3,v.17:427 <http://www.kadisicilleri.org/goster.php?blm=bab003&bsm=bab003b379>

¹⁶⁶ Ergenç, "Osmanlı Klasik Düzeni ve Özellikleri Üzerine Bazı Açıklamalar," 334.

¹⁶⁷ Betül İpşirli Arçıt, "Clothing Habits, Regulations And Non-Muslims in the Ottoman Empire," *Journal of Academic Studies* 6, no. 24 (April 2005): 79–96.

¹⁶⁸ For example, Lütfi Pasha says that the subjects should not been allowed to be adorned in clothing, horses and goods like cavalry: "*Ve ra'ıyyete çok yüz virmemek gerekdir. Malı çok olursa kimseye ta'arruz itmemek gerek. Emma libasda ve esbâda ve atda ve emlakda sipahi gibi tezyin ittirmemek gerekdir.*" Lütfi Paşa, *Asafnâme*, trans. Ahmet Uğur (İstanbul: Büyüyen Ay, 2017), 79.

¹⁶⁹ "*Bâ-takrîr-i hazret-i efendi.Cânib-i N. Efendi.Sâbıkâ Rûmili Kâdî-askeri olup hâliyâ ber-vech-i arpalık Dimetoka kazâsına mutasarrıf olan Mevlânâ Serîf Mehmed edâma'llâhü te'âlâ fazâ'ilehûya ve Tağardı kâdîsına hüküm ki: Hâliyâ; "taht-ı kazânuzda sâkin keferetâyifesinden ba'zıları kendü*

about *kefere tâife* were harmful (*kendü hallerinde olmayub*), and wore green cover by giving up their appearance contrary to the custom (*hilâf-ı mûtâd*). As a result, the difference between Muslims and non-Muslims disappeared and the non-Muslims oppressed the people with these clothes. The point that should be emphasized here is that non-Muslims caused a security problem by wearing Muslim clothes. The non-Muslims hiding their belongings by wearing Muslim clothes caused problems in terms of punishment for the crime they committed. The sultan ordered that the issue should be investigated, and whatever was necessary for the non-Muslims should be made. Non-Muslims should be warned firmly not to wear the clothes belonging to Muslims and continue to wear the clothes they wore since ancient times (*kadîmî giyegeldikleri kefere libâsın giyeler*) and they shall not oppress anybody.

In short, it was a system that disapproved of mobility in space and between groups. However, this did not mean an isolated Ottoman society. On the contrary, *tâifes* were transitive. That is, an individual could be a member of more than one *tâife* or *cema'ât* at the same time. In this way, one could unite in another *tâife* while leaving one *tâife*.

For instance, the decree dating H.993¹⁷⁰ includes provisions for the complaints of butchers. Butchers of *Yedikule*, *Edirnekapısı*, *Beşiktaş*, and *İstanbul* came to the

*hâllerinde olmayup hilâf-ı mu'tâd baslarına yesil dülbend sarınup kendü kisvelerin bırakmağla kefere ile müslimân farkolunmadan kalup ve hilâf-ı ser'-ı serîf ol libâsla ahâlî-i vilâyete ve ebnâ-ı sebîle zulm ü ta'addiden hâlî olmadukları" i'lâm olunmağın imdi; ol makûle kefere tâyîfesi yirli yirinden ma'rîfet-i ser'le görilüp men' u def' olunmak bâbında fermân-ı âlî-sânum sâdır olmsıdır. Buyurdum ki: Vusûl buldukda, husûs-ı mezbûra mukayyed olup göresin; i'lâm olunduğı üzre ise olmakûle kefere tâyîfesi her kande bulunur ise ma'rîfet-i ser'le elegetürüp ser'le haklarında lâzım geleni icrâ eyledükden sonra muhkem tenbîh ü te'kid eylesin ki, min-ba'd vech-i mesrûh üzre yasıl ve sâyir müslimânlara mahsûs olan libâsı giymeyüp kadîmî giyegeldükleri kefere libâsın giyeler ve hilâf-ı ser'-ı serîf kimesneye dahl ü tecâvüz eylemeyeler. Memnû' olmayanları ism ü resmleri [ile] yazup arzeyelesin ki, sonradan haklarında ne vechile emr-i serîfüm sâdır olur ise mücebiyle amel oluna. Ammâ; mukayyed olasın ki, bu bahâne ile umûm teftîsinden ve ahz ü celb sebebi ile fukarâya zulm ü ta'addî olmak ihtimâlî olmaya."*⁸⁵ Numaralı Mühimme Defteri(1040-1041 (1042)/ 1630-1631 (1632)) (Ankara: Türkiye Cumhuriyeti BaşbakanlıkDevlet Arşivleri Genel Müdürlüğü, 2002), 205.

¹⁷⁰ BOA,Bab-ı Asafi,Mühimme Defterleri,No.55/239: "İstanbul kadısına hüküm ki Mahrûse-i İstanbulda Yedikule kasaplarından kethüdâları Hacı Ahmed ve Gedüzlüoğlu Ali ve İlyas bin Ali ve

court and complained about *Yeniçeri* (Janissaries) *tâifesi* who bought meat from only butchers of *Edirnekapısı*. While the butchers incurred losses, the Muslims had difficulties in finding meat. However, the important point here is that butchers formed a professional community. The names of Muslims and non-Muslims have appeared in the group of butchers. Especially, the butchers of *Beşiktaş* consisted of Sinan Hayreddin, Ahmed, and *zimmî* Yorgaki. Looking at their names, it is possible to say that Sinan Hayreddin and Ahmed were Muslim, on the other hand, Yorgaki was a non-Muslim. Also, the word *zimmî* indicates the religious affiliation of Yorgaki. While they have belonged to different groups in terms of religion, they united in a professional group. Moreover, their complaint was solved thanks to their consensus (*anların ittifâkları ile*).

