ELITE CONFIGURATIONS AND CLUSTERS OF POWER: THE *ULEMA*, *WAQF*, AND OTTOMAN STATE (1789-1839)

by

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و (*wāw*), the twenty-seventh letter of the Arabic alphabet is considered to have mystical qualities. A saintly saying warns the faithful against words that begin with this letter by drawing attention to the sense of heavy responsibility and perils of accountability attached to their meanings. For example, *waqf* (religious endowment), *waṣāyah* (will/trusteeship), *wirāthah* (inheritance), *wakālah* (legal representation), *wadīah* (entrustment), *wizārah* (ministry), are words one must approach with utmost care when using them in his/her daily life. It is even recommended that one should refrain from seeking a career in these professions.

There is, however, even more to say about the mystery of the *wāw*. According to the discipline of *ebced*,[1] the numerical value of this letter is 6 and the pair of two *wāw*s (66) are equal to the words *Allah* and *Lale* (tulip) in its arithmetical sense. This is why the two figures are often mixed in Ottoman architectural designs and decorative ornamentations. Moreover, the purpose of the two facing *wāws* engraved above the shortened door of imperial loges of

[1] The first of several mnemonic formulas designed to help one learn the numerical values assigned to the letters of the Arabic alphabet.

Ottoman mosques where the powerful Sultans performed their prayers in seclusion, called *hünkâr mahfili*, was to remind them greatness of the Almighty while they were forced to enter in a bowed position. This tradition has its roots in the Sufi belief that while the upright letter *alif* symbolizes the obstinate part of the human being, i.e., *nafs*, the curved-neck letter *wāw* represents the submission of a *dervish*. Thus one who seeks happiness in this life finds it only when he is in a *wāw* posture of complete humbleness. This is how he was when he was in his mother's womb or will be when dismisses all worldly temptations and prostrates himself before his Creator. The only acceptable form of the *alif* shape for a *Sufi* is when he is laid down strait in his grave.

I dedicate this work to the most important two *wāw*s of my life: my late father (*wālid*), Burhan Argun who devoted his entire life to raise his children as morally sound intellectuals and to my mother (*wālidah*) Gönül Argun whose loving selflessness continues to be my source of inspiration in my quest to uncover the mystery of the letter *wāw* in my life journey.

ABSTRACT

Title	Elite configurations and clusters of power: The *ulema*, *waqf*, and Ottoman state (1789-1839)
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Through the prism of Richard Lachmann's 'elite conflict theory of historical contingency,' this dissertation brings a new perspective and a fresh interpretation to the study of the attitudes of the Ottoman central *ulema* toward the pre-Tanzimat Westernizing reforms. Contrary to the prevailing view of intra-elite vertical dichotomy conflict as the primary basis for *ulema* reactions, this research proposes inter-elite horizontal conflict as the root cause for the failure of the reform initiatives. Moreover, this study challenges the commonly-held belief that the goal of centralization of the revenues of religious endowments by the ruling authority was to silence *ulema* opposition to the Westernizing reforms. Instead, through a detailed examination of the evolution of early European taxation models and fiscal centralization trajectories, this research concludes that the Mahmudian centralization of *awqaf* should be seen, rather, as an emulation of the wider eco-geographic trend in response to the

historical challenges faced by European states and the Ottoman Empire. By problematizing the prevailing nomenclature of Ottoman historiography, this research clarifies the longstanding misconceptions attached to the term '*ulema.*' Finally, through a comprehensive survey of *waqf*-elite relations, this study will advance the understanding of the dynamics of the pre-Tanzimat Ottoman Empire.

RÉSUMÉ

Titre : Configurations de groupes d'élite et grappes de pouvoir : les *oulemas*, le *waqf*, et l'État ottoman (1789-1839)

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À travers le prisme de la « théorie du conflit entre groupes d'élite et de la contingence historique » élaborée par Richard Lachmann, la présente thèse propose une nouvelle perspective ainsi qu'une nouvelle interprétation de l'étude des attitudes des oulémas ottomans envers les réformes occidentalisantes durant la période précédant l'adoption du Tanzimat. À l'opposé de l'opinion dominante, qui voit dans les échanges entre groupes d'élite un conflit à dichotomie verticale, cette recherche privilégie le principe d'échanges en tant que conflit horizontal, pour expliquer l'échec des initiatives de réforme lors de la période en question.

En outre, cette étude remet en question la représentation classique qui attribue à la centralisation par l'autorité de l'État des recettes fiscales provenant des fondations religieuses la raison principale de la suppression de l'opposition aux

réformes chez les oulémas. Bien au contraire. Par le biais de l'examen détaillé de l'évolution des premiers modèles de fiscalité européenne et les trajectoires de centralisation budgétaire, la présente étude arrive à la conclusion que la centralisation des *awqaf* pendant le règne du Sultan Mahmoud II fut plutôt le résultat de l'émulation des tendances économiques et géopolitiques existantes à l'époque en tant que réponse aux défis historiques auxquels se heurtèrent les pays européens tout comme l'Empire ottoman. C'est en interpellant la terminologie utilisée couramment dans l'historiographie ottomane que la présente étude expose les idées infondées associée au libellé « *oulémas.* » Enfin, grâce à une enquête approfondie sur les rapports entre *waqf* et groupes d'élite, l'étude fera avancer la compréhension du dynamisme de l'Empire ottoman dans la période qui précède l'adoption du Tanzimat.

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Mehmet İpşirli, Mehmet Genç, Ali Akyıldız, Ahmet Tabakoğlu, İsmail Kara, Asc.Prof.Yüksel Çelik and Asc. Prof. Erhan Afyoncu. They were all very helpful in guiding me to various books, concepts, articles and scholarly works. I must especially single out Prof. Beydilli for his erudite knowledge and for sharing his electronic library with me.

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[2] Coşkun Yılmaz, ed., *III. Selim: Istanbul at a Turning Point between Two Centuries* (İstanbul: İstanbul Avrupa Kültür Başkenti, 2010).
[3] Coşkun Yılmaz, ed., *II. Mahmud: Istanbul in the Process of Being Rebuilt* (İstanbul: İstanbul Avrupa Kültür Başkenti, 2010).

Members of my family in Turkey, Saudi Arabia and Canada have always supported my research endeavors. However, the love of my life, my soul-mate, Dr. Melahat Argun and our little brownie Feyza Argun were and are the source of my joy and happiness in this life. I cannot express enough my appreciation, gratitude and indebtedness, as their incessant loving support has been a blessing throughout the difficult years of my academic journey.

Despite the extensive support and scholarly advice provided to me, I take full responsibility for any errors or mistakes this dissertation might contain.

CONTENTS

ABBREVIATIONS

BOA	Başbakanlık Osmanlı Arşivleri (The Prime Minister's Ottoman Archives)
d.	died
EI[1]	*The Encyclopaedia of Islam* (1st ed., Leiden: Brill)
EI[2]	*The Encyclopaedia of Islam* (2nd ed., Leiden: Brill)
HH	Hatt-ı Hümayun (Imperial Decree)
IRCICA	Research Centre for Islamic History, Art and Culture
IRTI	Islamic Research and Training Institute
JESHO	*Journal of the Economic and Social History of the Orient*
r.	ruled
TALİD	*Türkiye Araştırmaları Literatür Dergisi*
Tarih Dergisi	*İstanbul Üniversitesi Edebiyat Fakültesi Tarih Dergisi*
TDV	Türkiye Diyanet Vakfı
TTK	Türk Tarih Kurumu
VGMA	Vakıflar Genel Müdürlüğü Vakıf Kayıtları Arşivi (The Waqf Records Archives of the General Directorate of Waqfs)

NOTES ON TRANLITERATION, DATES AND PRONUNCIATION OF TURKISH WORDS

Whenever possible, words commonly used in English are rendered in their most common forms as in the case of *waqf*, *harem*, and *bey*. Throughout the dissertation in order to distinguish between terms, I use *ulema* or *medrese* to denote the Ottoman context and '*ulamā*' or *madrasa* to refer to Islamic history in general and I italicize all foreign words.

Furthermore, for practical purposes, an effort is made to distinguish Ottoman Turkish terms and names from Arabic and Persian ones with some modifications in the transliteration to make the text more readable. Ottoman names have been used with Ottoman Turkish spelling using the Turkish Alphabet. Therefore, I preferred Mehmed and not Mehmet. However, I retained the original Arabic book titles in their transliterated forms. For the sake of simplicity, all *Hijrî* and *Rumi* dates are converted into Common-Era dates.

In this dissertation, the modern standard Turkish spelling system is usually employed, using Latin letters which are pronounced about the same as their English equivalents, with the following exceptions:

Letter	**English Pronunciation**
c	like the j in *jam*
ç	like the ch in *child*

ğ	lengthens preceding vowel ; thus *ağa* pronounced a-a
ı	like the *io* in *cushion* or *cousin*
j	like the s in the *leisure*
ö	like the i in the *girl*
ş	sh
ü	like the French u as in *lune.*
v	lighter than English v
İ	Dotted capital i as in the case of İstanbul

INTRODUCTION

Shaken, not Stirred

On Thursday afternoon, July 28, 1808 at around two o'clock, neither the abdicated Sultan Selim III[1] nor his twenty-three year old nephew Mahmud II,[2] had any idea about the developments that were taking place just outside their secluded residential quarters in Topkapı Palace. While Selim was playing his *ney*,[3] rehearsing the composition he had completed the night before,[4] his wife was gazing out across the Bosphorus toward the verdant slopes of the Üsküdar district where her husband had recently built a fortified military compound and a majestic mosque.[5] The maidservant was quietly working at the back of the large room. It was a beautiful, tranquil summer day in Istanbul.

Suddenly, shouting broke the silence. Mahmud, who was working on a page of calligraphy in his room raised his head, listened attentively for a few seconds, and at once recognized the echoing voices. Something was wrong. He climbed out of his window onto the ledge and with his back to the wall inched

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[1] Selim III (1761–1808) was the 28th Sultan of the Ottoman Empire and deposed by a Janissary-led revolt in 1807.
[2] Mahmud II (1785–1839) was Selim's nephew and later became the 30th Sultan of the Empire.
[3] A renowned musician, Selim III composed around 105 songs and developed a number of new melodic creations and styles in classical Turkish music many of whom are still performed today in Turkey. He liked Western music as well, and was the first Ottoman Sultan to watch opera at the Palace. See Mehmet Güntekin, "Selim III as an Artist of Genius," in *III. Selim: Istanbul at a Turning Point between Two Centuries*, ed. Coşkun Yılmaz (İstanbul: İstanbul Avrupa Kültür Başkenti, 2010), 197-207.
[4] Bülent Aksoy, "Sultan III. Selim'in Öldürülmeden Bir Gece Önce Bestelediği Şarkı," *Marmara Üniversitesi Fen-Edebiyat Fakültesi Türklük Araştırmaları Dergisi*, no. 8 (1997): 31-34.
[5] Câbi Ömer Efendi, *Câbi Tarihi: Târîh-i Sultân Selîm-i Sâlis ve Mahmûd-i Sânî: Tahlîl ve Tenkidli Metin*, ed. Mehmet Ali Beyhan (Ankara: TTK, 2003), I: 38

towards his uncle's room, attempting to hear the conversation through the open window. Mahmud quickly understood that his uncle was speaking with some people he knew well but he realized that their visit had no good intentions.[6] Cautiously Mahmud leaned forward to peek through the window, not knowing that what he was about to witness in that seminal moment would transform not only his life, but also that of the Empire he would inherit.

He was startled to see his uncle surrounded by a group of men who were preparing to attack him: they were the royal executioners. Even more heart-rending was the sight of his beloved uncle, who was like a father to him,[7] kneeling down before his executioner, pleading for his life (*kıyman bana*) and kissing the hands that held the bowstring that in a moment would strangle him. His imploring however did nothing to convince the knot of assassins who held the Sultanic decree and *fetva* authorizing his death.[8] Suddenly, they converged on him like trained hunting dogs while from behind, a few of them slipped then tightened the bow string around his neck; others crushed his testicles until the hapless Sultan gave up his last breath.[9] In

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[6] Aysel Danacı–Yıldız, "III. Selim'in Katilleri," in *Osmanlı Araştırmaları Dergisi / Journal of Ottoman Studies,* no. 31 (2008): 55-92.

[7] Even though he had one son named Ahmed who died soon after his birth, Selim III had no children and thus between him and Mahmud a kind of father-son relationship developed.

[8] Adil Şen, *Osmanlıda Dönüm Noktası: III. Selim Hayatı ve Islahatları* (Ankara: Fecr Yayınları, 2003), 151.

[9] According to an ancient Turkic tradition, when members of the royal family were executed their blood was not shed and therefore they were either poisoned or strangled. However, some contemporary accounts mention that the skin of Selim's face bore a deep cut at the temple. See Ahmet Cevdet Paşa, *Tarih-i Cevdet* (Dersaadet [İstanbul]: Matbaa-i Osmaniyye, 1309), VII: 308.

fact, Selim was an accomplished swordsman[10] and would certainly have defended himself, but the key to the cupboard where he kept his sword and other personal arms had been removed by a hidden hand the previous night.[11]

Mahmud was horrified. Before his eyes an emperor, whose birth had been celebrated for seven days and nights in this very palace,[12] not because he was the first male born in the dynastic lineage for forty years,[13] but because he was believed to be the Sultan who would bring back the glorious days of the empire, lay dead. The *müneccimbaşı*'s (chief court astrologist) readings of the horoscope heralded the boy as a *cihangîr-i bî nazîr* (unrivaled world-conqueror), and he was thus named Selim, in the hopes that he would be like Yavuz Sultan Selim I.[14]

Mahmud's shock was instantly replaced by concern for his own safety. One of the killers had noticed him, and in the blink of an eye, a razor-sharp

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[10] Enver Ziya Karal, *Selim III'ün Hat-tı Hümayunları: Nizam-ı Cedit: 1789-1807* (Ankara: TTK Basımevi, 1988), 58-59.
[11] Kemal Beydilli, "III. Selim: Aydınlanmış Hükümdar," in *Nizam-ı Kadim'den Nizam-ı Cedid'e III. Selim ve Dönemi / Selim III and His Era from Ancien Regime to New Order*, ed. Seyfi Kenan (İstanbul: İsam Yayınları, 2010), 55.
[12] James Porter and George Gerard de Hochepied Larpent, *Turkey: Its History and Progress* (London: Hurst & Blackett, 1854), 354-355.
[13] Kemal Beydilli, "Selim III," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 2009), 36: 420.
[14] It has been said that Mustafa III, Selim's father, had asked the chief astrologist about *eşref saati* (the most auspicious hour) for the conception of a baby and even at the time of the birth the *müneccimbaşı* pushed the minute hand forward of the palace clock to arrange the time of birth again in accordance with *eşref saati* and the royal demand. Şem'dânîzâde Fındıklılı Süleyman, *Mür'it-Tevârîh*, ed. Münir Aktepe (İstanbul: Edebiyat Fakültesi Matbaası, 1978), II-B: 116; Ahmet Cevdet Paşa, *Tarih-i Cevdet*, VII: 148-149.

dagger whistled towards him, slicing through the flesh of his right arm and leaving him bloodied and in pain.[15]

Despite his bleeding wound, he pulled himself up to the palace roof and began running over and around the lead-clad domes, trying to avoid becoming an open target and desperately looking for an escape as he heard the footsteps of his pursuers getting closer and closer.

Constantiniye... The City long known as Byzantium and famous for its intrigues and as a stage for political infighting and complex treachery was once again witnessing bloody conflict among the elite. When the reigning Sultan Mustafa IV received intelligence reports that the banished pro-reform clique of the Rusçuk Committee had succeeded in convincing Alemdar Pasha to march his army to the palace and reinstate Selim as Sultan, he was certain that he had no choice but to eliminate his uncle and step-brother Mahmud in order to secure the imperial throne for himself alone.[16]

While Selim's corpse was still warm, it was placed inside the "House of Grief"[17] among the members of his mourning household. Meanwhile, the executioner-assassins were on the verge of accomplishing the Sultan's second

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[15] Yılmaz Öztuna, *II. Sultan Mahmud* (İstanbul: Babıali Kültür Yayıncılık, 2009), 35-36.
[16] Yüksel Çelik, "The Axis of Order, System and Reform the Portrait of Sultan Mahmûd-ı Sânî," in *Mahmud II: Istanbul in the Process of Being Rebuilt*, ed. Coşkun Yılmaz (İstanbul: İstanbul 2010 Avrupa Kültür Başkenti, 2010), 27.
[17] Historians narrate that Selim used to call Topkapı palace, House of Grief. It is probably because of his tragic end that, from Mahmud onwards, none of the remaining Sultans resided there.

order: Mahmud must die![18] However, things did not go as Mustafa and his assassins wished. A certain Cevrî Kalfa, one of the maidservants of the seraglio, noticed the wounded heir to the throne and led him into her room through one of her windows.[19] Spotting his location, the assassins rushed the front door, and after breaking it down began to climb the stairs toward the room where the wounded prince was preparing to fight for his life. Cevrî Kalfa, however, turned out to be more than they had reckoned on. As she shouted for help, she picked up a brazier with her bare hands and threw the burning coals into the faces of the intruders, providing enough time for Alemdar's soldiers, who had surrounded the palace, to arrive and save the day.[20]

At sunset, following the ancient tradition of the House of Osman, cannons roared from Topkapı Palace announcing to Istanbul a change atop the imperial throne.[21] Even though a majority of the population presumed that the Rusçuk clique had succeeded in reinstating Selim III as Sultan, they would have been better advised to remember the time-honored rule, '*Arûs-u saltanât şerîk kabul etmez.*'[22] For the throne to survive there could be no mercy for father or son, friend or foe. Selim III was buried the next day after the Friday

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[18] Contemporary Historian Mustafa Necib says even the reigning Sultan Mustafa IV participated the hunt for a while assassins chasing to kill his step-brother. See Mustafa Necib, *Mustafa Necib Tarihi* (İstanbul: Matbaa-i Amire, 1863), 92.
[19] Semavi Eyice, "Cevrî Kalfa Mektebi," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 1993), 7: 461-62.
[20] Sultan Mahmud II lavishly rewarded this maidservant by building a school across from Sultanahmed Mosque and a manor in the Çamlıca district in her honor. Today the school is used by the *Türk Edebiyatı Vakfı*.
[21] İsmail Hakkı Uzunçarşılı, *Osmanlı Devletinin Saray Teşkilâtı* (Ankara: TTK Basımevi, 1988), 56.
[22] The bride of sovereignty does not accept a partner. (Translation is mine.)

prayer [23] before a crowd the likes of which had rarely been seen in the city that spanned two continents.[24]

That Thursday afternoon, Mahmud had learned his life's first lesson about how to deal with rival elites. He would wait eighteen years for his revenge. It was said that he kept a small notebook hidden around his waist, in which he would write the names of his opponents and wait until the conditions ripened before picking them off, one by one.[25]

Although on that tragic day Mahmud's life was ultimately saved by an army of the Macedonian commander Alemdar, Mahmud would not know that his life would end while waiting for another army under the Macedonian commander, Kavalalı Mehmet Ali Pasha.[26] On that occasion, the army would arrive not from the north but from the south, and would march towards Istanbul not to save him but to kill him.

With the execution of two consecutive Sultans (Selim III and Mustafa IV) in short order, and with the enthronement of the reformist Sultan

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[23] Tayyâr-zâde Atâ, *Osmanlı Saray Tarihi: Târih-i Enderûn*, ed. Mehmet Arslan, (İstanbul: Kitabevi, 2010), III: 84.

[24] His tomb is located in the Laleli district of Istanbul, which was for some time known for its cut-rate tourists, suitcase traders and prostitutes from Russia. This was quite ironic for the Sultan who spent his entire life at war with Russia. A few hundred meters away, in the Çemberlitaş district where Mahmud II lies buried another irony remains: the name of the street in front of his tomb was changed, for reasons unknown, by the municipality of Istanbul in 1930s to 'Janissaries Street,' a great paradox considering that he annihilated them in 1826. For photography of his tomb, see Figure XV in the Appendix.

[25] Kemal Beydilli, "II.Mahmud," in *TDV İslam Ansiklopedisi* (Ankara: TDV, 2003), 27: 356.

[26] For a comprehensive account of the Mahmudian era wars see Virginia H. Aksan, *Ottoman Wars, 1700-1870: An Empire Besieged* (Harlow, England: Longman/Pearson, 2007), 259-399.

Mahmud who gradually concentrated power in his hands, the Ottoman Empire at the turn of the nineteenth century was indeed shaken, not stirred.

The fifty years that preceded the Tanzimat period was very much one of colliding elite factions. This dissertation will shed some light on these deadly power struggles from the perspective of the *ulema* elites who had "no weapon...except a tongue of refined eloquence and a pen of sharpened style"[27] and *firman*-like *fetva*s. This research covers one chapter in the history of the *ulema*, specifically their reaction towards the reforms whose blood-stained first page was written by *Şeyhulislam* Topalzade Mehmed Şerif Efendi [28] when he penned the "*hüccet-i şer'iye*,"[29] which adjudicated the reforms of the New Order (*Nizam-ı Cedid*) as unprecedented illegal innovations (*bid'at*) and a year later ordered the execution of their initiator, Sultan Selim III, written with the same reed pen that the late Sultan himself had given to the *Şeyhulislam* as a gift.[30]

In fact, the term *Nizam-ı Cedid* was used for the first time as early as the late seventeenth century by Köprülüzade Fazıl Mustafa Pasha (d. 1691) to

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[27] Daniel Crecelius, "Non-ideological Response of the Egyptian Ulama to Modernization," in *Scholars, Saints, and Sufis: Muslim Religious Institutions in the Middle East since 1500*, ed. Nikki R Keddie (Berkeley: University of California Press, 1978), 229.
[28] Aysel Yıldız, "Şeyhulislam Şerifzâde Mehmed Atâullah Efendi, III. Selim ve Vak'a-yı Selimiye," in *Nizam-ı Kadim'den Nizam-ı Cedid'e III. Selim ve Dönemi / Selim III and His Era from Ancien Regime to New Order*, ed. Seyfi Kenan (İstanbul: İsam Yayınları, 2010), 533.
[29] Kemal Beydilli, "Kabakçı İsyanı Akabinde Hazırlanan Hüccet-i Şer'iyye," in *Türk Kültür İncelemeleri Dergisi,* no. 4 (2001): 33-44.
[30] When Selim III died the following couplet was found in his pocket: "*Kendi elimle kesip yâre verdiğim kalem / Fetvâ-yı hûn-ı nâ-hakkımı yazdı ibtida*" That is: "The reed pen I sharpened with my own hands and gave to the beloved / Wrote first the *fetva* of my blood unjustly shed" (Translation is mine.)

denote his fiscal regulations,[31] and later by İbrahim Müteferrika (d. 1747), a renowned reformist intellectual, in referring to a broader reform program in 1727.[32] The term encapsulates the great transformation in Ottoman political thinking. The time of reform occurred in parallel to the physical shrinkage suffered due to successive military defeats and it denoted a rational and timely target reduction strategy from the idealism of the World Order (*Nizam-ı Alem*)[33] to the realism of the New Order (*Nizam-ı Cedid*), that is, a Western-inspired reform program.[34] The reforms of *Nizam-ı Cedid* historically became identified with Sultan Selim III[35] and even though the main area of reform seemed initially to concern the military, in reality it had a broader agenda covering bureaucratic, fiscal and administrative spheres of the empire.

The fact that Sultan Selim recruited more than 600 European military experts and technicians[36] indicated that he was convinced this was the appropriate model for his reformation program. Since then, as opposed to the *kadim* (old), the concepts, *cedid* (new), *nizam* (order), *ıslah* (reform), *tecdid*

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[31] Râşid Mehmed Efendi, *Târîh-i Râşid*, (İstanbul, Matbaa-i Amire, 1865), II: 148.
[32] İbrahim Müteferrika, *Usul'l Hikem fi Nizami'l Ümem*, ed. Adil Şen (Ankara: TDV Yayınları, 1995), 45.
[33] The classical Ottoman notion which was the central motor of the Ottoman conquest strategy during its heydays. Ottoman dynasty perceived the concept as their raison d'etre for centuries. See Selçuk Akşin Somel, "Nizâm-ı Âlem," in *Historical Dictionary of the Ottoman Empire* (Lanham, Maryland: Scarecrow Press, 2003), 216.
[34] Yüksel Çelik, "The Axis of Order, System and Reform the Portrait of Sultan Mahmûd-ı Sânî," in *II. Mahmud: Istanbul in the Process of Being Rebuilt*, ed. Coşkun Yılmaz (İstanbul: İstanbul 2010 Avrupa Kültür Başkenti), 21.
[35] Kemal Beydilli, "Selim III," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 2009), 36: 420-23.
[36] Stanford J. Shaw, *Between Old and New: The Ottoman Empire under Sultan Selim III, 1789-1807* (Cambridge, Mass.: Harvard University Press, 1971), 187.

(renewal) and *tanzimat* (reorganization), became the darlings of the age in Ottoman social and political thinking.[37]

The *Nizam-ı Cedid* officially began in 1793 under the leadership of ten or twelve high-ranking bureaucrats and *ulema*,[38] and was violently ended with the *ulema*-led *Kabakçı* revolt in 1807.[39] In fact, the men of the New Order knew that a top-down, root-and-branch reform program could alter the existing elite balances and thus create dangerous reactions from various groups. Therefore, from the beginning, they requested an oath from the Sultan that he would guarantee their lives under any circumstances, to which the Sultan agreed. However, time proved that the *Nizam-ı Cedid* men were right in their prophecy as they were brutally killed one after another, ending with the tragic murder of Sultan Selim III himself.

It was only after 1826 that Sultan Mahmud II (r. 1808-1839) was able to restart a rigorous reform program. His systematic and radical reforms not only paved the way for what is known as the Tanzimat era (1839-1876),[40] but their effects are still felt in the present day and age. Even though he carried out his

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[37] For the succinct review of the evolution in the Ottoman political thought see İhsan Fazlıoğlu, "Osmanlı: Bilim ve Düşünce." İhsan Fazlıoğlu's Personal Web Page. http://www.ihsanfazlioglu.net/yayinlar/makaleler/1.php?id=89 (accessed December 30, 2012)
[38] Franz Babinger and C. E. Bosworth,"Niẓām-ī DJedīd," in *Encyclopaedia of Islam*, 2nd ed. (Brill Online, 2012), http://referenceworks.brillonline.com/entries/encyclopaedia-of-islam-2/nizam-i-djedid-SIM_5946 (accessed November 14, 2012).
[39] Kahraman Şakul, "Nizam-ı Cedid," in *Encyclopedia of the Ottoman Empire*, ed. Gábor Ágoston and Bruce Alan Masters (New York, NY: Facts On File, 2009), 434-36.
[40] *Tanzimat*: A series of westernizing reforms in the fields of law, education, administration and military between 1839-1876.

reforms with more determination and swiftness, he was far more cautious than his late uncle in dealing with the empire's delicate elite structures.

The fact that some members of the *ulema* took part in the initiation of the reforms and some others in its eradication makes their attitudes a subject worth studying. Since the Ottoman *ulema* as legal scholars or academics were the foremost among the constituent elements of the Ottoman ruling elite and played a decisive role in the imperial decision-making process for centuries, their reactions and attitudes had become paramount in legitimizing or rejecting what were frequently European-inspired modernization efforts. As custodians of tradition and agents of change,[41] the *ulema* were indispensable for the Sultan to justify his rule and to mediate between him and his subjects, as they were responsible for the construction of public opinion in a time when there was no mass media. In return, they were granted lucrative governmental, judicial and educational posts and many other advantages in addition to the state-like foundations (*awqaf*) that they supervised.[42]

Therefore, the place of the *ulema* within the Ottoman Empire in general and their attitudes towards the Westernizing reforms of the pre-Tanzimat period in particular has been the subject of many scholarly works as well as a

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[41] Amit Bein, *Ottoman Ulema, Turkish Republic: Agents of Change and Guardians of Tradition* (Stanford, California: Stanford University Press, 2001), 36.
[42] Meir Hatina, Introduction to *Guardians of Faith in Modern Times: 'Ulama' in the Middle East*, ed. Meir Hatina (Leiden: Brill, 2009), 3-4.

topic of heated controversy for many intellectuals, defense experts,[43] and even politicians.[44]

In precise terms, this dissertation claims that previous scholarship has reduced the complexity of *ulema* elitism in the Ottoman society to a question of basic power struggles between religious and secular leadership. It therefore proposes that the patterns of relations between the pre-Tanzimat central *ulema* and other cliques should be viewed as primarily elite conflicts where the rival coteries struggle for the maximization of their wealth, power and prestige.

Moreover and more importantly, I argue that the attitudes and the reaction of the *ulema* towards the European-inspired reforms was not purely a doctrinal conflict emanating from the clash between two diametrically opposing ideological groups, but rather it was more about their interests. Through the application of Richard Lachmann's "elite conflict theory of

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[43] See for example the exam paper written by a Major in the United States Marine Corps, Michael S. Grogan, "The Ottoman Empire: Shariah-Military Alliance, 1512-1718," http://archive.org/,http://archive.org/stream/TheOttomanEmpireShariaMilitaryAlliance1512-1718/OttomanEmpire#page/n0/mode/2up (accessed December 30, 2012).

[44] The present Turkish Prime Minister Recep Tayyip Erdoğan's reference to the *ulema* when he was asked about the European Court of Human Rights (ECHR) ruling that upheld the head scarf ban at universities aroused an intense controversy and brought the *ulema* to the heart of public debate for several days. Erdoğan had stated that "in this matter, the *ulema*, not the courts, should be consulted." His opponents criticized him sharply for having a secret anti-secular agenda and intending to restore the power of the *ulema* to levels that they enjoyed in Ottoman times. See, "Ulema tartışması büyüyor," *Hürriyet*, November 16, 2005, http://hurarsiv.hurriyet.com.tr/goster/ShowNew.aspx?id=3528884 (accessed December 29, 2012) and "Erdoğan 'ulema' sözüyle bilirkişiyi kastetti," *Zaman*, November 17, 2005, http://www.zaman.com.tr/newsDetail_getNewsById.action?newsId=229861 (accessed December 29, 2012).

historical contingency,"[45] this thesis shows that what determined the fate of the reforms was the conflict among intellectual elites who transformed conflicts of interest into conflicts of ideas.

Furthermore, leading figures in the current historiography of the Ottoman Empire claim that there was divergence in the attitudes of high rank and low rank *ulema* towards the reforms, suggesting that while the former supported the reforms for a variety of personal reasons, the latter adamantly rejected them. I argue that this view is inadequate because it largely emanates from misunderstanding the implications of the term *ulema*. Therefore, instead of what I call the intra-elite vertical dichotomy model, I propose an alternative, called the inter-elite horizontal conflict model and claim that it better explains the process of historical change.

In dealing with the problems of the pre-Tanzimat elite conflicts, this dissertation includes the *waqf* institution as an indispensable variable in the equation and draws attention to the significance of the religious endowments for elite institutionalization in the Ottoman context. The dissertation points out the complexity of the inter-elite conflicts, and their contingent consequences on Ottoman imperial statecraft and society. The study concentrates on several key events during the years spanning 1789-1839, which is one of the least studied yet most formative periods of Ottoman

[45] Richard Lachmann, "Greed and Contingency: State Fiscal Crises and Imperial Failure in Early Modern Europe," *American Journal of Sociology* 115, no. 1 (2009): 39-73.

history, whose long-lasting imprint continued to be strongly felt in the following periods up until the present day.

Using this perspective, the first chapter will position the *ilmiye* class in general and the capital-based Sunni *ulema* in particular within the Ottoman statecraft and show how the licensed *ulema* had played an indispensable role among the Ottoman governing elites since the earliest years of the House of Osman. The chapter will highlight several of the psychological, religious, social, economic, demographic and historical factors that contributed to the formation of the Ottoman *ulema* as a state-affiliated and aristocratic learned class that was quite different from their counterparts in previous Islamic dynasties and empires. The chapter underlines the fact that despite explicit Prophetic warnings that cautioned the *ulema* to remain aloof from rulers, Ottoman *ulema* leadership by and large had become embedded in court circles. In addition, the chapter accentuates their control of cash-rich endowments, patrimonial career structures, their blanket immunity, exclusive veto power, their occasional alliances with the Janissaries and their emergence as unmatched power brokers in the service of the Ottoman enterprise. Armed with a *fetva*, they dethroned or enthroned Sultans with a stroke of the pen. The chapter, therefore, argues that the *ulema* formed a distinct elite structure with specific wealth appropriation methods and mechanisms, combined with unique nervous-system type organizations throughout the Ottoman territory.

As with other elite entities, they too had their share of inter-elite and intra-elite conflicts. The chapter concludes that it was their closed and protectionist structure that saved them from the encroachments of other elite groups for centuries, yet it was also the cause for the deterioration of their scholarly independence and ultimate retrogression.

The second chapter in its totality demonstrates that the endowments (*awqaf*) were a very active means for Islam to perpetuate itself as an organized religion. In the Ottoman case they provided an unshakable shield for the *ulema* by providing a distinct organizational apparatus and an assured method of wealth appropriation and/or accumulation, which are two universally accepted criteria for the creation of an elite group. In other words, the *waqf* institution played an essential role in making the *ulema* an aristocratic, elitist organization. Entirely unexamined in the writing of the history of Ottoman charity is the decisive role the *waqf* institution played in factional elite struggles and the ways in which the Ottoman rulers and influential political figures used or misused the *waqf* in creating, supporting or eliminating the rival elite coteries. The second chapter will thus examine the long-ignored phenomenon of *waqf-ulema* and state relations and show how the *waqf* institution played a critical role in the formation of the *ilmiye* class. The chapter, therefore, takes the *waqf* institution as the infrastructural core and leverage for elite institutionalization and illustrates how the multitude of elite

factions in general and *ulema* elites in particular used the *waqf* to consolidate their institutional privileges while gaining political profit and social recognition against rival elite factions. The chapter primarily argues that the *waqf* was for elites a surplus extraction mechanism and a wealth shelter, as it demonstrates how *waqf* was instrumental in making and breaking elite groups in the Ottoman Empire. Given its omnipresence and centrality in the lives of all Ottoman subjects at any time, place or level, the chapter covers a wide range of *waqf* uses, applications, and provides a comprehensive overview of this multi-purpose state-like institution which forms one of the long chapters of the dissertation.

Following the same line of thinking, the third chapter challenges one of the time-honored narratives of Ottoman historiography that portrays the main impulse of the centralization of the *waqf* endowments by Sultan Mahmud II as the elimination of *ulema* opposition to his westernizing reforms. I contend that the root causes of the centralization of religious endowments were far more complex and multidimensional than what has been suggested by current historiography. Following a comparative examination of the evolution of tax collection systems and by tracing the trajectories of fiscal centralizations of early European, Russian, Egyptian and finally Ottoman examples, I conclude that from the late sixteenth to the early nineteenth centuries, the centralization of religious endowments by the ruling authorities and the use of

their revenues for economic development was a leading trend in many parts of the world. Though cognizant of these structural changes, Mahmud II was restricted by internal elite dynamics and was therefore a late comer in following the footsteps of many rulers who repressed, dissolved or confiscated the revenues of religious endowments. Furthermore, by presenting many case studies, I show that in each of the above-mentioned geographical locations, the centralization of religious endowments always ended with the reconfiguration of elite structures either by weakening existing, or by supporting emerging elite clusters. Therefore, contrary to the common narrative, I argue that the confiscation of the charitable endowment revenues by Mahmud II should be seen as a fiscal necessity compelled by contemporary challenges. In addition, I also show that the centralization of the *awqaf* did not target the *ilmiye* class alone, but was directed at all other established conventional elite networks and groups, of which the *ulema* constituted an important part.

I begin the fourth chapter by exploring the main arguments laid out in Uriel Heyd's influential article, and explore the ways in which Heyd's research sheds light on the varied and complex reactions of the *ulema* to Westernizing reforms. While acknowledging the substantial contribution of the article to the field, I pay particular attention to the Heyd's high-rank versus low-rank dichotomy within the body of the *ulema*, which became almost the standard

narrative in Ottoman historiography. By clarifying the vagueness of the term *ulema* itself, I show that Heyd's usage of low rank *ulema* is both linguistically and sociologically inaccurate and suggest that its usage in Heyd's sense should be avoided. Furthermore, instead of Heyd's intra-elite vertical dichotomy model, through the application of Richard Lachmann's Elite Conflict Theory, I propose the inter-elite horizontal model in evaluating *ulema*-reform relations. Moreover, I explain Lachmann's model and justify the reasons why I have chosen his theory among other elite conflict models. I then take the *Kabakçı* revolt as the key event for the application of his theory and demonstrate that during the Selimian era, high-level, inter-elite conflicts particularly between two powerful rival coalitions over the control of the spoils of government were far more decisive than ideological motives in determining the failure of the reforms. I also show how monopolization of power, immoral conduct, the sequence of local and global developments, and the search for allies among non-elites played a substantial role in the formation of the coalition of defeated elite blocks. Finally, as Lachmann's theory suggests, I conclude that social change occurs only at the elite level in contradistinction to at the class level, and I also show that change is the unforeseen by-product of elite rivalry for the appropriation of economic resources and power. This chapter claims that the reactions of the *ulema* to the pre-Tanzimat reforms were not mono-causal; instead they were such complex processes that overly simplistic

explanations of Islamic conservatism do not reflect the true nature of reality. At the conclusion of the dissertation I develop several hypotheses that can be tested or applied in various epochs of Ottoman history.

Literature Review and Sources

Until quite recently, the Ottoman *ilmiye* class in general and the pre-Tanzimat reform period *ulema* in particular, have received little attention in Turkish and Western historiography. This omission is particularly noteworthy considering their importance in the socio-cultural, religious, political, educational, diplomatic and military life of the Empire.[46]

For the founders of the modern Turkish republic, the word *ulema* generally connoted religious backwardness, obscurantism, clericalism and conservatism. The paucity and relative lack of interest in *ulema* studies in the official discourse of Turkish historiography, therefore, was to a certain degree expected. Amit Bein states that "[w]hen discussed in the historiography of the period, the *ulema* have often been described, at times, dismissively or even derisively, as the essential other to a modernized and Westernized new elite that came to dominate the empire and republic from the Young Turk Revolution of 1908 to the mid-twentieth century."[47] He continues that the

[46] David Kushner, "The Place of the Ulema in the Ottoman Empire during the Age of Reform (1838-1918)," *Turcica* 19 (1987): 51-53.
[47] Amit Bein, *Ottoman Ulema, Turkish Republic: Agents of Change and Guardians of Tradition* (California: Stanford University Press, 2011), 1.

ulema, generally portrayed as a homogeneous group within Ottoman society, had reached the end of their influence by the early twentieth century, and were subsequently relegated to the dustbin of history.

In parallel with the democratization efforts that have shaped the political landscape of the country for the past few decades, the Turks have started coming to terms with their past and are unshackling themselves from the official Turkish historiography. Correspondingly, historical studies have dramatically increased both in academic and non-academic circles; a development that astonishes many prominent Turkish historians, some of whom had to travel abroad in the early 1960s to find suitable working conditions in their respective fields.[48]

The increased interest of Turkish intellectuals in the field of Ottoman studies cannot be dismissed as purely academic. It derives primarily from the interconnectedness of many still-unsettled problems whose roots stretch back to the reform endeavors of the nineteenth century. In Turkey today, it is still very common to witness controversy focused on the time-honored debates of the Ottoman Empire during its modernization period, including, for instance the definition of secularism (*laiklik*), the place and mission of the Directorate of Religious Affairs (*Diyanet İşleri Başkanlığı*), the administration of philanthropic foundations (*Vakıflar*), the representation of the sacred and the profane in the

[48] See Emine Çaykara, *Tarihçilerin Kutbu: 'Halil İnalcık Kitabı'* (İstanbul: Türkiye İş Bankası Kültür Yayınları, 2009); Bein, *Ottoman Ulema, Turkish Republic*, 1.

public sphere (*kamusal alan*), and İmam-Hatip vocational schools, or religious education in state-sponsored schools. The limits and framework of the jurisdiction of religious scholars are no exception to those very public disputes.

Suraiya Faroqhi notes that "Ottoman history presently finds itself in a situation in which basic assumptions, which had been accepted more or less tranquilly for several decades, are being questioned."[49] In general, in Turkish historiography one can talk about the existence of a noticeable ideological polarization in evaluating the approaches of the historians with regard to the pre-Tanzimat *ulema* attitudes. This bifurcation is in fact reflective of the general opinion of the Turkish public about its past. While some scholars view the Ottoman past as the epitomization of stagnation and traditionalism, others idealize and present it as the model to emulate.