According to another example case taken from a court register,¹⁷¹ the case Nikola v. Kosta, who was a non-Muslim, brought his Muslim neighbour, Hasna b. Abdülkadir to the court. Nikola v. Kosta said that he went to a village, named Kadı,

Hacı Hasan bin 'abdullah ve Edirnekapısı kasablarından Karaca ve Yani ve Apostol ve Koni nâm zimmîler ve Galata ve Beşiktaş kasablarından Sinân Hayreddin ve Ahmed ve zimmî Yorgakî ve Üsküdâr kasablarından Kara Süleyman ve Kurd vesairlerinden cemm-i gâfir meclis-i şer'î mutahhârâda takrîr idüb yeniçeri tâifesi vesâirleri cem'an lahmı yedikule Edirnekapısı kasablarından alub gayrisinden almamağla mezbûrlara gadr olub sair müslümânlarda ed bulmakda külli müzâyaka çekdiklerine binâen anların ittifâkları ile yeniçeri tâifesine yedikulede kifâyed mikdârı selh-hane ta'yîn olunub ve şehre koyun geldikçe cümleden sürüleri ? koyun emini marîfetiyle mezbûr selh-hane erbâbı olub ve zebh itdükleri koyunların derileri vesâir eczâsın itdükleri gibi tasarruf ideler ve her sene muhasebe zamanında yüz altmış beş zahir olan olan zararlarına 'adet-i ağnâm için vaz' olunan akçe racdan ziyade akçesi deyu kasablara virilen meblâğ virile ? mahmîye-yi İstanbulda vâsıl oldukda vâkî kasablarından olan kasab dükkânları erbâbından eğer müslîm ve eğer zimmî ve eğer yahudî ve eğer sığır kasabı ve eğer koyun kasabıdır emîn-i mezbûr ma'rîfetiyle bir mikdâr akçe alınan mezbûrlar ? ve etrafda vâkî olan mezbûrların zararları bi'l-külliye def oluna bu üslûb üzere olmağın müslümânlara ve yeniçeri tâifesine ve kasablara ehl-i vâkıf gördük deyu ihtiyârları vesâir ittifâk eyledüklerinde vech-i meşrûh üzere olıcak yeniçeri tâifesinin ahvâlî intizâm üzere olub vesâir müslümânlara dahi enfa' olur deyu ilâm eylendiği ecilden buyurdum ki vusûl buldukda 'arz eyledükleri üzere kasablara ve müslümânlara enfa'lı olan ile 'amel idüb kasablara gadr ve müslümânlara müzâyaka çekdirmeyesiz."

¹⁷¹ "Mahalle-i Ma'mûre'den Nikola v. Kosta nâm zimmî komşusu olan Hasnâ bt. Abdülkâdir nâm hâtunu meclis-i şer'a ihzâr edip ben Kadı nâm karyeye evimi kilitleyip gittikde evimin kilidi bozulmayıp ve etrafından bir yer kalmayıp içinde olan esbâbım sirkat olunmuş gelip gördüğümde işbu mezbûr Hasnâ'nın evi cânibinden benim evime merdiven konulmuş gördüm ba'zı müslümânlarla haber verdim dedikde mezbûr Hasnâ'ya suâl olundukda inkâr edip müslümânlardan Mehmed b. Süleyman ve Mustafa b. Yahya mezbûre Hasnâ'nın evi cânibinden merdiven konulmuş gördüm deyu şehâdetleri kayd şûd"

Transcribed by ISAM.Üsküdar Mahkemesi JCR 51,v. 8:321
<http://www.kadisicilleri.org/goster.php?blm=usk051&bsm=usk051b321>

after locking his door. When he came back, he saw that his goods were stolen but the lock was not broken. He claimed that he saw a ladder was put from Hasna's house towards his house and Nikola informed the Muslims about the situation. When Hasna was asked, she denied it, but Mehmed b. Süleyman and Mustafa b. Yahya testified to saw that a ladder was put from Hasna's house to Nikola's house. Nikola v. Kosta was a non-Muslim, and Hasna b. Abdülkadir, who was accused of stealing, was a Muslim woman. Their religious beliefs made them members of different communities. However, the place where they lived became the members of the same community. As the most important feature of pre-Ottoman Islamic cities, neighborhoods were separated according to religious and ethnic classes, this distinction was observed within the Ottoman city and although non-Muslims usually resided in separate neighborhoods, there was no such strict separation in Ottoman cities as in previous Islamic cities.¹⁷² Muslims and non-Muslims could live in the same neighborhoods and be neighbours. Accordingly, it is not quite possible to talk about pre-modern Ottoman society in which individuals were strictly separated and isolated from each other.

Tâifes were organized based on hierarchy. That is, hierarchical structure was like the pyramid, which was construction of three layers basically.¹⁷³ At the top, there were the administrators of *tâife*, which were called *kethüdâ* and *yiğitbaşı*. In some archival documents, *kethüdâs* of non-Muslims are expressed as "*kefere kethüdâsı*."¹⁷⁴ The group that followed the administrators was the notables, who were the representatives of the subjects in the group they belonged to. They were called *eşrâf*

¹⁷² Özer Ergenç, "Osmanlı Şehrindeki Mahallenin İşlevleri ve Nitelikleri Üzerine Düşünceler," in *Osmanlı Tarihi Tazıları: Şehir, Toplum, Devlet* (İstanbul: Tarih Vakfı Yurt Yayınları, 2013), 79.

¹⁷³ Nil Tekgöl, "A Gate to the Emotional World of Pre-Modern Ottoman Society: An Attempt to Write Ottoman History from 'The Inside Out,'" 152.

¹⁷⁴ *Dârende Yorgi nâm zimmî gelüp nefis-i İzmir'de kefare kethüdâsı olup sene-i sâbıkada donanma-yı hümâyûnum ol cânibe vardukda[...]*3 Numaralı Mühimme Defteri(H.966-968/M.1558-1560)(Ankara:Türkiye Cumhuriyeti BaşbakanlıkDevlet Arşivleri Genel Müdürlüğü,1993),59.

and *'ayân, vûcûh, ihtiyârân*. For non-Muslim representatives, *kocabaşı* was used. *Kocabaşı* were the equivalent of *eşrâf* and *'ayân*.¹⁷⁵ These groups acted as a bridge between the subjects and the state. They consisted of wealthy merchants, elderly and old-hand artisans, imams, preachers, and well-known shayks of religious orders.¹⁷⁶ At this point, it should be stated that in non-Muslim communities, imams were replaced by their own religious leaders. The determinants of these groups were members of the *tâifes* themselves. In addition to administrators and notables, members of the community appeared at the bottom. The structure of any religious group was the same.

The rules of the *tâifes* were determined by the members of the community. The state did not interfere in the internal order of the *tâifes*. These were the rules, which were unwritten and formed by the customs and values of the community. In pre-modern Ottoman society, one of the necessities of living together was that the members of the community must consent and be grateful for each other's actions (*rızâ ve şükrân üzere olmak*).¹⁷⁷ All members of a community were responsible for each other's actions; in other words, they were *müteselsilen kefil* (joint guarantors) with each other. Society could exclude individuals when people were not satisfied with their actions. To be the joint guarantor for someone, being content and grateful was a prerequisite.

The case from Mühimme Registers dating H.991¹⁷⁸ is about two non-Muslims, which were husband and wife. According to the decree, Muslims and non-Muslims,

¹⁷⁵ Özcan Mert, "Tanzimat Döneminde Çeşme Kocabaşları(1839-1876)," *Tarih Araştırmaları Dergisi* 24, no. 35 (2004): 139–54.

¹⁷⁶ Özer Ergenç, "Osmanlı Şehirlerindeki Yönetim Kurumlarının Niteliği Üzerine Bazı Düşünceler," in *Osmanlı Tarihi Tazıları: Şehir, Toplum, Devlet* (İstanbul: Tarih Vakfı Yurt Yayınları, 2013), 98.

¹⁷⁷ For detailed information about "*rıza ve şükran üzere olmak*," see Nil Tekgöl, "A Gate to the Emotional World of Pre-Modern Ottoman Society: An Attempt to Write Ottoman History from 'The Inside Out.'"

¹⁷⁸ BOA, Bab-ı Asaî, Mühimme Defterleri, No.52/235: "*Arz getiren zimmîye verildi Çatalca kadısına hüküm ki: Mektûb gönderüb İstani nâm zimmî için ve avreti harâmzâde ve şedîd ve yatakdır deyu ahâlî-yi vilâyetden nice müslümânlar ve nice zimmîler meclis-i şer'e gelüb şehâdet idüb ve bundan akdem vilâyetde teftîşe me'mûr olan Kara Ali ve diğer Ali Ağâ mezkur zimmî ile mezkûreyi ele getürmek üzere iken firâr idüb nice zaman hâlâ mezkûre ele getürülüb habs olunmuştur deyu bildirdükleri ecilden buyurdum ki vardıkda bu bâbda bi'z-zat mukayyed olub merkûm zimmîyi hüsn-i tedbîr ve tedârikle ele getürüb ahvâlin şer'le hak üzere dikkat ve ihtimâm ile teftîş ve tefahhus idüb*

who were the residents of *Çatalca*, came to the court and claimed that Istani and his wife were in actions that society did not accept (*haramzâde,şedîd ve yatakdır*). Muslims and non-Muslims informed that Istani and his wife fled, the wife could be held, but Istani could not. The sultan commanded that Istani be detained and Mehmed Çavuş examine the matter. It can be inferred that the inhabitants of Çatalca had previously approached the court to file complaints regarding their actions. Not only Muslims but also non-Muslims testified against them. The reason why the people of Çatalca complained about the deeds of Istani and his wife is that the whole community was responsible for Istani and his wife's actions in addition to the damage of their actions. If the necessary actions were not taken by the person responsible for the crime, the accountability for the outcomes of their actions fell upon all individuals within the community.