The reaction of the Ottoman *ulema* towards the pre-Tanzimat modernizing reforms (1789-1839), however, has always been a contentious topic in the historiography since the founding years of the Republic. In studying the attitudes of the *ulema*, researchers have adopted differing approaches. [50] In order to give the overall picture of the studies that have dealt

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[49] Suraiya Faroqhi, *Approaching Ottoman History an Introduction to the Sources* (Cambridge; New York: Cambridge University Press, 2004), 24.

[50] Bedri Gencer, *İslam'da Modernleşme 1839-1939* (İstanbul: Lotus Yayınevi, 2008), 318-372; Mehmet İpşirli, "Osmanlı'da İlmiyeye Dair Çalışmalar Üzerine Gözlemler," in *Dünden Bugüne Osmanlı Araştırmaları: Tesbitler, Problemler, Teklifler*, eds. Ali Akyıldız, Ş.Tufan Buzpınar, and Mustafa Sinanoğlu (İstanbul: İsam Yayınları, 2007), 270; Fahri Unan, "Osmanlı Resmi Düşüncesinin İlmiye Tariki İçindeki Etkileri: Patronaj İlişkileri," *Türk Yurdu* XI, no. 45 (1991): 7;

with the *ulema*'s reaction to the reforms, I will group them under three main categories.

The first group of studies portrayed the *ulema* as a major reactionary force that resisted European innovations though with individual exceptions and criticized them for their oppositional stance.[51] In describing the *ulema*, some of them used such ideology-driven, stultifying stereotypes, characterizing the *ulema* as die-hard conservative reactionaries.[52]

For example, Abdülhak Adnan Adıvar's (1882-1955) pioneering work *La Science chez les Turc Ottomans* [53] and its Turkish version "Osmanlı Türklerinde İlim"[54] is considered the first monograph written in the field of the history of science in French and Turkish. In his book, Adıvar in general draws rather a pessimistic picture of the condition of science among the Turks. He accuses the *ulema* of the Selimian and Mahmudian periods with pre-occupying themselves with writing commentaries for some three to four hundred year-old ancient books and neglecting Western scientific developments.[55] Under

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Ahmet Yaşar Ocak, "XV-XVI. Yüzyıllarda Osmanlı Resmi Dini İdeolojisi ve Buna Muhalefet Problemi " *İslami Araştırmalar Dergisi* IV, no. 3 (1990): 192.

[51] Roderic H. Davison, *Reform in the Ottoman Empire, 1856-1876* (Princeton, N.J.: Princeton University Press, 1963), 67-69; Abdülhak Adnan Adıvar, *Osmanlı Türklerinde İlim* (İstanbul: Maarif Matbaası, 1943), 192-193; Avigdor Levy, "The Ottoman Ulema and the Military Reforms of Sultan Mahmud II," *Asian & African Studies* 7, (1971), 13-39.

[52] Yılmaz Öztuna, *II. Sultan Mahmud* (İstanbul: Babıali Kültür Yayıncılık, 2009), 80-82; Tarık Zafer Tunaya, *Türkiyenin Siyasî Hayatında Batılılaşma Hareketleri* (İstanbul: Arba Yayınları, 1996), 53-54; Enver Ziya Karal, *Osmanlı Tarihi* (Ankara: TTK Basımevi, 1947), 5: 10; Cahit Kayra and Erol Üyepazarcı, *İkinci Mahmut'un İstanbul'u: Bostancıbaşı Sicilleri* (İstanbul: İstanbul Büyükşehir Belediyesi Kültür İşleri Dairesi Başkanlığı, 1992), 11;

[53] Abdülhak Adnan Adıvar, *La science chez les Turcs ottomans* (Paris: G.-P. Maisonneuve, 1939).

[54] Abdülhak Adnan Adıvar, *Osmanlı Türklerinde İlim* (İstanbul: Maarif Matbaası, 1943), 1-225.

[55] Ibid., 189-193.

the influence of positivism, and using presentism he labels them as retrogressive scholars. However, at the end of his Turkish version of the book, Adıvar admitted that George Sarton (1884–1956), the founder of the history of science had criticized him for not giving the complete picture of the scientific conditions of the Turks during the early nineteenth century. In response, Adıvar justified his position by saying that it was not possible for him to have a thorough understanding of the situation while he was in Paris.[56] Even though Adıvar mentions that he left the job of giving the complete picture of the scientific condition of the reform period to younger generations, İshak Arslan says that those who were considered the younger generations of his time have since become elderly people, but the job still has not been completed.[57]

The second group comprises an amalgamation of groups of scholars and students who viewed the attitudes of the *ulema* with a somewhat positive, level-headed approach in their works. Some of them noted that Ottoman *ulema* not only provided unconditional support and legitimized the reform initiatives but also took the lead and personally hailed many of the central authority's Westernizing policies.[58] Even some European observers, such as Sir Edwin Pears (1835-1919) who lived in Istanbul for about forty years and wrote

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[56] Ibid., 207.
[57] İshak Arslan, "Cumhuriyet Dönemi Bilim Tarihi Yazıcılığının İlk Örneği: Abdülhak Adnan Adıvar ve Osmanlı Türklerinde İlim," *Türkiye Araştırmaları Literatür Dergisi* 2, no. 4 (2004): 699.
[58] İlber Ortaylı, *İmparatorluğun En Uzun Yüzyılı* (İstanbul: Timaş Yayınları, 2009), 119; İsmet Özel, *Üç Mesele: Teknik-Medeniyet-Yabancılaşma* (İstanbul: Şule Yayınları, 1995), 162-163; Ercüment Kuran and Mümtaz'er Türköne, *Türkiye'nin Batılılaşması ve Milli Meseleler* (Ankara: TDV, 2007), 3.

several books on the Ottoman Empire said that "Speaking generally, the *ulema* during the last century proved themselves the most enlightened class among the Muslims."[59]

Scholars, who published transliterated or revised renditions of the works of the Selimian and Mahmudian *ulema*, fall under this category as they contributed to our understanding by presenting the voice of *ulema* of the epoch. Three such scholars are the Turkish professors of history and theology, Ziya Yılmazer, Mehmet Arslan and Mehmet Ali Beyhan.

Yılmazer edited and published several primary history books written by the *ulema* of the reform period. To name a few, Şânî-zâde Mehmed 'Atâ'ullah Efendi's (d .1826) two-volume *Şânî-zâde Târîhi*[60] which covers the important events of the years 1808-1821. Şânî-zâde was a renowned doctor and a *kadı* who excelled in Italian, French, Greek, Latin, Persian and Arabic, and in addition to his history books, he wrote or translated five essential books called, *hamse-i Şânî-zâde*, in anatomy, phsyology, pharmacology, general medicine and surgery.[61] Therefore, Yılmazer's work also provides us an *alim* picture which is quite different from what has been generally reflected in the official Turkish historiography.

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[59] Edwin Pears, *Life of Abdul Hamid* (London: Constable & Company Ltd., 1917), 36.
[60] Şânî-zâde Mehmed 'Atâ'ullah Efendi, *Şânî-zâde Târîhi*, ed. Ziya Yılmazer (İstanbul: Çamlıca, 2008).
[61] Ibid., I: LIII-XC.

Yılmazer's second important book was written by the court historian Sahhâflar Şeyhi-zâde Seyyid Mehmed Es'ad Efendi (1789-1848) called *Vak'a-nüvîs Es'ad Efendi Tarihi*[62] covering the years 1821-1826. Es'ad Efendi was a particularly important political figure because as a formidable high rank *alim*, through his writings, he extended his full support to the reformation initiatives of Sultan Mahmud.

Es'ad Efendi's second book was published by the prolific editor Mehmet Arslan. In *Üss-i Zafer*,[63] Es'ad Efendi has given the detailed description of the annihilation of Janissaries. Es'ad Efendi constitutes a good example of how the *ulema* were treated by the Sultan in return for their service. He was lavishly rewarded when he submitted his book to the Sultan. The Sultan appointed him as an inspector to the *awqaf* and also granted him another remunerative job in the legal field.[64] In addition, Arslan has made a substantial contribution when he recently published the edited version of the six-volume history book of Tayyâr-zâde Atâ, which is known as *Târih-i Atâ*, the history of the Enderun or the palace school.[65] The fifth volume of the series contains relevant information with regard to the reigns of Selimian and Mahmudian periods.

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[62] Esat Efendi, and Abdürrezzak Bahir Efendi, *Vak'a-nüvîs Es'ad Efendi tarihi: Bâhir Efendi'nin zeyl ve ilâveleriyle: 1237-1241/1821-1826*, ed. Ziya Yılmazer (İstanbul: Osmanlı Araştırmaları Vakfı, 2000).
[63] Mehmed Es'ad Efendi, *Üss-i Zafer: Yeniçeriliğin Kaldırılmasına Dair*, ed. Mehmet Arslan (İstanbul: Kitabevi, 2005).
[64] Ziya Yılmazer, "Esad Efendi, Sahaflar Şeyhizâde," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 1995), 11: 341-45.
[65] Tayyâr-zâde Atâ, *Osmanlı Saray Tarihi: Târih-i Enderûn*, ed. Mehmet Arslan, 5 vols., (İstanbul: Kitabevi, 2010).

Mehmet Ali Beyhan published three important history books of the period under consideration. The first is the *Gülzâr-ı Fütûhât* [66] an account of the destruction of the Janissary army in 1826 by an eye witness named Şirvanlı Fatih Efendi. The second book is based on his doctoratal thesis; the history book of Câbi Ömer Efendi called *Câbi Tarihi*.[67] This two-volume book could be considered as one of the most detailed accounts of the reigns of Sultans Selim III, Mustafa IV and Mahmud II beginning from 1788 and ending in 1814. Beyhan also published the diary of Ahmed Faiz Efendi, the personal clerk of Selim III who took notes of daily events (*Rûznâme*) as well as organized the Sultan's personal library. The book provides information about the daily events of the Topkapı Palace and gives detailed descriptions of Sultan Selim's daily life from 1802 to 1809.[68] As will be discussed in detail in the fourth chapter, Ahmed Faiz Efendi was a renowned man of *Nizam-ı Cedid* (New Order) who enriched himself, and with his arrogant code of conduct engendered animosity among the Janissaries and *ulema* and was killed in the *Kabakçı* revolt.

These books are mostly published as the mere transliteration of the original works and do not contain any critical asessment, evaluation or contextulazation. That said, however, they neverthess make the job of the

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[66] Şirvanlı Fatih Efendi, *Gülzâr-ı Fütûhât: Bir Görgü Tanığının Kalemiyle Yeniçeri Ocağının Kaldırılışı: (İnceleme-Tahlil-Metin),* ed. Mehmet Ali Beyhan (İstanbul: Kitabevi, 2001).
[67] Câbi Ömer Efendi, *Câbi Tarihi: Târîh-i Sultân Selîm-i Sâlis ve Mahmûd-i Sânî: Tahlîl ve Tenkidli Metin*, ed. Mehmet Ali Beyhan (Ankara: TTK, 2003)
[68] Mehmet Ali Beyhan, *Saray Günlüğü* (İstanbul: Doğu Kütüphanesi, 2007).

student of the epoch much easier as they provide first hand information in an easy-to-read format.

İhsan Fazlıoğlu's article entitled "*İbnü'l-Annâbî ve es-Sa'yü'l-Mahmûd fî Nizâmi'l-Cünûd Adlı Eseri*"[69] helps us to understand how an Egyptian *alim* İbnü'l-Annâbî (1775-1851), who lived during the reign of Sultan Mahmud, wrote a book in support of the Sultan's modernizing reforms. The book, written in Arabic by an *alim* who lived on the periphery of the Ottoman Empire, constitutes a good example of the *iṭa'at al-sulṭān* literature of the epoch, which emphasizes the imperativeness of obedience to the ruler.[70] It is significant to note that it was Sahhâflar Şeyhi-zâde Seyyid Mehmed Es'ad Efendi who translated it into Ottoman and submitted the work to Sultan Mahmud II in 1829.[71]

Another group of scholars and students whose writings will be examined under this category are those who published the *layiha*s or memorandums written by the *ulema* of the Selimian and Mahmudian period. These memorandums are particularly significant because they are the direct reflection of how the contemporary *ulema* perceived challenging problems and to what extent their proposed solutions were in tandem with the realities of

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[69] İhsan Fazlıoğlu, "İbnü'l-Annâbî ve es-Sa'yü'l-Mahmûd fî Nizâmi'l-Cünûd Adlı Eseri," *Dîvân İlmî Araştırmalar* 1 (1996): 165-174.
[70] See also, Mahmud Dilbaz, "Ulemanın Islahatlara Yaklaşımı Bağlamında Kevkebü'l-Mes'ûd fî Kevkebeti'l-Cünûd Adlı Eserin Metin ve Tahlili," (MA Thesis, Marmara University, 2008).
[71] The transliteration of the text done as a master thesis by Mahmud Dilbaz. See Dilbaz, "Ulemanın Islahatlara Yaklaşımı Bağlamında Kevkebü'l-Mes'ûd fî Kevkebeti'l-Cünûd Adlı Eserin Metin ve Tahlili."

the epoch. Out of twenty-three memorandums submitted to Sultan Selim III, five of them came from prominent *ulema*. During the Mahmudian period there were only a few memorandums submitted to him, each of which were penned by the *ulema* of his time.

Ergin Çağman, for example, recently published summaries (twenty four pages) of ten memorandums submitted to Selim III.[72] Even though it is far from being comprehensive and is only a transliteration with a very brief summary, it nevertheless reveals the mindset of the intellectuals of the era.

A decade and a half earlier than Çağman, Besim Özcan for his Masters degree, studied the most important memorandum submitted to Selim III by a prominent *alim*, Molla Tatarcık Abdullah (1730-1796).[73] Özcan joins many scholars[74] in concluding that Molla's ideas and propositions constituted the backbone of the Empire's reform program in tandem with Western-inspired reforms.[75]

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[72] Ergin Çağman, *III. Selim'e Sunulan Islahat Lâyihaları* (İstanbul: Kitabevi, 2010).
[73] Besim Özcan, "Islahatla İlgili III.Selim'e Sunulan Layihalar (Tatarcık Abdullah Molla Layihası),"(MA Thesis, Atatürk University, 1985).
[74] Yusuf Akçura, *Osmanlı İmparatorluğu'nun Dağılma Devri (XVIII. ve XIX. Asırlarda)* (İstanbul: Maarif Matbaası, 1940), 43; Ahmed Cevdet Paşa, *Tarih-i Cevdet* (Dersaadet [İstanbul]: Matbaa-i Osmaniyye, 1309), VI: 43-52; Uriel Heyd, "The Ottoman 'Ulemā and Westernization in the Time of Selīm III and Mahmūd II," in *The Modern Middle East: A Reader*, ed. Albert Habib Hourani, Philip S. Khoury and Mary C. Wilson (Berkeley: Berkeley: University of California Press, 1993), 29-33.
[75] Besim Özcan, "Tatarcık Abdullah Efendi ve Islahatlarla İlgili Layihası," *Türk Kültürü Araştırmaları* XXV, no. 1 (1988): 64.

In a similar vein, Ali Osman Çınar's study of *Sevânihu'l-Levâyih*, a *layiha* penned by Selimian *alim*, Es-Seyyid Mehmed Emîn Behîç Efendi[76] and Ahmet Öğreten's *Nizâm-ı Cedid'e Dâir Islahat Layihaları*[77] are two frequently cited but still unpublished Master's theses. Öğreten's work is particulary interesting because he compiled only the parts of the memorandums that contain military solutions. Like the previous works on memorandums, Öğreten transliterated them into modern Turkish. What is striking in his work is that the overall conclusion of the memorandums in general point to the necessity of a creation of an entirely new army.

Additionally, Elif Su Akdemir studied the political thoughts of Keçecizade İzzet Molla (1786-1829),[78] a formidable *alim*, poet and statesman who lived during the reign of Sultan Mahmud II.[79] As will be discussed later in the fourth chapter, in his *layiha*, Keçecizade proposed fixed salaries for all officials, pointed out the import-export imbalances of the Empire, and advised the government to facilitate economic investments by lowering tax rates for three years, supporting local production, and discouraging imports by various means. He also proposed restricting the plunder of wealth used to build luxurious seaside villas and extravagant mansions. All in all, Keçecizade

[76] Ali Osman Çınar, "Es-Seyyid Mehmed Emîn Behîç Efendi'nin Sevânihu'l-Levâyih'i ve Değerlendirilmesi," (M.A Thesis, Marmara University, 1992).
[77] Ahmet Öğreten, "Nizâm-ı Cedid'e Dâir Islahat Layihaları," (MA Thesis, Istanbul University, 1989).
[78] Elif Su Akdemir, "Siyaset Sahnesinde Bir Osmanlı Şairi: Keçecizâde İzzet Molla'nın Siyasi Düşünceleri," (MA Thesis, Gazi University, 2003).
[79] I give more detail on Izzet Molla in the fourth chapter.

constitutes another eye-catching example for an early nineteenth century *ulema* who ardently defended the Western-inspired reform program.

The significance of the above mentioned *layiha*s to my argument is that they reflect the mindset of the leading *ulema*, their perceptions of the contemporary problems, and their awareness of the developments in other parts of the world especially in Europe. More importantly, these works greatly assisted my research as I deciphered the ways in which they legitimized the reforms that envisaged the emulation of non-Muslim political entities. Based at least on the writings of Tatarcık Abdullah, Es-Seyyid Mehmed Emîn Behîç Efendi, Defterdar Mehmed Şerif Efendi and Keçecizade İzzet Molla, one may conclude with great certainty that they were, to a great extent, aware of the developments that were taking place in Europe and did not hesitate to design a reform program inspired by the Western model. Moreover, the absence of the books or treaties that reject the reforms on religious grounds buttresses one of the main arguments of this dissertation that the resistance to the reforms was not doctrinal and the real reasons for the existing *ulema* opposition should be located elsewhere other than the religious domain.

Lastly, there were also —*laudatores temporis acti*— those who praised the past and who idealized the old and glorious days and viewed the *ulema* as "innocent victims of antireligious plots, persecutions, and slanders."[80]

[80] Bein, *Ottoman Ulema, Turkish Republic*, 4.

The approach of the third group, as proposed in particular by Uriel Heyd, maintains that the *ulema* were not a monolithic structure and that there was a vertical dichotomy among the *ulema* corps.[81] While the high ranks with some exceptions and for a variety of personal reasons supported the reforms, the lower ranking *ulema* and the so called mob of undisciplined *softa*s and *medrese* students adamantly and sometimes with extreme violence rejected the reforms. Such is the prevailing view in current Ottoman historiography.[82] Uriel Heyd's important work examines the *ulema* opposition to the reforms from a class perspective. He claims that there was a bifurcation between high ranking and low ranking *ulema* which emanates from hatred and antagonism. According to Heyd, while high rank *ulema* supported the reforms, the low rank *ulema*, the so called *softas* and itinerant ecstatic dervishes violently rejected the reforms.

Avigdor Levy says that the "main driving force behind the opposition were the *ulema*"[83] and following the footsteps of Heyd, he says that the low rank *ulema* showed their hostility towards the European reforms, however, with one exception. Levy claims that with his shrewd policy of clever appeasement, Sultan Mahmud II initially won over the low rank *ulema* by a

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[81] Heyd, "The Ottoman 'Ulemā and Westernization," 33-36.
[82] Gabriel Baer, Introduction to *The 'Ulama' in Modern History: Studies in Memory of Professor Uriel Heyd*, ed. Gabriel Baer (Jerusalem: Israel Oriental Society, 1971), 1-3; Richard L. Chambers, "The Ottoman Ulema and the Tanzimat," in *Scholars, Saints, and Sufis: Muslim Religious Institutions in the Middle East since 1500*, ed. Nikki R. Keddie (Berkeley: University of California Press, 1972), 33-46; Gencer, *İslam'da Modernleşme,* 318-372; Caroline Finkel, *Osman's Dream: The Story of the Ottoman Empire, 1300-1923* (New York: Basic Books, 2006), 432-34.
[83] Levy, "The Ottoman Ulema and the Military Reforms of Sultan Mahmud II," 13.

rigorous appointment policy of enlisting them as *imam*s in his new army. Levy reduces the reason for the support of low rank *ulema* to their appointments prior to the Janissary revolt of 1826. He, in other words presumes that the *softas* as a class publicly opposed the Westernizing reforms but because of their recruitment, they showed their support to the Sultan against the Janissaries. The fourth chapter of this dissertation proves the absence of such ideology-driven, organized *softa* opposition in any part of the reform period. Levy also shows that he is not aware of the prevailing international trends in the centralizations of the religious endowments.

One of the Turkish scholars who wrote extensively on the *ulema* attitudes towards the reforms of Sultan Mahmud II is Seyfettin Erşahin. Both in his MA thesis[84] under the supervision of Colin Imber and the articles he published both in English[85] and Turkish,[86] he contributes to the field by introducing a few new books from the traditional virtue literature that were penned by the contemporary *ulema* in support of the Westernizing reforms of Sultan Mahmud II. He, however, like Heyd, fails to distinguish between the terms *ulema* and *ilmiye* and presents unorthodox ecstatic dervishes public

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[84] Seyfettin Erşahin, "The Ottoman Ulema and the Reforms of Mahmud II," (MA Thesis, University of Manchester, 1990).

[85] Seyfettin Erşahin, "Westernization, Mahmud II, and the Islamic Virtue Tradition," *The American Journal of Islamic Social Sciences* 23, no. 2 (2006): 37-62; Seyfettin Erşahin, "Islamic Support on the Westernization Policy in the Ottoman Empire: Making Mahmud II a Reformer Caliph-Sultan by Islamic Virtue Tradition," *Journal of Religious Culture,* no. 78 (2005): 1-17; Seyfettin Erşahin, "The Ottoman Ulema and the Reforms of Mahmud II," *Hamdard Islamicus* XXII, no. 2 (1999): 19-40.

[86] Seyfettin Erşahin, "Osmanlı Uleması ve Yenileşme: II. Mahmud'un Bazı Islahatı Karşında Ulemanın Tutumu Üzerine Tespitler," *Diyanet İlmi Dergi* 35, no. 1 (1999): 249-270.

opposition to some state dignitaries as the *ulema* opposition to the Westernizing reforms. He, in other words, merely repeats what Heyd said half a century ago. Moreover, his conclusions are far from establishing the logical links between the dire economic conditions of the empire in the aftermath of the Ottoman-Russian war, Mahmud's unexpected recruitment decision of *ilmiye* members to the army and the prevailing discontent among the members of the *ilmiye*. He also never takes into consideration the prevailing fiscal centralization trend in Europe and elsewhere.

In contrast to Heyd and Levy, David Kushner points to the "qualifying factors" in *softa* oppositions as though they may somehow serve the hidden ambitions of political figures, and therefore he says that both *ulema* and *softas* were generally complacent and sometimes supportive towards the reforms. [87] He further asserts that "there is also no clear evidence that there were major differences in outlook between *ulema* of different ranks or that these were related to socio-economic divisions."[88] Even though his findings and the conclusions of this dissertation look similar, there are a few differing aspects that need to be emphasized. First, his study does not cover the period preceding the Tanzimat. Further, the kernel of the argument in his article is that the modernizing reforms did not prevent the *ulema* from obtaining

[87] Kushner, *The Place of the Ulema in the Ottoman Empire During the Age of Reform (1839-1876)*, 72-73.
[88] Ibid.

lucrative posts in the post-Tanzimat period. Finally, there is no mention in his writings of factionalism in the Tanzimat period.

Another author who questions the low rank-high rank dichotomy put forth by Heyd is Fatih Şeker.[89] He notes that "what Heyd calls the low rank group which was detached from the high rank, in fact had a close and direct relationship with the *ulema* who were in the highest echeolons of the state."[90] Şeker suggests that the so called low rank *ulema* were acting under the guidance and leadership of the high rank *ulema* which indicates the absence of the animosity between the two fractions.[91]

It should be noted that during the last decade there were important doctoral theses published on the Ottoman *ulema* of the reform period by number of Turkish historians, such as Ahmet Cihan, Osman Özkul, İlhami Yurdakul, and Esra Yakut. In this section I will briefly introduce them as they are directly related to my argument and/or period under consideration and since they are also not widely known in Western academia. Ahmet Cihan's main finding is that contrary to what has been thought, during the formative years of the reform, in particular from 1770s to 1830s, the Ottoman *ulema* expanded their role within the decision making mechanisms of the government apparatus and thus increased their influence and power.[92]

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[89] Fatih M. Şeker, *Modernleşme Devrinde İlmiye* (İstanbul: Dergah Yayınları, 2011), 90-91.
[90] Ibid.
[91] Ibid.
[92] Ahmet Cihan, *Reform Çağında Osmanlı İlmiye Sınıfı* (İstanbul: Birey, 2004), 13-15.

According to Cihan, this was because they pioneered reform initiatives and shared the risks and responsibilities and benefited from the attached prestige and power. However, from 1830-1876, mostly as a result of these *ulema*-led structural reforms, the influence of the *ulema* gradually began to be excluded from Ottoman political life simply because the *ulema* and related *ilmiye* organizations had to share the fields of education and judiciary with the emerging Western-style institutions and their staff.[93]

Osman Özkul's "Gelenek ve Modernite Arasında *Ulema*"[94] is the most relevant and comprehensive book published on this topic in the last decade. Özkul covers a wide range of topics related to the *ulema* and reform relations. His findings indicate that during the Selimian era, the state-affiliated *ulema* became extremely rich and affluent. He also joins many other scholars who assert that the *ulema* were the main engine behind the changes and modernizing reforms. More importantly he also mentions that the monopolistic claims of the men of the New Order estranged them from the high rank *ulema* and eventually transformed them into an oppositional group. Moreover, in parallel to their heavy engagement in the political affairs, the *ulema* had to neglect their traditional roles as the men of knowledge and wisdom and this eventually locked them into an identity crisis. However, Özkul's work lacks the necessary theoretical framework as he also fails to

[93] Ibid., 25.
[94] Osman Özkul, *Gelenek ve Modernite Arasında Osmanlı Ulemâsı* (İstanbul: Birharf Yayıncılık, 2005).

define and treat the *ulema* as a distinct elite group and therefore contextualizes the nature of the struggle between them and other rival clicques as the ultimate elite conflict.

İlhami Yurdakul's book "Osmanlı İlmiye Merkez Teşkilatı'nda Reform (1826-1876)"[95] as its title suggests deals mainly with the reform of the office of the *Şeyhulislam*, and the evolution of the organizational structure of the *ilmiye* as a distinct professional class during the post-Tanzimat era in general.

In addition to Yurdakul, both Esra Yakut[96] and Murat Akgündüz[97] also published their doctoral dissertations that deal with the office of the *Şeyhulislam* and the bureacratic changes that occurred in its administrative body.

The foremost *ilmiye* scholar, Mehmet İpşirli[98] notes that, broadly speaking, Western scholarship generally concentrated on two aspects of *ulema* studies. The first is the reaction of the *ulema* to the colonial enterprises in various parts of the Muslim world. The second is their attitude towards Western-inspired modernizing reforms. In the Turkish world, however, the majority of the *ulema*-related studies revolve around the institutional

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[95] İlhami Yurdakul, *Osmanlı İlmiye Merkez Teşkilatı'nda Reform (1826-1876)* (İstanbul: İletişim, 2008).
[96] Esra Yakut, *Şeyhulislamlık: Yenileşme Döneminde Devlet ve Din,* (İstanbul: Kitap Yayınevi, 2005).
[97] Murat Akgündüz, *XIX. Asır Başlarına Kadar Osmanlı Devleti'nde Şeyhülislâmlık* (İstanbul: Beyan, 2002).
[98] İpşirli notes that he wrote more than two hundred *ulema* related entries to the Turkish Encylopedia of Islam, see the interview with him in "Mehmet İpşirli ile Medreseler ve Ulema Üzerine," *TALİD* 6, no. 12 (2008): 454.

structure and analysis of the administrative organization of the *ilmiye* class in general. [99]

There are in fact countless other MA and PhD theses dealing with other aspects of the *ilmiye* or *ulema* related areas. However, the field still suffers from the lack of monographs and we are far from having a comprehensive understanding of the true place and function of the *ulema* within the Ottoman political, social and legal system which has left its imprint on three continents for more than six centuries. Madeline C. Zilfi's "The Politics of Piety: The Ottoman *Ulema* in the Postclassical age (1600-1800)" remains the best monograph written in the field since its publication.[100] Amit Bein's recent work should also be credited for its meticulous use of archival material, even though it falls outside the scope of the time period under study.[101]

My dissertation is an argument-based thesis and not manuscript-based or document-based. Since the main part of my contribution will be on the theoretical aspects of the subject, I will mostly rely on the writings of Richard Lachmann which I present in great detail in the fourth chapter of the dissertation.

However, I also consulted the primary sources of the time period under consideration such as the chronicles written by the official court historians

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[99] İpşirli, "Osmanlı'da İlmiyeye Dair Çalışmalar Üzerine Gözlemler," 275.
[100] Madeline C. Zilfi, *The Politics of Piety: The Ottoman Ulema in the Postclassical Age (1600-1800)* (Minneapolis, MN: Bibliotheca Islamica, 1988).
[101] Bein, *Ottoman Ulema, Turkish Republic.*

(*vakanüvis*). In addition to the chronicles, I greatly benefitted from Ahmed Cevdet Pasha's *Tarih-i Cevdet* who was a formidable *alim*, statesman and historian. His works are still considered to be among the foremost sourcebooks for students of Ottoman history. Another book that I also consulted throughout the dissertation is Pasha's*Tezakir*.

As noted above, *layiha*s or memorandums are one of main sources in reading the mindset of the contemporary *ulema* of both Sultan Selim III and Mahmud II respectively. I was particularly astonished and enriched by the *layiha*s of Tatarcık Abdullah, Emîn Behîç Efendi, Defterdar Mehmed Şerif Efendi and Keçecizade İzzet Molla. In addition, *Şânî-zâde Târîhi*, *Vak'a-nüvîs Es'ad Efendi Tarihi, Üss-i Zafer*, *Târih-i Atâ*, *Gülzâr-ı Fütûhât*, *Câbi Tarihi*, *Rûznâme* of Ahmed Faiz Efendi are among the primary sources consulted for this dissertation. In addition, I also consulted a multitude of relevant *waqfiyya*s which I took from the archives of the general Directorate of *Awqaf*. I elaborate more on the significance of the *waqfiyya*s in the second chapter.

Chapter 1

OTTOMAN POLITICAL STRUCTURE AND THE *ULEMA*: THE PRE-TANZIMAT PERIOD

This chapter will position the *ilmiye* class in general and the *ulema* in particular within the Ottoman political establishment and show how the *ulema* have been an essential part of the Ottoman ruling order since the early years of the Ottoman state at the turn of the thirteenth century. This focus forms a necessary prelude for subsequent chapters on understanding Ottoman history as an arena of struggle and interrelations between the contested interests of various elite groups in the Ottoman political system. Within these elite groups, I will focus in particular on the *ilmiye* and the tenuous relationship between this group and the parties involved in inter-elite conflicts. However, in order to see the distinct character of the *ulema* within the *ilmiye* class in the Ottoman Empire, this chapter will first outline the general features of the *ulema* in the context of Islamic history. In this respect, I will consider the meaning of the term *ulema* as a conceptual and social reality in both Islamic and Ottoman history and its significance for this study. It should be noted that the term *ulema* used in this dissertation refers only to Sunni *ulema* and does not include the Shi'ite tradition, unless otherwise noted. Furthermore, I will deal mostly with the central *ulema* (*ulema* of Istanbul who were in the state service, both in education and legal systems) within the time period of 1789-

1839 covering the era of Selim III (r. 1789-1807), Mustafa IV (r. 1807-1808) and Mahmud II (r. 1808-1839). In other words, the *ulema* in the periphery and/or independent of any state affiliation are therefore not included in the scope of this dissertation.

Ulema, the Turkish spelling of the Arabic term *'ulamā'*, is the plural form of *'ālim*, active participle of the verb *'alima*, "to know or to be aware of." [1] Although, the term *'ālim* refers more specifically to a scholar of the religious sciences such as Islamic law, Qur'anic exegesis and theology,[2] it also denotes scholars of applied sciences such as medicine, astronomy, biology and mathematics.[3] Over time, the generic name '*ulamā*' gained preference and widespread usage for scholars of Islamic law. There is no exact syllabus therefore, that qualifies a person as an *'ālim*. However, at a more general level, it refers to Muslims who have an in-depth understanding of the Qur'an and the Prophetic traditions, and therefore of the Islamic jurisprudence derived from these two primary sources. In this sense, it is not necessary that an *'ālim* should have had a formal training in all the branches of the Islamic sciences.

In the context of the Qur'an, the noun '*ulamā*' refers to those who have the consciousness of God (Allah) and thus fear Him by showing compliance to His orders and abstention from His prohibitions.[4] In other words, the Qur'an adds an ethical dimension to the cognitive definition of an *'ālim*. As for the

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[1] To distinguish the terms, I use *ulema* to denote the Ottoman context and *'ulamā'* to refer to Islamic history in general.
[2] "'Ulamā'," in *EI* [2], 10: 809-810.
[3] Robert Gleave, "Ulema," in *Encyclopedia of Islam and the Muslim World*, ed. Richard C. Martin (New York: MacMillan, 2004), 2: 703.
[4] "Those truly fear Allah among His servants, who have knowledge." Abdullah Yusuf Ali, *The Holy Qur'ān: Text, Translation and Commentary* (Brentwood, Md: Amana Corp., 1991), 35: 28.

Prophetic tradition, the '*ulamā*' are considered as the true successors of the Prophets.[5] The word '*ulamā*' was thus the common name for those members of the community who were, in principle, burdened with two fundamental tasks, namely: the preservation of the faith and providing guidance in new challenges facing the Muslim community through interpreting and analyzing the sources of religious law.[6] The function of the '*ulamā*' is aptly summarized by Marsot: "[t]hey were the purveyors of Islam, the guardians of its tradition, the depository of ancestral wisdom, and the moral tutors of the population."[7] Another point should be made here: the noun *'ālim* is not limited to males in any sense. However, since males have historically dominated the leadership of the Islamic community, the term is commonly (mis)interpreted as only referring to males.

I. The '*Ulamā'* in Historical Context

The *'ulamā'*s demand for what Hallaq calls "epistemic authority"[8] has been routinely justified on the most practical basis: not all members of society

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[5] "Scholars are the heirs of the prophets who have endowed them with knowledge as a legacy. He who has chosen knowledge has taken a generous share, and he who has taken a path towards the acquisition of knowledge, for him God will smooth a path to Paradise" Ibn Ḥanbal, *Musnad*, V, 196/xvi, ed. Shākir and al-Zayn, Cairo 1995, 71, nos. 21612-3; quoted in Cl. Gilliot, "'Ulamā': In the Arab World," in *Encyclopaedia of Islam* 2nd ed. (Brill Online, 2012), http://referenceworks.brillonline.com./entries/encyclopaedia-of-islam-2/ulama-COM_1278 (accessed September 4, 2012). On the term "the Heirs of the Prophets," see Michael Cooperson, "The Heirs of the Prophets in Classical Arabic Biography" (PhD Thesis, Harvard University, 1994); Liyakatali Takim, *The Heirs of the Prophet: Charisma and Religious Authority in Shi'ite Islam* (Albany: State University of New York Press, 2006).

[6] Osman Özkul, *Gelenek ve Modernite Arasında Osmanlı Ulemâsı* (İstanbul: Birharf Yayınları, 2005), 22-23.

[7] Afaf Lutfi al-Sayyid Marsot, "The Ulama of Cairo in the Eighteenth and Nineteenth Centuries," in *Scholars, Saints, and Sufis: Muslim Religious Institutions in the Middle East since 1500*, ed. Nikki R. Keddie (Berkeley: University of California Press, 1972), 149.

[8] Wael B. Hallaq, *Authority, Continuity, and Change in Islamic Law* (Cambridge, UK; New York: Cambridge University Press, 2001), 166-235.

could have had the necessary time, skills and desire to devote themselves to the study of science (either religious or non-religious). The argument thus arose that those who dedicate their time to this undertaking should be institutionalized as a separate stratum in society. In legal terms, institutionalization was secured through the theory of *taqlīd*, i.e., emulation of the founding scholars of specific legal schools mainly by following the methods and principles that they established. The outcome of this theory tended to divide the Muslim community into two categories: scholars and those who follow the scholars (called *muqallid*).[9]

This practical justification not only determined the '*ulamā*'s authority but it also implicitly stemmed its reference from the Qur'an that says: "Obey God, the Prophet and those in authority amongst you." (Q. 4: 59). A number of Sunni scholars claimed that "those in authority" referred to the '*ulamā*', while some argued for the inclusion of the political rulers (*umera*) in this category. Sunni scholars, likewise, interpreted the Qur'anic verse (16: 43), "Ask the people of remembrance if you do not know" as a way of urging people to acknowledge the '*ulamā*' as authorities in matters of knowledge. There were indeed pertinent sayings of the Prophet Muhammad (*aḥādīth*) that were used to maintain the authoritative status of the '*ulamā*'. Among them, a very well known phrase: "The '*ulamā*' are the inheritors of the Prophets," was taken as a sign of religious authority, which conferred upon them social responsibility towards the Muslim community as well.[10]

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[9] Gleave, "Ulema," 703.
[10] Ibid., 704.

In his chronicles (1820), ‘Abd al-Raḥmān al-Jabartī laid down a noteworthy self-image of the ‘*ulamā*’ and their place in Islamic political thought. According to Jabartī,

> [G]od created humankind in five categories of descending importance. In the first category were the prophets who were sent to reveal God’s message to humankind and to show the world the path of righteousness. In the second category are the ‘*ulamā*’ who are the heirs and successors of the prophets, “the depositors of truth in this world and the elite of mankind.”[11]

This emanates from the Qur’anic teachings that firmly declare that the chain of God’s prophets ended with the prophethood of Muhammad,[12] which in turn compelled those in his fellowship to continue the propagation of his teachings. Marsot concludes that, “Below them in rank were the kings and other rulers, and below them ranked the rest of mankind in two last categories.”[13]

The majority of Sunni Muslim theologians reject the idea of an institutionalized clerical class that acts as an intermediary between the Creator and His servants. From this perspective, the ‘*ulamā*’ do not form an organized priestly caste.[14] Rather, the *ulema* are considered to have achieved superior moral and social status through their deep understanding of God’s Law, devoloping expertise in the interpretation and application of “the words of God” as they apply to the relationship between human beings and their

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[11] ‘Abd al-Raḥman al-Jabartī, ‘*Ajā’ib al-athar fi’l tarājim wa’l-akhbār*, (Cairo, 1882), I: 7; quoted in Marsot (translations are Marsot’s): see Marsot, “The Ulama of Cairo,” 149.
[12] “Muhammad is not the father of any of your men, but (he is) he Messenger of Allah and the seal of the Prophets.” (Q. 33: 40), Abdullah Yusuf Ali, *The Meaning of Holy Qur’ān,* 33: 40.
[13] Marsot, “The Ulama of Cairo,” 149.
[14] Ahmed Cevdet Paşa, *Tezâkir 40-Tetimme*, ed. Cavid Baysun (Ankara: TTK Basımevi, 1991), 161-62.

Creator.[15] The prophetic traditions have, as we have seen, deemed them superior to common people who are generally ignorant of most aspects of God's Law. On the other hand, the '*ulamā*' were advised to act independently as mediators between governing elites and the public and were strongly urged to remain aloof from rulers.

Abramski, in his article tracing the entry of the *'ulamā'* into the governmental and administrative system of early Islam (up to 320/932), states that,

> [U]lema served as caliphal delegates to the outside world, bringing knowledge of Islamic universalism to foreign rulers, and spreading the glory of the caliphs. Thus, despite the stereotyped description in the sources of '*ulamā*' and *qāḍī*s preoccupied with learning, many had careers that were at least partly non-religious.[16]

Nevertheless, the relationship between the '*ulamā*' (learned elite) and *umarā'* (plural of *amīr*, or, ruler) in Islamic history has always been complex if not problematic. Many rulers (*umarā'*) desired to benefit from the '*ulamā*'s capacity to sanction political platforms and thus give a sense of legitimacy to those in power. According to Abramski the '*ulamā*', and specifically the *qāḍī*s, were used by both the Umayyads and 'Abbasids in order to disseminate ideas, as well as to bolster public support for their regimes. The *qāḍī*s in turn made use of their advisory roles in order to promote political and social ideas that served to uphold the position of the '*ulamā*' in Muslim society."[17] Each group desired to keep the other on its side or under its control. Marsot mentions that

[15] Marsot, "The Ulama of Cairo," 150.
[16] Irit Bligh-Abramski, "The Judiciary (Qāḍīs) as a Governmental-Administrative Tool in Early Islam," *JESHO* 35, no. 1 (1992): 70.
[17] Ibid., 62.

many rulers considered the '*ulamā*' to be an essential tool of government in subjugating the population and that "it was a facet of the '*ulamā*'s many functions to fill temporarily a power vacuum whenever one occurred, and this feature was not unique to that or any period but was a basic element of their role within the socio-political framework."[18]

While many '*ulamā*' were labeled as '*ulamā*' *al-rusūm* (officially recognized or state '*ulamā*'), or '*ulamā*' *al-qaṣr* (the '*ulamā*' of the Palace) as a result of their lust for power and their close cooperation with sultans and kings, many others were ostracized, exiled, tortured or even martyred for their uncompromising stance and insistence on declaring what they believed to be the truth, especially in the face of oppressive rulers—a stance that is considered a noble act according to Prophetic sayings. In *The Origins and Evolution of Islamic Law*, Wael B. Hallaq mentions that, "Jurists are reported to have wept —sometimes together with family members— upon hearing the news of their appointment; others went into hiding, or preferred to be whipped or tortured rather than accept appointment."[19] Hallaq then gives a few illustrative examples, such as Abū Qilāba al-Jarmī (d. 104/722 or 105/723), who opted to flee Basra when he was appointed to a judgeship, and Abū Ḥanifa who was imprisoned and flogged for persisting in his refusal to serve in this capacity. However, the most interesting case was that of 'Alī b. 'Abd Allāh al-Muzanī. When he refused his appointment as *qāḍī* in the year 106/724, he

[18] Marsot, "The Ulama of Cairo," 161.
[19] Wael B. Hallaq, *The Origins and Evolution of Islamic Law* (Cambridge, UK; New York: Cambridge University Press, 2005), 180-181. See also Wael B. Hallaq, *An Introduction to Islamic Law* (Cambridge: Cambridge University Press, 2005), 41-42.

insisted that he was ignorant of Islamic law. When he realized that "his explanation did not do the trick, he continued to argue that if he turned out to be right, then it would be wrong to appoint an ignorant person to a judgeship; and if it turned out that he had lied as to his legal competence, then it would be no less wrong to appoint a liar to this noble office."[20]

The '*ulamā*' asserted their right to academic freedom as embodied in the practice of *ijtihād*. Politically, some of them refused to assume the post of *qāḍī*, as they had from the earliest period of Islamic history, and those who accepted it often did so on condition of having the right to adjudicate freely according to their own learning, without government pressure to apply pre-determined legal decisions. At this point, one wonders why the '*ulamā*' never attempted to seize power instead of passing it on to others if they were indeed an influential group in society and politics. As aptly noted by Marsot, "the answer lies in the very function of the '*ulamā*' within Islamic society," because,

> Their political involvement was of only secondary interest, a by-product, so to speak, of their social standing. And though they were the natural leaders of the people, they did not aspire to lead politically, and were never at ease in the exercise of direct power. They saw their role in society as that of governing the governors... Their self-image was that of the preservers of tradition, not of political innovators... Perhaps there remained vestiges of the concept that power corrupts... To "obey those in authority" has been followed by the *ulama* to the present day and in return "those in authority" have depended on the *ulama* in many aspects.[21]

Their fortunes either waxed or waned, depending on the receptivity of the

[20] Ibid., 181.
[21] Marsot, "The Ulama of Cairo," 164-165.

ruling dynasty to religious influence. The vast majority of Muslim societies did not witness '*ulamā*' ruling states or leading armies as heads of state but always included a class of scholars usually given the generic name '*ulamā*'.[22]

II. The *Ulema* in Ottoman Context

It is difficult to assert that the Ottoman *ulema* followed the same trajectory and the level of independence as practiced by their colleagues in earlier Islamic states with regard to the assumption of legal and non-legal responsibilities within state mechanisms. Therefore, in order to understand the status, importance and influence of the Ottoman *ulema*, it is crucial to elaborate on the structure of Ottoman society.

The Ottomans divided the people, both Muslim and non-Muslim, into either the *askerî/idârî* (i.e., the non-tax paying military and / or administrative class) or the *reâyâ* (meaning the common people subject to political authority) class.[23] The *askerî* as the elite class included all those who were recruited in the service of the sultan, all military groups (*seyfiye*), learned academics (*ilmiye*) and bureaucrats (*kalemiye*), and their families, dependents and slaves. All the non-military class was termed non-elite (*reâyâ*) in the Empire.[24] As part of the *ilmiye* class, the *ulema* belonged to the *askerî* class.

In this context, the importance of the *ulema* in Ottoman political theory

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[22] Gleave, "Ulema," 703.
[23] An Arabic term for a member of the tax-paying class who were mostly peasant cultivators. Derived from the sacred law, *ra'iyyet* or, in the plural, *re'aya* (flock). The term, in general sense, referred to all Ottoman subjects who were not members of the military class.
[24] On Ottoman political divisions see Colin Imber, *The Ottoman Empire, 1300-1650: The Structure of Power* (New York: Palgrave Macmillan, 2002), 244-251; Halil İnalcık, *The Ottoman Empire: The Classical Age 1300-1600* (London: Phoenix Press, 2000), 65-69.

has been noted in a formulaic statement by a high-ranking seventeenth century Ottoman bureaucrat Koçi Bey (d. 1650). He finds that, "religion and state rest upon knowledge (*ilim*) and *ilim* rests upon the learned (*ulema*)."[25] For this reason, even an earlier figure such as Gelibolulu Mustafa Âli pointed out that the Ottoman *ulema* have been among the founding components of the Ottoman state since the very beginning.[26] The Sûfi master Şeyh Edebâlî was, for instance, spiritual mentor of Osman Gâzi (d. 1326), the founder of the Ottoman Empire. The jurist, Dursun Fakih (d. 1330), brother-in-law of Osman Gâzi, became the first Ottoman *kadı* when appointed by Osman Gâzi.[27]

Consequently, in the literature of the nascent Ottoman State, the *ulema* were often likened to the blood,[28] heart or even the brain of a body. They were thus perceived as the foremost among the constituent elements of the community in the Ottoman Empire.[29] It comes at no surprise that the Ottoman sultans showed the *ulema* more respect than that accorded by any other Muslim ruler in the history of Islamic states.[30] Charles MacFarlane, a nineteenth century British traveler, notices this fact and explains the power of the *ulema*. He says, "[t]he Osmanli emperors, of Tartar origin, could pretend to no lineal descent from the noble and holy blood of the Koreish; ... The sultans

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[25] Koçi Bey, *Koçi Bey Risalesi*, ed. Ali Kemal Aksüt (İstanbul: Vakit, 1939), 33-37.
[26] Andreas Tietze, *Mustafā Ali's Counsel for Sultans of 1581: Edition, Translation, Notes* (Wien: Verl. d. Österr. Akad. d. Wiss, 1979), 174-79.
[27] Arif Bey, "Devleti Osmaniye'nin Teessüs ve Takarruru Devrinde İlim ve Ulema," *Darulfünun Edebiyat Fakültesi Mecmuası* 2, (1332/1916): 137-144.
[28] Naîmâ, *Tarih-i Naîmâ*, trans. Zuhûrî Danışman (İstanbul: Zuhûrî DanışmanYayınevi, 1967-1969), I: 28; quoted in Zeki Arslantürk, *Naîmâ'ya Göre XVII. Yüzyıl Osmanlı Toplum Yapısı* (İstanbul: Kitabevi, 1997), 69.
[29] Mehmet İpşirli, "Osmanlı İlmiye Mesleği Hakkında Gözlemler: XVI-XVII. Asırlar," *Osmanlı Araştırmaları* no. 7 (1988): 273-285.
[30] Koçi Bey, *Koçi Bey Risalesi*, 33-37.

abandoned ... to muftis, mollahs, and sheiks, and hence originated the power of the Oulema [*ulema*] body."[31] After this statement, MacFarlane goes further and shares an interesting personal observation in a footnote: "If the sultans had not reserved to themselves the right of electing and of changing the *mufti*s as often as they chose, it may be doubted whether the Osmanli dynasty would have lasted so long as it has."[32]

The Ottoman legal system and their social life were, to a great extent, regulated by the *Sharīʿah* or required rulings in its light. The services of the *ulema*, therefore, became necessary in every walk of life whether political, social, and economic.[33] Therefore, as Chambers indicates, the *ulema* had become "an exceptionally privileged and powerful estate" during the classical period of Ottoman history.[34] It is perhaps, primarily for this reason that the status and authority of the religious scholars as an organized elite group was not formalized until the Ottoman period, when they were incorporated into a bureaucratic governmental framework.[35]

Abdurrahman Atçıl explains the profound relationship between religious scholars and the early Ottomans in the context of post-Mongol realities in the Islamic world. He points out that "the Ottomans established

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[31] Charles MacFarlane, *Constantinople in 1828: A Residence of Sixteen Months in the Turkish Capital and Provinces: With an Account of the Present State of the Naval and Military Power, and of the Resources of the Ottoman Empire* (London: Saunders and Otley, 1829), 1: 332.
[32] Ibid.
[33] Marsot, "The Ulama of Cairo," 152.
[34] Richard L. Chambers, "The Ottoman Ulema and the Tanzimat," in *Scholars, Saints, and Sufis: Muslim Religious Institutions in the Middle East since 1500*, ed. Nikki R. Keddie (Berkeley: University of California Press, 1978), 33.
[35] H. A. R. Gibb and Harold Bowen, *Islamic Society and the West* (London, New York: Oxford University Press, 1957), 1: 79-138; Norman Itzkowitz, "Eighteenth Century Ottoman Realities," *Studia Islamica*, no. 16 (1962): 73-94.

their sovereignty in the north-western corner of Anatolia—an area that had been under Christian control for centuries. Therefore, they did not find any indigenous Islamic religious scholars in the captured territories."[36] In searching for legitimacy, the Ottoman enterprise sought to benefit from the educational, judicial and bureaucratic services of the religious scholars who were moving between different political entities in the post-Mongolian Anatolian principalities.[37] Moreover, The Ottomans emerged as the only Sunni regime in the central Islamic lands after the establishment of Safavid authority in Iran and Azerbaijan in the early sixteenth century as well as the downfall of the Mamluks at the hands of the Ottomans in Syria and Egypt.[38]

Although the term denoted to categorize different people in different periods of the Ottoman Empire, the commonly accepted notion of *ulema* in the Ottoman Empire applied to those scholars who had completed their *medrese*[39] (academies of higher learning) training and had been granted an *icâzet* (license) by their masters acknowledging their right to teach specific texts. These graduates would go on to assume posts in law, education, primary religious services and sporadically in bureaucracy, or would devote themselves personally to community services in the Ottoman polity.[40]

While the early Ottoman *ulema* in particular, broadly shared the

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[36] Abdurrahman Atçıl, "The Formation of the Ottoman Learned Class and Legal Scholarship (1300-1600)" (PhD Thesis, University of Chicago, 2010), 2-5.
[37] Ibid., 3.
[38] Ibid., 8.
[39] To distinguish the terms, I use *medrese* to denote the Ottoman context and *madrasa* to refer to Islamic history in general.
[40] Mehmet İpşirli, "Ottoman Ulema (scholars)," The Foundation for Science, Technology and Civilisation, May 2004, 2, http://www.muslimheritage.com/uploads/OttomanUlema.pdf (accessed January 29, 2012).

formation, function and outlook of their counterparts in other Islamic societies, by far their most distinctive feature came from the formal establishment of their role in the state. This developed under successive sultans, beginning with Mehmed II (r. 1451-1481), and eventually culminated in a thorough and highly elaborate *cursus honorum* of learned offices—the so-called *ilmiyye*—on a scale quite unprecedented in Islam.[41] In fact, the intense institutionalization of the *ulema* within the Ottoman ruling class and governing body was the distinguishing mark in comparison to the other Islamic dynasties and Empires.[42]

Basing his research on the prosopographic study of the three uppermost positions in the *ulema* hierarchy, the *Şeyhulislam*s and the two *kazasker*s (Anatolia and Rumelia), Baki Tezcan argues that "in the late sixteenth and early seventeenth centuries the high-ranking Ottoman judges and professors of law, the *mevali* (sing. *mevla*, lord), came to constitute a privileged social group, a nobility of sorts, the members of which could pass on their social status to their sons."[43]

According to Atçıl, changes in the career patterns of the Ottoman *ulema* occurred during the reign of Süleyman the Magnificent (r. 1520-1566) when an unprecedented geographical expansion was followed by the creation of a centralized bureaucratic administration through the employment of large number of specialized government officials. Through this process, the *ulema*

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[41] "'Ulamā'," in *EI* ², 10: 809-10; Atçıl, "The Formation of the Ottoman," XV.
[42] Gábor Ágoston, "Ulema," in *Encyclopedia of the Ottoman Empire*, eds. Gábor Ágoston and Bruce Alan Masters (New York, NY: Facts On File, 2009), 578.
[43] Baki Tezcan, "The Ottoman *Mevali* as 'Lords of the Law'," *Journal of Islamic studies* 20, no. 3 (2009): 383.

were gradually excluded from scribal and financial employment and had to specialize in educational and judicial services. Thus the *ilmiye* became a distinct carrier pattern for religious scholars.[44]

Despite the fact that during the early Ottoman period, as Kafadar notes, "the culture of Anatolian Muslim frontier society allowed the coexistence of religious syncretism and militancy, adventurism and idealism,"[45] in the following centuries, the Ottoman leadership resorted to the enforcement of a more orthodox understanding of Islam. Tezcan explains this phenomenon with two urgent necessities: first, political and the latter, economic; the rising Safavid power in Persia in the early sixteenth century with a rival interpretation of Islam compelled Ottomans to move towards a more orthodox interpretation. Second, the *Sharīʿah* or what Tezcan calls jurist's law "with its openness to local traditions and administrative practices in many spheres of law, presented an opportunity for the Ottoman administration to offer an umbrella institution to cover the many administrative, financial, and criminal law practices that co-existed in the Ottoman realms and gradually mould them together."[46] Tezcan concludes that these two major developments "made their political leaders indebted to their jurists, who had the legitimacy to articulate the jurists' law and define Sunni Islam."[47]

The arguably purposeful large-scale incorporation of the *ulema* into the service of the state led to sometimes fruitful collaboration with the secular

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[44] Atçıl, "The Formation of the Ottoman," 4.
[45] Cemal Kafadar, *Between Two World: The Construction of the Ottoman State* (Berkeley: University of California Press, 1995), 89.
[46] Tezcan, "The Ottoman *Mevali*," 387.
[47] Ibid.

authorities (as in the case, for example, of Kemal Paşazâde (d. 1534) and Ebu's-Suud Efendi (d. 1574) during the reign of Süleyman I between 1520 and 1566). Such collaboration ultimately resulted in their pursuit of numerous material goals. As a result, by the eighteenth century a virtually closed aristocracy of *ulema* had come into being which had little to do with the traditional roles of the *ulema* as transmitters of Islamic learning, as exemplars of piety, or as mediators between the rulers and the ruled. Due to the reforms of Mahmud II (r. 1808-1839) and of the Tanzimat (1839-76), however, the *ulema* were deprived of many of their sources of power and wealth and lived in uneasy coexistence with new, semi-secularized structures of government. This disadvantageous situation continued especially in the two fields of education and in the administration of justice (judiciary), throughout the late nineteenth and the early twentieth centuries until their corporate existence was brought to an end in the early years of the Turkish Republic with the abolition of the Caliphate in March 1924.

Acording to Ahmet Cihan, it is possible to assign the trajectories of the pre-Tanzimat Ottoman *ulema*-ruler relationship to three major periods: The first was the formation and development phase from 1300 to 1600, followed by [the second] period of stagnation and contraction from 1600 to 1770 and the third, the reformation period from 1770 to 1876.[48] The third period, in turn, can be divided into two major phases. During the first phase between 1770-1830 the Ottoman *ulema* pioneered reform initiatives and expanded their role within the decision-making mechanisms of the state apparatus and therefore

[48] Ahmet Cihan, *Reform Çağında Osmanlı İlmiye Sınıfı* (İstanbul: Birey, 2004), 13-15.

increased their influence and power. However, during the second phase of the reformation period from 1830-1876, mostly as a result of these ongoing structural reforms, the influence of the *ulema* gradually began to be excluded from Ottoman political life, even though the *ilmiye* leadership had actively participated the reforms on an institutional level. After the proclamation of Tanzimat, the *ulema* and related *ilmiye* organizations had to share the fields of education and judiciary, as stated above, with the emerging Western-style institutions and their staff.[49] Developments in the post-Tanzimat period thus display certain characteristics that are not within the scope of this study.

The *ulema* class broadened its power until the seventeenth century, when it entered into a period of dissolution due mainly to external developments, and then found itself involved in ruthless daily politics. In this period, starting with Sultan Ahmed I (r. 1603-1617) and the subsequent reigns of child sultans, power was frequently transferred to military commanders, viziers, influential palace circles, and the *ulema*. Each group sought the latter's support in order to increase its own power and influence.[50]

However, starting in the nineteenth century, the *ulema* suffered a major loss of power as a result of the partial transfer first of all educational, then of legal responsibilities to other groups. The establishment of the Ministry of Imperial Foundations (*Evkâf-ı Hümayûn Nezareti*) which began to divert foundation administration and incomes away from the *ulema* to the

[49] Ibid.
[50] İpşirli, "Ottoman Ulema (scholars)," 2.

central treasury also played a role in its decline.[51]

It should also be noted that not all *medrese* graduates enjoyed the same prerogatives and authority entertained by senior Istanbul-based *ulema* who came from powerful aristocratic *ilmiye* families. Some learned men of the *ilmiye* class resorted to the mosques after their formal *medrese* training and were chosen to act as *imams, müezzins*, *vâizân* (preachers), *Selâtin camii şeyhi* (Sheikh of a Royal mosque),[52] *cuma hatîbi* (preacher to the Friday congregation) or *zeyl-i meşâyih* (Auxiliary Sheikh). By contrast, the college (*medrese*) graduates who graduated from the countryside (*Taşra*) colleges, which were not under the direct control of the official *ulema* hierarchy of Istanbul, did not enjoy the same prospects as their *ilmiye* (Istanbul) confreres.

Until the year 1829 when the first office of the district headman (*muhtarlık*) was opened in Istanbul, the mosque *imam*s were the largest group of religious endowment-sponsored (*waqf*) public servants, providing a multitude of services. They were considered a tax-exempted class (*ehl-i berât*) as part of the military (*askerî*) class and were thus exempt from *raiyyet rüsûmu* (public taxes) and *avârız* taxes (incidental, extraordinary wartime tax) during the period of their assignment. Before the Tanzimat period, the *imam*s were under the close supervision of judges (*kadı*) and were charged with a number of administrative and clerical tasks in addition to their religious duties. They would also be responsible for the registration of births, deaths, marriages,

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[51] Mehmet İpşirli, "II. Mahmud Döneminde Vakıfların İdaresi," in *Sultan II. Mahmut ve Reformları Semineri* (İstanbul: İstanbul Üniversitesi Edebiyat Fakültesi, 1990), 49-57.
[52] A mosque that was built by a sultan and has more than one minaret; an exclusive feature of the *Selâtin* mosques.

divorces and tax collection issues in their district (*mahalle*) as well as for maintaining a list of the people who resided in the region or had moved away.[53] They also controlled a kind of internal passport (*mürûr tezkeresi*) for those passing through their districts.[54]

Along with these duties, they acted as ombudsmen in settling disputes between the public and law enforcement agencies. Due to the fact that Ottoman *ulema* dominated the central and peripheral state organs, they were the largest and strongest public opinion makers and thus represented the most organized political power in the Empire.[55] After the centralization of the religious endowments (*awqaf*), however, the *imam*s became mere state officials as they started receiving their salary directly from the central government. At the same time they were completely stripped of their administrative tasks and duties. In fact, towards the end of Tanzimat period, they had been reduced—as one of them wrote in his complaints register (*şikâyetnâme*)—to being responsible solely for *gassallık*, i.e., washing dead bodies before burial. [56]

Through religious sermons and preaching, the members of the *ilmiye* class in general and the *ulema* in particular, enjoyed a direct influence over the public. State officials heavily depended on them to form and/or manipulate public opinion, especially before the growth of newspapers at the end of the era of Mahmud II.

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[53] Almost same responsibilities and privileges were granted to priests and monks for their communities.
[54] Travel pass granted to voyagers within the Ottoman borders.
[55] Tarık Zafer Tunaya, *Türkiyenin Siyasî Hayatında Batılılaşma Hareketleri* (İstanbul: Arba Yayınları, 1996), 12.
[56] Kemal Beydilli, *Osmanlı Döneminde İmamlar ve Bir İmamın Günlüğü* (İstanbul: Tarih ve Tabiat Vakfı, 2001), 1.

The Ottoman Education System and the *Ulema*

Although the Ottoman *ulema* were involved in various levels of governmental offices, their primary role was to design and develop the education systems of the Ottoman Empire. Religious sciences were taught in *medrese* (colleges), of which 350 were established between the fourteenth and sixteenth centuries (more than half of them, i.e., 189) in the sixteenth century. What counted most in Ottoman education was the professor (*müderris*) rather than the institution (*medrese*) itself.[57] It was his expertise that determined, in accordance with the intent of the *waqf*'s founder expressed in the trust deed (*waqfiyya*) of the *medrese*, the subjects and books that were taught.[58] Until the centralizing reforms, the entire education system from pre-*medrese* teachers (*mekteb hocalığı*) to full-fledged professors (*müderris*) in different ranks and categories was a monopoly of the *ulema* class. In fact, in this period, they were the sole authority responsible for the transmission and production of knowledge.

Generally, children came into contact with the *medrese* at an early stage of their lives. When a child completed four years, four months, and four days of his life, a formal ceremony marked his or her start in education. Dozens of *medrese* students, headed by teachers, a few high ranking officials and some neighbours would depart from the *medrese* chanting and singing hymns until they reached the would-be *medrese* student's house. After serving

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[57] For instance, Mustafa Bilge, in his *İlk Osmanlı Medreseleri*, argues that the *müderris* (professor) himself was important to education and not the college (*medrese*) itself—unlike the situation in Europe. See Mustafa Bilge, *İlk Osmanlı Medreseleri* (İstanbul: Edebiyat Fakültesi Basımevi, 1984), 11.

[58] Ágoston, "Ulema," 577.

refreshments, and distributing small gifts to students and teachers alike, the parents would ride their dressed-up child on a pony (a phaeton in the case of the girls) and move to another student's house in the neighborhood and eventually the cheerful crowd end up in the *medrese*. A teacher symbolically gave the child his or her first class and after short speeches, Qur'anic recitations and collective prayers, a child officially began his long journey first in the *Sıbyan Mektebi (children's school/ Primary Schools)* then in the *medrese*. This ceremony was called *Âmin Alayı* (Amen Parade).[59]

Since the *medrese* constituted the core of Ottoman public education for Muslim subjects, a mechanism for upward social mobility, and the main source for elite production, this section highlights the main characteristics of the *medrese*.[60] As far as the curriculum and teaching methodology is concerned, the Ottoman *medrese*, to a great extent, followed the existing Nizâmiye *medrese* model of the Seljuk Turks.[61] The Ottomans, on the other hand, with regard to philosophy and doctrine, adhered to the Ghazālī and Fakhr al-dīn al-Rāzī school of thoughts in their education system.[62]

After completing four years of preliminary education in the district schools (*mahalle mektebi*), students entered the *medrese* system beginning with *Hâşiye-i Tecrîd Medresesi* (also called *Yirmili medrese*, *medrese* with the twenty, as

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[59] Mustafa Uzun, "Mektep İlâhisi ve Gülbangi," in *TDV İslam Ansiklopedisi* (Ankara: TDV, 2004), 29: 10.
[60] In today's terms, the *medrese* covered the secondary, high school, college and university degrees respectively (the term became an umbrella covering all the levels of education from elementary school up to university level). See Nebi Bozkurt, "Medrese," in *TDV İslam Ansiklopedisi* (Ankara: TDV, 2003), 28: 327.
[61] Bilge, *İlk Osmanlı Medreseleri*, 12.
[62] Kenan Yakuboğlu, *Osmanlı Medrese Eğitimi ve Felsefesi* (İstanbul: Gökkubbe, 2006), 255.

its teachers earned 20 to 25 *akçe*s daily).[63] Several criteria were used to classify and rank the *medrese*s. Some were ranked according to the titles of the books taught at the relevant level. For example, in the *Hâşiye-i Tecrîd* level, students were taught a book on Islamic theology, called *Hâşiye-i Tecrîd*.[64] After having completed the book and obtained a license (*icâzet*) from his teacher, the student was then required to complete a book on rhetoric (*belâğat*), titled *Miftâhu'l-Ulûm* during his study at the *Hâşiye-i Miftâh* level where his mentor made 30-35 *akçe*s daily and was thus also called *Otuzlu medrese*. In the *Kırklı medrese*, the teacher taught the *Talwīh* of Sa'd al-Dīn al-Taftāzānī (d. 792/1389), a book on Islamic legal methodology, and in return was granted 40 *akçe*s daily. Thus this *medrese* was called *Telvih medresesi*. The higher a student climbed the echelons of the *medrese* ladder, the better his teacher's remuneration. In the following two *medrese*s, *dâhili* and *hârici*, where the teacher earned 50 *akçe*s daily, he taught and prepared his students for the *Mûsila-i Sahn medrese*. *Mûsila* literally means connector for it was a *medrese* that connected the student to the *Sahn medrese*. The *Sahn-ı Semân* (eight courtyards) *medrese*s together with a magnificent mosque complex (*Fatih Külliyesi*) was built by Mehmed II in 1471 and its professors continued to enjoy the title of *şuyûh el-müderrisin* (the leading professors) for at least a century.[65] It took between five to eight years for a student to reach this level and to be considered a *dânişmend* (knowledgeable person) and granted a separate room in the *medrese* with two

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[63] *Akçe* is a small Ottoman silver coin that also served as a monetary unit. Haim Gerber, "Monetary System of the Ottoman Empire," *JESHO* 25 (1982): 308-324.
[64] *Hâşiye 'ala Teşyidi'l Kavâ'id fî şerhi Tecrîd'l-'akâ'id*. This is annotation by Şemseddin el-İsfahânî on Nasîrüddin et-Tûsî's book of theology.
[65] Fahri Unan, "Sahn-ı Seman," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 2008), 35: 532-33.

extra *akçe*s daily allowance. As he was entitled to teach younger students, he had the right to have a *çömez* (assistant novice) to serve him in cooking and cleaning in return for board, accommodation and assistance in his studies.[66] Becoming a *dânişmend* was particularly important for a *reâyâ* (non-elite class or subjects) person, as it was the key to benefiting from the privileges of the military/elite (*askerî*) class.[67] A century later, when Süleyman the Magnificent (r. 1520-1566) established the *Süleymaniye medrese* which marked the zenith of Ottoman culture and education, the *Dârü'l- Hadîs-i Süleymaniye* became the empire's most select *medrese,* where professors enjoyed highest salary and rank until the last days of the empire.[68]

An important aspect of the *medrese* life was "*cerre çıkmak,*" the practice of dispatching *medrese* students as *imam*s and preachers to different parts of the empire for the duration of the sacred three months in the Muslim calendar (Recep, Şaban and Ramazan) when the *medrese*s were officially closed. While the students were making money to cover their expenses in their quest for knowledge, the real intention was to encourage the future judges (*kadı*) and state officials to become acquainted with the country, people and local traditions—a kind of modern day "internship."[69]

On graduation from *Dârü'l- Hadîs-i Süleymaniye*, a *medrese* student, who was then between twenty five and thirty years old, had the choice of becoming a teacher or a judge. If he preferred to seek a better paid job, he had to sign up

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[66] İsmail Hakkı Uzunçarşılı, *Osmanlı Devletinde İlmiye Teşkilatı* (Ankara: TTK, 1988), 7-9.
[67] Mehmet İpşirli, "Dânişmend," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 1993), 8: 465.
[68] Fahri Unan, "Medrese Education in the Ottoman Empire," in *The Great Ottoman-Turkish Civilization*, eds. Kemal Çiçek et al. (Ankara: Yeni Türkiye, 2000), 2: 633-36.
[69] İpşirli, "Medrese," 331.

with the Registrar's office and pass his probationary period, or *mülazemet*, during which new judges received firsthand training. Later appointments to the judgeship were based on seniority, with the judgeship of Istanbul being the most senior and valued post.[70]

The earliest Ottoman *medrese* establishment is attributed to Orhan Gazi (r. 1324–62) in the first Ottoman capital city, İznik (ancient Nicaea) in 1331, approximately thirty years after the founding of the Ottoman state.[71] Between 1326 and 1451, eighty-four *medrese*s were established. Fifty-three of them were located in Anatolia and twenty-nine of them were in the Balkan regions of the Empire (Rumelia). Only two of them were in Jerusalem (*Kudüs*).[72]

During the first one and a half centuries of the Ottoman Empire, the majority of the *medrese*s were concentrated in İznik, Bursa and Edirne, each of which had served as capital city during the formative period of Ottoman history.[73] It can be asserted therefore that there is a direct correlation between the number of *medreses* and elite concentration in the capital cities of the Empire. From the conquest of Istanbul in 1453 until the nineteenth century the number of *medrese*s built in Istanbul exceeded 500.[74] Although we do not have a comprehensive survey of the *medrese*s built all around the Empire, the number of *medrese*s and *mekteb*s built in Rumelia during Ottoman rule

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[70] Gábor Ágoston, "Kadı," in *Encyclopedia of the Ottoman Empire*, eds. Gábor Ágoston and Bruce Alan Masters (New York, NY: Facts On File, 2009), 304.
[71] Derviş Ahmet Âşıkpaşazâde, *Âşıkpaşaoğlu Târihi*, ed. Nihal Atsız (Ankara: Milli Egitim Bakanlığı, 1970), 119.
[72] Ekmeleddin İhsanoğlu, "Osmanlı Medrese Geleneğinin Doğuşu," *Belleten* LXIV, no. 247 (2002): 897.
[73] Bilge, *İlk Osmanlı Medreseleri*, 6-7.
[74] Mübahat S. Kütükoğlu, "1869'da Faal İstanbul Medreseleri," *İstanbul Ünivesitesi Edebiyat Fakültesi Tarih Enstitüsü Dergisi* 7-8 (1976-1977): 277-393.

indicates that from the early period until the final days of the Empire, the Ottomans made the Western territories the focal point of their long-term investment. To illustrate this, for example in Bulgaria there were 142 *medrese* and 273 *mekteb*; in Greece, 182 *medrese* and 315 *mekteb*; in former Yugoslavia 223 *medrese* and 1134 *mekteb*; in Albania, 28 *medrese* and 121 *mekteb* all of which amount to a total of 575 *medrese*s and 1843 *mekteb*s that were built and operated by the Ottomans in the Rumelia region of the Empire.[75] Furthermore, almost all of the *mekteb* and *medrese* were funded by religious endowments (*awqaf*) which had been established primarily by wealthy state officials. The relationship between the ethnic background of the donors and geographical preference of their *waqf*s, though outside the scope of this study, is a subject worthy of research in its own right.

In addition to *medrese*, there were also hundreds of *dersiye*s where students could study certain books under a single teacher whose qualifications were set down in their respective trust deeds (*waqfiyya*).[76] The main difference between *medrese* and *dersiye* as educational institutions was size. *Dersiye*s were not fully-fledged schools, but rather adjacent rooms to mosques and sufi lodges in places where a *medrese* was not to be found. Their humble income and modest physical conditions seem to indicate that they were mostly built by a lower income group of people in the society. So far, there has been no independent study of the *dersiye*s, but their trust deed documents (*waqfiyya*) promise to reveal much about the nature and characteristics of the lower

[75] İpşirli, "Medrese," 328.
[76] Ibid.

income donor community in the Ottoman Empire.

Apart from *medrese* and *dersiye*, free public education was also available within Sufi convents or lodges (*tekke* and *zâviye*). Lastly, different levels of Ottoman bureaucracy often provided in-service training in their respective government offices.

Hâne-gî-Himâye Education or *Intisâb* System: Apart from the *ulema*-controlled classical *medrese*s and palace-controlled *enderûn* schools, many prominent Ottoman statesmen, hoping to prolong their influence in the state affairs, relied on the *hâne-gî–himâye* type of education system to train and promote loyal protégées. Although this system was an important technique for producing key members of the elite especially during the nineteenth century in favor of certain cliques, it has not yet attracted the attention it warrants in Ottoman historiography.

Hâne-gî literally means belonging to the house, domesticated, ignorant of the outside world, or inexperienced.[77] The term was used to denote levied young children who were sheltered, trained and raised by their masters as members of the household in their residential manors and then installed in government administrative positions of where they would continue to pay tribute to their patrons.[78] These children were technically slaves, but they were treated as adopted sons and enjoyed the benefits of a sumptuous life

[77] "Hanegî," in *New Redhouse Turkish-English Dictionary,* eds. V. Bahadır Alkım et al., 16th ed. (İstanbul: Redhouse Yayınevi, 1996); Mehmet Zeki Pakalın, "Hanegi," in *Osmanlı Tarih Deyimleri ve Terimleri Sözlüğü*, (İstanbul: Milli Eğitim Basımevi, 1983), 1:729.
[78] Halûk Dursun, "19. Yüzyılda Adam Yetiştirmede Hânegî-Himâye Usûlü," *Kubbealtı Mecmuası* 25, no. 4 (1996): 73-75.

style in large mansions.[79]

The system resembled that of *enderûn*: levied boys between eight and ten years old drawn mostly from Caucasia and the Aegean regions or in some cases orphans from different parts of the Empire were brought to Istanbul and installed in the manors of wealthy patrons. While palace slaves were called *gılmân* (Arabic singular *gulâm*), home-raised indentured servants were called *hâne-gî*. However, after careful examination, only the most promising ones were selected by experts in *ilm-i kıyâfet* i.e., physiognomy. The main difference between the levied boys of *enderûn* and the *hâne-gî* system was, while *enderûn* boys were raised in the palace and became the slaves of Sultan, the *hâne-gî* boys were treated as adopted children of their protector, enjoyed family life and established, with few exceptions, a lifelong attachment and allegiance to their protectors. In this sense the Ottoman elites imitated the palace in creating their own loyal protégées to build up their personal or family power networks. Whether their master had his own children or not *hâne-gîs* were treated virtually as adopted sons. They dined with the family in the same house, and lived as if they were children of the mansion. No segregation or harsh treatment whatsoever was inflicted upon them. A *hâne-gî* child received the best education possible either directly from his master or under the tutelage of paid educators, respected *ulema*, poets, calligraphers who taught

[79] Today's Faculty of Chemistry building of Istanbul University, Vefa High School, the Ministry of Education Istanbul Directorate Building (and many other governmental offices) were residences (*konak*) where Pashas and their households lived together with the *Hâne-gî*s. They thus give us an idea about the size and function of those mansions. See İsmail Orhan, "Konak," in *TDV İslam Ansiklopedisi* (Ankara: TDV, 2002), 26:159-61.

the children at their residences.[80]

Hâne-gî patrons shared some interesting commonalities: (a) all of them were previously *hâne-gîs* for another patron; (b) all enjoyed floriculture and had astonishing gardens; (c) all shared great appreciation for or knowledge of the fine arts and finally, perhaps most importantly, (d) a passion for creating an *equipe formidable* and striving to increase their influence in the power struggle vis-à-vis other elite groups. In some cases, there were more than one protector for a *hâne-gî;* several influential pashas and statesmen became, successively, guardians of same *hâne-gî*s.[81] To give a few examples of the famous *hâne-gî* elite patrons who were prominent public figures during the time period covered by this study, Hâlet Mehmed Said Efendi (d. 1822), the Ottoman Grand Vizier Koca Hüsrev Pasha (d. 1855) and six times Grand Vizier Mustafa Reşid Pasha (d. 1858) stand out.

Crimean born Hâlet Efendi first became *hâne-gî* of *Şeyhulislam* Ebû İshakzâde Şerif Mehmed Efendi (d. 1790) and while a domestic servant together with his father, Hâlet started to receive his primary education with the son of *Şeyhulislam*, 'Atâ'ullah Efendi who became Hâlet's childhood friend and later the future *şeyhulislam* of the Empire. Later on, famous poet and mystic Şeyh Gâlip Efendi became his second protector and through him Hâlet was introduced to some high-ranking Mevlevî palace officials. Over the years, Hâlet Efendi rapidly reached the higher echelons of power to become the real

[80] Dursun, "19.Yüzyılda Adam Yetiştirmede Hânegî-Himâye Usûlü," 73-75.
[81] Ibid., 75.

power on the Istanbul political scene in especially from 1811 to 1822.[82] Ercüment Kuran says, "he [Hâlet Efendi] maintained this position by appointing his own creatures to key posts and by sending any adversary to exile or to death."[83] Among the famous *hâne-gî*s of Hâlet Efendi were Keçecizâde İzzet Molla (d. 1829) and Sahaflar Şeyhizâde Esad Efendi (d. 1848) both of whom were prominent *ulema* of the Mahmudian era.[84] Koca Hüsrev Pasha,[85] who himself was a *hâne-gî* of the first Çavuşbaşı Said Efendi, then Grand Vizier Rauf Pasha, did not have any children but had some fifty *hâne-gî*s many of whom became Grand viziers, Chief Army Commanders, and nearly thirty, pashas.[86] He not only engineered the dismissal of his rivals from their positions but replaced them with his own *hâne-gî*s. By marrying his own men to the Sultan's daughters, he made his way into Palace circles.[87] After the death of Hâlet Efendi, Hüsrev Pasha became the second most powerful man in the Empire and sometimes even *de facto* ruler. His extraordinary power and influence did not go unnoticed by European observers.

The outbreak of war with Russia in 1828 brought Hüsrev Pasha's name to the fore in the capital, first with his presence at the peace negotiations in the presence of the French, English and Prussian ambassadors, second his

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[82] Süheyla Yenidünya, "Mehmet Sait Halet Efendi Hayatı ve Siyasi Faaliyetleri (1760-1822) " (PhD Thesis, Istanbul University 2008), 4.
[83] Ercüment Kuran, "Ḥālet Efendi," in *Encyclopaedia of Islam* 2nd ed. (Brill Online, 2012), http://referenceworks.brillonline.com/entries/encyclopaedia-of-islam-2/halet-efendi-SIM_2644 (accessed February 17, 2012).
[84] Abdülkadir Özcan, "Hâlet Efendi," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 1997), 15:250.
[85] For an award-winning work on Hüsrev Pasha, see Yüksel Çelik, "Şeyhülvüzera Koca Hüsrev Paşa: Siyasi Hayatı ve Askeri Faaliyetleri (1756-1855)" (PhD Thesis, Istanbul University, 2005).
[86] Dursun, "19.Yüzyılda Adam Yetiştirmede Hânegî-Himâye Usûlü," 73-75.
[87] Halil İnalcık and R. C. Repp, "Khosrew Pasha," in *Encyclopedia of Islam* 2nd ed.(Brill Online, 2012), http://referenceworks.brillonline.com/entries/encyclopaedia-of-islam-2/khosrew-pasha-SIM_4309 (accessed February 17, 2012)

responsibility for the security of the capital and finally his dealing with the Egyptian question albeit with dramatic highs and lows. Hüsrev Pasha had the complete confidence of the Sultan and sometimes actually wielded political power.[88] The point here is that times of crisis and conflicts helped Hüsrev Pasha and his coterie of *hâne-gîs* to seize power. It is clear that the *hâne-gî* system was used as an effective tool in the power game among the elite circles.

The famous Foreign Minister and later Grand Vizier Mustafa Reşid Pasha (d. 1858) was another nineteenth century *hâne-gî* patron. In fact, his influence peaked when he and his own slave group took great care to prevent Hüsrev and his *hâne-gî*s from accumulating any further power. Reşid Pasha was himself a *hâne-gî* of Pertev Pasha (d. 1837) and with his famous *hâne-gî*s many of whom became Grand Viziers, Foreign Ministers and held other influential positions; he left an indelible imprint on the Tanzimat period in the following decades.[89] After winning the sympathies of the European powers, and strengthening his position in the Topkapı Palace corridors of power, he dealt the fatal blow to Koca Hüsrev Pasha first by expelling him from Istanbul and then removing his slaves one after another from their governmental positions. Needless to say, he replaced them with his former *hâne-gî*s.[90] Famous Grand viziers such as Âlî Pasha (1815-1871), Fuâd Pasha (1815-1869), Mahmud Nedim Pasha (1818-1883), a remarkable scholar and statesman Ahmed Cevdet Pasha (1822-1895), Ahmed Vefik Pasha (1823-1891), Safvet Pasha (1815-1883),

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[88] Halil İnalcık, "Koca Hüsrev Paşa," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 1999), 19: 42-45.
[89] Dursun, "19.Yüzyılda Adam Yetiştirmede Hânegî-Himâye Usûlü," 73-75.
[90] Kemal Beydilli, "Mustafa Reşid Paşa," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 2006), 31:348-350.

poet Ziya Pasha (1825-1880), Ahmed Midhat Pasha (1822-1884), Sadık Rıfat Pasha (1807-1856), and the founder of modern Turkish literature İbrahim Şinâsi (1826-1871) were some of his most famous *hâne-gî*s, each of whom became patrons of their own *hâne-gî*s and went on to shape the political landscape of the Empire during the following decades.[91] I am of the opinion that without having understood the *hâne-gî* system, the true nature of the conflicts between different Ottoman elite groups will not be properly understood.