A decree dating H.987¹⁷⁹ constitutes another example of society being content and grateful. Receb, Ali, the other Ali and Mustafa, who were Muslim residents of Çatalca and Apostol, Papas Mihayil and Papas Andreyas and Aleks Kosta, who were non-Muslims of Çatalca came to court and testified for the good of Yorgi Dimo. He was accused of being a bandit and imprisoned. However, the people of Çatalca explained that Yorgi Dimo had been living in Çatalca for eighteenth years and had not shown any misbehavior and there was no previous indictment in the records (*mezkûr*

göresiz vech-i meşrûh üzerine tesis olan hukûk mezkûr zimmî ile mesfûreyi habs idüp mecâlleri ile ahvâlleri vukû üzere yazub arz eylesin ve bu bâbda dergâh-ı mu'allâm çavuşlarından Mehmed Çavuş zîde kadrihu mübâşir ta'yîn olunmuşdur amma hak üzere olub dâire-i hakdan tecâvüz etmeyesiz."

¹⁷⁹ BOA,Bab-ı Asafi,Mühimme Defterleri,No.39/290: "Çatalca kadısına hüküm ki:Mektûb gönderüb nefsi-i Çatalca'da sâkin olan Receb ve Ali ve diğer Ali ve Mustafa nâm müslümânlar ve Apostol ve Papas Mihayil ve Papas Andreyas ve Aleks Kosta nâm zimmîler meclis-i şer'e geliüb bundan akdem Yorgi Dimo nâm zimmî şaki nâmına tutulub habs olunmuşdur mezkûr Yorgi on sekiz yıl Çatalca'da sâkin olub hiç bir vechile yaramazlık zâhir olmayub sicil-i mahfûzlarda tühmet ile mücesssel değildir ehl-i 'iyal ve fakîr'ül-hâl olub cümlemiz eyülüğüne şahidiz ehl-i garaz sözüyle olmuşdur didüklerinde de 'arz eylemeğin utlâk olunmasın emr idüb buyurdum ki mezbûr ecilden utlâk eylesin"

Yorgi on sekiz yıl Çatalca 'da sakîn olub hiç bir vechile yaramazlık zahir olmayub sicîl-i mahfûzlarda tōhmet ile mücessel değildir). He had dependents and he was poor (*ehl ü 'iyâl ve fakîr'ül-hal olub*). They all said that they witnessed him being a good man and Yorgi was accused by the word of malicious people (*cümlemiz eyülüğüne şâhîdiz ehl-i garaz sözüyle olmuştur*). Upon the testimony of the people, the sultan ordered the release of Yorgi Dimo. This case was the opposite of the case of Istani and his wife given above. The actions of Istani and his wife did not approve by the other members of society, so they complained to higher authorities; this was an act that expressed discontent among the community members, while Yorgi Dimo was released thanks to witnesses of other members of the community since the other members of the community expressed their content for him (*cümlemiz eyülüğüne şâhîdiz*).

2.3 The Difference Between *Harbî* and *Müste'men*

In the previous section, it is stated that the division of the world into two as *Dar'al-Islam* and *Dar'al-Harb* by the Islamic view. The non-Muslim population of *Dar'al-Harb* was called *harbî*. Although they were members of the same religion as the non-Muslims living in *Dar'al-Islam*, the *harbîs* were deprived of all the rights granted to non-Muslims living the domain of Islam¹⁸⁰ since the non-Muslims living *Dar'al-Islam* became the subject by accepting the rule of the Islamic state. However, even if *harbîs* were not subjects of the Islamic State, they could have security against the Muslims if they made a peace treaty with the Islamic State.¹⁸¹ In Islamic law, these agreements were expressed with terms such as *muvâda'a*, *muhâdene*, *müsâleme*,

¹⁸⁰ Tankut Soykan, *Osmanlı İmparatorluğu 'nda Gayrimüslimler : Klasik Dönem Osmanlı Hukukunda Gayrimüslimlerin Hukuki Statüsü*, 50.

¹⁸¹ Ibid., 51.

musâlâhâ, muâhede, hudne, sulh and silm.¹⁸² In addition to the guarantee of life and property, the subjects of *Dar'al-harb*, with whom a peace treaty was made, had the right to enter *Dar'al-Islam* without *amân*.¹⁸³ If there were no peace treaty between a *harbî's* country and the Islamic state, there would be no security of life and property if the *harbî* entered *Dar'al-Islam*. For this reason, for *harbî* to enter *Dar'al-Islam*, *harbî* must have been granted *amân*. The *harbî* that entered the *Dar'al-Islam* with *amân* was called *müste'men*.

In the Ottoman Empire, the terms of *amân* given to merchants who were subjects of foreign states were stated in the *ahîdnâmes*. *Ahîdnâmes* were documents in the form of *berât* (charter), which included the privileges granted to merchants within the capitulations granted to foreign states by the Ottoman Empire, known as *imtiyâzât*.¹⁸⁴ The *ahîdnâmes*, which were conferred in the form of *berât*, were not permanent and became valid with the renewal of the sultan who took the throne. The merchants of the countries that were given capitulation were in the status of *müste'men*, as they could enter the Ottoman territory with the *amân* given to them. Although the *müste'men* were subject to a different status from the *zimmîs*, they had the basic assurances that the *zimmîs* had. Their lives and property were protected, and they had the freedom of worship. These assurances were guaranteed to them by the sultan. However, to have these assurances, friendship and peace had to be promised by *harbî*.¹⁸⁵ If a *müste'men* acted against the interests of the Muslim community, *müste'men* was expelled.¹⁸⁶ As the *ahîdname's* owner, the merchants with various

¹⁸² Ahmet Özel, *Darulislam, Darulharb: İslam Hukukunda Ülke Kavramı*, 4th ed. (İstanbul: İz Yayıncılık, 2019), 141.