During the first part of the nineteenth century, *medrese* graduates no longer drew the favors of policy makers and the *enderûn* lost its importance. As Gábor Ágoston, a prolific Ottomanist has pointed out, in addition to the necessary academic training in the religious or non-religious sciences, the patronage (*intisâb*) of influential persons in and around the government was essential for a career within the *ulema*.[92] It is in this context (after the first part of the nineteenth century), the *hâne-gî* system, in conjunction with some local and international contingency developments played a major role in elite conflicts and thus in shaping the political landscape of the empire. This also affected the *ulema* and other elites' attitudes towards the westernization reforms of Sultan Selim III and Mahmud II.

I will argue that the elite conflict perspective is essential in analyzing these changes, and that without taking it into consideration, the sweeping generalizations and hasty conclusions on the *ilmiye* class general and the *ulema*

[91] Dursun, "19.Yüzyılda Adam Yetiştirmede Hânegî-Himâye Usûlü," 73-75.
[92] Ágoston, "Ulema," 577.

in particular become frequently misleading if not totally irrelevant.

Enderûn-i Hümâyun Mektebi (The Palace School): The *Enderûn mektebi* (Persian interior), also known as the Palace School, was another important elite educational institution in the empire and was located in the inner section of Topkapı palace. This palace school was designed to educate the most promising boys of the child levy (*devşirme;* verbal noun of *devşir* meaning 'to collect') and functioned as a school of government, preparing them for important bureaucratic elite positions within the imperial administrative structure.[93] For more than four centuries of Enderûn graduate elites played a decisive role in the ideology of the Empire, I will briefly touch upon the origin and function of the *Enderûn* School in the context of elite struggles.

Carter Vaughn Findley argues that it was due to this elite slave system that the Ottomans were able to survive and reunify the Empire only a decade after the Battle of Ankara in 1402.[94] For Findley, the Ottomans had begun to find their own ways to create and replenish elites devoted to the state. Although some Turkish sources indicate that the *devşirme* was in practice during the reign of Sultan Çelebi Mehmed (r. 1413-1421), Speros Vryonis's account of Isidore Glabas, the bishop of Salonica in 1395, indicates that the *devşirme* practice was already in existence by the 1390s.[95]

The practice of fratricide (between 1362 and 1595) and the elimination of the sultan's adult blood relations from the household and government made

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[93] V. L. Ménage, "Devshirme," in *EI* ², 2:210-13.
[94] Carter V. Findley, *The Turks in World History* (New York: Oxford University Press, 2005), 112.
[95] Speros Vryonis, Jr., "Isidore Glabas and the Turkish Devshirme," *Speculum* 31, no. 3 (1956): 433-443

the sultan's dependence on the *Kapıkulu* (soldier in the service of the palace) in his administrative affairs inevitable.[96] In addition and according to Ahmed Cevdet Pasha, the last *devşirme* was carried out in 1751.[97] It is thus clear that this type of palace-based imperial academy was different from that of *Ghulām* (Slave) system and therefore, did not exist in the pre-Ottoman Turkish states, nor in the other Islamic dynasties or in Europe.[98]

The primary purpose of the establishment of the Palace School was to produce Muslim warrior-statesmen with eloquent speech, high morals and absolute obedience to the Sultan.[99] Since those assimilated were all levied Christian boys, the Palace intended to create an armed entourage with no familial or tribal connections through the *kul*-slave system which was, according to İnalcık the foundation of the Ottoman Empire; yet the translation of "*kul*" as "slave" is misleading.[100] Aksan deplores that the *kul*/slave was "a badly misunderstood term." [101]

Proximity to the ruler has traditionally enhanced the importance of individuals throughout Middle Eastern history.[102] Gülru Necipoğlu draws an interesting analogy with the appellation of the different architectural divisions of Topkapı Palace and their function. She notes that when appearing before the Sultan, visitors were led through the inner gate before entering the

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[96] Imber, *The Ottoman Empire,* 130.
[97] Ahmed Cevdet Paşa, *Tarih-î Askerî-i Osmanî* (İstanbul: Kırk Anbar Matbaası, 1299/1882), 1: 180.
[98] Mustafa Kaçar, "Palace School (Enderûn-i Hümayun Mektebi)," in *Encyclopedia of the Ottoman Empire*, eds. Gábor Ágoston and Bruce Alan Masters (New York, NY: Facts On File, 2009), 452.
[99] Ibid.
[100] İnalcık, *Ottoman Empire*, 77-87.
[101] Virginia H. Aksan, *An Ottoman Statesman in War and Peace: Ahmed Resmi Efendi, 1700-1783* (Leiden; New York: E.J. Brill, 1995), XI.
[102] Stanford J. Shaw and Ezel Kural Shaw, *History of the Ottoman Empire and Modern Turkey* (Cambridge; New York: Cambridge University Press, 1976), 1:115.

inner court. First entering the outer palace, or *birûn*, where they were in the presence of devices of sovereign oversight, they then proceeded to the inner palace, or enderûn, where they were in the presence of actual sovereign oversight.The very name for the inner gate - the Gate of Felicity or *bâb üs-saâde* - evoked an experience of delight, as though the approach to the sovereign itself constituted a journey towards happiness. The movement from the outer gate to the inner gate was a symbolically meaningful process meant to imbue visitors with a sense of ascension towards happiness.[103]

In Ottoman society, therefore, to be a slave of the sultan was perceived as an honor and privilege. Since the *devşirme* system, by its nature, was open to malfeasance and corruption, the rules and regulations set were very strict and those who violated the law severely punished.[104] It is interesting to note that the officers who were tasked to collect levy boys were called *Turnacıbaşı*, literally, keeper of the crane. In actual fact, their primary job was to oversee the *turna* (cranes) in the imperial palace. But since the cranes represented separation and remoteness in Turkish folk music, the task of bringing the levied children to Istanbul in flocks (*sürü*), like flock of cranes, was given to the *Turnacıbaşı*.[105]

Depending on the needs of the army, the child levy took place every

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[103] Gülru Necipoğlu, *Architecture, Ceremonial, and Power: The Topkapi Palace in the Fifteenth and Sixteenth Centuries* (New York, N.Y.; Cambridge, Mass.: Architectural History Foundation ; MIT Press, 1991), 90.
[104] Abdülkadir Özcan, "Devşirme," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 1994), 9:255.
[105] Erol Özbilgen, *Bütün Yönleriyle Osmanlı: Adabı Osmaniyye: Devlet, Kurumlar, Toplum, Şehir, Aile, Birey, Bilim, Sanat, Kültür, Ticaret, Sanayi, Teknoloji* (İstanbul: İz Yayıncılık, 2003), 241.

three to seven or sometimes eight to twenty years.[106] The rate of collection was one boy in forty households. The Laws of the Janissaries (*Kavânîn-i Yeniçeriyân*) that date back to 1606, lay out the principles of the collection: (a) the officers in charge should not take only sons since they must help their fathers in farm work to be able to pay taxes; (b) the children of shepherds and herdsmen should not be taken because they had been brought up in the mountains and thus were uneducated; and (c) similarly, married boys should be avoided because their eyes had been opened.[107]

Like the favored boys from the *devşirme* who were selected to become students in the *Enderûn* School, female slaves bought at different slave markets received an education in language, religion, music, embroidery, and art in the *harem*. Indeed, the Ottoman chronicles are replete with the biographies of the woman poets, calligraphers, and musicians who graduated from the Topkapı harem.[108] Most of these girls went on to become the wives of pages when they left the palace for the outside service, became concubines or even married the sultans. In this regard, it can be said that the Ottoman palace prepared the infrastructure for the Enderûn-graduates to establish an elite family by providing well-educated women for top-level loyal levied statesmen. As part of the sultan's household, their loyalty was ensured by their lack of the

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[106] Selçuk Akşin Somel, "Child Levy," in *Historical Dictionary of the Ottoman Empire*, (Maryland: Scarecrow Press, 2003), 57; Özbilgen, *Bütün Yönleriyle Osmanlı*, 241.
[107] İsmail Hakkı Uzunçarşılı, *Osmanlı Devleti Teşkilâtından Kapukulu Ocakları* (Ankara: TTK, 1988), 18.
[108] On Ottoman imperial women and Harem see, Leslie P. Peirce, *The Imperial Harem: Women and Sovereignty in the Ottoman Empire* (New York: Oxford University Press, 1993); Aslı Sancar, *Ottoman Women: Myth and Reality* (New Jersey: Light, Inc., 2007); Amy Singer, *Constructing Ottoman Beneficence: An Imperial Soup Kitchen in Jerusalem* (Albany: State University of New York Press, 2002).

independence and family connections that their Muslim counterparts enjoyed.

The main difference between *medrese softa*s i.e., student of sacred law and theology and *enderun* students was that at the Palace School students, in addition to the basics of the faith, had the opportunity to train in military and administrative fields. They received instruction in horsemanship, archery, fencing, wrestling, javelin throwing and care of the wild birds that were symbols of heroism for the warrior-and hunter-rulers. Each *içoğlan* (Sultan's page) also studied law, linguistics, poetry, philosophy, history, mathematics, geography, music, and the craft or fine art for which he showed an aptitude.[109]

After their circumcision and being given Muslim names, as part of their training the most promising boys were taken directly into the palace service or assigned to high-ranking dignitaries; the rest of conscripted students were placed with Turkish families in the countryside where they helped the host family in cultivating their lands. They learned Turkish at the same time they acclimatized themselves to Turkish Islamic culture. In order to prevent any escape attempt, boys drawn from Rumelia were sent to Anatolia while Anatolian *devşirme*s sent to villages in Rumelia. Those families were regularly visited and the condition of the students checked by officials from Istanbul.[110]

When Turkified recruits arrived in Istanbul, another selection process was waiting for them. The Janissary Ağa i.e., chief officer of the janissary corps or the Palace Ağa, chose the best of them as Janissary novices (*Acemi oğlanları*) and distributed the selected boys to three major Palace buildings, namely

[109] Kaçar, "Palace School (*Enderûn-i Hümayûn Mektebi*)," 452.
[110] Özcan, "Devşirme," 255.

Edirne, Galata or İbrahim Pasha for their pre-Topkapı Palace destination.[111] After initial training, the best of them were selected for the Topkapı Palace as *içoğlans* (pages) where the sultan himself sometimes presided at the selection and took a great interest in their education.[112] The rest of them were assigned to the Janissary corps, the sultan's elite infantry, as soldiers.

Under the strict discipline of the *akağa*s (white eunuchs), the pages had to pass a seven-level-education-program which lasted approximately seven years. Only the most suitable candidates could complete this intensive training and many were eliminated along the way and thus sent as *çıkmas* i.e., a graduation system, passing from the palace to the Janissary corps. The Enderun consisted of a Grand and Small Hall (*Büyük ve Küçük oda*), a Falconers Dorm (*Doğancı Koğuşu*), a Campaign chamber (*Seferli Oda*), the Larder (*Kiler*), the Treasury (*Hazine*), and the Privy Chamber (*Has Oda*).[113] Those who were unsuccessful, or who were handed disciplinary penalties, were sent to work outside Istanbul.[114]

In the sixteenth century, as many as 700 pages were attending the Palace School. Each boy's temperament and capabilities were carefully evaluated. Those who showed ability in the religious sciences were prepared for the religious profession; those who were proficient in the scribal arts were prepared for a career in the bureaucracy. Throughout its existence, the

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[111] Mehmet İpşirli, "Enderûn," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 1995), 11: 186-87.
[112] Kaçar, "Palace School (*Enderûn-i Hümayûn Mektebi*)," 452.
[113] Selçuk Akşin Somel, "Enderun," in *Historical Dictionary of the Ottoman Empire*, (Maryland: Scarecrow Press, 2003), 84-85.
[114] Uzunçarşılı, *Kapukulu Ocakları*, 23-24.

medium of instruction at the *Enderûn* was Turkish.[115] Since the Palace school produced the best artists, musicians, statesmen, architects, craftsmen, it was the main source for the production of loyal elite groups in the empire. A great majority of the elite class, who went on to hold administrative positions in the empire, were educated at the Palace School.

Sokollu Mehmed Pasha (d. 1579), a converted Slav whose brother Makarius, became head of the Serbian Orthodox church at Pec, was a good example of the *devşirme*s. When levied by Ottoman officers in Bosnia during the early years of Süleyman I (r. 1520–66), he was a young man of 18, charged with chanting rhymes during meals in his village monastery.[116] He was first brought to Edirne and received his education at Edirne Palace. Later he was brought to Topkapı Palace and served in the privy chamber, which included the posts closest to the person of the sultan. Sokollu Mehmed Pasha was promoted to the grand vizierate, a position he would occupy uninterruptedly for 14 years under three successive sultans.[117] Sokollu had plans to open a canal between the Don and Volga Rivers for future operations against Iran; he was successful in procuring the election of two successive candidates favored by the Ottomans for the Polish throne (Henry of Valois and Stephen Bathory).[118] In the succession struggle between the sons of Süleyman, Sokollu skillfully played a decisive role in enthronement of Selim II and was depicted

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[115] Kemal H. Karpat, *The Politicization of Islam: Reconstructing Identity, State, Faith, and Community in the Late Ottoman State* (New York: Oxford University Press, 2001), 14.
[116] Radovan Samardzic and Meral Gaspıralı, *Sokollu Mehmed Paşa: Dünyayı Avuçlarında Tutan Adam* (İstanbul: Sabah Yayınları, 1995), 8-9.
[117] Şefik Peksevgen, "Sokollu Family," in *Encyclopedia of the Ottoman Empire*, eds. Gábor Ágoston and Bruce Alan Masters (New York, NY: Facts On File, 2009), 534.
[118] Selçuk Akşin Somel, "Sokollu Mehmed Pasha," in *Historical Dictionary of the Ottoman Empire*, (Maryland: Scarecrow Press, 2003), 273.

by his contemporaries as virtual sovereign of the empire.[119] Karpat notes that "the old Serbian church at Pec (İpek) and the so-called Bulgarian church at Ohrida (actually built in honour of the Emperor Justinian, who was born in that town) were re-established in the latter part of the sixteenth century at the urging of the Grand Vizier."[120]

The *Enderûn* Palace School, as described above, played a decisive role in producing loyal elite administrators for the empire; however, that role came to an end during the Mahmudian Era when acute elite conflict arose, and which will be the subject of the third chapter. After elaborating on the Ottoman education system in detail, in the following pages I will focus on the objectives of the Ottoman *medrese* institution and on the place of *ulema* in the Ottoman legal system as well as within the military in order to demonstrate that the *ulema* should be recognized as the most privileged elite group in the Ottoman polity.

The Ottoman *Ulema* in the Service of the Sovereign

The main goal of the *medrese* system was to produce state officials as much as it aimed to graduate scholars. Atçıl notes that "religious scholars were assigned judicial jobs by the Ottoman administration, and thus, their studies were necessarily directed to solving problems arising from the

[119] Erhan Afyoncu, "Sokollu Mehmed Paşa" in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 2009), 37: 356-57.
[120] Machiel Kiel, *Art and Society of Bulgaria in the Turkish Period* (Maastricht: Van Gorcum, 1985); quoted in Kemal H. Karpat, *Studies on Ottoman Social and Political History Selected Articles and Essays* (Leiden: Brill, 2002), 440.

application of religious law."[121] Generous remuneration and other financial benefits must have played a substantial role in encouraging *medrese* graduates to leave the academy and seek lucrative careers in the state bureaucracy. Although the *medrese*s were scattered all around the empire, there existed a pyramidal hierarchy in which a certain accumulation of candidates who, during their *mülazemet* periods, wait for suitable appointments occurred at certain levels. By accumulations, I mean that once the students reached a certain level of the *medrese* hierarchy, they had difficulty passing to a higher level and had to spend a longer period of time where the actual accumulation would occur. This procedure was called *batak*.

Medrese students started their primary education in peripheral rural areas and gradually progressed to major city locations where they continued on to the higher levels of *medrese* education. After proving their competence and skills eventually, they reached the top of the pyramid and studied in Istanbul,[122] where college graduates had the option of pursuing their careers as professors or transferring from teaching (*tedris*) to the legal profession by becoming judges (*kadı*) or jurisconsults (*müfti*), and thus members of the imperial administration.[123]

The Istanbul *medrese*s played a major role in the production, transfer and dissemination of knowledge and technology to other parts of the Ottoman Empire in an age where transportation and means of communication were

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[121] Atçıl, "The Formation of the Ottoman", XV.
[122] Ahmet Cihan, "XVIII. Yüzyıl Sonlarında İstanbul Medreseleri," *Yeni Türkiye*, no. 32 (2000): 698.
[123] Ágoston, "Ulema," 577.

limited; printing and its associated technologies had yet to be developed. Additionally, Istanbul became the melting pot as its *medrese*s played a crucial role in melding the different cultures, ethnicities, and traditions of distinct groups from all over the Empire.[124] Students with different ethnic and cultural backgrounds traveled to Istanbul and were then appointed as agents of the central government in its various administrative regions and sectors.[125]

The *medrese* and its system of recruitment as described above strengthened the *ulema*'s involvement in state affairs. The educational system encouraged college graduates to seek a career in the state bureaucracy instead of continuing their connection with the *ilmiye*-based "scholastic involvement with Islamic juridical sources" after their graduation. A closer look at the remuneration of professors (*müderris*) and judges (*kadı*) illustrates this point. İsmail Hakkı Uzunçarşılı in his "Osmanlı Devletinde İlmiye Teşkilatı" (The *ilmiye* Institution in the Ottoman State) shows that the Ayasofya *Medrese* was the best paid *medrese* in the Empire where a professor (*müderris*) could earn as much as 60 *akçe*s a day. However, if a *müderris* decided to continue his career in the state judiciary instead of the traditional *ilmiye* realm of education, and secured his appointment as a judge in a court (*mahkeme*), then his salary would increase more than tenfold and he could earn five hundred *akçe*s a day.[126] The higher up the echelon of the state hierarchy was the higher the daily wage. By way of comparison between *ilmiye* and *seyfiye* hierarchies, a member of the

[124] Cihan, "XVIII. Yüzyıl Sonlarında İstanbul Medreseleri, " 698.
[125] Ibid.
[126] Uzunçarşılı, *Osmanlı Devletinde İlmiye Teşkilatı*, 10.

Janissary corps at the time earned 5 to 6 *akçe*s per day.[127]

Consequently, many *medrese* graduates registered their names in local courts and waited for an appointment as a judge even if it were in a small distant town. Ahmet Cihan mentions that the inventories of books found in the last will and testament of *ilmiye* members of varying ranks indicate that members of the *ilmiye* class were not only immersed in religious sciences, but also had a good grasp of management, administration, politics, judiciary, economics, history and geography.[128] This might indicate that, in order to secure a well-paid government job, many Ottoman *ulema* resorted to strengthening their professional competence by acquiring an interdisciplinary training to equip them with the skills required in the bureaucratic and administrative realms. It goes without saying that they had the option of remaining as *müderris*. This brings us to the place and role of *ulema* in the judicial services.

Ulema in the Ottoman legal system served in the positions of local deputies (*kaza naibi*) and executive judges (*mutasarrıf)* even in the most distant regions of the Empire. The judges served primarily at the courts, as supervisors of *awqaf*, as controllers in the public bazaars regulating prices and merchant-artisan consumer relations and furthermore performed all kinds of legal, municipal and civic duties on behalf of the Sultan.[129] The judges (*qudāh* pl. of *qādi*) represented the Sublime Porte (*Bâb-ı Âli*) in their districts and the

[127] Ágoston, "Ulema," 577.
[128] Cihan, "XVIII. Yüzyıl Sonlarında İstanbul Medreseleri," 704.
[129] İlber Ortaylı, "Osmanlı Devleti'nde Kadı," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 2001), 24: 70.

appointment of a scholar from the *ilmiye* class to the position of judge indicated the institution of Ottoman sovereignty in a newly conquered region. The *müftü*s were also from the *ulema* class though their *fetva*s (legal opinions) were not binding like those of the *kadı*. The *kadı*s, employed by the state, were able to visit many parts of the country and gain knowledge of the daily life of the populace. As local administrators, they were responsible for municipal functions, such as the setting of market prices and maintenance of urban services, as well as repair of communication lines, recruitment of soldiers, and transfer of workers and animals at the request of the central authority.[130] This was supported by the employment (*mülazemet*) system that inherently entailed rotation or circuit positions and travel for state objectives. The *ulema* were expected to write letters and reports to state officials, including the Sultan, about the people of the region, their needs and problems and to suggest solutions for problems.[131]

The Ottoman state was originally geared towards conquest and *gazâ* (Holy War) and preserved this character for a long time. The ideal of *gazâ* was an important factor in the foundation of the Ottoman state and as a religiously loaded term, it required every kind of enterprise and sacrifice from believers.[132] The *ulema* had to support the Sultan in this regard and act as pioneer warriors. They were expected to explain the sacredness of the struggle to the military and to the public, and to motivate them for the cause.

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[130] Selçuk Akşin Somel, "Kadı," in *Historical Dictionary of the Ottoman Empire*, (Maryland: Scarecrow Press, 2003), 144-45.
[131] Mehmet İpşirli, "The Ottoman Ulema," in *The Great Ottoman-Turkish Civilization*, eds. Kemal Çiçek et al. (Ankara: Yeni Türkiye, 2000), III:345.
[132] İnalcık, *Ottoman Empire*, 5-8.

In a sense, the task of the *ulema* was to provide justification for the ongoing or upcoming struggle and sustain the spirit of Islamic combat. However, the Ottoman *ulema*'s attachment to military affairs was not limited to teaching and encouragement; they also took part in the formation of the military structure. Uzunçarşılı says that during the training of foot soldiers (*müsellem* corps) and Janissaries, (who constituted the backbone of the Ottoman army), two prominent *ulema* played a major role: Çandarlı Kara Halil (d. 1387) and Konyalı Kara Rüstem (d. mid-14th century).[133]

The immeasurable power of the Ottoman *ulema* partly emanated from their alliance with the Janissaries, and with the palace *sipahi* (ordinary cavalry officer/administrator) section of the Ottoman army. Many Sultans, *sadrazam*s, *vezir*s, and pashas were killed, deposed, exiled or dismissed as a result of Janissary-*ulema* complicity. The *şeyhulislam*s and *ulema* frequently joined forces with the Janissaries in order to overthrow viziers and sultans, particularly from the seventeenth century and onwards.[134] Although the *şeyhulislam*'s *fetva* were a vital legal instrument through which control over the throne was exerted, the *fetva*s were often accurate reflections of public opinion, and therefore played a balancing role as well.[135] The Janissary corps had been created in the second half of the fourteenth century with the active

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[133] Mücteba İlgürel, "Yeniçeri," in *İslam Ansiklopedisi* (İstanbul: Milli Eğitim Bakanlığı Yayınları, 1986), 13: 385-86. For the place of the Çandarlı Family in the Ottoman governance see İsmail Hakkı Uzunçarşılı, *Çandarlı Vezir Ailesi* (Ankara: TTK Yayınları, 1998).
[134] It is interesting to note that the tripartite alliance formed of "scholars (*ilmiye;* represented by secular universities), bureaucrats (*kalemiye;* represented by "juristocracy" together with oligarchic bureaucracy) and high-ranking generals (*seyfiye*)", despite the ruling parties and the constitution, still constitutes the determining element of the Turkish state today and any offense against one or all of them is considered almost as a crime of *lèse majesté*.
[135] İnalcık, *Ottoman Empire*, 171-72.

participation of the *ulema*; four centuries later, in 1826, it was the consent and *fetvas* of the *ulema* that led to their annihilation.[136]

Moreover, *ulema* acted as regimental jurisconsults (*alay müftülüğü*), imams and preachers (*alay imamlığı ve vaizliği*), military judges (*kadıaskerlik*) or held responsibility for the distribution of the inheritance shares of the *askerî* class members (*askeri kassamlık makamı*).

The following chart (The Ottoman *ilmiye* Class)[137] is the snapshot of the Ottoman *ulema* class in the state service. It shows that the members of the *ilmiye* took hierarchical positions in primarily *tedris* (teaching), *kaza* (judicial), *ifta* (jurisprudencial) and other state affiliated administrative and managerial posts in various files and ranks.

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[136] Mehmed Es'ad Efendi, *Üss-i Zafer: Yeniçeriliğin Kaldırılmasına Dair*, ed. Mehmet Arslan (İstanbul: Kitabevi, 2005), 82-87.

[137] Compiled and designed by the author based on: İnalcık, *Ottoman Empire*; Özkul, *Gelenek Ve Modernite Arasında Osmanlı Ulemâsı*; İpşirli, *Ottoman Ulema (Scholars)*; Uzunçarşılı, *İlmiye Teşkilâtı*; Madeline C. Zilfi, *The Politics of Piety: The Ottoman Ulema in the Postclassical Age (1600-1800)* (Minneapolis, MN: Bibliotheca Islamica, 1988).


SEYHULISLAM
EDUCATION TEDRIS
JUDICIAL KAZÂ
JURISPRUDENTIAL IFTÂ
ADDITIONAL LEGAL DUTIES
OTHER RELIGIOUS AFFAIRS
Darü'l- Hadis
Hamise-i Süleymaniye
Süleymaniye Medreseleri
Musila-i Süleymaniye
Altmisli Medreseler
Sahni- Seman Medreseleri
Tetimme (Musila-i Sahn) Medr.
Dâhil Medreseleri
Hariç (Ellili) Medreseleri
Telvih (Kirkli) Medreseleri
Miftah Medreseleri
Hasiye-i Tecrid Medreseleri
RUMELI KAZASKERI
ANADOLU KAZASKERI
Kadi of Istanbul
Bilad-i Hamse Mevleviyeti Bursa, Damascus,Edirne, Cairo and Plovdiv
Haremeyn Mevleviyeti Mecca and Medina
Mahrec Mevleviyeti
Devriye Mevleviyeti
Sancak Kadis Provincial Kadis
Kazâ Kadis
Sitte-i Rumeli
Sitte-i Anadolu
Sitte-i Misir
Rütbe-i Ûlâ
Karîb-i Ûlâ
Sâniye
Sâlise
Inebahti
Egri
Çelebi
Çanad
Sâniye
Sâlise
Râbia
Hâmise
Sâdise
Sâbia
Sâmine
Tâsia
Ibtidâ
Musul
Sâlise
Râbia
Hâmise
Sâdise
Müftü of Istanbul
Sancak and Kaza Müftüs
Askeri Kassâmlik
Sürre Alayi Kadiligi Kadi accompanies to annual pilgrimage to Mecca
Donanma Kadisi Kadi of the Fleet
Waqf Affairs
Nakibulesraf Syndic of the Descendants of the Prophet
Tarikatlar Sufi Orders
Mosque Services Imâm, Muezzin, Vâiz, Qâri etc.
Ilmiye Posts at the Palace (Birun Staff)
Preceptor of the Sultan Hoca-i Sultani
Hekimbasi Chief Palace Physician
Muneccimbasi Chief Astrologer
Hunkar Imami Imam for the Sovereign

III. The *Ulema* within the Ottoman Elite Context

As noted above, the Ottoman political structure was characterized by a clear distinction between elites and non-elites. But what did it mean to be elite in the Ottoman Empire? As will be shown later in the fourth chapter, Lachmann's definition of elites as those sections of society that (a) were capable of extracting surplus from non-elites; and (b) have a distinct organizational apparatus is applicable here. In addition to Lachmann's distinctions between the elite and the non-elite, the former enjoyed tax-exempt status whereas the latter paid tax. However, it must be noted that although tax-exempt status was a requirement for this class distinction, it was not a final qualifier for the "elite position." There had always been circulation between and across the classes as will be noted throughout this dissertation.

In this context, the terms "Ottoman elite" and "Ottoman ruling class" will be synonymous even though belonging to the ruling class did not necessarily mean being part of the elite. In what follows, I will focus on the organizational apparatus and the sources of *ulema* power.

The functionality and interconnections that characterized the *ilmiye* class throughout the Ottoman Empire bring to mind the nervous system of the human body. The analogy between the *ilmiye* class and the nervous system could be seen as follows. The nervous system is very complex: while the brain and the spinal cord make up the central nervous system, the peripheral nervous system is made up of nerve fibers that tell the brain what is going on in the body at all times. The same system also gives instructions to all parts of

the body about what to do and when.[138] When sensory neurons are activated by physical stimuli, they send signals to inform the central nervous system of the state of the body and the external environment. The interactions of these neurons form neural circuits that generate an organism's perception of the world and determine its behavior.[139] Neurons carry messages to keep the body functioning but they have only a limited ability to repair themselves. Unlike other body tissues, nerve cells cannot be repaired if damaged due to injury or disease.[140]

Following this analogy, with the *şeyhulislam,* at the top of the hierarchy, the high *ulema* in Istanbul always enjoyed a position of centrality in the *ilmiye* class. Thousands of teachers (*müderris*) and *medrese* students, *kadı*s, *müftü*s and *nakîbü'l-eşrâf*s (the chief of the descendants of the Prophet Muhammad) dotted the empire in a reticular structure, and like neurons, formed the periphery of the Ottoman state. Whenever an external challenge threatened the religion and state (*din-ü devlet*), members of the *ilmiye*, as guardians of religious lore and tradition, responded in a manner similar to a knee-jerk reaction, informed the centre and requested a *fetva* (legal opinion, decision or ruling) from the *şeyhulislam*.[141] The central *ulema*, at least until the Tanzimat, always evaluated

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[138] George Capaccio, *The Nervous System* (New York: Marshall Cavendish, 2009), 5.
[139] Ibid., 15.
[140] Ibid., 54.
[141] As an example of *ulema*'s group reaction to their class interests, the incident of Sinan Pasha (d. 1486) is a case in point. Sinan Pasha, coming from a prominent *ilmiye* family and a student of famous mathematician Ali Kuşçu (d. 1474), was an outstanding *âlim* enjoying multiple posts as a judge in Istanbul and as personal preceptor of the Sultan (*hâce-i Sultâni*). Sinan Pasha was later honored with the vizierate and became among very few *ulema* who used the title *Hocapaşa* (combination of the titles of *hoca*, or, teacher and pasha) and eventually he was awarded the post of Grand Vizier of Sultan Mehmed II. However, for reasons unclear to us, Sinan did not get along with Mehmed II, and was dismissed from his office in the same year of

the challenges that the Ottoman Empire faced, and based on their interpretations, helped the Ottoman polity to determine the appropriate response. When however, in 1826 the Janissaries were annihilated and Ministry of Pious Endowment (*Evkâf-ı Hümayun Nezareti*) was established, the Ottoman *ulema* were crippled. The *ulema*'s sinews of power were first partially paralyzed and eventually irreparably damaged. The relationship between *ulema* and Janissaries as well as their symbiotic interactions will be analyzed in the third chapter.

The Ottoman *ulema* were headed by the *şeyhulislam* who had a supervisory role and wielded veto power. The term *şeyhulislam,* was a title of honour similar to that of *mufti* or of a jurisconsult who was authorized to issue a written legal opinion or *fetva*, based on Islamic law. The term came into use as an official title after the reign of Sultan Murad II (r. 1421–44, 1446–51). In addition to appointing and dismissing supreme judges (*kadıasker*s), high ranking college professors (*müderris*), judges (*kadı*), and heads of Sufi orders they also supervised the sultans' religious endowments in both Anatolia and Rumelia. With the emergence of a bureaucracy during the reform era, the office of the *şeyhulislam* (*meşîhât*) also underwent significant

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his appointment, which shocked the *ulema* of Istanbul. Even more shocking, the sultan ordered his imprisonment—a move that exasperated virtually the whole Istanbul *ulema* class. They issued an ultimatum to the sultan stating that "if Sinan Pasha was not released from prison immediately the entire *ulema* will burn their books and leave Istanbul at once!" Mehmed II had no choice but to back down and Sinan Pasha was released. He, however, was expelled to Sivrihisar (a small town in today's Eskişehir municipality, 430 km southwest of Istanbul) with the post of judgeship and *müderris* where he remained until Mehmed II's death. Molla Lütfi (d. 1495), Sinan Pasha's student and caretaker (*hafîz-i küttâb*) of Sultan Mehmed II's private library, left his job in protest and accompanied his master to Sivrihisar. See Aylin Koç, "Sinan Paşa," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 2009), 37: 229-30.

bureaucratization.[142]

The *şeyhulislam* was not a member of the Imperial Council (*Divân-ı Hümayûn*) until the reign of Mahmud II and was appointed by the sultan. However, it was the *şeyhulislam*'s *fetva* that justified many of the sultan's decisions. More importantly, the *şeyhulislam* had the authority to dismiss the Sultan himself by issuing a *fetva* to the effect that he was not competent to rule according to *Sharī'ah* law. In addition to the *şeyhulislam*, two *kadıasker*s (military judges) represented the *ulema* in the imperial council along with the *nişancı* (the secretary of the imperial council), the *defterdar* (the chief accountant) and *beylerbeyi* (provincial administrator and military commander of the forces of the province). These posts constituted the backbone of the decision-making mechanism of the Ottoman state. Additionally, numerous *ulema* also occupied the office of the grand vizier "minister" in the long history of the Empire, as they frequently were called upon to act as emissaries, and even as ministers plenipotentiary with full powers of negotiation.[143]

The role played by the *ulema* was central to the Ottoman government. They alone had the power to sway popular opinion in favor of particular political fanctions, or convince the Sultan that the recognition of a governor of their choosing would best suit his own interests.[144] For example, Jabartī reports that,

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[142] On the evolution of the office of *şeyhulislam*, see Richard Cooper Repp, *The Müfti of Istanbul: A Study in the Development of the Ottoman Learned Hierarchy* (London: Ithaca Press, Oxford University, 1986).
[143] Cihan, *Reform Çağında Osmanlı İlmiye Sınıfı*, 91.
[144] Daniel Crecelius, "Nonideological Responses of the Egyptian Ulama to Modernization," in *Scholars, Saints, and Sufis: Muslim Religious Institutions in the Middle East since 1500*, ed. Nikki R. Keddie (Berkeley: University of California Press, 1978), 176.

> [W]hen the relations between the *ulema* and Muhammad Ali had become strained, Umar Makram declared, "We will write to the Sublime Porte[145] and the people will revolt against him and I shall depose him from his throne as I have sat him upon it."[146]

The *ulema* did not wish to rule directly but they had veto-power over all legislation. High-ranking *ulema* were therefore always an indispensible part of the state bureaucracy. They performed their roles by serving in various posts in a number of state offices. When the empire was still a frontier principality, governmental and legal affairs were in the hands of the *ulema* who had come from more sophisticated urban centers. The first Ottoman viziers were drawn from the ranks of the *ulema*.[147]

Moreover, four palace positions were customarily held by the *ulema*: the *müneccimbaşı* (the chief astrologer/astronomer), *hekimbaşı* (the chief physician), *padişah hocalığı* (personal tutor of the Sultan) and *saray imamlığı* (imam and preacher of the sovereign).[148]

Perhaps nothing can be more indicative of the *ulema*'s intensive engagement in state affairs than their strict use of complimentary titles in bureaucratic correspondence. As early as the fifteenth century, the *Kanunnâme*[149] (compilation of sultanic legal regulations) of Mehmed II (d. 1481) set forth the rules and regulations of the system of government, its notables

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[145] "*Bâb-ı Âlî*" or the Sublime Porte, the term used to refer to the Ottoman government.
[146] 'Abd al-Raḥman al-Jabartī, '*Ajā'ib al-athar fi'l tarājim wa'l-akhbār*, (Cairo, 1882), VIII: 213; quoted in Crecelius, "Nonideological Response of the Egyptian Ulama to Modernization," 178.
[147] İnalcık, *Ottoman Empire*, 9-34.
[148] "[i]n Seljuk times, these princes had been practically independent in their own provinces; but, the Ottomans carefully selected the princes' tutors and other administrators from within the Palace, and these acted under orders from the central government." See İnalcık, *Ottoman Empire,* 60.
[149] Collection of code laws, mostly secular in nature.

and their sphere of authority, their relationship with the Sultan, their ranks and degrees.[150] For local or foreign, Muslim or non-Muslim, military or civil, junior or senior, the use of vocational titles, i.e., *elkâb* were clearly defined. It was strictly prohibited to address a state official with an honorific title that did not correspond to his rank and grade.[151] The Ottoman *ulema* were no exception for this rule. It was obligatory for the petitioner to use the following titles while addressing the *ulema* in conjunction with their place of duty:[152]

- The Chief Juristconsult (*Şeyhulislam*): My illustrious and bountiful master, His Excellency (*Devletlû ve Semâhatlû Efendim Hazretleri*)
- Military Judges (*Kadıaskers*): My bountiful and munificent master, His Excellency (*Semâhatlû Efendim Hazretleri*)
- *Kadı*s who held the honorary grade of Judgeship of Istanbul without official duties (*İstanbul Kadılığı Pâyelilerine)*: My Virtuous master, His Excellency (*Fazîletlû Efendim Hazretleri*)
- For the Great Mollas of five cities: *Bilâd-ı Hamse*,[153] *Mahreç*,[154] *ve Devriye*[155] *Mevâlisine*: The virtuous master (*Fazîletlû Efendi*)
- Other *Kadı*s: The affectionate master (*Meveddetlû Efendi*)
- All *Müderris*es: The beneficent master (*Mekremetlû Efendi*)

The incorporation of *ilmiye* titles into the state bureaucracy reached its

[150] Halil İnalcık, "Ḳanunnâme," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 2001), 24: 333-37.
[151] Mübahat Kütükoğlu, "Elkâb," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 1995), 11: 51.
[152] Ibid., 52. Like their civil service counterparts, when ranks and grades decreased, the honorific *ilmiye* titles became simpler and shorter.
[153] "The Five Cities," i.e., the judges of Bursa, Edirne, Cairo, Damascus and Plovdiv (Filibe), who held a Great Molla grade.
[154] The lowest of the Great Molla grades.
[155] Judgeship of the larger towns of the judicial sub-hierarchy.

apex during the reign of Mahmud II (1808-1839). By this time, ranks and grades had been completely equated between *seyfiye* (military), *kalemiye* (bureaucracy) and *ilmiye* posts.[156] With this new Sultanic promulgation, a lieutenant general (*Ferik*), Rumelia and Anatolian *Kadıasker*s and provincial governor (*mîr-i mîrân*) were considered equal in rank and grade. The status of an army major (*binbaşı*), on the other hand, was equal to that of "bureau chiefs" in the Porte (*hâcegân kalem âmirleri*) as well as to *medrese* professors who had a lower status than the preparatory level for the higher Süleymaniye *medrese*, i.e., *Mûsıla-i Süleymaniye*.[157]

Patrimonial-Career-Structure

Assuming a teaching position by virtue of line of descent was not unique to the Ottomans. It was rather one of the earliest customs of succession in some mosque-colleges and *medreses*, for which the endowment deed functioned as a form of constitution.[158] Especially when such institutions were founded by the professors themselves, it was stipulated in the trust deeds that the post of *mütevelli* (supervision and administration) and professor (*müderris*) should be reserved for the descendants of the founder. In some cases, the deeds further specified that the posts should go to the most qualified among them.[159] George Makdisi narrates from Ibn al-Jawzī that Imām al-Ḥaramayn al-

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[156] Uzunçarşılı, *Osmanlı Devletinde İlmiye Teşkilatı*, 283.
[157] Ibid., 284.
[158] Atçıl, "The Formation of the Ottoman", 2.
[158] George Makdisi, *The Rise of Colleges: Institutions of Learning in Islam and the West* (Edinburgh: Edinburgh University Press, 1981), 170.
[159] Ibid.

Juwaynī, who despite being only eighteen years of age succeeded his father as head of his father's mosque-college.[160] Likewise, Najm al-Dīn b. al-Hijjī who was the chief *qāḍī* of Damascus resigned from his Shāmiya *Madrasa* in favour of his two years old son in 827/1424.[161]

The succession of the *ilmiye* positions from father to sons and grandsons had become almost the norm during the reign of Murad II (d. 1451) and gave rise to dynasties of well-established *ilmiye* families within the Ottoman Empire across different professions. As Imber notes, "the highest judicial positions became the preserve of a few elite families."[162] There were around twenty native families, all of whom lived in Istanbul, and through inter-marriages created an aristocratic class within the *ilmiye* network. Thanks to the *beşik uleması*[163] or *mevâlizâde kanunu* policies, for generations these families exclusively occupied the upper echelons of the influential and well-paid *ilmiye* and *kalemiye* posts of the Empire.

For example, nearly one and a half century preceding the conquest of Istanbul, the Çandarlı family held the monopoly on supplying the viziers and Grand viziers who for all intents and purposes acted on behalf of the sultans.[164] The Taşköprülüzâde family is another example, providing *kadı*s, *kadıasker*s (military judges) and Grand viziers for six generations almost without

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[160] Ibn al-Jawzī, *al-Muntaẓam fī tārīkh al-mulūk wa'l-umam,* ed. Krenkow (Hyderabad: Dā'irat al-Ma'arif Press, 1938-40), IX: 18; quoted in ibid.
[161] Abd al-Qadir al-Nu'aimī, *al-Dāris Fī Tarīkh al-Madāris* (Damascus: Publications of the Arab Academy, 1367-70/1948-1951), 1: 290; quoted in ibid., 171.
[162] Imber, *The Ottoman Empire*, 232.
[163] The term *beşik uleması* refers to the rights and privileges granted first to the Molla Fenâri family by "*mevâlizâde kanunu*" during the reign of Murat II and further extended to other *ulema* families and children in the following periods. See Mehmet İpşirli, "İlmiye," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 2000), 22: 142-44.
[164] Uzunçarşılı, *Çandarlı Vezir Ailesi*, vii.

interruption. This patrimonial career structure appeared to work well in Ottoman society where knowledge seekers had to deal with the difficulties of obtaining books in the absence of print and the dispersion of well-versed scholars across a vast geographical area. A child born into a family whose members consisted of *müftü*s, *kadı*s and *kadıasker*s could more easily climb the stairs of the professional hierarchy.[165] However, over time, along with other institutions this tradition became corrupted as well. With the *ferman*s of appointment of judgeships and teaching prerogatives being granted to a son of scholar at his birth, upward social mobility was impaired, and the lower classes were discouraged from going to *medrese*s since there was no likelihood of occupying higher positions with attractive remuneration. This, I believe, was the flick of the first domino that gradually led to the decay of the institutions of the Empire.

The Economic Privileges of the Ottoman *Ulema*

In addition to their assigned salaries by the state at their respective colleges (*medrese*), the *ulema* (especially the Istanbul *ulema*) were handsomely remunerated through religious endowments or through donations. The *ulema* enjoyed a comfortable and prosperous life, at least until the Tanzimat era, occupying profitable administrative posts, managing lucrative movable and immovable endowment (*awqaf*) properties, and receiving constant generous grants and lavish gifts from the sultan and his households, as well as being exempt from all forms of taxation.

[165] İpşirli, "The Ottoman Ulema," 342.

It is interesting to note that European travelers of the period in question also acknowledge the wealth and control of economic resources of the Ottoman *ulema* in their travelogues. One such traveler, the famous British author Lady Mary Wortley Montagu (d. 1762), who traveled to the Ottoman capital in 1716 with her diplomat husband, wrote vivid depictions of the status of the *ulema* within Ottoman social life,

> They [*ulema*] are the only really men considerable in the Empire; all the profitable Employments and church revenues are in their hands.... The Grand Signor... never presumes to touch their lands or money, which goes in an uninterrupted succession to their children.... their power is so well known its' Emperor's interest to flatter them.[166]

The memoirs of Charles MacFarlane, an English author who took two trips to the Ottoman lands first in 1828 and later in 1847, provides further evidence of the wealth of the *ulema*,

> According to the most moderate calculation, they possess one-third of the landed property of the empire; they are the only class in the empire that have succeeded in securing the regular hereditary transmission of property; they have in fact, erected themselves into a real aristocracy with exclusive privileges... they may be looked upon as the only Osmanli nobility...[167]

Furthermore, the *ulema* were also involved in every aspect of commercial transactions simply because all sales and transfers of property had to be approved by a judge in the presence of witnesses. They also acted as custodians of valuables and even took charge of families whose head was away. Some *ulema* were part-time merchants and artisans and many were real estate managers. In addition to this, *ulema* received a daily ration of bread,

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[166] Mary Wortley Montagu, *The Complete Letters* ed. Robert Halsband (Oxford: 1965), 1: 316-317.
[167] MacFarlane, *Constantinople in 1828, 2:* 72.

meat, honey, barley and oats for their livelihood and were bestowed with gifts of clothing (*fur pelisses*) and even granted cash allowances on special occasions such as feast days, the accession of a governor (*vali*) or a new Sultan, or when they were appointed to a specific post.

The practice of holding multiple posts was apparently known even before the era of the Ottoman Empire.[168] Makdisi quotes from Nuʿaimī that "the chief *qāḍī*, Shams ad-Dīn al-Akhna'i al-Shafi'i (d. 816/1413) held appointments in five law colleges, teaching in two of them on Sundays and in three on Wednesdays."[169]

Security and Immunity for the *Ulema*

One of the most significant aspects of this profession was its security and immunity in financial and punitive matters. As Chambers points out, the fact that members of the *ulem*a, known as *ehl-i şer* never held the status of slaves of the Porte (*kapıkulları*) meant that their personal properties could be bequeathed to their heirs upon their death, as opposed to the other members of the *askerî* class whose properties were subject to confiscation by the state when they died.[170] The *ulema* of the Ottoman Empire enjoyed "tax-exempt status" as has been noted above. With very few exceptions,[171] the *ulema* could not be executed and nor could their wealth be confiscated by a ruler. This was especially important in a state where the *müsadere* (confiscation of one's

[168] Makdisi, *Rise of Colleges*, 167.
[169] Nuʿaimī, *al-Dāris fī Tarīkh al-Madāris*, I: 425; quoted in Makdisi, *Rise of Colleges*, 168.
[170] Chambers, "The Ottoman Ulema and the Tanzimat," 33-46.
[171] Only 3 out of 145 *şeyhulislam*s were executed. See Esra Yakut, *Şeyhülislamlık: Yenileşme Döneminde Devlet ve Din* (İstanbul: Kitap Yayınevi, 2005), 39-40.

wealth by the ruler) system was often used to deal with budget deficiencies, or to eliminate a rival officer with a lucrative post. Until it was abolished in 1839 by Mahmud II, numerous Ottoman bureaucrats and military men lost their possessions because of the *müsadere* system. For the *ulema* however, the worst-case scenario was being stripped of their professional titles and exiled.

The following case clearly illustrates the financial and political security of the *ulema* in the Ottoman Empire. Ahmed Faiz Efendi (d. 1807), the personal clerk of Selim III, used to take note of daily events as well as organize the Sultan's personal library.[172] He had been an archer when the Sultan noticed him and granted him an appointment at the Palace. Due to his exceptional professional qualities, he climbed the echelons of the bureaucracy swiftly and also became the personal confidant of the Sultan (*sırkatibi*)—a position that was considered to be highly influential. Using his rank and power, Ahmed Faiz Efendi gained the respect of high state officials and according to Ahmed Cevdet Pasha, like the other statesmen of his time, accumulated an exceptional fortune during his career and eventually indulged in a luxurious lifestyle, building lavishly appointed houses and extravagant waterside residences.[173] Naturally, this disturbed many people, including the Janissaries, and when the *Kabakçı* revolt broke in 1807, his name was on the top of the list of those whose heads were demanded by the Janissaries. Ahmed Faiz Efendi was clever enough to realize that the only thing that might save his life from the wrath of the rebels was neither his influential palace position nor his

[172] Mehmet Ali Beyhan, *Saray Günlüğü* (İstanbul: Doğu Kütüphanesi, 2007), 6
[173] Ahmet Cevdet Paşa, *Tarih-i Cevdet* (Dersaadet [İstanbul]: Matbaa-i Osmaniyye, 1309), VIII: 143; quoted in Beyhan, *Saray Günlüğü,* 7.

fortune, but rather by the expedient of becoming a member of the *ilmiye* group. Thus, he rushed to Selim III for a royal decree that transferred him from the *kalemiye* to the *ilmiye* class. As a full-fledged professor (*müderris*) he grew a beard and, with a royal stamped-decree (*ferman*) in hand, went into hiding. Sadly enough, the *ferman* did not save his life. After an unexpected attack at one of his houses on the outskirts of the capital, he was beheaded by a Janissary who was seemingly unaware of that new profession he had adopted "to save him from dying in an unclean manner."[174] His corpse was dragged to Sultanahmet square where the bodies of other executed state officials were piled up. Although he left behind countless immovable properties and some seventeen thousand bags of coin, he was notorious for his stinginess towards the needy and even his own relatives.[175]

This incident demonstrates how other elite groups sought membership in the academic profession (*ilmiye tariki*) for safety during times of crisis—a kind of modern day tenure track position in comparison to working in the private sector. There were many other examples of *ulema*-bureaucrats who did not share their economic resources when the state economy was in dire need due to overwhelming war indemnities and other economic crises.

Due to the aforementioned reasons, as well as to individual inclinations towards a religious life that filled the soul with the presence of God, the academic profession (*ilmiye tariki*) was amongst the most popular until the Tanzimat period. Many state officials sent their sons to colleges (*medrese*)

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[174] Mehmet Ali Beyhan, *Saray Günlüğü*, 8-9.
[175] Ibid.

hoping to enjoy the freedom and privileges that were granted to the *ulema*. In other words, the career movement tended to spread out from rather than into the *ulema*.[176]

The Pen is Mightier than the Sword or the Power of *Fetva*

The history of the Ottoman Empire is replete with riots, rebellions and mutinies, which began as early as 1446 with the *Buçuktepe* riot during the reign of Sultan Mehmed II and ended with the 1913 *Bab-ı Âli* attack.[177] Almost none of the Ottoman Sultans after Mehmed II was safe from rebellious acts that challenged their authority and sovereignty. Indeed, one third of the Ottoman Sultans (twelve of thirty six) were deposed by *coups d'état* in each of which the *ulema* actively participated. Each *coup* was initiated after obtaining a *fetva* either from the *şeyhulislam* himself or through a collection of signatures from prominent scholars. Surprisingly enough, the soldiers who were ordered to suppress the unrest had refused to march against their fellow Muslims until and unless a legal opinion (*fetva*) was shown to them permitting the killing of the disobedient mutineers against the sovereignty of the *emir el-müminin ve halîfe-i rûyi zemîn*, the Sultan of the Ottoman Empire.[178] The powerful Sultan's *fermân* (imperial decree) was not enough to drive soldiers to suppress an uprising: their religious consciousness would not allow them to harm any

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[176] Madeline C. Zilfi, "The Ottoman Ulema," in *The Later Ottoman Empire, 1603–1839*, ed. Surayya N. Faroqhi, vol. 3 of *The Cambridge History of Turkey* (Cambridge: Cambridge University Press, 2006), 214.
[177] Erhan Afyoncu, Ahmet Önal and Uğur Demir, *Osmanlı İmparatorluğu'nda Askeri İsyanlar ve Darbeler* (İstanbul: Yeditepe Yayınevi, 2010), 6.
[178] Ibid., 8.

person unless such action was supported by a *fetva* from senior authorities, i.e., the *ulema*. Whenever *ferman* and *fetva* agreed in content however, the soldiers were ready to risk or even sacrifice their lives. Hundreds of political *fetva*s were issued throughout Ottoman history. The last one was the general war *fetva* (*cihâd-ı ekber*) issued by Şeyhulislam Ürgüplü Mustafa Hayri Efendi (d. 1921)[179] in 1914 that marked the entry of the Ottoman Empire into the First World War.[180]

The prominent role played by the *ulema* in the designation of sultans in the Ottoman palace has been highlighted by İnalcık, who has indicated that the *ulema* made use of *fetva* both to enthrone and depose sultans. Perhaps the most noteworthy example of this is the deposition of Sultan İbrahim I (r. 1640-1648).[181] In reaction to the long period of imprisonment that preceded his enthronement, İbrahim I gave senseless and unreasonable orders, seemingly obsessed with proving his authority. His erratic behavior during the critical period of the Venetian war turned public opinion against him, and prompted a revolt among the Janissaries. Under the leadership of the *şeyhulislam*, the *ulema* joined forces with the rebels at the mosque of Sultan Ahmed, taking control of the government through the appointment of a grand vizier. Faced with an uprising of this magnitude, the *valide* sultan (mother of the reigning sultan) was left with no option but to support the rebels. Calling for his

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[179] At the time, Mustafa Hayri Efendi was a member of the cabinet and based his *fetva* on the decision of Union and Progress Party.
[180] For the original copy of the *fetva* see Seyit Ali Kahraman, Ahmed Nezih Galitekin, and Cevdet Dadaş, eds., *İlmiyye Sâlnâmesi: Osmanlı İlmiyye Teşkilâtı ve Şeyhülislâmlar,* (İstanbul: İşaret Yayınları, 1998), 822.
[181] Inalcik, *Ottoman Empire*, 63.

abdication from the throne, the *ulema* issued a *fetva* accusing İbrahim I of violating Islamic law (*Sharī'ah*) on several counts, namely by having neglected his duties as Sultan in favor of succumbing to his own desires, authorized unlawful executions, allowing the *harem* to influence government and unlawfully seizing the wealth of merchants. Asserting that these violations rendered İbrahim ineligible for the throne, the *ulema* replaced him with his seven-year-old son Mehmed IV (r. 1648-1687). In an attempt to challenge the legitimacy of the *şeyhulislam*, İbrahim asked "Did I not appoint you to this high office?" to which the *şeyhulislam* replied "No, God appointed me,"[182] affirming his status as a divine interlocutor in the affairs of the Empire.

The loss of his popular support was confirmed when even the Janissary *ağa* refused him assistance. In order to prevent his return to the throne, İbrahim was confined to a small room in the Palace before the *şeyhulislam* issued a *fetva* sanctioning his execution. In the end, even the Palace courtiers fled, leaving İbrahim without assistance of any kind in his moment of defeat. In a final appeal for his life, İbrahim is said to have raised the Qur'an, crying "Behold! God's book! By what writ shall you murder me?" After some hesitation, the executioners carried out the order, strangling İbrahim with a bowstring.[183]

Mehmed IV (r. 1648-1687), Ahmed III (r. 1703-1730) and Selim III (r. 1789-1807) were later accused and deposed in the same manner. *Şeyhulislam*

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[182] Ibid., 64.
[183] Ibid. For more on this and many more similar cases see Murat Akgündüz, XIX. *Asır Başlarına Kadar Osmanlı Devleti'nde Şeyhulislamlık* (İstanbul: Beyan, 2002), 237.

Hoca Abdürrahîm Efendi issued the *fetva* for the deposition and execution of Sultan İbrahim I. The text of his *fetva* is noteworthy,

> *Sual: Menâsıb-ı ilmiyye ve seyfiyyeyi ehline vermeyip rüşvet ile tevcîhin edüp nizâm-ı âleme halel veren pâdişâh'ın hal' ve izâlesi (katli) câiz olur mu?*
>
> *Question: Is it permissible to dethrone and eliminate (execute) the Sultan who did not give the ilmiye and military posts to cognoscenti but assigns them to unqualified people with bribery and thus causes disturbance in the world order?*
>
> *el-Cevâb: Olur.*
> The answer: Yes, it is permissible.
>
> *el-fakîr Abdürrahîm, sene 1057/1647.*[184]
> (Signed by) the destitute Abdürrahîm, year 1647.[185]

Hoca Abdürrahîm Efendi (d. 1656), the fortieth Ottoman *Şeyhulislam*, held office from April 1647 to July 1649.[186] Apart from his personal notes in the books he read, there is no known book about Abdürrahîm Efendi. According to historian Mehmet İpşirli, Abdürrahîm Efendi's main activity during his tenure was the dethronement and murder of Sultan İbrahim I (r. 1640-1648), in which he gained the support of military commanders and *ulema*. He was known as *hoca* because of the numerous students that he taught.[187]

Another striking example for the *ulema*'s direct political involvement can be given from the tumultuous reign of Mehmed III (r. 1595-1603). For the first time in Ottoman history, a *Şeyhulislam* was considered as a replacement

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[184] *Mecmuâ-i Fetâvâ*, İstanbul Üniversitesi Kütüphanesi, MS: 4212, folio 128a; quoted in Akgündüz, *Osmanlı Devletinde Şeyhülislamlık,* 237.
[185] My translation.
[186] Yakut, *Şeyhülislamlık*, 243.
[187] Mehmet İpşirli, "Hoca Abdürrahim Efendi," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 1988), 1: 289.

for the Ottoman sultan himself.[188] Sun'ullah Efendi (d. 1612), who was very active in political affairs and had discreet relations with the cavalry (the *sipahi*s) wing of the army, became a viable candidate for the throne. The chronicler Hasan Beyzade (d. 1636) mentions that, believing that the leader of the Muslim community (the Caliph) should be chosen on the basis of religious virtuosity, the *sipahi*s attempted to enthrone Sun'ullah Efendi.[189] Though this never happened, "the idea of replacing the sultan not with another member of the Ottoman dynasty but with a member of the *ulema* had never been put forward in the history of the Ottoman Empire." [190]

Relations between *Ulema* and Rulers (*Umera*) in the Ottoman Hierarchy

As noted by Halil İnalcık, "[i]n the near eastern state, the degree of proximity to the sovereign determined the importance of lands and persons. The palace of the sultan was the source of all power, favour and felicity."[191] In his introduction to *The Ottoman City and Its Parts*, Donald Preziosi notes that "a city is never neutral: the urban fabric is a device for tracking, measuring, controlling, and predicting behaviour over space and time." [192] He further continues that "Ideology and urban structure are not external to each other;

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[188] Günhan Börekçi, "Factions and Favorites at the Courts of Sultan Ahmed I (r. 1603-17) and His Immediate Predecessors" (PhD Thesis, The Ohio State University, 2010), 71.
[189] Hasan Bey-zâde Ahmed Paşa, *Hasan Bey-zâde Târîhi*, ed. Nezihi Aykut (Ankara: TTK, 2004), III: 692, 736: "*Az kaldı ki, hal'-ı saltanat olayazdı. 'Hılâfet, efdaliyyet iledür' diyü, Mevlânâ Sun'ullâh'ı zümre-i sipâh serîr-i saltanata iclâs ideyazmışlar.*" ; quoted in Börekçi, "Factions and Favorites at the Courts of Sultan Ahmed I," 56.
[190] Börekçi, "Factions and Favorites at the Courts of Sultan Ahmed I," 56.
[191] İnalcık, *Ottoman Empire*, 76.
[192] Donald Preziosi, "The Mechanisms of Urban Meaning" in *The Ottoman City and Its Parts*, eds. Irene A. Bierman, Rifa'at Ali Abou-El-Haj and Donald Preziosi (New Rochelle, N.Y.: A.D. Caratzas, 1991), 5.

cities and their parts do not just exemplify, embody, and express, but at the same time enforce, perpetuate, and engender relations of power."[193] This was true of the Ottomans as well, especially after the conquest of Constantinople in 1453 and the construction of the Topkapı Palace, where after the first 150 years of frequent military campaigns and constant movement, the itinerant character of the political body was transformed into a more sedentary one, and accompanied the development of permanent seat for the court and the rise of power elites, namely the favorites.[194] This process was further consolidated with the imperial maturation towards the end of the reign of Süleyman the Magnificent (r. 1520-66) through networks of legitimization by a fully-grown bureaucracy and law-making efficacy.[195]

Istanbul in general, and Topkapı Palace in particular, only became the main locus of power and patronage after a number structural changes in Ottoman policies of dynastic reproduction and rule took place towards the end of sixteenth and beginning of seventeenth centuries.[196] As Atçıl notes, after the conquest, "religious scholars [were] transformed from a cosmopolitan and undifferentiated cultural unit in the fourteenth and early fifteenth centuries to a specialized bureaucratic class holding educational and judicial offices in the sixteenth century."[197] Furthermore, towards the end of sixteenth century, a number of structural changes in the Ottoman dynastic tradition led to

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[193] Ibid.
[194] Günhan Börekçi and Şefik Peksevgen, "Court and Favorites," in *Encyclopedia of the Ottoman Empire*, eds. Gábor Ágoston and Bruce Alan Masters (New York, NY: Facts On File, 2009), 152.
[195] Ibid.
[196] Günhan Börekçi, "İnkırâzın Eşiğinde Bir Hanedan: III. Mehmed, I. Ahmed, I. Mustafa ve 17. Yüzyıl Osmanlı Siyasî Krizi," *Dîvân Disiplinlerarası Çalışmalar Dergisi* no. 26 (2009): 55.
[197] Atçıl, "The Formation of the Ottoman", XV.

lasting reconfigurations in the elite networks of *ulema* patronage. Therefore, as a result of these two important developments, beginning with Ahmed I's (r. 1703-1730) reign, as Günhan Börekçi observes, "the power struggles within the Ottoman polity had shifted from a larger setting, which had included the provincial princely households, to the narrower domain of Topkapı Palace and Istanbul."[198]

Mehmed III (r. 1595-1603) was the last sultan who as a prince had governed a province as preparation for the sultanate,[199] and with his reign the total confinement of princes to the palace officially began.[200] He was the last Ottoman Sultan who resorted to royal fratricide to secure his throne.[201] Imber describes the scene as,

> On the night of the accession of Mehmed III in 1595, 'nineteen innocent Princes were', in the words of the contemporary historian Pechevi, 'dragged from their mothers' knees and joined to the Mercy of God'. When the cortege of nineteen coffins left the palace gate, another contemporary chronicler, Selaniki, noted: 'God Most High let the Angels around the Throne hear the crying and weeping of the people of Istanbul'.[202]

The public was profoundly shocked and perhaps due to the repercussions of this repulsive tragedy, the Ottoman dynasty replaced the practice of fratricide with the new principle of virtue of seniority as the criterion for inheriting the throne. Closely related to this, the dynasty also put an end to the tradition of sending young princes to provinces where they, together with their *ulema*-

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[198] Börekçi "Factions and Favorites at the Courts of Sultan Ahmed I," 71.
[199] Caroline Finkel, *Osman's Dream: The Story of the Ottoman Empire, 1300-1923* (New York: Basic Books, 2006), 189.
[200] Peirce, *The Imperial Harem,* 97.
[201] Imber, *The Ottoman Empire,* 109.
[202] Ibid.

mentors and administrative retinue ruled the region as pseudo-sultans hoping to increase their experience in state affairs before claiming their right for the throne.[203]

The ruling authority had always sought to keep the *ulema* in close proximity in an effort to control their actions and capitalize on their influence over the public.[204] In this respect, the *ulema* in turn assumed a leadership role in forming public opinion on a given subject by preparing reports aimed at administrative reforms that the ruler or ruling class required and sometimes directly involving themselves in the reform process. Sahaflar Şeyhizâde Esad Efendi, Yasincizâde Abdülvehhâb Efendi and Kadızâde Mehmed Tâhir Efendi among others, played a significant role in creating favourable public opinion for reform movements in the reign of Mahmud II.

It should be noted here the Qur'anic concept of *al-amr bi'l-ma'ruf wa nahy 'an al-munkar*[205]—the duty laid upon each Muslim to enjoin people to do what is good and to forbid what is wrong according to God's law—constitutes a significant part of the individual's authority in the religious domain[206] and

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[203] Peirce notes that Provincial Princely courts were almost replica of the imperial court in Istanbul, consisting of the same administrative units and managed by officials with the same titles as their Istanbul counterparts. A prince's departure for his provincial capital was the occasion of celebrations marking his political coming of age. More importantly, being a member of a princely household of a province meant being a part of royal household in the future in Istanbul if the prince secured the throne. For an excellent survey of the topic see Peirce, *The Imperial Harem*, 45-47.

[204] Makdisi, *Rise of Colleges*, 291.

[205] On the Ottoman understanding of the concept of *al-amr bi'l-ma'ruf wa nahy 'an al-munkar*, see Hakan T. Karateke and Maurus Reinkowski, *Legitimizing the Order: the Ottoman Rhetoric of State Power,* (Leiden: Brill, 2005), 78.

[206] "Ma'ruf is often defined as 'what is acknowledged and approved by Divine Law.' The Qur'an urges the Prophet and the believing community again and again, with strong emphasis, to 'command the *ma'ruf* ([religiously] good) and forbid the *munkar* ([religiously] bad).' And in the form of this combination, *ma'ruf* meaning any acts arising from, and in consonance with, the true belief, and *munkar* any acts that would conflict with God's commandments; for *ma'ruf* and

required that the *ulema* speak up. The Qur'an (3: 104) calls the faithful "the best of communities" and elaborates that this is because 'they enjoin the good (*ma'ruf*) and forbid the bad (*munkar*) and believe in the One God.' This famous prophetic tradition elaborates on the individual's authority as follows,

> Whoever among you sees an evil act let him/her change it by his/her hand. If this is not possible, let him/her change it by his/her tongue. If he/she is not able to do that either let him/her despise it in his/her heart. But this latter is the weakest form of faith.[207]

Although the role of *ulema* was generally one of peace-keeping among the public, the extent of the influence that they exerted over the population meant that they could easily become leaders in revolt. During the periods of crisis or when the *bey*s (officials responsible for administration and for collecting taxes for the state) were in disagreement with the Ottoman authorities, the *ulema* played a pivotal role in maintaining public calm, often being called upon by the *bey*s to assist in appeasing the population and avoid social upheaval.[208]

The Ottomans, like the Saljuks, continued the tradition of having Friday sermons (*hutbe*) during which the name of the ruling Sultan was mentioned in all the mosques. This not only consolidated the ruler's power (*ulu'l-emr*) but was also used as a semi-formal communication method to convey royal decrees and announcements to the public. The rulers considered

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munkar, see Toshihiko Izutsu, *Ethico-Religious Concepts in the Qur'an* (Montreal: McGill University, Institute of Islamic Studies, McGill University Press, 1966), 213-17.
[207] al-Nawawi, "*The Book of Miscellany*," in Riyad as-Salihin, hadith no. 1, http://sunnah.com/riyadussaliheen/1#184 (accessed October 1, 2012).
[208] Marsot, "The Ulama of Cairo," 153.

this practice as politically crucial; to the extent that it was "a great offense" if a Friday sermon (*hutbe*) was deliberately not read in any of the provincial mosques.[209] Even the mosques located in the lost territories were left to the victorious army on the condition that the *hutbe* still be read on Ottoman sultan's behalf to maintain the sense of belonging and psychological ties between Muslim communities.[210]

In addition to Friday congregations, there were some other religious symbols used by the Ottoman Sultans in conjunction with the *ulema*, such as the *cülûs merasimleri* (accession to the throne), and girding on the sword (*kılıç kuşanma*), which were performed by the *şeyhulislam* at the Eyüp Sultan mosque where a prominent companion of the Prophet was buried. When the Ottoman army or navy launched a new campaign (*sefer*) it was the *ulema* who led the congregation with their prayers and encouragements next to the Sultans.

In the Ottoman Empire, there were a number of annual occasions at which the ruler met with high-ranking *ulema* face to face. To give a few examples, each Islamic fasting month of Ramadan high-ranking members of the *ilmiye* class were invited to the palace for breaking the fast—to take *iftar*—with the palace household. In addition to the traditional *iftar*s there were circumcision ceremonies of the heir apparent to the throne, royal weddings, new year's celebrations, commemorations, *huzur ve tefsir dersleri* (the special

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[209] When Süleyman the Magnificent acceded to the throne, he sent his third *vezir* against the Canberdi Gazali in Damascus who refused to read the *hutbe* on Ottoman Sultan's behalf and rather read the *hutbe* and minted some coins on his own behalf. Canberdi was defeated and killed by his own treasurer. See Özbilgen, *Bütün Yönleriyle Osmanlı*, 51.

[210] When Crimea was lost in 1774 with the Küçük Kaynarca treaty, Russia accepted the Ottoman delegation's demand to continue reading *Cuma* and *Ramazan hutbe*s on Ottoman Sultan's behalf.

meetings organized eight times during the month of Ramadan where *ulema* debated scientific and religious issues in the presence of the Sultan),[211] *meşveret meclisleri* (Consultative Assembly), public parades, hajj convoys, *sürre alayları* (grants-in-aid royal caravan), funerals and regular visits to the Sacred Trust records that were preserved in the Topkapı Palace.

The case of Seyyid Feyzullah Efendi (d. 1703), also known as "the Feyzullah episode" or "Edirne Vak'ası" arguably constitutes the most egregious example of the *ulema-umera* relationship in the Ottoman empire. Being a son in-law of powerful *Şeyhulislam* Vani Mehmed Efendi (d. 1685), and of *seyyid* descent, Erzurum-born Feyzullah Efendi became imperial preceptor for Sultan Mustafa II (r. 1664-1703) when the prince was six years old in 1699 while his *hâne-gî* patron Vani Efendi held the same position for young prince's father, Sultan Mehmed IV.[212] In the following years, though with some short periods of banishment and dismissal in between, Istanbul's elite *ulema* had witnessed this outsider *âlim*'s meteoric ascent, lengthy tenure and monopoly of influence over the Sultan with great envy and unease.[213] In February 14, 1688, he was elevated to head the religious hierarchy. Armed with both the *Şeyhulislam* and Imperial Preceptor positions, and in possession of both pen

[211] Hâfız Hızır İlyas Ağa notes that at the end of these meetings *ulema* were lavishly rewarded by the *Sultan*. See Hâfız Hızır İlyas Ağa, *Osmanlı Sarayında Gündelik Hayat: Letâif-i Vekâyi'-i Enderûniyye*, ed. Ali Şükrü Çoruk (İstanbul: Kitabevi, 2011), 26.
[212] Kahraman, Galitekin and Dadaş, eds., *İlmiyye Sâlnâmesi*, 398.
[213] On the life of Feyzullah Efendi see Sabra Meservey, "Feyzullah Efendi: An Ottoman Şeyhulislam" (PhD Thesis, Princeton University, 1966); Barbara Kellner-Heinkele, "Family Politics of Ottoman Ulema. The Case of *Şeyhulislam* Seyyid Feyzullah Efendi and His Descendants," in *Kinship in the Altaic World: Proceedings of the 48th Permanent International Altaistic Conference, Moscow 10-15 July, 2005*, eds. E. V. Bojkova and Rostislav B. Rybakov(Wiesbaden: Harrassowitz, 2006), 187-198; Mehmet Serhan Tayşi, "Seyyid Feyzullah Efendi," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 1995), 12: 527-28 and for the best analysis of the events of 1703 see Rifa'at Ali Abou-El-Haj, *The 1703 Rebellion and the Structure of Ottoman Politics* (Leiden: Nederlands Historisch-Archaeologisch Instituut te Istanbul, 1984).

and sword, Feyzullah Efendi became the *alter ego* of his former pupil Mustafa II (r. 1695-1703)[214] and "dominated both the religious bureaucracy and the government, allowing no one, high or low, to make decisions without his consent."[215] He had an iron grip on state affairs and virtually became the most powerful person after the Sultan. At the zenith of his power, with inordinate influence over the Sultan, he began to build his own independent power-base by assigning the most important and lucrative *ilmiye* posts to his sons, nephews, sons-in-law, and hangers-on. He even went so far as to obtain a Sultanic order appointing his eldest son *Şeyhulislam*-designate, an innovation that was never heard of before.[216] Moreover, Feyzullah's unprecedented exercise of power and patronage was accompanied by an extravagant, arrogant and monarchical life style.[217] Though the *ulema* elite of Istanbul usually practiced monogamy, all fifteen children Feyzullah had sired were born of different mothers.[218] The *Şeyhulislam* and his sons "were rarely seen without a crowd of escorts, and the streets were flamboyantly cleared and watered down for their passage."[219] However, his dynastic aspirations were not confined to *ilmiye* class; as he proudly mentions in his autobiography, he constantly intervened in the appointments of grand viziers, viziers, and other

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[214] Kellner-Heinkele, "Family Politics of Ottoman Ulema," 193.
[215] Abou-El-Haj, *The 1703 Rebellion,* 4.
[216] Kahraman, Galitekin and Dadaş, eds., *İlmiyye Sâlnâmesi*, 398.
[217] According to Zilfi, Feyzullah's inclination towards worldly pleasures had come to the attention of Mehmed IV prior to his appointment to the Şeyhulislamate. Shocked by Feyzullah's entourage of twenty or so attendants, each dressed as though they were tending to the Sultan himself, Mehmed IV ordered him to modify his behaviors to better adhere to the modest customs befitting the ulema class. Zilfi, *The Politics of Piety*, 218.
[218] Ahmet Türek and Fahri Çetin Derin, "Feyzullah Efendi'nin Kendi Kaleminden Hal Tercümesi," *Tarih Dergisi*, no. 24 (1969): 91.
[219] Ahmed Refik Altınay, *Osmanlı Devrinde Hoca Nüfuzu* (İstanbul: Marifet Matbası, 1933), 102 and Dimitri Cantemir, *The History of the Growth and Decay of the Othman Empire*, trans. N. Tindal (London: Knapton, 1734-35), 435; quoted in Zilfi, *The Politics of Piety*, 219.

high level secular posts in Istanbul.[220] Abou-El-Haj notes that "the degradation of the highest executive office is summed up in the designation of the last incumbent as the lackey of the *Şeyhulislam*."[221]

With his unbridled nepotism and his pretention that *l'État c'est moi*—I am the greatest and am in charge of policy—[222] Feyzullah Efendi even outshone the Sultan's authority.[223] As Abou-El-Haj points out, it had become clear that the Sultan had not been able to rid himself of his childhood dependence on the old mufti.[224] His violations of time-honored protocols touched the *ulema*'s pockets and consequently he exasperated an army of disgruntled rival *ulema*, mutinous janissaries and palace viziers who were overshadowed by the Sultan's most intimate confidant whose advice he sought in all matters.

In the aftermath of the embarrassing Treaty of Karlowitz in 1699 and subsequent territorial losses,[225] the empire was in desperate straits struggling with delayed military payments, food shortages, plague, high inflation and widespread disorder. Meanwhile rival groups in Istanbul were closely watching developments and eagerly waiting for conditions to ripen. Abou-El-Haj notes that although all Ottoman contemporary chronicles and sources agree on the mismanagement of state affairs, the selfish and personal

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[220] Türek and Derin, "Feyzullah Efendi'nin Kendi Kaleminden Hal Tercümesi," 75-76.
[221] Abou-El-Haj, *The 1703 Rebellion,* 4.
[222] Kellner-Heinkele, "Family Politics of Ottoman Ulema,"197.
[223] Akgündüz, *Osmanlı Devletinde Şeyhülislamlık*, 93.
[224] Abou-El-Haj, *The 1703 Rebellion*, 10.
[225] After centuries of territorial expansion, the Ottomans at Karlowitz were decisively defeated by the alliance of the Holy League Powers (Habsburg Austria, with her allies Poland, Muscovy and Venice.) The terms of the treaty not only proposed that the Ottoman Sultan was no longer superior and thus considered equal to the Holy Roman Emperor for the first time, but it also marked the end of European fear of the 'Turkish menace,' and the Ottomans were now perceived as a weakening empire. See Rifa'at Abou-El-Haj, "Ottoman Diplomacy at Karlowitz," *Journal of the American Oriental Society* 87, no. 4 (1967): 498-512; Virginia H. Aksan, *Ottoman Wars, 1700-1870: An Empire Besieged* (Harlow, England: Longman/Pearson, 2007), 26-28.

ambition of Feyzullah was the major factor in the insurrection that would soon break out.[226] As it was so often the case, the well-timed dissemination of false rumours provided the much-awaited sparkle for the social explosion. It was claimed that the Sultan and his advisors intend to move the capital from Istanbul to Edirne.[227] Word spread quickly in the streets, and drew many social groups into the rebellion. It was true that "Edirne had been the favorite seat of the Ottoman court since the time of Sultan Mustafa's father, Mehmed IV,"[228] and Sultan Mustafa's court mostly resided in Edirne, a city he thought safer than janissary-controlled Istanbul.[229]

On the morning of 17 July 1703, revolt broke out in Istanbul and quickly spread to Edirne. [230] Mustafa II was deposed and a series of tragic events began to unfold for Feyzullahzâde and his family. On August 22, 1703, the *Şeyhulislam* and his entourage were captured by the rebels on their way to Erzurum and brought back to Edirne. The throng stripped the *Şeyhulislam* and his companions to their underwear, put them in ox-cart along with curses and accusations of heresy, and then threw them in prison.[231] For the next three days and nights Seyyid Feyzullah Efendi and his sons were tortured, forcing them to reveal the whereabouts of their veiled liquid assets. A *fetva* of the newly appointed *Şeyhulislam* saved his predecessor from further excruciating

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[226] Abou-El-Haj, *The 1703 Rebellion*, 3-5.
[227] Aksan, Ottoman Wars, 36.
[228] Finkel, *Osman's Dream*, 329.
[229] Cristoph K. Neumann, "Political and Diplomatic Developments," in *The Later Ottoman Empire, 1603–1839*, ed. Suraiya N. Faroqhi, vol. 3 of *The Cambridge History of Turkey* (Cambridge: Cambridge University Press, 2006), 52.
[230] For the best analyses of the rebellion see Abou-El-Haj, *The 1703 Rebellion.*
[231] Finkel, *Osman's Dream*, 331.

torment, and he was quickly beheaded.[232] Without any real attempt by the *ulema* to save him, his decapitated body was dragged into the streets, his severed head was stuck on a pole and paraded around the janissary barracks; eventually both his body and head were thrown into the Tunca river.[233]

When Seyyid Feyzullah Efendi was brutally murdered in 1703, only his eldest son Fethullah Efendi who was then the *Şeyhulislam*-elect and held the position of *nakibüleşraf*, Chief of the Descendants of the Prophet at the exceptionally early age of 26, was killed in Yedikule prison in Istanbul.[234] The lives of his other children were spared. At the time of their father's execution, before their dismissal and expulsion, his younger sons held various high rank *ilmiye* positions.[235] Assignment of grey-beard-posts, which required years of *medrese* education and maturity of judgment, to adolescent offspring could only be described as unprecedented innovation.

Despite the exceptional position and status *Şeyhulislam* Feyzullah Efendi and his extended family enjoyed for many years, it is not plausible to claim that the *ulema* in general enjoyed a steady and uninterrupted level of power during the entirety of the six hundred years of Ottoman rule. The power and influence of the *ulema* varied considerably in different areas and periods according to social and political factors.

It is essential to grasp that the central state authority and the authority of the religious *ulema* were, on the whole, mutually exclusive, while their

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[232] İsmail Hakkı Uzunçarşılı, *Osmanlı Tarihi* (Ankara: TTK, 1982), IV/I: 22-46.
[233] Tayşi, "Feyzullah Efendi," 527-28.
[234] Kellner-Heinkele, "Family Politics of Ottoman Ulema. The Case of Sheykhülislam Seyyid Feyzullah Efendi and his Descendants," 194.
[235] Zilfi, The Politics of Piety, 217.

relationship was interdependent. When a Sultan took up the reins of government, this outweighed the rival elite groups (including the *ulema*). On the other hand, whenever there was a power vacuum within the central authority, ruthless interclass and intra-class power struggles between the existing elite groups broke out. The *ulema* did not stand aloof from these struggles. In fact, high-ranking Ottoman *ulema* were indispensable players in palace politics and intrigues. This seesaw balance between the rulers and *ulema* followed a cyclical pattern until the Tanzimat.

However, even prior to the Tanzimat, in the year 1826, the pattern was radically transformed and took a speedy downward plunge at the expense of the *ilmiye* class. With the annihilation of the Janissary troops in *Vak'ay-i Hayriye* (Auspicious Event) and the establishment of the *Evkâf-ı Hümayun Nezareti* (Ministry of Religious Endowments), the Ottoman *ilmiye* class was gradually stripped of its military alliances and its source of economic power, having been made dependent on regular state salaries. Therefore, study of the place of the *ulema* in the Ottoman Empire can be roughly divided into the periods before and after the Tanzimat. This issue, along with other domestic and international contingencies will be dealt with in greater detail in the following chapters of this study.

IV. Conclusion

Although as a Muslim Empire, the Ottomans had followed many Islamic traditions inherited from previous Muslim dynasties; they gave their own

coloration to political philosophy both in terms of actualizing its governing structures and legitimizing the wielding of political power. The office of the *şeyhulislam*, for instance, was unique to the Ottomans. Although the title *şeyhulislam* had been used for a few individual *ulema* in the pre-Ottoman period (such as Ibn al-Taymiya) and the *Qādī al-Quḍāt* or *Qāḍī al-Jund* posts had shared some characteristics with *şeyhulislam*, the Ottoman *şeyhulislam* and his office (*meşîhat*) as a political and governmental term was unparalleled in the history of Islamic civilization in its political signification and its multiple social and administrative functions.[236] And, as an institutionalized elite group in a highly centralized empire, the *ulema* class had no precedent among previous Muslim states and empires.