¹⁸³ Ibid., 148.

¹⁸⁴ Halil İnalcık, "İmtiyazat," in *Encyclopaedia of Islam*, ed. Bernard Lewis et al., vol. III (Leiden; London: E.J. Brill; Luzac & Co., 1986), 1179.

¹⁸⁵ Ibid.

¹⁸⁶ Sh. Inayatullah, "Aman," in *Encyclopaedia of Islam*, ed. H.A.R. Gibb et al. (Leiden: E.J. Brill, 1986), 479.

privileges had the right to travel in the Ottoman country. They even had the freedom to wear Muslim clothing,¹⁸⁷ which was strictly prohibited for *zimmî* subjects. *Müste'men*, who did not have the *zimma* contract between them and the Islamic state, did not have to pay *cizye*, but according to Islamic law, if they stayed for more than one year, they would be liable to pay *cizye*. Halil İnalcık states that this period was ten years for the *müste'men* in the Ottoman territory.¹⁸⁸

Foreign merchants who could have representatives in the Ottoman country were represented by consuls. These consuls were appointed by the sultan by giving a *berât* (charter) to settle the issues of their own communities (*millets*).¹⁸⁹ Consuls hold extra-territorial status and they were exempt from the taxes in addition to their economic privileges. The consuls had interpreters, and the interpreters, like consuls, had certain privileges. Also, the sons of translators were exempt from tax as well as commercial privileges.¹⁹⁰ The Ottoman Sultans had granted privileges to the merchants of foreign countries since the earliest times.¹⁹¹ These privileges were based on reciprocal advantages.¹⁹² Also, they were motivated by political and economic reasons. However, later in the 18th and 19th centuries, privileges would pose a problem for the Ottomans. Especially, it would be one of the factors that played a role in the attempts of the non-Muslim subjects of the empire to leave the Ottoman subjecthood in the 19th century. The non-Muslim subjects of the Ottoman Empire, who lived in harmony with the Muslims based on the rights granted to them within the framework of Islamic law, formed the basis of a painful process for the state in the 19th century.¹⁹³

¹⁸⁷ Halil İnalcık, "İmtiyazat," 1181.

¹⁸⁸ Ibid.

¹⁸⁹ Bülent Arı, "Osmanlı Kapitülasyonlarının Tarihçesi ve Mahiyeti," *Yeni Türkiye* 32, no. 2000 (n.d.): 242–51.

¹⁹⁰ Ibid.

¹⁹¹ Ibid.

¹⁹² Halil İnalcık, "İmtiyazat," 1179.

¹⁹³ Jülide Akyüz, "19. Yüzyıl'da Osmanlı Gayrimüslim Reayasının Statüsündeki Değişimler," *Türk Dünyası Araştırmaları*, no. 170 (October 2007): 209–20.

The Ottoman Empire started to experience a depression period at the end of the 16th century. Between 1578 and 1606, the Ottoman Empire was involved in long, grueling, but gainless wars with Persia and Austria. Moreover, the internal problems caused turmoil in the state and social order, resulting in the loss of human and financial resources.¹⁹⁴ It will be more accurate to say that the depression period was the result of internal and external factors. The challenges encountered in the latter part of the 16th century were new and unfamiliar to the Ottoman Empire.¹⁹⁵ Towards the end of the 16th century, a population increase in the eastern Mediterranean caused a large increase in the young population. This young population started looking for a new living space, causing a disorder within the Ottoman Empire. There were developments in weapon technology in Europe and a new era in which light portable firearms were used in Europe. On the other hand, there was a rise in the number of mercenaries within the Ottoman army to avoid inadequacy when confronted with Europe's advanced military technology. It should also be noted that the mercenaries in the Ottoman army did not only have a financial impact but also became the actors of the disorder caused by the population increase in the Ottoman lands. These young people, who were unemployed in non-war times, were engaged in banditry activities. From the end of the 15th century, the course of trade changed with the age of exploration, and the Ottoman finances were negatively affected by this. Significant changes occurred in the struggle for trade routes towards the end of the 16th century.¹⁹⁶ Consequently, a financial crisis was inevitable.

¹⁹⁴ Mehmet Öz, *Kanun-ı Kadimin Peşinde: Osmanlı'da Çözülme ve Gelenekçi Yorumcuları* (2021: Dergah Yayınları, İstanbul), 37.

¹⁹⁵ Pal Fodor, "State and Society, Crisis and Reform in 15th-17th Century Ottoman Mirror for Princes," in *In Quest of the Golden Apple Imperial Ideology, Politics, and Military Administration in the Ottoman Empire* (United States of America: Gorgias Press, 2010), 24.

¹⁹⁶ *Ibid.*, 39.

The two basic systems of the Ottoman Empire were *kul* and *timar* systems. It is possible to say that these systems were the backbones of the Empire's Classical Age. In the 17th century, the *timar* and *kul* system began to lose its functionality due to the above-mentioned events. With the dissolution of these two systems, changes began to occur in the administrative, financial, and social order of the Ottoman Empire. The 17th and 18th centuries were a period of transformation in which these changes continued.