In answering the initial question, (what really distinguished Ottoman *ulema* from their counterparts in different Islamic historical epochs?), one may conclude that the Ottomans had indeed largely succeeded in bridging the traditional gulf between the *umera* and the *ulema* or in Heyd's words, "between political-administrative reality and religious-legal theory." [237] The higher class was strongly represented in the government and the sultans strove to acquire legitimacy through them because of their influence on the population and on the creation and manipulation of public opinion. The Ottoman judge (*kadı*), for example, acted as a counterbalance between local rulers and the high-treasurer of the Empire (*defterdar*) when realizing the notion of the separation

[236] Yakut, *Şeyhülislamlık,* 7.
[237] Uriel Heyd, "The Ottoman 'Ulemā and Westernization in the Time of Selīm III and Mahmūd II," in *The Modern Middle East: A Reader*, eds. Albert Habib Hourani, Philip S. Khoury and Mary C. Wilson (Berkeley: University of California Press, 1993), 54.

of powers in the Ottoman government. The high-ranking Ottoman *ulema*, for instance, always participated in military expeditions with sultans. Some of these may have taken several months if not years, which, in the end, may well have hindered their ability to produce scholarly works in their respected fields.[238]

To conclude, unlike the members of other elite groups, the Ottoman *ulema* not only infiltrated all the other elite groups of the Empire but they created what I would call "an artificial neural network" that had an enormous impact on the decision-making mechanism of the state. They were often interconnected through biological ties and filled judicial, administrative and municipal positions. With regard to educational posts, they reached even the outermost regions of the Empire and reacted in concert against any external threat to their existence within the state apparatus. The Ottoman *ulema*, unlike their counterparts in previous Islamic empires, were not a distinct group outside the state bureaucracy and governing system. Rather they were an integral part of it. Their vested interests in the state bureaucracy forced them to take part in the power struggles between the ruling elites, and they used their influence and organizational apparatus to create alliances and eventually to defend their personal, familial and class interests.

Within this context, the *waqf* institution provided the *ulema* with a

[238] The *ulema*'s heavy involvement with state affairs may have resulted in the neglect of substantial academic studies and affected the production of ground-breaking scholarly works within the Ottoman *ilmiye* class. However, it is difficult to develop a clear picture of the scientific contribution of Ottoman scholars' without a thorough analysis of the literature of a variety of disciplines written during the six centuries of their powerful influence in the affairs of state. See İpşirli, "The Ottoman Ulema," 345.

distinct organizational apparatus and secured for them a mechanism of wealth appropriation. It is, therefore, indispensable to look more closely at the *waqf* institution and the ways which it played a critical role in establishing and maintaining the *ulema* in elite circles. I propose to show the complexity of the *waqf* institution in determining the course of the *ulema*-state relation from the elite perspective in the following chapter.

Chapter 2

THE *WAQF* AS LEVERAGE FOR ELITE INSTITUTIONALIZATION IN THE OTTOMAN EMPIRE

While the first chapter focused on "the distinct organizational apparatus" of the *ilmiye* elites, the second chapter will deal with the *waqf* institution as the elites' "surplus extraction mechanism" in the Ottoman Empire. Following the same methodology used in the first chapter, in this chapter I will first place the *waqf* institution in historical perspective and then will emphasize the ways in which the *waqf* institution touched the lives of both the elite and non-elite Ottomans on both sides of the charity equation: either as donors or recipients in their specific socio-economic, legal and religious contexts. [1] Without overemphasizing the material aspects or understating the spiritual dimensions of the institution, this chapter shows how the Ottoman *waqf* became instrumental in making and breaking elite groups on a *quid pro quo basis*. I will argue that many Ottoman elite coteries used the charitable *waqf* institution as leverage to consolidate their economic privileges while gaining political profit and social recognition against rival elite factions. When writing about the charitable institutions Singer, a prolific *waqf* scholar, notes

[1] Although there are some scholars who make a distinction between charity and philanthropy and emphasizing the religious, spiritual and historical connotations of the former; and secular, rational, and professional aspects of the latter, both terms are widely used as synonyms in the literature and I will be using both of them interchangeably throughout the thesis. For the comparison between charity and philanthropy see: Robert A. Gross, "Giving in America: From Charity to Philanthropy," in *Charity, Philanthropy, and Civility in American History*, ed. Lawrence Jacob Friedman and Mark D. McGarvie (New York: Cambridge University Press, 2003), 29-48.

that, "... a careful study of such associations also brings out the lines of disagreement and competition between elite groups, between the elite and the government, and between elites and emerging middle class."[2] This chapter will contribute to our current understanding of the popularity and functionality of the Ottoman *waqf* from a distinctive perspective.

I. The *Waqf* in the Islamic Context

A religious endowment is known in the Muslim world as "*waqf*" or "*ḥabs.*"[3] The word "*waqf*" (*pl. awqaf*) derived from the Arabic root verb *w-q-f* means causing someone or something to stop, confine, or stand still.[4] *Waqf* can be defined thusly: under Islamic law,[5] in the presence of witnesses and with the approval of a judge, an alienor endows a revenue-bearing[6] freehold asset along with its usufruct in perpetuity for a confined pious cause and designated beneficiaries by means of stipulated management and regular supervision.[7] Dedicating one's properties as a *waqf* for public service is an economic

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[2] Amy Singer, *Charity in Islamic Societies* (Cambridge: Cambridge University Press, 2008), 210.
[3] The word *waqf* is Anglicized and now widely used in English dictionaries. *Ḥabs* is mostly used in North Africa and the Francophone world. Elsewhere the term *waqf*, with some slight variations (*wakf*, *vakıf*, pl. *evkâf*, or *wakouf* etc.) is preferred.
[4] Muḥammad ibn Mukarram Ibn Manẓūr, *Lisān al-ʿArab* (Bayrūt: Dār Ṣādir, 1955), 3: 969; "Vakf," in *New Redhouse Turkish-English Dictionary,* eds. V. Bahadır Alkım et al., 16th ed. (İstanbul: Redhouse Yayınevi, 1996).
[5] The legal opinions expressed in this thesis refer to Ḥanafi school of thought, unless otherwise noted. This was the school whose jurisprudence was generally applied by the Ottomans.
[6] The source of income mostly came from low-risk long-term investments such as agricultural lands, commercial buildings, market places, bathhouses, mining fields and in Ottoman practice interest, though canonically was prohibited, was among the income of the cash *waqf*s.
[7] The definition is based on number of *waqf* law books and compiled by the author.

decision;[8] *waqf* scholar Monzer Kahf, emphasizing its economic dimension reformulates the definition of *waqf* as, "taking certain resources off consumption and simultaneously putting them in the form of productive assets that increase the accumulation of capital in the economy for the purpose of increasing future output of services and incomes."[9] In this sense, *waqf* endowments have always had a connotation of prohibition. Once a property is a gift to God and dedicated as a *waqf,* its purpose is the benefit of mankind and remains so forever.[10] Therefore, the *waqf* is considered as "an active instrument for the donative disposition of wealth" [11] in Islamic law. According to Kahf the definition of *waqf* denotes to "non-perishable property whose benefit can be extracted without consuming the property itself."[12] Therefore *waqf* has primarily taken the form of immovable properties such as lands and buildings and can therefore be considered as a cumulative investment. However, majority of Muslim jurists endorsed the *waqf* for movable assets such as books, agricultural machinery, cattle, shares and stocks and controversially, money in the form of cash.

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[8] Birol Başkan, "Waqf System as a Redistribution Mechanism in the Ottoman Empire," in *17th Middle East History and Theory Conference* (Center for Middle Eastern Studies, University of Chicago: 2002), 17.

[9] Monzer Kahf, "Financing the Development of Awqaf Property," (Paper presented at the Seminar on Development of Awqaf organized by Islamic Research and Training Institute, Kuala Lumpur, Malaysia, March 2-4, 1998), 6-7, http://monzer.kahf.com/papers/english/FINANCING_AWQAF.pdf (accessed October 3, 2012).

[10] Elimination of the *waqf* character of a property required a difficult and lengthy legal process called *istibdāl*. The worn or damaged *waqf* property needed to be exchanged against another property of equivalent value with approval of the local court. Upon completion of such an exchange, the new property immediately becomes *waqf* for the same purpose and beneficiaries of the former one.

[11] Keith Christoffersen, "Waqf: A Critical Analysis in Light of Anglo-American Laws on Endowments" (MA Thesis, McGill University, 1997), 135.

[12] Monzer Kahf, "Waqf: A quick Overview," Monzer Kahf's Personal Web Page http://monzer.kahf.com/papers/english/WAQF_A_QUICK_OVERVIEW.pdf p. 2 (accessed October 13, 2012).

It is important to note that in addition to *waqf*, there are other means of altruistic giving in Islam, such as paying alms, (*zakāt*) and distributing *ṣadaqah*. Although *zakāt* is one of the five fundamental pillars of Islam and considered as an obligatory transfer of a prescribed proportion of wealth (2.5 percent) for all Muslims who possess more than the minimum necessary for subsistance,[13] the *waqf* is a voluntary action where the benefactors, men and women, could allot up to one third of their wealth either during their life time or as a bequest stated in their last will. As for *ṣadaqah*, although it is a form of voluntary giving like the *waqf,* it does not require institutionalization. It is given to the poor and needy as small handouts preferably in a clandestine manner. In actual fact, in order to prevent humiliation of recipients or creating harmful pride in donors, all Abrahamic religions advocate hidden charity.[14] However, throughout the centuries, the *waqf* remained as the most durable, publicly visible, legally irreversible, financially self-sustainable, and administratively semi-autonomous and institutionalized form of voluntary charity in Islam.

Components of *Waqf*

The founder of a religious endowment, called a *wāqif(a)*, stipulates the conditions of his or her act of charity in an endowment deed called *waqfiyya*. A

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[13] Amy Singer makes an interesting observation about the Encyclopedia of Islam's '*zakat*' and '*wakf*' entries and she says that, "the entry '*wakf*' is almost three times as long as that on '*zakat*' and was written by multiple authors because a review of the sources on this topic along with a discussion of the state of scholarly research is too extensive for any single person to cover." See Singer, *Charity in Islamic Societies* , 94.

[14] Marjorie K. McIntosh, "Poverty, Charity, and Coercion in Elizabethan England," *The Journal of Interdisciplinary History* 35, no. 3 (2005): 467.

trustee, called *mutawallī* (Turkish *mütevelli*) or *nāẓīr*,[15] administers the *waqf.* Every *waqf* requires a *mutawallī* who has "fiduciary powers and duties but does not have ownership of the property which he administers."[16] Unlike a modern board of directors, a *mutawallī,* "is permitted no discretionary action, except when the well-being of the *waqf* involved."[17] The post of *mutawallī* can be assumed by the founder and according to Islamic law; there was no gender distinction in *mutawallī* appointments.[18] For that reason many Muslim women administered their own *waqfs* as a *mutawallīyah*[19] and received salaries if they wished. Relying on a random sample of about five hundred *waqf* documents, Baer found that in sixteenth-century Istanbul one-third of all founders of *awqaf* were women. The endowment deeds showed that some women held the post of *mutawallīyah*s and in return for their executive services they received a portion of the total income of the *waqf* revenues.[20]

The *waqf* becomes valid only after the sanctioning of a unilateral contract or endowment deed (*waqfiyya*) initiated by the benefactor before a *qāḍi* and in the presence of witnesses.[21] Therefore, *waqfiyya* is a legally binding and inviolable document and is considered the most important authentic

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[15] While in most classical Islamic jurisprudence books these two terms are often used interchangeably, in Ottoman practice *nāẓīr* was the supervisor who controlled the management of *mutawallī.*
[16] William F. Fratcher, "The Islamic Wakf," *Missouri Law Review* 36, (1971): 158.
[17] Burhān al-Dīn al-Ṭarābulusī, *Kitāb al-is'āf fi aḥkām al-awqāf* (Cairo: 1952), 55; quoted in Robert Duncan McChesney, *Waqf in Central Asia: Four Hundred Years in the History of a Muslim Shrine, 1480-1889* (Princeton, N.J.: Princeton University Press, 1991), 12.
[18] Ömer Hilmi Efendi, İthâf-ül-Ahlâf fi Ahkâm-il-Evkâf (Ankara: Vakıflar Genel Müdürlüğü Yayınları, 1977), 86: "*Vâkıf'ın gerek zükûr ve gerek inâs evlâdından kangısı en ziyade reşid ise ol kimse müstehik ve meşrûtunleh olur.*"
[19] Nazif Öztürk, "Mütevelli," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 2006), 32: 217-18.
[20] Gabriel Baer, "Women and Waqf: An Analysis of the Istanbul Tahrir of 1546," *Asian and African Studies* 17, no. 1 (1983): 13.
[21] For a *waqfiyya* sample, see Figure III and IV in the Appendix.

source for the history of the *waqf* institution.[22] For example, Ottoman *waqf*s left "a broad paper trail of evidence"[23] for researchers. There are approximately 35,000 *waqfiyya*s listed in the Archive of the General Directorate of Awqaf (Vakıflar Genel Müdürlüğü Arşivi) in Ankara, Turkey, covering a period before and during the Ottoman period, the earliest of which dates from the year 1048.[24] This could be taken as a clear indication of the popularity and ubiquity of the *waqf* institution in the Ottoman Empire. Moreover, for several decades these *waqfiyya*s have been used as natural material for quantitative analysis and research.[25]

From an Islamic legal point of view the stipulations of the pious benefactor are considered sacred and were treated as if they were Qur'anic injunctions or Prophetic mandates. This notion was epitomized in the following legal maxim: *Sharṭ-i Wāqif Kanaṣṣi Shāri'* (Stipulation of benefactor is like the irrefragable rulings of the lawgiver).[26] In other words, as long as the conditions specified by the founder do not contradict or violate any of the provisions of *Sharī'ah*, they must be fulfilled to the letter and can not be changed by the manager or supervisor of the *waqf*, nor even a judge or ruler. It

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[22] M. Fuad. Köprülü, "L'institution De Vakf L'importance Historique De Documents De Vakf," *Vakıflar Dergisi* 1, (1938): 4.
[23] Singer, *Charity in Islamic Societies,* 92.
[24] Nazif Öztürk, *Türk Yenileşme Tarihi Çerçevesinde Vakıf Müessesesi* (Ankara: TDV, 1995), 40.
[25] For selected works conducted with the methodology of "analytical empiricism" on the *waqfiyya* deeds see Ruth Roded, "Quantitative Analysis of Waqf Endowment Deeds: A Pilot Project," *Journal of Ottoman Studies* 9, (1989): 57-76; Haim Gerber, "Social and Economic Position of Women in an Ottoman City, Bursa, 1600-1700," *International Journal of Middle East Studies* 12, no. 3 (1980): 231-44; Bahaeddin Yediyıldız, *Institution du vaqf Au XVIIIe Siecle En Turquie: étude Socio-Historique (*Ankara: Imprimerie de la Société d'Histoire Turque, 1985); Hasan Yüksel, *Osmanlı Sosyal ve Ekonomik Hayatında Vakıfların Rolü* (Sivas: Dilek Matbası, 1983); Öztürk, *Türk Yenileşme Tarihi.*
[26] Ahmet Akgündüz, *İslam Hukukunda ve OsmanlıTatbikatı'nda Vakıf Müessesesi* (İstanbul: Osmanlı Araştırmaları Vakfı, 1996), 397.

also implies that Islamic law provided the donor community some sort of legitimacy in realizing their dreams and a chance to transform their societies according to their world views as long as their objectives are feasible and compatible with the spirit and framework of the *Sharīʿah*.

A *waqfiyya* often contains two categories of information; personal and general. First, it discloses information about the endower's social background, career, *madhhab* [jurisprudential] affiliation, the amount of wealth and the size of donor's properties, religious and psychological motivations, political affinities, marital status, management and employment preferences, income and expenditure of the *waqf*, interclass relations of the endower to their family members, their understanding and interpretation of the economic and social problems of the given time, space, and society in general. The literal meaning of the word *wāqif* (Turkish, *vâkıf*), overlaps with the terminological definition of the term both the Arabic and Turkish languages, that is, a person who is "aware, cognizant or wide awake." [27] This, I believe, inherently refers to an endower who is cognizant of his or her society's socio-economic problems and accordingly puts forward solutions commensurate with his or her means and goals. In a similar vein, a widely used generic name for all the endowed properties in Turkish, *meşrûta* (Arabic, *Mashrūṭah*) literally means "stipulated" and constantly reminds people that, the objective of the *waqf*, such as a mosque or library, has certain conditions stipulated by the founder which must be honored in its usage.

[27] "Vâkıf," in *New Redhouse Turkish-English Dictionary,* eds. V. Bahadır Alkım et al., 16th ed. (İstanbul: Redhouse Yayınevi, 1996).

Second, a *waqfiyya* also reveals general data about the material culture of the period, namely, architectural and geographical features of particular towns, cities or terrains, types of currencies, agricultural customs, as well as ethnographic and demographic conditions.[28]

Depending on the size and economic resources of the *waqf,* a *waqfiyya* may vary from one page to as many as four hundred pages; there are also *waqfiyyas* engraved on stone slabs.[29] Although the *waqfiyya*s are extremely important documents and are indispensable for historical studies, they cannot provide the entire picture of how a *waqf* functions without the *waqf* account registers. A *waqfiyya* in other words is a prescriptive manual, tells us how a *waqf* should be managed, but it does not tell us how it was actually managed, thus it is not a descriptive document.[30] A well recorded ledger of institutional expenditure is essential to understanding the fiscal management of the *waqf* operations.[31]

In general, *waqf*s comprised two groups of institutions. The first group is composed of charitable establishments, which in the Turkish *waqf* literature, in addition to *waqf*, are frequently referred to as *khayrāt* (Turkish *hayrat*) or

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[28] Ronald C. Jennings' meticulous study of Ottoman Trabzon *waqf*s from 1565 to 1640 reveals "extremly close interrelationships of Muslims and Christians especially in their economic lives." See Ronald C. Jennings, "Pious Foundations in the Society and Economy of Ottoman Trabzon, 1565-1640: A Study Based on the Judicial Registers (Şerʿi Mahkeme Sicilleri) of Trabzon," *JESHO* 33 (1990): 271-336.

[29] Abdülhamit Tüfekçioğlu, "Medeniyet Tarihimizde Taş Vakfiyeler," *Yüzüncü Yıl Üniversitesi Sosyal Bilimler Enstitüsü Dergisi* 1, (2000): 34.

[30] Ömer Lütfi Barkan, "Süleymaniye Camii Ve İmareti Tesislerine Ait Yıllık Bir Muhasebe Bilançosu 993/994 (1585-1586)," *Vakıflar Dergisi*, no. 9 (1971): 109-110; Maya Shatzmiller, "Islamic Institutions and Property Rights: The Case of the 'Public Good' Waqf," *JESHO* 44, no. 1 (2001): 48.

[31] Kayhan Orbay, "Structure and Content of the Waqf Account Books as Sources for Ottoman Economic and Institutional History," *Turcica*, no. 39 (2007): 6-7.

meberrāt[32] indicating that the buildings are dedicated to public use with the hope of pleasing God. The second group included only financial institutions. This was, in a sense, the business division of the *waqf,* in which the founder set aside a number of non-movable, profit generating, low-risk, and long-enduring economic enterprises called *akārāt* (properties) whose resources were allocated to finance the charitable intitutions in perpetuity.[33] In addition to non-movable properties, setting aside large amounts of liquid capital and using only the accrued interest in charitable projects was a very common practice in the Ottoman Empire.

Legal Framework of the *Waqf*

Since *waqf* is a canonical Islamic concept, its creation requires fulfillment of certain legal conditions. The most important among them are the following. *De jure,* that is, the objective of any *waqf* must be an act of charity and worship both from the points of view of *Sharīʿah* and of the founder. In establishing a *waqf*, an individual donor is considered as the exclusive redistributive agent and therefore *waqf*s are usually established by individuals rather than groups of individuals. Hence a *waqf* that benefits the rich alone is not permissible because it is not considered as charity. The *waqf* founder should be legally sane, fit and able to take such an action, such that, a child, an insane person or one who does not own the property cannot

[32] The origin of *meberrāt* is the Arabic word *birr* which means all kind of good deeds and synonymous with *hayrat*.
[33] Bahaeddin Yediyıldız, "Osmanlılar Döneminde Türk Vakıfları ya da Türk Hayrât Sistemi," in *Osmanlı*, ed. Güler Eren et al.(Ankara: Yeni Türkiye Yayınları, 1999), 17-33.

establish a *waqf*.[34] The property must be real estate or any other object that possess permanence of the means of perpetuation and should be given in perpetuity so that people can benefit from it for years, generations or even centuries. No wonder then that today there are many *waqf*s scattered around the world that have outlived dynasties and even empires. Finally, beneficiaries, be they person(s) or purpose(s), must be living (or would be living in the future) and legitimate. A *waqf* for the dead is not permissible.[35]

It should be noted that the law of *waqf* is a vast discipline and over time, in parallel with its popularity special *waqf* courts had to be created and independent ministries established in various parts of the Islamic world in order to properly oversee *waqf* affairs. Correspondingly a large body of literature in various areas of *aḥkām al-awqāf* (the laws of *waqf*) was developed among the four Sunni schools of jurisprudence. This literature dealt with such controversies as the ownership of *waqf* literally *milkiyyah*[36] (which led to the first set of legal controversies concerning *waqf* in its history), issues of the legal personality of the *waqf*,[37] the validity of the movable *waqf* material, the problem of inalienability and immutability of the *waqf*,[38] permissibility of

[34] Mahmud bey al-Naḥḥās, *Mūjaz fī Aḥkām al-Awqāf* (Damascus, 1929), 9–12.
[35] Ibid., 19-26.
[36] Johannes Pahlitzsch, "Is God the Owner? The Issue of Ownership of Foundations in Byzantium and Islam," in *Law of Waqf Conference* (Islamic Legal Studies Program, Harvard Law School: 2006).
[37] Akgündüz, *İslam Hukukunda ve Osmanlı Tatbikatı'nda Vakıf Müessesesi.*
[38] Henry Cattan, "The Law of Waqf," in *Law in the Middle East*, ed. Majid Khadduri and Herbert J. Liebesny (Washington: The Middle East Institute, 1955), 203-222; Hüseyin Hatemi, "The Waqf Seen in the Perspective of Legal History," in *The Foundations of Turkey*, ed. Zekai Baloğlu (İstanbul: Third Sector Foundation of Turkey, 1996), 18-31.

family *waqf* , specifically *waqf ahlī* or *waqf dhurrī*, (*zürrî* in Turkish),[39] the origins and formation of Muslim pious endowments,[40] the issue of *tawliyat* or the founder's designating himself as the administrator and beneficiary of his own *waqf*,[41] the long-debated cash-*waqf* controversy,[42] and the centralization of *awqaf* in different regions and times.[43] This extensive literature covers millions of *waqf* related archival documents and court registers that are preserved in different libraries, museums and archives around the globe.[44] However, while Norman A. Stillman compares the study of pre-Ottoman Islamic charitable institutions to "extracting needles from haystacks,"[45] in referring to the richness of Ottoman archival material, Crecelius says, "No Islamic State was more energetic in its production of statistical records, more

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[39] David S. Powers, "The Islamic Family Endowment (*Waqf*)," *Vanderbilt Journal of Transnational Law*, no. 32 (1999): 1167-1190; Mary Ann Fay, "From Concubines to Capitalists: Women, Property and Power in Eighteenth-Century Cairo," *Journal of Women's History* 10, no. 3 (1998): 118-140; Gerber, "Social and Economic Position of Women in an Ottoman City," 231–44.

[40] Fuat Köprülü, "Vakıf Müessesesinin Hukukî Mahiyeti ve Tarihî Tekâmülü," *Vakıflar Dergisi* 2, (1942): 1-35.

[41] Haşmet Başar, *Management and Development of AWQAF Properties: Proceedings of the Seminar Held on 07 to 19 Dhul Qada, 1404H (04-16 August, 1984)* (Jeddah, Saudi Arabia: IRTI, Islamic Development Bank, 1987); George Makdisi, *The Rise of Colleges: Institutions of Learning in Islam and the West* (Edinburgh: Edinburgh University Press, 1981), 37-38.

[42] Jon E. Mandaville, "Usurious Piety: The Cash Waqf Controversy in the Ottoman Empire," *International Journal of Middle East Studies* 10, no. 3 (1979): 289-308; Murat Çizakça, "Cash Waqfs of Bursa, 1555-1823," *JESHO* 38, no. 3 (1995): 313-354.

[43] John Robert Barnes, *An Introduction to Religious Foundations in the Ottoman Empire* (Leiden: E.J. Brill, 1986), 102-154; Murat Çizakça, *A History of Philanthropic Foundations: The Islamic World from the Seventh Century to the Present* (İstanbul: Boğaziçi University Press, 2000), chap. 4 passim.

[44] In the year 2006, in an informal meeting with one of the leading *waqf* scholars of Turkey, a retired *Awqaf* Directorate Officer and academic, Dr. Nazif Öztürk in explaining to me the vastness of Ottoman *waqf* studies used a striking analogy. While sipping our teas in a hill garden looking at the flat lands of Anatolian plains, he waved his hand towards the horizons of the setting sun of a beautiful summer afternoon and said: "imagine young man, one hundred cavalrymen start galloping from dawn to dusk in eight different directions and at the sun set you rein them in at once and encircle the area where the farthest cavalrymen could reach and lay down all the *waqf*-related material in our archives. The area will not even be sufficient to cover the space needed for the documents." Then perplexed, however, today I couldn't agree with him more.

[45] Norman A. Stillman, "Charity and Social Service in Medieval Islam," *Societas* 5, no. 2 (1975): 105.

systematic in its record keeping, and more assiduous in preserving these records than the Ottoman Empire."[46]

Causality for the Civilizational Magnitude of the *Waqf*

Throughout the centuries the institution of the *waqf* played a central role as a vehicle in the socio-economic development of the Muslim lands and, in some sense, it shaped many aspects of the Islamic world.[47] From the Taj Mahal to the Mostar Bridge in Bosnia, from the Cape of Good Hope's Tana Baru cemetery to Tashkent's Kukeltash Madrasa, from the Romanian Constanta Lighthouse to Zubida's waterway in Mecca, and from the Haseki Imperial Soup kitchen in downtown Jerusalem to the giant Süleymaniye complex in Istanbul, horizontally and vertically, synchronically and diachronically, the *waqf* institution, in an indelible form and style, dotted the Islamic world, gave Muslim cities their character, and exhibited staggering growth and unparalleled popularity for more than a millennium. *Awqaf* financed the building and maintenance of innumerable urban services. In Marshall Hodgson's words, the *waqf* served as a "vehicle for financing Islam as a society."[48] It is, therefore, "not an exaggeration to claim that the *waqf,* or a pious endowment created in perpetuity, has provided the foundation for much of what is considered Islamic civilization."[49]

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[46] Daniel Crecelius, Introduction to *JESHO* 38, no. 3 (1995): 247.
[47] Barnes, *Religious Foundations,* IX.
[48] Marshall G. S. Hodgson, *The Expansion of Islam in the Middle Periods*, vol. 2 of *The Venture of Islam* (Chicago: University of Chicago Press, 1974), 124.
[49] Peter C. Hennigan, *The Birth of a Legal Institution the Formation of the Waqf in Third-Century A.H. Hanafi Legal Discourse* (Leiden; Boston: Brill, 2004), XIII.

The reasons for this preponderance should be, I argue, sought in its symmetric and symbiotic relationship with the *Maqāṣid al-Sharīʿah*, the five cardinal values that constitute the bedrock of the Islamic *weltanschauung*. That is, the protection of religion, life, wealth, progeny and rationality. Inductive examination and the subsequent tabulation of the life-oriented goods and services of the *awqaf* displayed throughout the history of Islamic civilization will enable us to understand their synergic and harmonious connection with the above-mentioned principles. The majority of *waqf* -sponsored institutions were primarily religious in nature, namely mosques, *madrasa*s, *zāwiyas* (sufi lodges), and libraries. The founders designated as beneficiaries men of learning such as, *'ulamā'*, imams, sufi saints, law college students, calligraphers, scribes, and illuminative artists who comprised the intellectual class of Muslim society. Building hospitals and hospices for the destitute, caravansaries on strategic trade routes and traffic arteries, fortresses along the frontiers of the expanding empire for security purposes, orphanages, roads, bridges, fountains, and waterways were, directly or indirectly, aimed overall at the protection of life. Confiscation of one's wealth by the ruler, immunity from taxation, preventing division of inheritance, and therefore establishing *waqf ahlī*, or *dhurrī* and dedicating its usufruct to the founders' descendants were some of the leitmotifs of the *waqf* makers in establishing charitable endowments as a 'fortune shelter' sometimes premeditated to protect wealth and progeny. As for the preservation of rationality, this subject, in my opinion should be taken in a broader sense than the prohibition of the

consumption of intoxicants. As indicated earlier, Islamic law bestowed on the pious benefactor great freedom and legal protection in realizing his or her dream or world view through the stipulations of their endowment deeds. It was, for instance, the founders who could eventually decide, through their endowments, which school of legal thought should prevail,[50] or which type of intellectual and cultural norms should hold sway in a given society. This is, in my view, a prime example of the sanctification of human rationality.

Another reason for the widespread popularity of the *waqf* institution in the Islamic civilization was, I believe, its successful molding and integrating of three distinct objectives for three different layers of society in a simultaneously rational and perpetual manner. These objectives are meeting the spiritual, psychological, intellectual and material needs of individuals on both sides of the charity equation, both those who give and those who receive. It was a means by which to safeguard the integrity of wealth for the monied elite and its secure transmission to their descendants, ultimately benefitting the ruling segments of the society by providing an infrastructure for stable and voluntary income distribution that eventually eased social tensions and poverty among its members. Singer notes that, "The poor (in theory) [were] calmed by having their bellies filled, and [were] so less likely to be discontent in ways that can be exploited for political purposes."[51] The following pages of

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[50] To Makdisi, for example, Maliki madhab's prohibition of a founder from becoming the administrator of his own *waqf* for the remainder of his life, and to his successors to the end of his line, was the principle factor in the decline of this school in Baghdad at a time when the other schools were benefiting from the new madrasas as recruiting centers. Makdisi, *The Rise of Colleges,* 37-38.

[51] Singer, *Charity in Islamic Societies*, 221.

this chapter, will elaborate on each of these three aspects in detail.

Applications and Uses of *Waqf*s

In order to grasp the centrality of the *waqf* institution and the paramount role it played in shaping the life styles of Muslim societies, we must examine the diverse forms taken by *awqaf* in different areas of society.

One of the main areas where the public foundations played a vital role was the field of education. Throughout their history, Muslim societies depended essentially on *awqaf* for the provision of education at all levels, such as *mektebs, medreses*, libraries, and scientific research in all material and religious sciences. With a few exceptions, until the beginning of the twentieth century all libraries of the Ottoman Empire operated as *waqf* institutions.[52]

Waqf financing for the entire education system created an independent and self-reliant scholarly community that could stand as *vox populi* who advocated the rights of people in the event of confrontation with the local or central authorities.[53] Despite their heavy engagement in the civil bureacracy of the Empire, and their dependency on imperial charity, evidence shows that Ottoman *ulema* frequently interceded between the oppressed people and the authorities.[54] In cases of suppression by local governors or maltreatment by

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[52] For a comprehensive survey of the Ottoman library tradition see İsmail E. Erünsal, *Osmanlı Vakıf Kütüphaneleri: Tarihî Gelişimi ve Organizasyonu* (Ankara: TTK Yayınları, 2008); Oğuz İçimsoy and İsmail Erünsal, "The Legacy of the Ottoman Library in the Libraries of the Turkish Republic," *Libri* 58, (2008): 47-57.

[53] Abdul Malik Ahmed Sayed, "Role of *Awqaf* in Islamic History," in *Idārat wa Tathmīr Mumtalakāt al-Awqaf*, ed. Hassan Abdullah al-Amin (Jeddah: IRTI, 1989), 249-58.

[54] In describing the impact of the Tanzimat reforms on the local elites of a *waqf* village called Tulkram, Palestine, Farid al-Salim mentions that the local peasants the *fallāḥīn* depended on *ulema* families to defend their rights because he explains, "It was easier for the *fallāḥīn* to

sipahis[55] (cavalryman) of the peasants, *qāḍis* did not hesitate to take action in defending the rights of the underprivilged.[56] By providing totally free education, the *waqf*s also paved the way for an equal educational opportunity and a chance for upward social mobility for the poorer segments of the society[57] and in Singer's words, "it was in the interests of people with power and money to support the education of children so as to promote acceptance of the existing order of things."[58]

Urbanization was another major area where *waqf* played a significant role in shaping the Islamic conception of the 'personality' of the city. Historically, in most Islamic cities, towns took form and developed around a nucleus of urban *waqf* complexes called *külliye*[59] or *imāret*. These urban zones at the core of habitable towns were composed of several facilities, a *medrese*, library, hospice, public bath, dormitory, water installations, and hospital all clustered around a central mosque.[60] Some *külliye*s had even cells for

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accept the natural leadership of these familiar religious elites and have them act as mediators between themselves and Ottoman officials, who were not only strangers to the community, with short tenures of office, but spoke Ottoman Turkish, rather than Arabic." See Farid al-Salim, "Landed Property and Elite Conflict in Ottoman Tulkarm," *Jerusalem Quarterly* 47: 78.

[55] Mounted soldier who has the lowest rank in the provincial *timariot* army and holder of tax assignments.

[56] İlber Ortaylı, "Osmanlı Devleti'nde Kadı," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 2001), 24: 70.

[57] Said Arjomand, "Philanthropy, the Law and Policy in the Islamic World before the Modern Era," in *Philanthropy in the World's Traditions*, ed. F.Warren Ilchman (Indiana: Indiana Unversity Press, 1998), 114; Steven Kimball Ide, "Higher Educational Systems in Islam and Europe: A Comparative Study of the Ottoman Medrese and English University Systems in the XVIth – XVIIth Centuries" (MA Thesis, Fatih University, 2007), 122.

[58] Singer, *Charity in Islamic Societies,* 84.

[59] *Külliye*s were supported by the revenues of adjacent endowed *bedestan* (shops) and therefore were financially self-sufficient urban nuclei which designed to repopulate and serve the city in general and thus can be defined as "cities within the city".

[60] For a detailed study of the Ottoman *imaret* system see Osman Nuri Ergin, *Türk Şehirlerinde İmaret Sistemi* (İstanbul: Cumhuriyet Matbaası, 1939); Ömer Lütfi Barkan, "Şehirlerin Kuruluşu ve İnkişafı Tarihi Bakımından Osmanlı İmparatorluğu'nda İmaret Sitelerinin Kuruluş ve İşleyiş Tarzına Ait Araştırmalar," in *Osmanlı Devleti'nin Sosyal ve Ekonomik Tarihi*, ed. Hüseyin Özdeğer

contemplative retreat.[61] Students and teachers from the *medrese* mixed with wayfarers (*âyende ve revende*), travelling tradesmen and other lay people when sharing the free meals served from endowment's hospice, and praying five times a day in the mosque. The knowledge produced in the *medrese* was thus disseminated. It is hardly surprising that the *waqf* as a social catalyst played a vital role in creating and transmitting a common culture and associated societal cohesion in Muslim lands.[62] Attached to these cluster of buildings were *bazaars* and *bedestans*, that is, shops whose rent were used for the upkeep of the *waqf* complex.[63] These fortress-like *waqf* commercial centers were particularly important for they housed merchants of interregional trade, and more importantly within these buildings there were special safe places where the money changers and other affluent inhabitants of the city deposited their valuables.[64] The core area of the centre was further connected to the residential and administrative districts called *mahalle* where city dwellers settled according to their ethnic-religious affiliations headed by their own religious leaders.[65] This type of spatial organization was, at least until the Tanzimat era (1839-1876), the most prominent characteristic identifying the

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(İstanbul: İstanbul Üniversitesi Rektörlük Yayını 2000), 996-1053; Amy Singer, "Imarets," in *The Turks*, ed. Hasan Celal Güzel, C.Cem Oğuz, and Osman Karatay (Ankara: Yeni Türkiye Publications, 2002), 657-664.

[61] Singer, *Charity in Islamic Societies*, 102.

[62] Bahaeddin Yediyıldız and Nazif Öztürk, "'The Habitable Town' and the Turkish Waqf System" Yediyıldız's Webpage, http://yunus.hacettepe.edu.tr/~yyildiz/habitat.htm (accessed October 24, 2012); Mustafa Cezar, *Tipik Yapılarıyla Osmanlı Şehirciliğinde Çarşı ve Klasik Dönem İmar Sistemi* (İstanbul: Mimar Sinan Üniversitesi Yayınları, 1985), 335-36, 346; Osman Turan, "Selçuk Devri Vakfiyeleri-III, Celaleddin Karatay, Vakıfları ve Vakfiyeleri," *TTK Belleten* 12, (1948): 45.

[63] Tevfik Güran, *Ekonomik ve Mali Yönleriyle Vakıflar* (İstanbul: Kitabevi, 2006), 3.

[64] Halil İnalcık, "Capital Formation in the Ottoman Empire," *Journal of Economic History* 29, no. 1 (1969): 134.

[65] More on the Ottoman *mahalle* see Özer Ergenç, "Osmanlı Şehrinde Mahallenin İşlev ve Nitelikleri Üzerine," *Osmanlı Araştırmaları* 4, (1984): 69-78.

Ottoman city as it was designed and constructed by the Sultans and well-to-do statesmen through the pious foundations.[66] Singer notes that during the 550 years of the Ottoman Empire more than two hundred *külliye* complexes were constructed and maintained across its vast territory.[67] Isin and Lefebvre point out that "under Ottoman imperial patronage, founding *waqf*s became nearly synonymous with city-building."[68]

Hourani explains the juxtaposition of the religious and commercial buildings by the alliance of commercial bourgeoisie and *ulema* families in the upper bourgeoisie through their intermarriages and shared economic interests in maintaining an active urban leadership aimed at the stability and prosperity of sedentary life.[69] In Ottoman cities, districts were generally named by the benefactors who lived in the area and built the mosque and *medrese* for the local inhabitants.[70] This type of city planning was a popular way of populating cities. For example, within a short span of time Muslim Istanbul developed in the second half of the 15th century into Europe's largest city.[71] It should be also noted that the Ottoman cash foundations played a crucial role in the construction and development of Balkan cities. There were even some cities or towns in the Balkans that were named after *vakıf,* such as *Uskupye Vakfı*, and *Varsal Vakıf* because they were founded with the funds of

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[66] Fatma Acun, "A Portrait of the Ottoman Cities," *The Muslim world* 92, no. 3 (2002): 266.
[67] Singer, "Imarets," 657-664.
[68] Engin Isin and Alexandre Lefebvre, "The Gift of Law: Greek Euergetism and Ottoman Waqf," *European Journal of Social Theory* 8, no. 1 (2005): 17.
[69] Albert Hourani, *The Emergence of the Modern Middle East* (University of California Press, 1981), 28-32.
[70] Tuncer Baykara, "Osmanlı Devleti Şehirli Bir Devlet midir?," in *Osmanlı*, ed. Güler Eren (Ankara: Yeni Türkiye Yayınları, 1999), 533.
[71] Halil İnalcık, "Istanbul: An Islamic City," *Journal of Islamic Studies* 1, no. 1 (1990): 10.

pious foundations.[72]

Yediyıldız says that the chain of *waqf*-funded road-inns, which were caravanserais located as rest-stops on the trade routes, provided food, shelter, bath (*hamam*), health and animal care for the duration of three days for all the travelers free of charge (Muslims, non-Muslims, slaves, free persons). He further notes that these "may be considered as one of the most civilized and humane institutions developed ever in the world."[73] In related ways, Bernard Lewis recounts the cost-free journey of a certain Jewish traveler named Samuel Ben Davit together with his three companions in the 1640s as they traveled from Egypt to Istanbul. During their 67 day-long journey the group spent all their nights at *waqf*-funded caravanserais or inns which were open and free to people of all faiths and ethnic groups. In his memoir, Ben Davit mentions that for the two nights that they had to stop in small villages where there was neither caravanserai nor inn, they were hosted by the local Muslim peasants and given shelter and food.[74]

Hasan Yüksel notes that almost seventy percent of all Ottoman *waqf*s were urban.[75] This was due to the fact that until 1856 the Ottoman Empire did not have Western-style municipal administrations, and instead, it was the *waqf* institution that provided social and physical services in the city. Timur Kuran, on the other hand, identifies the emergence of "European-inspired

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[72] Olga Zirojevic, "Vakıflar: Eski Yugoslavya Topraklarındaki Mevcut Şehirlerin Temel Taşı," in *Balkanlar'da İslam Medeniyeti Milletlerarası Sempozyumu*, ed. Ali Çaksu (Sofya: IRCICA, 2000), 413-419.
[73] Bahaeddin Yediyıldız, "Place of the Waqf in Turkish Cultural System," Yediyıldız's Webpage http://yunus.hacettepe.edu.tr/~yyildiz/placeofthewaqf.htm (accessed October 24, 2012).
[74] Bernard Lewis, "A Karaite Itinerary through Turkey in 1641–2," *Vakıflar Dergisi* 3, (1956): 315-325.
[75] Hasan Yüksel, "XVII. Yüzyılda Osmanlı Vakıflarının Sentezi," *Vakıf ve Kültür* 1, (1998): 16-19.

municipalities as the formal repudiation of the *waqf* system in favor of government-coordinated systems for delivering public goods."[76]

While providing the infrastructure for the production and dissemination of knowledge in urban centers, the *waqf* founders also aimed to create commercial hubs to bolster the local economy and contribute to the economic development of the region.