The *timar* was a system that connected individuals to the place, and their belongings were determined. The dissolution of the system brought along horizontal and vertical mobility. One of the functions of the *timar* system was to provide soldiers to the Ottoman army. However, the system, which started to lose its functionality in the 17th century, was insufficient to meet the need of soldiers. Also, the *devshirme* system, another source of the army's need for soldiers, was becoming inadequate. Therefore, conscription began among the subjects. Furthermore, the impact of the aforementioned population growth cannot be overlooked in conscription based on the subjects. This entailed that those subjects who engaged in production activities and fulfilled their tax obligations started to join the military class, distinct from the tax-exempted subjects.

The change in the *timar* and *kul* systems brought about the change in the institutions attached to these institutions. In the classical period, administrators who were trained in the slave system and ensured the continuation of this system were sent to the *sancaks* and provinces directly from the center. Amidst the transformation process, administrators dispatched from the center to the *sancaks* and *provinces*, while the latter began sending their deputies to the respective *sancaks* and provinces they were entrusted with. In time, '*ayâns* were started to be chosen to be the deputies of the

governors.¹⁹⁷

This development was associated with the emergence of a different ruling class in the 18th century. In addition, it is necessary to underline one more issue in this regard. As a solution to the above-mentioned financial problems, tax farming (*iltizâm*) became widespread at the end of the 17th century. With the spread of the tax farming system, *eşraf* and *‘ayân*, who were the representatives of the people in the pyramid, emerged as tax farmers. In the 18th century, the notables assumed the role of administrators instead of the administrators sent from the center. While the notables acted as a bridge between the sultan and the subjects as the representative of the subjects, they were also the officers of the sultan as the administrator. In areas with densely populated Christians, the *kocabaşıs* gained power and served the same function as the *‘ayâns*.¹⁹⁸ Thus, a new ruling class emerged. Eventually, the Ottoman society, where certain lines determined everyone's group, lost this feature, and the distinction between the *askerî* and the *re’âyâ* class began to disappear.

Horizontal mobility, on the other hand, occurred together with the mobility in the space. *Tâifes* were closed communities where outsiders were not accepted. However, what is meant by closedness here is not that *tâifes* were isolated communities from each other. With the increase in immigration, the entrance to *tâifes* consisting of occupational groups increased. Due to immigration, there were new residents as tenants in the neighborhoods. This meant the formation of new *tâifes*. As a result, it can be said that *tâifes*, which lost their old characteristics due to the increase in mobility in society, increased in number and turned into a different structure than before. However, as the *tâifes* were being redefined within Ottoman society, the *tâifes*

¹⁹⁷ Yücel and Ergenç, “General Characteristic of Ottoman State Policy During the XVIIIth to the XIXth Centuries.”

¹⁹⁸ Ali Yaycıoğlu, *Partners of the Empire: The Crisis of the Ottoman Order in the Age of Revolutions* (Stanford, California: Stanford University Press, 2016), 149.

shaped by religious and ethnic affiliations remained unaffected. Individuals could not change their *tâifes* communities shaped by ethnicity and religious affiliation. Therefore, although the *tâifes* were being reshaped, the religious and ethnic *tâifes* preserved their old rigid structures. As a result, various religious communities entered an organization process depending on their *millet* or their religious communities.¹⁹⁹ This brought a problem that the Ottomans had to deal with, especially in the last hundred years. It was explained above that *tâifes* were not isolated from each other and that individuals could be members of more than one group at the same time. Since the status of *re'âyâ* was the foremost status, sub-identities were not an element of distinction between individuals. As *re'âyâ*, everyone was united under the umbrella of the sultan. Since all subjects met in the upper identity of the *re'âyâ*, there was no sharp distinction between Muslims and non-Muslims in Ottoman society until the end of the 18th century. Ethnicity became politicized and constituted a ground for the political organization of Christian subjects in the 18th century.²⁰⁰ With religion and ethnicity coming to the fore, a nation-state process like in Europe did not come to the fore in Ottoman society. On the contrary, the distinction between Muslims and non-Muslims started to appear.

Along with the changes in the social order of the Ottoman Empire, Russia, and Austria came into play. Both empires gained strength in the 18th century and the Mediterranean and Balkans became areas where they began to pursue an active policy of war and economic expansion.²⁰¹ Russia and Austria engaged in some activities on

¹⁹⁹ Metin Kunt, "Siyasal Tarih:1600-1789," in *Osmanlı Devleti:1600-1908*, ed. Metin Kunt et al., *Türkiye Tarihi* 3 (Cem Yayınevi, 1988), 63.

²⁰⁰ Kemal H. Karpat, "The Ethnicity Problem in a Multi-Ethnic Anatolian Islamic State: Continuity and Recasting of Ethnic Identity in the Ottoman State," in *Studies on Ottoman Social and Political History: Selected Articles and Essays*, Social, Economic and Political Studies of the Middle East and Asia 81 (Leiden, Boston, Köln: Brill, 2002), 721.