While some scholars argue that the Ottoman Empire was a "*waqf* civilization,"[77] "welfare state"[78] or "welfare society,"[79] all agree that the relief for the poor and social welfare of the indigent constitute an integral part of the Islamic charitable ethos and the *waqf* acted in many ways as a "welfare fund" [80] active in specific areas. We find, for instance, several *awqaf* caring for orphans, others providing soup kitchens for the poor, and insane asylums, assistance to poor men and women with the cost and requirements of marriage, provision of nursemaids for newborn orphans, special *awqaf* for home furnishings for the poor and needy, and help for people to go to Mecca on pilgrimage as well as many other philanthropic purposes.[81] Additionally, the *awqaf* were a pioneering force in liberating slaves, ransoming prisoners of war, digging of wells in rural areas and organizing potable water supplies to

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[76] Timur Kuran, "The Provision of Public Goods under Islamic Law: Origins, Impact, and Limitations of the Waqf System," *Law & Society Review* 35, no. 4 (2001): 1.
[77] Ziya Kazıcı, *Osmanlı Vakıf Medeniyeti* (İstanbul: Bilge, 2003), 51.
[78] Halil İnalcık and Donald Quataert, *An Economic and Social History of the Ottoman Empire, 1300-1914* (Cambridge; New York: Cambridge University Press, 1994), I: 45-52.
[79] Singer, *Charity in Islamic Societies*, 180-85.
[80] Randi Carolyn Deguilhem-Schoem, "History of Waqf and Case Studies from Damascus in Late Ottoman and French Mandatory Times" (PhD Thesis, New York University, 1986), 342.
[81] Muḥammad al-Qubeisī, *Mashrū'uyyat al-Waqf al-Ahlī wa Madā al-Maslaḥah Fīhi* [Legitimacy of Family Waqf and Its Usefulness], in proceedings of the seminar on *Awqaf* (Baghdad: Institution in Arab Islamic World, Institute for Arabic Research and Studies, 1983).

the cities along with repairing river banks.[82] There were *waqf*s established to shelter animals and for the care of birds.[83]

In Islamic societies medical charity was recognized as a religious duty and out-patient and in-house medical treatments were institutionalized under the auspices of the *waqf* system.[84] Hospitals and their equipment, salaries to physicians and their subordinates, medical schools and pharmacies and stipends to students were all provided on regular basis by the *awqaf.*[85]

Gender-oriented *waqf*s, such as *erāmilhāne* (*arāmil is the Arabic plural of armalah*), targeted women's empowerment and provided services for the accommodation of divorced and widowed women. Other examples of *awqaf* for women were that setup to help prostitutes to make their way in life, help domestic female servants to replace broken household furniture or appliances,[86] redeem female slaves held in captivity, assist nursing mothers, and women suffering from conjugal violence,[87] and supply dowries and wedding gifts to orphan girls or to families unable to provide them.[88] The *waqf* of Safvet Bey bin Mehmed Efendi in Bursa was established (23 Ramadan 1334/

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[82] Monzer Kahf, "Waqf," in *The Oxford Encyclopedia of the Modern Islamic World*, ed. John L. Esposito(New York: Oxford University Press, 1995), 4: 312.
[83] Building carved stone bird nests called 'bird palace,' attached on the surface of southern walls of mosques and *medrese*s where strong north winds and enemies of birds cannot reach, was tradition in Ottoman architecture. However, many authors acknowledge that *Gurebâhâne-i Laklakân*, the stork hospital of Bursa was a unique *waqf* institution which provided health care for migratory birds. For more on the subject see Lemi Ş. Merey, "Kuşevleri-Serçesarayları " in *Fifth International Congress of Turkish Art* (Budapest: 1978), 605-608; Ahmed Haşim, *Gurebâhâne-i Laklakân* (İstanbul: İlhami Fevzi Matbaası, 1928).
[84] Miri Shefer-Mossensohn, *Ottoman Medicine: Healing and Medical Institutions, 1500-1700* (Albany: SUNY Press, 2009), 110-117.
[85] Sayed, "Role of *Awqaf*," 280-290.
[86] Hodgson, *The Expansion of Islam in the Middle Periods*, 124.
[87] John L. Esposito, *The Future of Islam* (New York: Oxford University Press, 2010), 119.
[88] Leslie P. Peirce, *The Imperial Harem: Women and Sovereignty in the Ottoman Empire* (New York: Oxford University Press, 1993), 202.

24 July 1916) for the accomodation of widows of martyred soldiers. This *waqf* provided a dormitary, kitchen, recreational area and atelier facility to help women manufacture and sell their own handicraft products in the local bazaar.[89] This also shows the balanced relationship between the donor's charitable aspirations and the societal demands of the time and age. Safvet bey's *waqf* was established in the middle of World War I as war widows and orphans increasingly became a grave concern for the Ottoman authorities. Three decades before Safvet bey, Ömer Hilmi Efendi, a famous legal scholar whose *waqf* law book had been translated into French and English in order to be used in colonial courts, wrote that: "The best of *waqf* is to dedicate things which people are in need of most."[90]

However, the goods and services that *waqf* institutions delivered across the centuries were not confined to the above mentioned areas. There were many unconventional small-sized *waqf*s established for a variety of charitable purposes. An illustrative example is the *waqf* established by a certain Ahmed b. Abdullah who was also known as Helvacıoğlu Hamal, a porter in 1837 in the Aydın district, and who promised to bring frozen snow from the mountains to cool down the public fountain he built in the Orta suburb for the duration of

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[89] VGMA Inventory Book: 608/1, 251. Line: 273. "*şühedâ-yı müsliminin afife olan dul hatunları.. bağçesi teneffüslerine... dükkân ittisâlindeki salonu... medâr-ı maişetleri olabilecek icrâ-yı san'atlarına mahsûs ola...*"

[90] Ömer Hilmi, *Ahkâm-al-Evkâf*, 19. "*Vakfın efdâli: Nâsın kenduye eşeddi ihtiyaç ile mutâç olduğu bir şeyi vakf etmektir.*" Ömer Hilmi's book was first translated into French by C.G Stavrides-Simon, as *Lois Regissant Les Propriétés Dediées,* and into English by C.R. Tyser-D.G. Demetriades, as *A Gift to Posterity on the Laws of Evqaf.* Ömer Hilmi, *Lois Regissant Les Propriétés Dediées (Awkafs)* (Marseille: Imp. L. Sauvion, 1895); Ömer Hilmi, *A Gift to Posterity on the Laws of Evqaf,* trans. C.R. Tyser and D.G. Demetriades (Nicosia: Govt. Print. Off., 1922).

the 90 hot days of the summer season.[91] Mehmed Esad Efendi who was then Nakibüleşraf in Istanbul dedicated his Istanbul-based *waqf* for infirmed rowers and porters of various wharfs who were no longer able to practice their profession due to their old age and sicknesses, and for the repair of the sidewalks in desolate areas where the men of state (*ricâl-i devlet*) do not or probably will not pass by.[92] Another one was founded in 1860 by one of the Christian subjects of the Ottoman Empire in Gümüşhacıköy to repair any ruined fountain for the benefit of humans and animals alike without accepting a single penny from anybody. Furthermore, he stipulated in his *waqfiyya* that, after the last person from his descendants perishes, the management of his *waqf* after consultation with the local *qadi* should be transferred to the monks in the nearby church.[93] These *waqfiyya* examples demonstrate that *waqf* could be as diverse as humans themselves, that the *waqf* was not an exclusive vehicle for the rich alone, as they also show how exquisite and considerate an endower could be for the less fortunate members of his or her society. Therefore, *waqf* records constitute a rich storehouse of material for the social history of poverty and charity and of human experience as well as general social history.[94]

In actuarial terms, some Ottoman guild-*waqf*s for certain working classes or geographical areas served like an agency of unemployment insurance for their members. Such *waqf*s offered monetary support for

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[91] Mevlüt Çam, Tahsin Türker, and Demirhan Kadıoğlu, *İlginç Vakıflar* (Ankara: T.C. Başbakanlık Vakıflar Genel Müdürlüğü, 2007), 8.
[92] Ibid., 16.
[93] Ibid., 18.
[94] Singer, *Charity in Islamic Societies*, 97.

unemployed members, paid retirement salaries for the elderly and disabled, covered unexpected extraordinary taxes (*avarız*)[95] and extended financial support in times of economic crises.[96]

*Waqf*s for Micro-Financing and Credit Provisioning

Though Jon E. Mandaville considers the cash *waqf* as one of the distinctly Ottoman contributions to Islamic law and society,[97] it was also to become the *cause célèbre* of the *waqf* discipline. The cash endowments (*waqf nuqūd*) whose main asset was partly or totally liquid capital and the endowed money were given out as a loan or credit, with certain conditions on a fixed 'interest-like' return. Only the revenues generated were used to finance the services of the *waqf*.[98] According to Gerber, cash *waqf*s were institutions entirely devoted to supplying credit to the public. He adds: "This is nothing

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[95] *Avarız* was the extraordinary war-time-cash-tax imposed on the basis of "*avarız* household" *(avarız-hane)* units where the burden of tax was shared among the residents of these households. *Avarız waqf*s were found to help those (Muslims and non-Muslims) who had difficulty in paying it. In times of peace, the accumulated money was spent to improve local public works. When, for example, Jewish inhabitants of Eminönü district of Istanbul heard that their houses will be expropriated for the construction of the New Mosque (Yeni Cami), they presented a large sum of money to Grand Vizier Köprülü Mehmed Pasha (d. 1661) in order to use his influence to prevent the construction project. Though the request was rebuffed, the slush fund was procured from the *Avarız waqf* of the neighborhood. See Selçuk Akşin Somel, "Avarız," in *Historical dictionary of the Ottoman Empire* (Maryland: Scarecrow Press, 2003), 26-27; Mehmet İpşirli, "Avarız Vakfı," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 1991), 4: 109. On the similarity of *avarız* with *taille personnelle* of *ancien régime* France see Linda T. Darling, *Revenue-Raising and Legitimacy: Tax Collection and Finance Administration in the Ottoman Empire, 1560-1660* (Leiden; New York: E.J. Brill, 1996), 240. On the permissibility of the use of *Avarız waqf* resources for non-Muslim inhabitants of the district see Ömer Hilmi, *Ahkâm-al-Evkâf,* 53: "*Müslim ve gayri Müslim muhtelitan sâkin bulundukları bir mahalle veya karyenin avârızına meşrût vakfın gallesi müslim ve gayri müslim bil-cümle ehâlinin avârızına sarf olunur.*"

[96] Tahsin Özcan, "The Role of Cash Foundations in the Construction and Development of Balkan Cities," in *Symposium on Islamic Civilization in the Balkans*, ed. Ali Çaksu (Tirana, Albania: IRCICA, 2003), 195.

[97] Mandaville, "Usurious piety," 289.

[98] Özcan, "The Role of Cash Foundations," 195.

less than a primitive banking institution."[99] Most authoritative jurists and scholars of classical Islam condemned the cash *waqf* as being equivalent to usury (*ribā*), which is not only strictly forbidden in Islam, but all major world religions consider this 'economic act' as the worst of sins.[100] According to Halil İnalcık, in the Ottoman State there were basically two main sources of capital formation, interregional trade and the lending of money at interest or usury. In particular the members of the *askeri* class usually invested their wealth in moneylending at high interest rates, which sometimes in remote rural areas reached up to 50 percent. Since the *waqf* was the best way of protecting wealth in a most permanent manner, İnalcık continues, it emerged as one of the most important fields of investment. This was because, he further explains, "the merchant, shopkeeper, and peasant could not survive without credit, the use of credit was surprisingly widespread."[101] This alone demonstrates that the *waqf* was an indispensable instrument of the Ottoman elites' economic power.

Another bone of legal contention among jurists was the problem of valuation. Unlike an endowed immovable property, cash lacked the characteristic of perpetuity as its value would fluctuate drastically over time.[102] The Ottoman cash *waqf* institution survived more than five hundred years, but the acrimonious legal debates it generated continued for almost two

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[99] Haim Gerber, *State, Society, and Law in Islam: Ottoman Law in Comparative Perspective* (Albany: State University of New York Press, 1994), 101.
[100] For a critical treatment of *Ribā* and its comparison with *waqf* see Azeemuddin Subhani, "Divine Law of Riba and Bay': New Critical Theory" (PhD Thesis, McGill University, 2006), 235-38.
[101] İnalcık, "Capital Formation," 132-140.
[102] al-Ma'mun Suhrawardy, "The Waqf of Movables," *Journal of the Royal Society of Bengal* 7, no. 6 (1911): 323-430.

centuries.[103] Isin and Lefebvre draw our attention to an important point which is that "the *waqf*s permitted loans and accumulation of different forms of capital, which, if it were not for the sanction of the *waqf*, would have been impermissible."[104]

Recent research shows that the Turks were not the only culprits, and contrary to the conventional narrative cash *waqf*s were legalized in the non-Turkish speaking parts of the Empire, such as Sudan, Syria, and Yemen. [105] In his study of the revolutionary legitimization of the cash *waqf* and its wide range of applications in the Ottoman period, Mandaville offers an interesting conclusion: "The criticism frequently leveled against traditional Islamic law, that it is characterized by scholastic sclerosis, an inability to respond to change, is certainly inaccurate insofar as the Ottoman period is concerned."[106] There was no precedent for cash *waqf*s before the Ottomans and at some point during the fifteenth century, despite fierce opposition by a number of jurists, the cash *waqf* was legitimized by the Ottoman courts and soon became the dominant form of *waqf* throughout Anatolia and the Balkans.[107] This endorsement, led to an expansion of cash *waqf* such that by the year 1560, the number of cash *waqf*s exceeded the non-cash variety.[108] The cash *waqf*s were invested mainly in loans (with a 10 to 15% usurious mark up called *istirbāḥ*) to craftsmen, traders, town residents and peasants. For a period during mid-

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[103] İsmail Kurt, *Para Vakıfları: Nazariyat ve Tatbikat* (İstanbul: Ensar Neşriyat, 1996), 22-23.
[104] Isin and Lefebvre, "The Gift of Law," 13.
[105] For more on the subject see Çizakça, *Philanthropic Foundations*, 27-28.
[106] Mandaville, "Usurious piety," 289.
[107] Çizakça, "Cash *Waqf*s of Bursa," 313.
[108] According to Barkan in 1546 almost 50 % of all *waqf*s were cash endowments. See Ömer Lütfi Barkan and Ekrem Hakkı Ayverdi, *İstanbul Vakıfları Tahrir Defteri: 953 (1546) Tarihli* (İstanbul: Fetih Cemiyeti İstanbul Enstitüsü, 1970), VIII.

nineteenth century the cash *waqf*s were declared illegal but what I call the cash lobby, including some *ulema*, pushed their way to the fore and it continued to exist until the end of Empire.[109] Şevket Pamuk notes that many studies of court records actually demonstrate the existence of networks of credit, lenders, and borrowers in and around the empire's many towns .[110] Çizakça on the other hand noticed an interesting development that took place during the course of the eighteenth century, when the trustees of these cash *waqf*s started to borrow money from the *waqf*s that they administered as *mütevelli* and then lent to the Istanbul bankers with a higher return of interest.[111]

Pious foundations were also instrumental in the conquest and consolidation of conquered regions as well as in the Islamization of the local people.[112] 'Colonizing Dervishes' in Barkan's oft-cited description–humble and religious men--*sheikhs* and *ahîs* (brothers in religious confraternities) were transplanted to various districts of the region, particularly the strategic points, either before or after conquest. They established their *waqf*s and *zāviyes* (lodges) and by extending their services free of charge to the people of region helped the implementation of *istimālet* (goodwill) policy[113] and social

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[109] Tahsin Özcan, *Osmanlı Para Vakıfları Kanuni Dönemi Üsküdar Örneği* (Ankara: TTK Yayınları, 2003), 28-90.
[110] Şevket Pamuk, "Institutional Change and the Longevity of the Ottoman Empire, 1500-1800," *Journal of Interdisciplinary History* 35, no. 2 (2004): 225-247.
[111] Murat Çizakça, *A Comparative Evolution of Business Partnerships: The Islamic World and Europe with Specific Reference to the Ottoman Archives* (New York: E. J. Brill, 1996), 131-34.
[112] Evangelia Balta, *Les Vakifs de Serrès et de sa Région (XVe et XVIe S.): Un Premier Inventaire* (Athènes: Centre de Recherches Néo-Helléniques, Fondation Nationale de la Recherche Scientifique, 1995), 442.
[113] Literally to make someone inclined to accept; an Ottoman term for winning over the population especially in newly won provinces or enemy territory.

integration for newly conquered areas.[114] Cash *waqf*s, which emerged first in the Balkans, were responsible for the finance and upkeep of urban architecture, and when the *Kadıasker* of Rumelia in Istanbul, Çivizāde Muhyiddin Mehmed Efendi (d. 1547), adjudicated that cash *waqf*s were unlawful, his decision encountered resistance from that region.[115] A certain Bali Efendi voiced the discontentment and wrote letters to Çivizāde and even to Sultan Süleyman the Magnificient. After emphasizing the importance of cash *waqf*s and how they better suited the conditions of the people in their religious and worldly affairs, he warned them that the prohibition of cash foundations in Balkans would cause the catastrophical impoverishment of the religious institutions if not their disapperance from people's lives. He lamented that : "Ah, if Çivizāde Efendi had known how Islam was settled in Rumelia, then he would have known whether or not cash waqfs were wrong!..."[116] The letters had their echoes in Istanbul and the Sultan ordered the Istanbul *ulema* to gather and judge on the arguments of both Çivizāde and his ardent critic Ebussuud Efendi who was known for his favorable opinions and *fetva*s on the permissibility of cash *waqf*s. After listening and evaluating both arguments and proofs, the Istanbul *ulema* opined in favor of Ebussuud Efendi and the upshot was Çivizāde's dismissal from his office.[117] Cash *waqf*s

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[114] Ömer Lütfi Barkan, "Les Fondations Pieuses Comme Méthode de Peuplement et de Colonisation," *Vakıflar Dergisi* 2, (1942): 59-65.
[115] Özcan, "The Role of Cash Foundations," 195-96.
[116] Mandaville, "Usurious Piety," 301-04. For the full version of the letters, see Tahsin Özcan, "Sofyalı Bali Efendi'nin Para Vakıflarıyla İlgili Mektupları," *İslam Araştırmaları Dergisi*, no. 3 (1999): 125-155.
[117] However, İpşirli notes that there were other contraversial *fetva*s of Çivizāde that helped his removal from his office. See Mehmet İpşirli, "Çivizâde Muhyiddin Mehmed Efendi," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 1993), 8: 348-49.

thus continued to infuse afordable credit to the markets well into the republican period.

Having certified the popularity and ubiquity of the *waqf* institution in its Ottoman application, it is important to ask in more detail why people founded *waqf*s in the first place? What really were the motivating factors for the Ottomans to establish such a wide range of charitable endowments?

Motivations for Establishing a *Waqf*

As a prelude to the discussion of motivation, it should be noted that the *waqf* is, in fact, an intricate institution whose sophistication stems from its equal ability and flexibility in accommodating within itself paradoxical motives, such as altruism and self-promotion, the sacred and the profane, and public and private. In other words the *waqf* is as complex as any human being. Throughout Islamic history, people established *waqf*s for a variety of reasons and the *waqf* served as a multi-functional and multi-purpose institution.[118] Therefore, as Roded observes, the *waqf* institution, "has proven to be variegated and flexible, defying broad generalizations."[119] Singer notes that,

[118] There are few who would argue with the notion that the analysis of the motivations of the Muslim benefactors throughout the history deserves a separate study because it is extremely important for us in understanding the changing patterns of individual perceptions of charity, societal norms, ethos and communal expectations in any given space and time. However, to the best of my knowledge, there is no single book-length study exist on the subject and authors deal with the matter mostly in passing. In a purely analogical sense, for the treatment of the subject in the context of Western philanthropic traditions see, Francie Ostrower, *Why the Wealthy Give: The Culture of Elite Philanthropy* (Princeton, NJ: Princeton University Press, 1996); Sandra Cavallo, *Charity and Power in Early Modern Italy: Benefactors and Their Motives in Turin, 1541-1789* (Cambridge; New York, NY, USA: Cambridge University Press, 1995).
[119] Ruth Roded, "The Waqf and the Social Elite of Aleppo in the Eighteenth and Nineteenth Centuries," *Turcica* 20, (1988): 91.

> The discovery of unstated motives is a precarious historiographic endeavor, yet between the lines and against the background of what we know of specific historical situations, it is possible to infer reasons for making *waqf*s beyond providing for the salvation of the donor and promoting the social welfare of the Muslim community.[120]

I will now explore and present the reasons and factors that may well have motivated the individual donor, members of the ruling dynasty or various elite coteries to establish *waqf*s. What were the motivating forces for people to compete in establishing *waqf*s? Since being affluent was not an *a priori* condition for creating a *waqf,* throughout history a number of those indigent dedicated their limited commodities as *waqf*, what religious, political, social and philosophical considerations then gave birth to the so called *waqf* civilization? I will try to answer this question from two rather different perspectives, from that of individual endowers and of elite groups.

Although "*waqf*" as a term is not found in the Qur'ān, and is only mentioned as *al-ṣadaqah al-jāriyah* (recurring charity) in *Ḥadīth*, any kind of charity and benevolence (*birr al-khayr* and *birr al-taqwā*), which are the main objectives of the *awqaf*, are widely addressed in the main Islamic sources. The Qur'anic notion of charity is summarized in the following two verses: "*You will not attain unto piety until you spend that which you love*."[121] It is inferred from the following verse that God advises the people also to unite and act in solidarity to perform charity and benevolence; "*O ye who believe! ... Help ye one another in righteousness and piety, but help ye not one another in sin and rancour: fear Allah, for*

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[120] Singer, *Charity in Islamic Societies*, 103.
[121] Abdullah Yusuf Ali, *The Holy Qur'ān: Text, Translation and Commentary* (Brentwood, Md: Amana Corp., 1991), 3: 92.

Allah is strict in punishment."[122]

Waqf also derives its legitimacy from a number of *Ḥadīths*:

> ᶜUmar ibn al-Khaṭṭāb (r. 634-644) had acquired land in the battle of Khaybar and came to the Prophet to consult him in giving it as charity, he said: "O Messenger of Allah, I have acquired land in Khaybar which is more precious to me than any property I have ever acquired." He [Prophet Muhammad] said: "If you want, make the land itself unalienable and give [the yield] away as alms *(in shi'ta ḥabbasta aṣlahā wa-taṣaddaqta bihā).*" He (Ibn ᶜUmar) said: Thereupon ᶜUmar gave it away as alms [in the sense] that the land itself was not to be sold, inherited or donated. He gave it away as alms for the poor, for relatives, slaves, for the *jihād,* for travellers and guests. And it will not be held against him who administers it if he consumes some of its (yield) in an appropriate manner or feeds a friend who does not enrich himself by means of it.[123]

However, another *Ḥadīth* is more frequently quoted in encouraging the establishments of the *waqf* which is included in the Ṣaḥīḥ al-Muslim: Abu Hurairah reported the Messenger of God as saying: "When a person dies, all his deeds come to an end, except three things: recurring charity (*ṣadaqah jāriyah*), or knowledge from which people benefit, or a pious offspring who prays for him."[124] The economic historian Murat Çizakça elegantly explains that the three combinations mentioned in the *ḥadīth* constitutes the *raison d'être* of the Islamic *waqf*s. He adds:

> Muslims needed an institution that would enable them to perform all three of these good deeds. The *waqf* fitted the criteria. It indeed assures ongoing, recurring charity for many years, even

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[122] Abdullah Yusuf Ali, *The Holy Qur'ān: Text, Translation and Commentary*, 5: 2.
[123] Ibn Ḥajar al-ʿAsqalāni, *Bulūgh al-Marām* (Cairo: n.d.), no. 784; quoted in R. Peters, "Waḳf," in *Encyclopaedia of Islam*, 2nd ed. (Brill Online, 2012), http://referenceworks.brillonline.com/entries/encyclopaedia-of-islam-2/wakf-COM_1333 (accessed October 10, 2012).
[124] Muslim ibn al-Ḥajjāj al-Qushayrī, "Kitāb al-Waṣiyyah," in Ṣaḥīḥ Muslim, under "hadith no. 4005," http://www.searchtruth.com/book_display.php?book=13&translator=2&start=10&number=3996 (accessed October 14, 2012).

> centuries, after the death of the founder; it can finance scholars whose lasting works will benefit mankind for a long period and the *thawāb*s (good deeds) that accrue to them would be shared by the *waqf*'s founder who had provided for their substance in the first place. Finally the management of the *waqf* can be entrusted to the offspring of the founder so that while, on the one hand, careful and loyal management is assured, on the other, offspring would pray for the deceased since, thanks to his *waqf*, he or she is not destitute.[125]

Therefore one may safely assert that the *waqf* was a faith-based-organization in which the religious impulse was the main source of inspiration and encouragement for people to perform charitable activities in the non-profit realm. Benefactors, by promoting the public good (*maṣlaḥa*), aimed at the nearness to the Creator (*qurba*, Tur. *kurbet or kurbiyet*),[126] hoped to purify their souls, and sought to gain merit from God through the prayers of the people who benefited from the goods and services that they endowed.[127] In Kuran's words, "although the piety was by no means the most important factor, neither was it insignificant."[128]

In fact, this notion was buttressed by the initial statements of the *waqf* founders in their deeds (*waqfiyyas*). Here is one example quoted here for further clarification:

> The assets of this transitory and non-eternal world are just temporary shadows, and the man who lives in it is only a guest ready to leave it. Any intelligent human being does not act heedlessly in this world. By keeping his/her future in mind, he sows the seeds of good work and charity in the arable field of this world in order to gain higher ranks in the other world..."[129]

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[125] Çizakça, *Philanthropic Foundations*, 6.
[126] Ömer Hilmi, *Ahkâm-al-Evkâf*, 25.
[127] Bruce Masters, "Waqf," in *Encyclopedia of the Ottoman Empire*, ed. Gábor Ágoston and Bruce Alan Masters (New York, NY: Facts On File, 2009), 591.
[128] Kuran, "The Provision of Public Goods," 16.
[129] The Deed of Sheikh Kenzi Hasan Efendi ibn Ahmad *waqf*, *General Directorate of Awqaf of Turkey*, (VGMA 1122-1710): 583/52-53 quoted in Nazif Öztürk, "The Wakf, in the Ottoman

Although Becker and many others have argued that "charity giving is a type of altruistic behavior generating from a desire to improve well being of others,"[130] people did not always found charitable endowments solely based on religious considerations. Charity was used as leverage for increasing personal power, social status and economic advantage. However, it would be equally wrong to assume that saving their wealth from imperial confiscation or taxation was the only reason for people resorting to *waqf*s.[131] A pioneering Ottoman historian Osman Nuri Ergin whose works are considered classics in the field says that, "to say that *waqf*s were made because of the confiscation fear only is equal to claim that since 1300 years justice and equity had disappeared from this earth."[132]

Whether a member of an elite faction or not, for the individual *waqf* founder, the unstated motivations for establishing *waqf khayrī* (*waqf* dedicated to pious causes) were, I contend, mainly psychological in nature. The *waqf* helped people to acknowledge and challenge many of the inborn subconscious fears and desires that affected their lives. While the peril of destitution, of sinking into oblivion, or the hope of eternal salvation were the shared concerns of millions of people, the desire to display wealth, to ensure a lasting and positive posterity, to demonstrate empathy and the pleasure of comforting a living creature both materially and spiritually, drove and still

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Period: A Social Policy Perspective," in *The Great Ottoman-Turkish Civilization*, eds. Kemal Çiçek et al. (Ankara: Yeni Türkiye, 2000), 3: 792.

[130] Gary S. Becker, "A Theory of Social Interactions," *The Journal of Political Economy* 82, no. 6 (1974): 1063-1091.

[131] Köprülü, "Vakıf Müessesesinin Hukukî Mahiyeti," 29.

[132] Osman Nuri Ergin, *Türkiyede Şehirciliğin Tarihî İnkişafı* (İstanbul: Cumhuriyet Matbaası, 1936), 46-47.

continues to drive many philanthropists to spend their hard-earned money in charity. However, the underlying common denominator for these innate desires is, I believe, mankind's unappeasable quest for immortality. By building monumental mosques, hospitals and bridges and by consecrating huge amounts of revenue for their upkeep in perpetuity, the donors in a sense, not only wished their public persona to be engraved in stone and remembered forever, but they also, through the recurring mechanism of the *waqf,* where ongoing good deeds promise infinite rewards, they sought nearness to God and thus to attain eternal salvation in the hereafter.

It is quite natural that people desire to be remembered after their death with respect and by establishing a charitable *waqf* the donor subconsciously seeks to live with a high esteem forever.[133] Another important psychological motive was the inherent inclination for the exhibition of the wealth which related to the nature and size of the *waqf*s. Different societies and individuals in the history of humanity have resorted to a variety of methods to satisfy this desire. If wealth, no matter what its extent, is not directed in a productive and meaningful way, it may be squandered in less utilitarian and more sumptuous ways as evidenced by extravagant life styles. If the channels of meaningful exhibitions are somehow closed, then the accumulation of wealth may lose its meaning in some sense and eventually may cause disengagement from economic activity and economic setbacks.[134] The *waqf* institution, on the other hand, not only recognizes this ingrained

[133] Esat Arsebük, *Medenî Hukuk: Baslangıç ve Şahsın Hukuku* (İstanbul: Tan Matbaası, 1938), 1: 297.
[134] Erol Kozak, *Bir Sosyal Siyaset Müessesesi Olarak Vakıf* (İstanbul: Akabe, 1985), 48.

desire and provides the wealthy individual a morally legitimate way of exhibiting their wealth, but it also delivers spiritual contentment and at the same time fulfillment of pressing social needs.[135]

As noted by Francie Ostrower, philanthropy is an act heavily imbued with an important social significance for those who give. Often seen as a defining characteristic of those belonging to an elite group, philanthropy is not always a unilaterally charitable act, but rather is a means through which members of an affluent class can publicize their wealth and status.[136] The proliferation of *awqaf* in the Ottoman era can be attributed to the fact that individual philanthropists as well as various elite groups used the *waqf* as leverage in consolidating their institutional privileges and strengthening their socio-economic and political positions within society. Singer rightfully observes that "powerful elites have long recognized the diverse benefits of creating institutions to provide education, health, religious ritual, and leisure facilities."[137]

Since all the *awqaf* properties throughout the centuries were considered tax-exempt, inalienable and perpetual, some well-to-do elite families presumably tended to use *waqf*s to preserve their wealth and safely transmit it to future generations. In studying the history of notable families in Ottoman Aleppo and examining the eighteenth and nineteenth century *waqf* registers, Ruth Roded makes it clear that the *waqf* was the prime resource and

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[135] Bahaeddin Yediyıldız, "Turkish Wakf, or Turkish System of Charities in the Ottoman Era," in *The Great Ottoman-Turkish Civilisation*, ed. Güler Eren et al.(Ankara: Yeni Türkiye Yayınları, 1999), III: 797
[136] Ostrower, *Why the Wealthy Give*, 8 and 31.
[137] Singer, *Charity in Islamic Societies*, 224.

vehicle for the perpetuation of the power of the Aleppine social elite, particularly within prominent *ulema* families. For centuries, these elite families not only acted as the local administrators of imperial regional *waqf*s and thus helped the Ottomanization policies of the ruling dynasty, but they also founded local *waqf*s designating their descendants as administrators and/or beneficiaries, which preserved their economic power, consolidated their social status, and enhanced their political influence against rival elite families.[138]

Makdisi indicates that *waqf*s could be used "to thwart a son's prodigality."[139] Many wealthy families used the *waqf* as a tax-shelter to prevent their wealth from diminishing, and thus established family *waqf*s (*waqf ahlī* or *waqf dhurrī*). These religious endowments combined both familial and charitable ends.[140] Though not exclusively, prevention of division of wealth at the time of the donor's death was another pecuniary justification that motivated the establishment of such *waqf*s.[141]

Additionally, some elites used the *waqf* system as a fortune shelter to safeguard their assets under the umbrella of an endowment, mitigating the possible confiscation of their capital resources once their families fell from grace. Historically, *müsadere* i.e., the practice of recovering the ill-gotten and mostly hidden riches of officials accrued from their duties was a well known

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[138] Roded, "The Waqf," 71-91.
[139] Makdisi, *The Rise of Colleges,* 39.
[140] Yaacov Lev, "Charity and Gift Giving in Medieval Islam " in *Charity and Giving in Monotheistic Religions*, ed. Miriam Frenkel and Yaacov Lev (Berlin; New York: W. de Gruyter, 2009), 245.
[141] Mustafa Nuri Paşa, *Netâyic ül-Vukûât: Kurumlarıyla Osmanlı Tarihi*, ed. Yılmaz Kurt (Ankara: Birleşik Yayınevi, 2008), 289-293.

tradition in many Muslim and non-Muslim polities around the world.[142] In the Ottoman Empire, especially beginning with the reign of Mehmed II as a method of mulcting during the periods of military campaigns and financial tribulations, the practice continued to prevail often accompanied by relentless interrogation and sometimes even torture.[143] Because endowing one's landed property to a *waqf* meant the protection of one's land; the *waqf* must therefore have seemed like a "costless form of insurance,"[144] which provided the best protection and the most permanent source of income for the families.[145] In other words, Ottoman rulers presumably forced their wealthy subjects to comply with an implicit social contract in which the protection of their possessions was offered in exchange for sharing the surplus of their wealth with others by supplying socially desirable services. Alternatively the wealthy found it a more desirable system of indirect taxation. This is because the ultimate objective of taxation was to transfer resources to economically needy enterprises and the *awqaf* did the same without requiring state administrative resources. Thus, in many ways the support extended by the *waqfs* directly went to the intended beneficiaries. As long as the less fortunate segments of the society benefited from the riches of the affluent, their wealth was safe from the wrath of the rulers. A *waqfiyya* provided this protective shield. Therefore, fear of expropriation of one's wealth by the ruler *müsadere* was

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[142] Cengiz Tomar, "Müsadere," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 2006), 32: 65-66.
[143] F. Müge Göçek, "Muṣādara," in *Encyclopaedia of Islam,* 2nd ed. (Brill Online, 2012), http://referenceworks.brillonline.com/entries/encyclopaedia-of-islam-2/musadara-COM_0804 (accessed October 22, 2012)
[144] Kuran, "The Provision of Public Goods," 24.
[145] İnalcık, "Capital Formation," 136.

another important leitmotif [146] for the establishment of *waqf*s.[147] As indicated earlier, the practice of *müsadere* was abolished at the end of the reign of Mahmud II in 1839. However, it was during his reign that the Ottoman Empire witnessed one of the most intense and frequent confiscations.[148] Referring to Mahmud's whimsical confiscations Charles MacFarlane makes an interesting observation about the relationship of the *ulema*, central authority and the practice of *müsadere*. He says:

> During my stay at Constantinople, and so late as October 1828, Mahmood showed that the laws he proposed were not to bind *him,* and that he still was the inheritor of the property of all such as fell under his displeasure, or possessed an amount worth seizure; and I repeat, his conduct has not yet been such to inspire a confidence that might detach the nation from Oulema influence, or to enforce by example the execution of improved justice.[149]

Ahmet Cihan notes that Ottoman sultans resorted to *müsadere* as a method of extraction of the agricultural surplus from their *devşirme*-origin employees and aimed its transfer to the central treasury between the fifteenth to nineteenth centuries. [150] In response, high caliber state officials sent their male progeny to the safe and secure ranks of *ilmiye* profession and established hundreds of thousands of family *waqf*s to protect their wealth from unforeseen

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[146] Hasan Yüksel, "Vakıf-Müsadere İlişkisi," *The Journal of Ottoman Studies* XI (1991): 424.
[147] The practice of *Müsadere* (estate confiscation) was abolished during the reign of Mahmud II. Thus far, we do not know to what extent it played a role in proliferating the *waqf*s. An extensive study of pre and post *müsadere waqf* deeds constitutes a promising study subject that will further our understanding of the motives of the *waqf* institution.
[148] Tuncay Öğün, "Müsâdere: Osmanlılar'da," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 2006), 32: 67-68.
[149] Charles MacFarlane, *Constantinople in 1828: A Residence of Sixteen Months in the Turkish Capital and Provinces: With an Account of the Present State of the Naval and Military Power, and of the Resources of the Ottoman Empire* (London: Saunders and Otley, 1829), 2:150.
[150] Ahmet Cihan, *Osmanlı'da Eğitim* (İstanbul: 3F Yayınları, 2007), 8-9.

confiscations. When, however, the *müsadere* was finally abolished in 1839 the process was reversed. Members of the *ilmiye* started to send their children to bureaucratic posts. [151] Cihan mentions the names of Ahmed Cevdet Pasha (1823-1895), Mustafa Reşid Pasha (1800-1858), Keçecizâde Fuâd Pasha (1815-1869) and Mehmed Emin Âlî Pasha (1814-1871) as examples of this tendency.

Moreover, as indicated earlier, each *waqf* contract could designate a *mutawallī* who was entitled to a salary. This administrator was often the endower on behalf of his or her descendants. A *waqf* could thus provide substantial income for the donor as well as for their progeny for generations. Jean-Claude Garcin believes that, "the property itself must had been seen as less important than the steady and regular revenues it was capable of generating."[152] In other words, as Kuran notes, "the *waqf* served as such a credible commitment device"[153] to give elites economic security in return for providing social services.

From this perspective, the ruling elite's desire to exhibit its political power and strength and to manipulate the populace is also on display as other considerations behind the founding of *waqf*s. Research shows that 89-90% of *waqf* founders in Ottoman society were members of the *askerî*, the ruling class. The people whose occupations were not specified constitued only 9% of the total. The *waqf* founders who belonged to the ruled (*reâya*) class were just

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[151] Ibid.
[152] Jean-Claude Garcin, "Le Waqf Est-il La Transmission D'un Patrimoine?," in *La Transmission Du Patrimoine Byzance et L'aire Méditerranéenne*, ed. Joëlle Beaucamp and Gilbert Dagron (Paris: E. de Boccard, 1998), 106.
[153] Kuran, "The Provision of Public Goods," 8.

1%.[154] This, naturally, spells out the fact that the *waqf* institution was primarily attached to elite groups. Öztürk writes:

> The fact that 90 % of the founders were predominanatly occupying positions, which were responsible for keeping the state stable means that they took into account the social and political conditions of the country, and tried to answer the demands of society in accordance with socially recognised practices and procedures of the period and they believed that they had to do something enabling vertical and horizontal mobility as well as facilitate a healthy redistribution of income among the social classes.[155]

Although the ruling dynasty endowed the largest foundations throughout their history, members of the ruling family did not gain any material benefits from the *waqf*s they founded. However, according to the established tradition, when Ottoman Sultans and royal households established *waqf*s, for practical reasons, they entrusted their supervision to Grand Viziers, *Şeyhulislam*s, *Dârüssaâde Ağa*s (the chief black eunuchs) and other prominent pashas and statesmen.[156] In the long run, given the accumulative features of the *waqf*s, these supervisors came into command of a tremendous amount of movable and immovable assets and, as a consequence, wielded enormous political patronage power.[157] This shows that the *waqf* was an indispensable monetary tool for the Ottoman elite groups to enhance their economic power and networks of patronage, two elements that were essential for the

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[154] Yüksel, *Osmanlı Sosyal ve Ekonomik Hayatında Vakıfların Rolü*, 28; Bahaeddin Yediyıldız, "Türk Vakıf Kurucularının Sosyal Tabakalaşmadaki Yeri (1700–1800)," *Osmanlı Araştırmaları Dergisi* 3, (1982): 150-151.
[155] Nazif Öztürk, "The Wakf, in the Ottoman Period: A Social Policy Perspective," in *The Great Ottoman-Turkish Civilization*, eds. Kemal Çiçek et al. (Ankara: Yeni Türkiye, 2000), 3: 796.
[156] Ahmet Akgündüz, *İslam Hukukunda Ve Osmanlı Tatbikatında Vakıf Müessesesi* (İstanbul: Osmanlı Araştırmaları Merkezi, 1996), 359.
[157] For a life of such powerful chief black eunuch see Jane Hathaway, *Beshir Agha: Chief Eunuch of the Ottoman Imperial Harem* (London: Oneworld Publications, 2005).

continuation of political influence.