²⁰¹ İlber Ortaylı, *Türkiye Teşkilât ve İdare Tarihi*, 2. Baskı (Ankara: Cedit Neşriyat, 2008), 348.

subjects of the Balkan region in the 18th century. The target of these activities was non-Muslim subjects of the empire, and the aim was political. The influence of Russia and Austria on non-Muslim subjects was intended to further reinforce the ethnic and religious segregation between *re'âyâ*. That is, the demands of the non-Muslim subjects of the Ottomans for ethnic and religious separation were supported by these states. It would not be wrong to say that Russia was the most influential factor in its activities on non-Muslim subjects. It posed the danger of making an ethnic or religious claim on the sultan's orthodox subjects, the largest group of Christians in the Ottoman Empire. On the other hand, the allegiance of Christian subjects to the empire was open to question.²⁰² It is known that since the 16th century, cultural and nationalist flutters had emerged among the non-Muslim subjects of the Ottoman Empire, even if they were not movements.²⁰³

Russia had the right to claim protection over orthodox subjects in 1774 with the *Küçük Kaynarca* Treaty. In the last quarter of the 18th century, the Ottoman classical order was forced by the events inside and outside and foreign intervention originated. Foreign intervention was generally implemented under the name of protection of non-Muslim subjects.²⁰⁴ In the 19th century, the intervention increased even more. The aim of the European Powers was the disintegration of the Ottoman Empire rather than assuring the security of non-Muslims.²⁰⁵ As mentioned above, the motivation behind this was political. The privileges given to the foreign states became

²⁰² Cemal Kafadar, "The Question of Ottoman Decline," *Harvard Middle Eastern Islamic Review* 4, no. 1–2 (1998 1997): 30–75.

²⁰³ Ortaylı, *Türkiye Teşkilât ve İdare Tarihi*, 373.

²⁰⁴ Yücel and Ergenç, "General Characteristic of Ottoman State Policy During the XVIIIth to the XIXth Centuries."

²⁰⁵ Yavuz Ercan, "Türkiye'de Azınlık Sorununun Kökeni (Osmanlı'dan Cumhuriyet'e Gayrimüslimler)," *Ankara Üniversitesi Osmanlı Tarihi Araştırma ve Uygulama Merkezi Dergisi*, no. 20 (2006): 1–15.

a tool for foreign intervention. They enabled the Europeans to claim the right to protection over non-Muslim subjects.

Previously, it was mentioned that the merchants of foreign countries were provided commercial privileges with the *ahîdnames* given by the Ottoman Sultans. The consuls of each community had the right to employ a translator. The translators called dragomans started to be chosen among the *zimmi* subjects of the Ottoman Empire from the 16th century onwards.²⁰⁶ The translators of consuls could serve if they had a *berât* given by the sultan. Translators who held a *berât* to serve consuls had the right to diplomatic immunity, exemption from Ottoman criminal jurisdiction, and reduced custom levies and other commercial privileges.²⁰⁷ These privileges attracted some of the non-Muslim subjects. Non-Muslim subjects, who wanted to benefit from these privileges in return for service to the consuls, started to prefer to be under the protection of foreign states rather than being Ottoman subjects.

Moreover, they commenced endeavors to become consuls or deputy consuls, as consuls and their deputies were exempt from the *cizye* tax. However, consuls were allowed as long as they were within each community itself.²⁰⁸ Although non-Muslim subjects were allowed to serve the consuls, they were not allowed to serve as consuls. Therefore, European states provide patents for non-Muslims who wanted to become a consul. Those who hold a patent had the right to claim to be under the protection of the state which provided the patent and benefitted from the privileges.²⁰⁹ By doing so,

²⁰⁶ Belkıs Konan, "Osmanlı Devletinde Protégé Sistemi," *Ankara Üniversitesi Hukuk Fakültesi Dergisi* 58, no. 1 (2009): 169–88.

²⁰⁷ Salahi R. Sonyel, "THE PROTÉGÉ SYSTEM IN THE OTTOMAN EMPIRE," *Journal of Islamic Studies* 2, no. 1 (1991): 56–66, <https://doi.org/10.1093/jis/2.1.56>.

²⁰⁸ Jülide Akyüz, "19. Yüzyıl'da Osmanlı Gayrimüslim Reayasının Statüsündeki Değişimler," *Türk Dünyası Araştırmaları*, no. 170 (October 2007): 209–20.

²⁰⁹ Konan, "Osmanlı Devletinde Protégé Sistemi."

they established a legitimate foundation for their claims regarding the right to protect non-Muslim subjects.

The 19th century was a period in which non-Muslim Ottoman subjects were engaged in activities to renounce Ottoman subjecthood. While they were revolting for independence, those who did not participate in the revolts de facto were attempting to stop being Ottoman subjects by entering the protection of European states. It should be stated that this process started with the change of the Ottoman classical era and the dissolution of the *tâifes* in the 18th century. Being *re'âyâ* lost its edge as the foremost status; being Christian, Greek, Serb, Bulgarian, etc. outweighed rather than being *re'âyâ*. Finally, *re'âyâ* did not serve as an upper identity for the Ottoman subjects but was a concept used to define non-Muslim subjects only in the 19th century.²¹⁰ One of the crucial issues that occupied the agenda of the Ottoman Empire throughout the 19th century was the search for an upper identity to replace the *re'âyâ*. *İttihâd-ı Anâsır* (*Unification of Elements*) was the concept that explained the effort to keep all the different elements together. The state aimed to unify all the subjects with the bond of *Ottomannes*.

²¹⁰ BOA, Hariciye, Siyasi, No: 4399/329913; “Preveze Kasabası civârında bulunan Metika ve Mihaliç çitliklerinin hâsîlatı bin iki yüz otuz sene-yi hicrîyesinde bâ-fermân-ı ‘alî ahâlî-yi islâmiyyesine terk olunarak şimdiye kadar cevâmî’-yi şerîfe ve mekâtib-i ibtîdâî’ye ve bir kısımda fukâra-yı müslîmîne sarf ve tevci’ edilmekde iken üzerine ahâlî-yi gayrimüslime tarafından müdahale vuku’a geldiğinden ve fermân-ı ‘aliyyede ahâlî-yi islâmiyye tasrîh olunmayub kasaba ahâlîsine terk edildiği beyân olunmuş ise de o tarihte gayrimüslime hakkında re’âyâ ta’biri müstâmel fermân-ı ‘alideki ahâliden maksûd ehl-i islâm bulunduğuş aşîkar idüğünden[...]

CHAPTER III

CONCLUSION

This thesis studies the status of non-Muslims in the pre-modern era. The central focus of the thesis is to comprehend the status of non-Muslims, the nature of the relationship between the state and non-Muslims, the guiding principles of this relationship, and the position of non-Muslims within the Ottoman social structure. The introductory section of this thesis elucidates the rationale behind the selection of this subject matter. The assertions that emerged during the 19th

century, positing that the Ottomans were incapable of effectively governing non-Muslims, necessitate deeper elucidation. Consequently, this study not only investigates the status of non-Muslims but also endeavors to dissect the change in their status throughout history.

Firstly, the concept of the *zimma* delineated the intricate web of connections originating from the agreement of the *zimma* contract, which established the framework for interactions between the state and non-Muslim subjects. The Ottomans were a principality on the Byzantine border, which was the center of Orthodox Christianity. Also, they were motivated by *gazâ* ideology. It is an unavoidable fact in the discussion of the relationship between non-Muslims and the Ottomans. The Ottomans based their relations with non-Muslims on Islamic rules. In other words, the Islamic classification of the non-Muslims was a determinant of the relationship between non-Muslims and the Ottomans, whether they were subjects or not. The non-

Muslims who were subordinate to the Ottomans were accepted as *zimmî*. The Ottoman Sultans' approach toward their non-Muslim subjects was founded upon adherence to the *zimma* contract. They were different from other groups of non-Muslims, *harbî*, and *müste'men*, since they were not Ottoman subjects. The Ottoman Sultan treated the *zimmîs* who were becoming Ottoman subjects the same manner as Muslims. In this context, non-Muslims enjoyed parity in fundamental rights, a circumstance attributed to the provisions of the *zimma* contract.

A mutual understanding existed between the non-Muslims and the sultan. This relationship was described as an *itâat-emânet* (obedience-trust) relationship. The sultan was responsible for protecting the subjects since ensuring justice was his main duty. The archival records substantiated the assertion that non-Muslims were under the guardianship of the sultan without any differentiation from Muslims. The reason why that non-Muslims were protected by the sultan was that subjects were entrusted (*vedi'a*) by God. The affiliation with a distinct religion did not serve as a hindrance in this regard. The sultan bore responsibility for any harm incurred by his non-Muslim subjects. As long as non-Muslim subjects submitted their obedience to the sultan and paid their *cizyes*, they were under his responsibility. Accordingly, each Christian or Jew had the right to be protected by the sultan like his Muslim fellows since the Ottoman political thought was based on the discourse of *vedâyi-i hâlik-i kibriya*.

The *itâat-emânet* relationship affected the organization of society. The organization of the Ottoman society based on the *tâifes* was related to the desire to ensure the subjects' obedience. Different groups formed the *tâifes*, but *re'âyâ* was the upper identity for the members of these *tâifes*. For the subjects, being *re'âyâ* was the most important status, and for the sultan, there was no difference between his *re'âyâ*.

In Ottoman society, where the *re'âyâ* was accepted as the upper identity, the *tâifes* were not isolated. As seen in the case from the Mühimme Registers about the butchers of Yedikule, a non-Muslim tradesman could petition the sultan together with his Muslim tradesman neighbour. The archival documents used in the thesis also help us to understand the worlds of non-Muslims and Muslims, which were not isolated from each other. After all, it is out of the question that non-Muslims were second-class citizens in a system in that all subjects united in an upper identity as *re'âyâ*, and *re'âyâ* provided an equal status for all the subjects before the sultan.

The main reason why a Muslim and non-Muslim distinction did not occur in the Ottoman Empire was that the status of *re'âyâ* was an upper identity. However, the 17th and 18th centuries were the periods the changes in the Ottoman classical order emerged. Based on internal and external changes, the dissolution of the social organization started. Eventually, Muslims and non-Muslims began to separate from each other contrary to the order in the Classical Era. Towards the end of the 18th century, non-Muslims initiated some movements to give up the Ottoman subjecthood. Now, they began to view the sultan not as their protector but rather regarded the Europeans, who shared their religious beliefs, as their own compatriots. His subjects, from whom the sultan expected to be obedient (*mutî*), began to disobey the sultan. Religion, which was related to one's belief in the classical period, became the main element of political issues at the end of the 18th century. The 19th century witnessed the Ottomans striving to maintain cohesion among their subjects while concurrently endeavoring to counteract the interventions of European states on matters about non-Muslim subjects.

After all, the main attempt of this thesis is to understand the status of non-Muslim subjects in the pre-modern era. Upon scrutinizing the primary and secondary

sources within this study, it becomes viable to discuss the subsequent status of non-Muslims: Non-Muslims constituted an integral part of Ottoman society, and their religious identity did not set them apart from Muslims since they were all part of *re'âyâ*. Religion was not the sole cause for the distinct treatment by the sultan towards non-Muslim subjects compared to Muslim subjects, as even non-Muslims were regarded as entrusted by God. All those under Sultan's rule were considered *re'âyâ*, and the alteration in their status emerged as an outcome of a gradual process.

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