As for the members of the royal family, as Singer aptly summarizes, "*qurba*, prestige, legitimacy, and patronage were their rewards."[158] The large-scale imperial *waqf*s dispersed all around the empire were instrumental in legitimizing and solidifying political power. Building a mosque with more than one minaret was a priviledge belonging to only the Ottoman Sultans.[159] There is no reason to doubt that the Ottoman Sultans' charitable endowments in Mecca and Madinah, [160] and annual hajj convoys, *surre alayları* (grants-in-aid royal caravan) mostly financed by *Harameyn waqfs* promoted their legitimacy in the eyes of other Muslim people.[161]

Thus, in addition to religious and financial considerations, political factors were also instrumental in determining the decisions of those *waqf* founders. The imperial charitable buildings displayed the power of the sovereign, served to legitimise the rule of the reigning Sultan in the eyes of the public and cultivated a favorable reputation and authority.[162] So much so that, all the *Selatin* mosques (a mosque built under the name of a Sultan) and giant *külliye*s in the Ottoman Empire were built with war booties after successful campaigns. A Sultan who attempted to build a *Selatin* mosque in his name without such war campaigns was heavily criticized by his comtemporary

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[158] Amy Singer, *Constructing Ottoman Beneficence: An Imperial Soup Kitchen in Jerusalem* (Albany: State University of New York Press, 2002), 35.
[159] Ülkü Bates, "Façades in Ottoman Cairo " in *The Ottoman City and Its Parts: Urban Structure and Social Order*, ed. Irene A. Bierman, Rifa'at Ali Abou-El-Haj, and Donald Preziosi (New Rochelle, N.Y.: A.D. Caratzas, 1991), 170.
[160] Suraiya Faroqhi, *Osmanlı Kültürü ve Gündelik Yaşam: Ortaçağdan Yirminci Yüzyıla*, trans. Elif Kılıç (İstanbul: Türkiye Ekonomik ve Toplumsal Tarih Vakfı, 1998), 39.
[161] Ş.Tufan Buzpınar, "Surre," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 2009), 37: 567-69.
[162] Kuran, "The Provision of Public Goods," 17.

ulema and chronicle writers for depleting the state treasury for personal ends.[163]

II. The *Waqf* in the Ottoman Elite Context

Although the Ottoman *waqf* institution, like civilization itself, throughout its long history and depending on the time period and political circumstances, oscillated between constriction and expansion, it reached its acme at the end of eighteenth century. The *waqf* was definitely one of the key institutions that "put its imprint on all the aspects of life and society, ranging from education-instruction to art, from social solidarity to urbanization, from transportation to scientific studies of the Turkish civilization of the Islamic age."[164] At the beginning of the nineteenth century, from one-half to two-thirds of the landed property in the Ottoman Empire had reportedly been sequestered as endowment land,[165] where it amounted to one-fifth in Egypt, one-third in Tunisia in 1883, and to about half of the property in Algeria.[166] With approximately one thousand foundations in each of the three hundred

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[163] It is interesting to note that after so many years of the establishment of *Selatin* mosques, when current Prime Minister of Turkey Recep Tayyip Erdoğan announced his intention of building large külliye-type mosques on the top Çamlıca Hills and other places in and around of Istanbul, the same age-old criticism was levelled against him by his opponents in the public debates that hit the headlines for number of days. See, Yigal Schleifer, "Turkey: Is An Istanbul Grand Mosque, Erdogan's Latest 'Crazy Project,' in the Works? " http://www.eurasianet.org/node/65551 (accessed October 9, 2012); "Çamlıca mosque to get highest minarets," *Hürriyet Daily News*, July 05, 2012, http://www.hurriyetdailynews.com/camlica-mosque-to-get-highest-minarets.aspx?pageID=238&nid=24768 (accessed October 9, 2012); "Erdoğan says huge mosque planned for İstanbul hill," *Today`s Zaman*, May 30, 2012, http://www.todayszaman.com/news-281913-erdogan-says-huge-mosque-planned-for-istanbul-hill.html (accessed October 9, 2012).
[164] Yediyıldız, "Turkish Wakf, or Turkish System of Charities in the Ottoman Era," 765.
[165] Barnes, *Religious Foundations*, 5-8.
[166] Köprülü, "L'institution De Vakf, " 6.

administrative units or *Sancak*s of the Ottoman state, Yediyıldız has noted that "the general budget of the foundations accounted for a third of the state budget."[167]

Over time, the *waqf*s produced a full-fledged bureaucracy,[168] created many jobs and employed hundreds of thousands of people in various factories and production plants. At the end of the Ottoman period, Öztürk estimated that *waqf*s were responsible for providing the funds to cover wages for 12% of the total number of employees working in this public sector, a number which during the early republican period rose to 15%. The number of *waqf*s in employment in Turkey had plummeted drastically by the 1990s, reaching a low of 1%.[169]

In Deguilhem's words,

> *Wakf* was omnipresent in all levels of Ottoman society, urban and rural, both in the form of individually functioning units and as separate parts of a basic single institutional system... and it was the infrastructural core around which many aspects of Ottoman civilization expressed itself.[170]

Indeed, by the end of the eighteenth century, in Istanbul, whose estimated population of 700,000 made it the largest city in Europe, up to 30,000 people a day were being fed by charitable complexes (*imāret*s) established under the *waqf* system.[171]

It should be noted that, according to Ottoman political thought, the

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[167] Yediyıldız, "Turkish Wakf, or Turkish System of Charities in the Ottoman Era," 771-72.
[168] McChesney, *Waqf in Central Asia,* 24.
[169] Öztürk, "The Wakf, in the Ottoman Period: A Social Policy Perspective," 795.
[170] Randi Deguilhem, "Wakf," in *Encyclopaedia of Islam*, 2nd ed. (Brill Online, 2012), http://referenceworks.brillonline.com.proxy2.library.mcgill.ca/entries/encyclopaedia-of-islam-2/wakf-COM_1333 (accessed October 4, 2012).
[171] Claude Huart, "ʿImāret," in *EI* [1], 2: 475.

sovereign was primarily responsible for the security of his subjects from the abuse of the representatives of authority, defense of the Muslim lands against enemy attacks and collection of taxes to maintain large armies and a prosperous state.[172] Naturally, the rulers gave high priority to the concept of security because it was mutually linked with the safety of the dynasty and the survival of the empire itself. In Akşin's words, "Ottoman authoritarianism was very sensitive to any threats directed against its monopoly of power."[173] In this security-oriented polity, many public services and civic responsibilities such as education, health care, and municipal services that are today provided by the modern nation state were delivered through the *waqf* system. *Waqf*, therefore, was an instrumental vehicle for the welfare support of the *reaya*. However, given the fact that a majority of Ottoman endowers belonged to the palace-affiliated *askeri* class,[174] without the supportive and regulatory role of the state it would have been impossible for the *waqf* to achieve such a high level of nourishment and redistribution capacity.[175] In other words, *waqf*s and the state were mutually consolidating each other.[176] Gerber divides the Ottoman pious foundations into two major categories, namely large *waqf*s founded by the sultan or members of the ruling elite; or small *waqf*s established for the benefit of a group of residents in a particular place. Large

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[172] For more on Ottoman understanding of the Islamic political theory, see Halil İnalcık, *The Ottoman Empire: The Classical Age 1300-1600* (London: Phoenix Press, 2000), 59-69; Antony Black, *The History of Islamic Political Thought: From the Prophet to the Present* (Edinburgh: Edinburgh University Press, 2011), 115-117.
[173] Sina Akşin, *Essays in Ottoman-Turkish Political History* (Istanbul: Isis Press, 2000), 200.
[174] Yediyıldız, "Place of the Waqf."
[175] Başkan, "Waqf System as a Redistribution Mechanism in the Ottoman Empire," 19-21.
[176] Isin and Lefebvre, "The Gift of Law," 17.

awqaf he says, were "like a branch of the central government."[177]

As an extension of the security-based Ottoman policy, for centuries the ruling body tried to block the formation of oligarchies of merchant capitalists and also of a land owning class that might challenge its authority. Not only the *müsadere* system, but the guilds, the *waqf*s, the capitulations, the foreign trade regimes as a whole deliberately served to prevent the emergence of capitalist merchant class in the Ottoman Empire. I contend that the direct consequence was the profusion of *waqf*s in the Ottoman Empire. This claim however, needs further elaboration.

One of the most influential theories explaining not only Ottoman imperial economic logic but also, I argue, the popularity and later the deterioration of the *waqf* institution comes from a prominent Turkish economic historian, Mehmet Genç. Comparing the Ottoman state to those of Europe, Genç states that unlike its counterparts in Europe, the empire was not a mercantilist/capitalist state and it was founded on the triple principles of *provisionism, traditionalism* and *fiscalism*.[178] The main objective of any kind of economic activity, according to the Ottoman understanding of provisionism, should be to satisfy the needs of its subjects and not merely to turn a profit. Its economic philosophy was thus based on the sustenance of an economy of plenty aimed at providing cheap and abundant goods and services for its

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[177] Haim Gerber, "The Public Sphere and Civil Society," in *The Public Sphere in Muslim Societies*, ed. Miriam Hoexter, S. N. Eisenstadt, and Nehemia Levtzion (Albany: State University of New York Press, 2002), 75.

[178] Mehmet Genç, *Osmanlı İmparatorluğunda Devlet ve Ekonomi* (İstanbul: Ötüken, 2000), 80; idem, "Reform Sürecinde Devlet ve Ekonomi: Osmanlı İktisadi Dünya Görüşünde Değişmeler," in *Osmanlı Geçmişi ve Bugünün Türkiye`si,* eds. Kemal H. Karpat and Sönmez Taner (İstanbul: İstanbul Bilgi Üniversitesi, 2004), 293-303.

cities, especially the capital city Istanbul. Through traditionalism, the Ottoman central bureaucracy strove to maintain the status quo by modeling past experience and by means of fiscalism, the Ottoman state attempted to maximize central income. It was for this reason that the Ottoman state, unlike its European counterparts, favored imports over exports by increasing the export tax to 12 % and lowering the import tax to 3% up until 1850s.[179] By doing so, they first eliminated the risk of famine and scarcity of any basic necessities which might cause social disorder, guaranteed to meet the needs of *askerî* class for luxury goods and discouraged the export of locally produced goods abroad while there was a need in the local market. Additionally—and perhaps equally important—the Sublime Porte at the same time blocked the formation of oligarchies of merchant capitalists that might challenge its authority; a fundamental feature of the Ottoman ruling dynasty, which may explain its longevity. As a consequence, the Ottoman ruling class systematically favored and supported craft guilds and *awqaf* at the expense of a merchant class. As Şerif Mardin puts it, "Whereas in the West, feudal lords and kings had on the whole given more support to merchants than to artisans, in the Ottoman Empire the situation was reversed."[180] Abou-el-Haj notes that the seventeenth and eighteenth century Ottoman elites in many ways resembled an aristocracy, though they lacked the security of the European

[179] Şerif Mardin, "Power, Civil Society and Culture in the Ottoman Empire," *Comparative Studies in Society and History* 11, no. 3 (1969): 262.
[180] Ibid., 262-63.

gentry.[181] The power of the state prevented the accumulation of mercantile capital, which might have led to industrial capitalism as happened in Europe.[182] Any large accumulated fortune was liable to be confiscated and siphoned into state coffers through the *müsadere* tradition which became a popular way of producing income for the state, especially after 1770s.[183]

This singular analysis, I believe, explains at the same time, one of the reasons for the omnipresence of the *waqf* in Ottoman society. First, the guild industry and *awqaf* did play a significant part in supplying the goods and services demanded by the public at a very low profit. After all, the *raison d'être* of the *waqf* was to help people. Second, in a society where philanthropic activity was highly encouraged, *awqaf* prevented accumulation of wealth in the hands of certain people by transferring the ownership of privately owned wealth to God or to the community in perpetuity. The effect was to prevent the possibility of an economic power that might arise to threaten the State's monopoly of power. It was therefore plausible for the Ottoman state "to sanction the guild system since it saw it as an ally, imbued as it was with the notion that small is beautiful."[184] This claim was further buttressed by the architect and historian Turgut Cansever in explaining relations between the *waqf* and the city. Cansever argues that the Ottomans placed the *waqf* institution at the heart of economic activities of the city. *Waqf*s owned the

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[181] Rifa'at Ali Abou-El-Haj, *Formation of the Modern State: The Ottoman Empire, Sixteenth to Eighteenth Centuries* (Albany: State University of New York Press, 1991), 48-58.
[182] İnalcık, "Capital Formation," 135-36.
[183] Mehmet Genç, "Economy and Economic Policy," in *Encyclopedia of the Ottoman Empire*, ed. Gábor Ágoston and Bruce Alan Masters (New York, NY: Facts On File, 2009), 195. See also Mardin, "Power, Civil Society," 261.
[184] Akşin, *Essays,* 200.

majority of large commercial buildings, khans and covered bazaars in Ottoman towns. The surplus generated by these commercial centers was returned to city dwellers in the form of charitable projects and not directed into the pockets of certain tradesmen.[185] This was in total accordance with the provisionism policy of the centre and in stark contrast with the then Western cities in the Weberian sense.[186] With the advent of reformist ideas, Ottoman political perceptions started to shift. The above mentioned trio was first shaken and then transformed at bayonet-point by the emergence of the concept of modernization during the first and second quarters of the nineteenth century; the guilds and the *waqf* institution naturally lost their regulatory positions in the Ottoman economic life.

Before moving further to examine the relationship of *waqf* to the ruling elites, it is worthwhile to address the often neglected link between the *waqf* and Ottoman land taxation systems. There is a growing body of literature on the evolutionary aspect of the fiscal systems of the Ottoman Empire throughout the six centuries of its existence.[187] Recent studies indicate that the Ottoman central bureaucracy showed enough flexibility and pragmatism in responding to fiscal crises caused by internal and external challenges

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[185] Turgut Cansever, "Osmanlı Şehir ve Devlet Yönetimini Biçimlendiren İlkelerden Modern Devletin Çıkaracağı Dersler (Yönetmek Yerine Yönlendirmek)," *İslami Araştırmalar Dergisi* 12, no. 3-4 (1999): 219.
[186] Max Weber, *The City* (Glencoe, Ill.: Free Press, 1958).
[187] Şevket Pamuk, "The Evolution of Financial Institutions in the Ottoman Empire, 1600-1914," *Financial History Review* 11, no. 1 (2004): 7-32; Çizakça, *A Comparative Evolution of Business Partnerships*; Mehmet Genç and Erol Özvar, *Osmanlı Maliyesi: Kurumlar ve Bütçeler* (İstanbul: Osmanlı Bankası Arşiv ve Araştırma Merkezi, 2006); Linda T. Darling, *Revenue-Raising and Legitimacy.*

throughout its history.[188] For example, the Ottomans abandoned the prebendal *Timar* (in-kind taxation) and moved towards tax-farming or in-cash taxation (*iltizam*) in the late sixteenth century.[189] This adaptive development happened because of the revolutionary changes in European military technology, which eventually made the provincial cavalry section of the Ottoman army obsolete and consequently created the need to maintain permanent salaried armies at the centre.[190] "The triumph of technology, not ideology," as Daniel R. Headrick puts it,[191] determined the rules of engagement of wars, shifted territorial boundaries and even changed taxation systems. The front-loaded cash accrued from *iltizam*, which was generated by auctioning the right to farm a fiscal unit (*mukâtaa*) to the highest bidders (*mültezim*s) usually for a span of three years, turned out to be inadequate for the central authority when it faced another episode of major monetary turbulence after the unsuccessful siege of Vienna in 1683.[192] Consequently, without totally abandoning the *iltizam*,[193] the central bureaucracy developed another method of revenue collection called the *Mâlikâne* system in 1695 in which the fiscal units would be farmed out on a lifetime basis in return for larger lump sum payments followed by regular

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[188] Gábor Ágoston, "A Flexible Empire, Authority, and Its Limits on the Ottoman Frontiers," *International Journal of Turkish Studies* 9, no. 1-2 (2003): 15-31; Pamuk, "The Evolution of Financial Institutions," 7-8.
[189] Erol Özvar, *Osmanlı Maliyesinde Malikâne Uygulaması* (İstanbul: Kitabevi, 2003), 12-17; Mehmet Genç, "İltizam," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 2000), 22: 154-58.
[190] Halil İnalcık, "Military and Fiscal Transformation of the Ottoman Empire, 1600-1700," *Archivium Ottomanicum* 6, (1980): 292-93.
[191] Daniel R. Headrick, *The Tools of Empire: Technology and European Imperialism in the Nineteenth Century* (New York: Oxford University Press, 1981), 4.
[192] Genç, "İltizam," 154-58.
[193] Genç notes that *iltizam* was a cost-effective tax collection system that was operated with a minimum number of salaried bureaucrats and more importantly it provided the ruling body predictability in collecting its tax revenues and therefore despite the structural changes took place during the early modern fiscal systems, it remained in force until the end of the empire. See Genç, "İltizam," 154.

annual installments.[194] The ensuing transformation of the fiscal organization laid the foundations for the immense growth of the *waqf* system in the eighteenth century. This method of tax revenue collection continued throughout the Tanzimat era, but was severely shaken when the Ottoman Empire was obligated to pay a war indemnity which amounted to half of its annual total budget to Russia after the disastrous treaty of *Küçük Kaynarca* in 1774. The central fiscal bureaucracy of the Empire developed yet another adaptive response to this fiscal emergency called *esham*. The problem with *mâlikâne* was that they were exclusively circulated among the limited number of *askerî* elites who were often financed with Istanbul based non-Muslim bankers.[195] In contrast, the new domestic borrowing *esham* system targeted broader segments of Ottoman social groups and therefore the fiscal units were divided into small shares in the form of government bonds that small investors, men and women alike, could purchase on a lifetime basis.[196] This state-society contracting practice of *esham* resembled the widely used European life *annuity* investment plans and continued from 1775 to 1870s.[197]

Be that as it may, current Ottoman historiography has still not dealt with the transforming effects and complex ramifications of these revolutionary fiscal changes[198] in the *waqf* institution whose very existence,

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[194] Baki Çakır, "Tax Farming," in *Encyclopedia of the Ottoman Empire*, ed. Gábor Ágoston and Bruce Alan Masters (New York, NY: Facts On File, 2009), 555-557.
[195] Pamuk, "The Evolution of Financial," 22.
[196] Mehmet Genç, "Esham," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 1995), 11: 376-380.
[197] Yavuz Cezar, *Osmanlı Maliyesinde Bunalım ve Değişim Dönemi: XVIII. Yy`dan Tanzimat`a Mali Tarihi* (İstanbul: Alan Yayıncılık, 1986), 81-83.
[198] Karen Barkey has recently put emphasize on the relationship between historical developments in the Ottoman tax farming systems and reflected socio-economic changes in

growth, and productivity was intimately linked with the landed property regime of the agrarian empire. What is more important, however, is the matrix of these relational and slow evolving changes between mutable land taxation systems each of which, in the long run, led to the emergence of the inadvertent coalition or collision of elite cliques both in the centre and periphery of the empire.

Waqf as a Social Policy Device for the Ottoman Ruling Elites

Although the idea of the *waqf* led to the creation of a third sector distinct from the authority-based public and profit-motivated private sectors, rulers often exploited charitable *waqf*s to express their political good will in concrete terms and legitimize their power among their subjects. The foundation of *waqf*s was intimately linked with political ambitions,[199] charity in a sense, "was and is not free of politics or propaganda."[200]

The Ottoman central authorities used the *waqf* as a tool for social policy to influence provincial politics and to enhance their hold on the local population by lavishing special *waqf* grants on notable elite families in the provinces "far beyond what they could achieve through the formal frameworks of power that were under their hand."[201] According to this argument, through the privileged circles of beneficiaries of the *waqf*, the

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the Ottoman society. See Karen Barkey, *Empire of Difference: The Ottomans in Comparative Perspective* (Cambridge; New York: Cambridge University Press, 2008), 226-256.

[199] Ahmad Dallal, "The Institution of Waqf: A Historical Overview," in *Islam and Social Policy*, ed. Stephen P. Heyneman (Nashville, Tenn.: Vanderbilt University Press, 2004), 29.

[200] Singer, *Charity in Islamic Societies*, 223.

[201] Oded Peri, "Waqf and Ottoman Welfare Policy. The Poor Kitchen of Hasseki Sultan in Eighteenth-Century Jerusalem," *JESHO* 35, no. 2 (1992): 174.

palace intended to strengthen contenders for local power in the interest of the central state.

The central authority also used the *waqf* as a tool for the control of the masses by using the influence of the *ilmiye* class. The *waqf*s of *devşirme* origin grandvizier Rüstem Pasha (d. 1561) [202] can be considered as a case in point. Rüstem Pasha was son in law of Sultan Süleyman I and served as a grandvizier for nearly 15 years in the Ottoman court. He established a wide range of pious endowments including mosques, *medrese*s, caravansarais, libraries in various cities of Balkan region, Istanbul, Eastern Anatolia, Egypt, al-Quds, Mecca and Medina. The operational management of his enourmous *waqf*s was not very different from a contemporary multinational corporation. According to the *waqf* registers, the annual budget of his *waqf*s flactuated between 10 to 15 million akçe where the Empire's central budget was around 400.000 akçe per annum.[203] In order to maximize the *waqf* revenues almost six hundred full time employees set up profit making enterprises where multitude of languages spoken and various currencies were in circulation. Among the six hundred employees of his *waqf*s there were many high ranking *müderris*, sheikh and *alim* served in various manegerial posts. As Makdisi notes "*waqf*s were bound to serve... to gain control of the popular masses by having their religious leaders in one's pay."[204] Upon occupation of Algeria by French troops in 1831, the colonial authority took control of the *awqaf* property in order to suppress

[202] Erhan Afyoncu, "Rüstem Paşa," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 2008), 35: 288-294.
[203] For a thorough study of Rüstem Pasha's *waqf*s see H. Ahmet Arslantürk, "Kanuni Döneminde Bir Bürokrat ve Yatırımcı: Veziriazam Rüstem Paşa" (PhD Thesis, Marmara University, 2011).
[204] Makdisi, *The Rise of Colleges*, 39.

religious leaders who fought against them.[205] Establishing a *medrese waqf* in favor of a certain school of law may have coaxed and secured the support of the appointed professors and their followers, in addition to the gratitude, prestige, and power that the founder derived from his or her patronage. Singer notes,

> Patronage is a companion idea to generosity and hospitality, and may intersect with or overlap charity in different ways. Like charitable giving, patronage creates or reflects vertical relationships, whether the patron provides protection, work, social status, or material support.[206]

In a sense, the *waqf* institution was used as a primary political bargaining tool between subjects and rulers[207] and in Işın and Lefebvre's words, "both [Ottoman] imperial authorities and its subjects practiced gift giving as a way of governing."[208]

Atçıl's observation on the Classical period *umera-ulema* (military-religious leaders) relation perhaps sheds some light on how the central authority used the *waqf* as a social policy tool to create and control loyal elites among the *ilmiye* class. Ottoman rulers considered the pre-Ottoman *waqf*s or *waqf*s established by donors outside the royal family as hindrances to their ability to regulate and control the higher educational institutions and the incumbent *ulema* who worked there.[209] The Ottoman ruling body wielded exclusive control over the appointment of the *ulema*, and by determining their

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[205] Muḥammad Abu al-Ajfān, "al-Waqf ᶜalā al-masjid fi al-Maghrib wa al-Andalus," in *Dirāsāt fi al Iqtiṣād al Islamī* (Jeddah: King Abd al Aziz University International Center for Research in Islamic Economics, 1985), 325.
[206] Singer, *Charity in Islamic Societies*, 21.
[207] McChesney, *Waqf in Central Asia,* 46-47.
[208] Isin and Lefebvre, "The Gift of Law," 13.
[209] Abdurrahman Atçıl, "The Formation of the Ottoman Learned Class and Legal Scholarship (1300-1600)" (PhD Thesis, University of Chicago, 2010), 4.

salaries and making them stepping stones to lucrative posts in a hierarchical manner, they managed to create career expectations in incumbent and prospective officials and ensured their devotion to the Ottoman enterprise.[210] In the same way, when the Ottomans ruled Baghdad they used the *waqf* as a segregation tool and while supporting the local Sunni *ulema*, they intentionally ignored the presence of Shi'i *ulema*.[211]

Singer notes that "deputies, ministers, and people of power at every rank followed the lead of sultans in making *waqf*s. Many chose to communicate and reinforce their positions through endowments, and like the sultans, used them not only to claim status but to preserve it."[212] In the Ottoman Empire, the non-royal elites, using their social recognition and political influence first acquired large lands from the Sultans and after turning the *mîrî* (state-owned real estate) land into a private property by a sultanic decree they converted them into *waqf*s. This was the main method of converting a *mîrî* land into a *waqf* and is described by Kuran as "asset laundering."[213] Needless to say the Ottoman Empire was a very large dynastic land power. As İnalcık points out the central importance of agriculture in the Ottoman economy meant that the wealth of the state was largely dependent on its ownership of land.[214] In examining the optimality of the Ottoman *waqf* through the economic theories of redistribution, Başkan notes that in Ottoman society there were basically

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[210] Ibid., 7
[211] Meir Litvak, *Shi`i Scholars of Nineteenth-Century Iraq: The 'Ulama' of Najaf and Karbala'* (Cambridge: Cambridge University Press, 1993), 35-38.
[212] Singer, *Charity in Islamic Societies*, 106.
[213] Kuran, "The Provision of Public Goods," 20.
[214] İnalcık and Quataert, *An Economic and Social History*, 48.

two important institutions that redistributed wealth, namely the State and the *waqf* system.[215] Koçi bey (d. 1650) in his famous *Risale* poignantly laments that the proximity to the Sultan was the only key for amassing vast swathes of lands which belonged to the treasury of all Muslims and converting these conquered lands into family *waqf*s for the benefit of the founder and his progeny.[216] This clearly spells out the virtue of political influence in acquiring huge landed properties for fortune accumulation, just as it also shows the importance of the *waqf* for making acquired wealth inalienable. Therefore, whether one was a powerful individual or an influential elite family, the road to economic power had to pass through the political establishment. In Kuran's words, "members of the politically dominant class... had the most property to shelter... and established the most important *waqf*s."[217] Therefore then, I argue, the study of elite struggles should not be separated from their economic dimension in which the *waqf* institution played an instrumental role in the Ottoman case.

After having established that the central authority used the *waqf* as a social policy tool to control its subjects, it is now time to point out that *waqf* was used in elite struggles to enhance one's political influence and social status against rivals. Amy Singer notes that, "to understand the implications of philanthropy requires decoding the meaning of each act in order to discover which relationship is being created or invoked, and the expectations

[215] Başkan, "Waqf System as a Redistribution Mechanism in the Ottoman Empire," 19-21.
[216] Koçi Bey, *Koçi Bey Risalesi*, ed. Ali Kemal Aksüt (İstanbul: Vakit, 1939), 55-56.
[217] Kuran, "The Provision of Public Goods," 23.

implied."[218] The philanthropic endeavor of Mehmed Said Hâlet Efendi (1760-1822) whose very brief biographical sketch was outlined in the first chapter perhaps constitutes a striking illustration of Singer's insightful observation.[219] Hâlet Efendi was the linchpin character of the political scene in his eventful, albeit ill-fated, court career for over a decade, and especially from 1811 until his exile, execution, confiscation of the estate followed by the expunging of all his protégés from the State bureaucracy in 1822.[220]

He had skillfully managed four webs of patronage. First, his personal friendships and strong alliances with the top Janissary *Ağa*s (commanders) gave him the necessary military support, deterring many of his rivals from plotting against him and, when necessary, intimidating the Sultan with a possible outbreak of Jannisary revolt.[221] Second, his generous support of the Galata Mevlevi lodge,[222] from which he was first introduced to the circles of

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[218] Singer, *Charity in Islamic Societies*, 221.

[219] For more on the life and political influence of Hâlet Efendi see, Süheyla Yenidünya, "Mehmet Sait Halet Efendi Hayatı ve Siyasi Faaliyetleri (1760-1822)" (PhD Thesis, Istanbul University 2008); Christine May Philliou, *Biography of an Empire: Governing Ottomans in an Age of Revolution* (Berkeley: University of California Press, 2011); Enver Ziya Karal, *Hâlet Efendi'nin Paris Büyükelçiliği (1802-1806)* (İstanbul: İstanbul Üniversitesi Yayınları, 1940).

[220] Hâlet Efendi first was exiled to Konya and a few days later he was strangled. His severed head was brought back to Istanbul and buried in the vicinity of the Galata Mevlevihânesi. See Ercüment Kuran, "Ḥālet Efendi, Meḥmed Saʿīd (1761-1822)," in *Encyclopaedia of Islam*, 2nd ed. (Brill Online, 2012), http://referenceworks.brillonline.com/entries/encyclopaedia-of-islam-2/halet-efendi-SIM_2644 (accessed October 17, 2012).

[221] Abdülkadir Özcan, "Hâlet Efendi," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 1997), 15: 249-251.

[222] Galata Mevlevîhânesi is a sufi lodge affiliated to Mevlana Celaleddin Rumi's followers, established in 1491 by İskender Pasha and still continue to exist today. Sultan Selim III, who himself was a Mevlevî follower frequently visited the lodge and indulged mystic discussions with renowned Şeyh Galip and attended musical ceremonies and sometimes even spent the night there. In addition to Selim III's renovations, Hâlet Efendi himself, at the peak of his power in 1819, spent a considerable sum of money for the extension and renovation of the adjacent buildings of the place. See M. Baha Tanman, "Galata Mevlevîhânesi," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 1996), 13: 317-21. (It is interesting to note that when Hâlet Efendi went to Paris as the ambassador of the Ottoman Empire, included in his entourage was a Mevlevî Sheikh. As the delegation was preparing for the official reception to meet Bonaparte,

influential statesmen, helped him to climb to the highest echelons of the central bureaucracy in a short span of the years. After strengthening his position, however, he established his own web of patronage by placing numerous of his *hâne-gî* protégés in strategic corners of the central bureaucracy. As a whole these networks ensured him excessive influence over the Sultan, provided him with an envied political cachet, and rendered him the real wire-puller of the many imperial appointments, expulsions, confiscations or even executions. Aksan describes Hâlet Efendi as the "instrument of Mahmud II's will."[223] Maintaining one's own network of power and patronage in an imperial capital city interwoven with nodes of kaleidoscopic relations and volatile elite alliances, however, was a costly business and required spending fortunes in the form of lavish gifts and the distribution of magnanimous cash allowances. As a fourth network, his close connections with the prominent Greek Orthodox Phanariot elite households helped Hâlet Efendi amass his fortune.[224] As is well known, the Ottoman imperial enterprise benefited from the linguistic and cultural expertise of its Christian subjects as middleman minorities and for centuries employed them as translators and governors in the diplomatic service both in the provinces and in the Palace often overriding the boundaries of the so called *millet*

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the French Emperor sent one of his men to "specifically" invite the Mevlevî Sheikh to the palace. During the ceremony, the Mevlevî Sheikh was greeted in Turkish as "*Maşallah derviş derviş*", and was seated next to Hâlet Efendi in the protocol. See Yenidünya, "*Mehmet Sait Halet Efendi*," 27; Karal, *Hâlet Efendi'nin Paris Büyükelçiliği*.

[223] Virginia H. Aksan, *Ottoman Wars, 1700-1870: An Empire Besieged* (Harlow, England: Longman/Pearson, 2007), 285-86.

[224] Philliou, *Biography of an Empire*, 54-58.

system.[225] While at the beginning of his career working as a secretary in the office of Alexender Ioannis Kallimaki, the dragoman of the Ottoman fleet, [226] Hâlet discovered the fertile triangle of *Bâb-ı Âlî*, and lucrative appointments of voyvodaship and drogamanship posts among the rival Phanariot families.[227] Years later, upon his return from France as the Ottoman ambassador,[228] his short exile to Kütahya and after overthrowing the mutinous Küçük Süleyman Pasha of Baghdad, he became the minister of domestic affairs, that is the *Rikâb-ı Hümâyun Kethüdâsı* which heralded the dawning of new age for the Phanariot families.[229] He designed the promotion of Four Phanariot Dynasties (*Hânedân-ı Erbaa*) members for the ambassadorial posts as *hospodar*s mostly in Wallachia and Moldavia and amassed a great fortune out of these appointments.[230]

Hâlet Efendi's eventful life offers rich insights to the contemporary elite conflicts during the reigns of three successive sultans namely Selim III (r. 1789-1807), Mustafa IV (r. 1807-1808) and Mahmud II (r. 1808-1839), covering an important period of reformation. His *waqfiyya* and the stipulations he stated in it, however, continue to bewilder many people. According to his *waqfiyya*, in addition to numerous beneficent works,[231] he donated 25,000

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[225] Emrah Safa Gürkan, *Christian Allies of the Ottoman Empire* (Mainz: Inst. f. Europ. Geschichte, 2010), under "passage 9," http://www.ieg-ego.eu/gurkane-2010-en (accessed October 24, 2012).
[226] Philliou, *Biography of an Empire*, 55-58 and Yenidünya, "*Mehmet Sait Halet Efendi*," 229-38.
[227] Yenidünya, "*Mehmet Sait Halet Efendi*," 229.
[228] For a detailed description of his ambassadorship stint see Karal, *Hâlet Efendi'nin Paris Büyükelçiliği*.
[229] Philliou, *Biography of an Empire*, 54.
[230] Ibid., 55.
[231] He donated for instance number of revenue generating lands, large amount of cash, hundreds of rare books to various branches of Mevlevi order located in different places. For

kurush in cash, together with its interest to the Greek patriarchs of the Eastern Orthodox Church of Istanbul.[232] Bequeathing a substantial amount of cash money through a Muslim pious endowment from a former *qāḍi* and high-ranking Ottoman bureaucrat to the Orthodox patriarchs was an unheard-of and unprecedented practice in the history of the Ottoman Empire. This not only raises many questions about the nature of the complex relationship of Hâlet Efendi with the Greek patriarchate, but more relevant to our case, about the role and place of *waqf* endowments in studying the Ottoman intra-elite and inter-elite power struggles.

Ladies Bountiful: Elite Women and *Waqf*

Based on pre-colonial European travel accounts, the Orientalist discourse abounds in othering, stereotyping, universalizing, and synecdochical judgmental clichés of Muslim women in their timeless societies.[233] These fantasized often phallocentric descriptions depicted Oriental women as oppressed, submissive, indolent, naïve, pliant, dominated, lascivious, and self-indulgent subjects. They were often associated with concepts such as the veil, *harem*, eunuchs, seclusion, rampant sexuality, and polygamy.[234] Moreover, in the case of female Orientalism Muslim woman was

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the complete list see Erünsal, *Osmanlı Vakıf Kütüphaneleri*, 282-83 and Yenidünya, "*Mehmet Sait Halet Efendi*," 268-73.

[232] Hâlet Efendi, "Hâlet Efendi Vakfiyesi," Ms 837, Esat Efendi Collection, Süleymâniye Library, İstanbul.

[233] Lenore Lyons, "Representations: Muslim Women and Gender in the Colonial Imagination," in *Encyclopedia of Women and Islamic Cultures, Practices, Interpretations and Representations,* eds. Suad Joseph and Afsaneh Najmabadi, (Leiden: Brill, 2007), V: 467.

[234] For a succinct overview of the Orientalist scholarship on the Muslim women see Mary Louise Pratt, *Imperial Eyes; Travel Writing and Transculturation* (London: Routledge, 1992); Mona

depicted as saint/prostitute.[235]

The last three or four decades of research on the *waqf* have had the perhaps unintentional effect of the debunking of many of these stereotypes. Although the historiography of Ottoman women made a late start in the West,[236] the field has over the past few years expanded rapidly.[237] Both archival and literary in the wider sense of the word, the Ottoman sources have become accessible in growing numbers during the last decade or so. The religious endowment deeds of *waqfiyyas* and related court registrars *sijill* (Turkish *sicil*) reveal precious information about the social history of Muslim women. Through the new archival material available to researchers, it is possible now to question, revise, or sometimes completely abandon the standard narratives of Muslim women that have populated the secondary literature in the Western world for many decades.

One may safely state that the majority of women's studies in the Ottoman Empire revolve, one way or another, around the institution of *waqf* and *waqf* -based gender studies have made a major contribution in debunking these stereotypes by proving the existence of an active female economic

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Abaza, "Orientalism," in *Encyclopedia of Women and Islamic Cultures, Practices, Interpretations and Representations,* eds. Suad Joseph and Afsaneh Najmabadi, (Leiden: Brill, 2007), V: 394-98; Lyons, "Representations: Muslim Women and Gender in the Colonial Imagination," 466-74.

[235] Lamia Ben Youssef Zayzafoon, *The Production of the Muslim Woman: Negotiating Text, History, and Ideology* (Lanham, Md.: Lexington Books, 2005), 31-61.

[236] Ronald C. Jennings, "Women in the Early Seventeenth-Century Ottoman Judicial Records: The Shari'ah Court of Anatolian Kayseri," *JESHO* 18, (1975) article that appeared in 1975, showed, for the first time, how the Ottoman court records and *waqf* registrars could be specifically used as sources for women's history. Needless to say that it helped to demolish stereotypes about Muslim women especially with regard to their possession and control of property rights, their appearance in the courts as litigants and defenders of their rights without having any *wakīl*, i.e., legal represent.

[237] Mary Ann Fay, "History: Middle East and North Africa," in *Encyclopedia of Women and Islamic Cultures*, *Practices, Interpretations and Representations* (Leiden: Brill, 2007), V: 341-43.

power throughout Ottoman social history.

In Ottoman times, women across the socioeconomic spectrum created endowments, managed them, supplied credit to the public, rented properties belonging to *waqf*s and were named beneficiaries of *waqf* revenues. Deguilhem, a prominent *waqf* scholar, explains these phenomena with the "gender blindness" of the *waqf* institution. Relying on the eighteenth and nineteenth century Ottoman Damascene *waqf* documents and juridical normative sources, Deguilhem concludes that as far as creation and management were concerned, there was no distinction between a male and female *waqf* founder in the entire literature and that the pious foundations were gender-blind institutions.[238] She takes a further step and asserts that, "By now, the myth of the historically silent and passive woman should have long been laid to rest on account of careful research that has been published, which documents the active role of women in Mediterranean and European history."[239]

Similarly, Ruth Roded describes the results of her recent research on the ownership and management of property by Muslim women in earlier ages as "provocative".[240] Evidence suggests that women in the Ottoman world, in various cities and through a range of historical periods, were deeply involved in the active management of their own wealth, and in the creation and administration of *awqaf*. Marsot concludes that, in eighteenth century Ottoman Egypt, "women of all strata owned property; bought, sold and

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[238] Randi Deguilhem, "Gender Blindness and Societal Influence in Late Ottoman Damascus: Women as the Creators and Managers of Endowments," *Hawwa* 1, no. 3 (2003): 329-350.
[239] Ibid., 330.
[240] Ruth Roded, *Women in Islam and the Middle East: A Reader* (New York: I.B. Tauris, 1999), 142.

exchanged property; and endowed it at will."[241] I argue that *waqf* documents and court records not only prove that Ottoman imperial women were affluent and enjoyed economic independence but that they were also influential elite players who used *waqf* institutions to enhance their societal presence and positions.

Leslie Pierce in her seminal work examined the political power and public prominence achieved by the imperial women of the sixteenth and seventeenth centuries. Her research revised views of the harem by showing that segregation and seclusion were not barriers to the exercise of power in the sultan's household.[242] She mentions, for example, in the history of Ottoman Empire there was a nearly 130 year period, known as "the Sultanate of Women (*Kadınlar Saltanatı*)" in the sixteenth and seventeenth centuries, during which the women of the harem exerted extraordinary political influence. For the duration of this time many of the Sultans were minors and their mothers, who were inmates of the harem, effectively ruled the Empire.[243] She also states that Ottoman imperial women actively participated in the business of dynastic image making and through their religious endowments and cultural patronage, sometimes becoming more publicly visible or building on a grander scale than the sultan himself.[244]

As I indicated earlier in this chapter, under the Ottoman Empire, the

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[241] Afaf Lutfi al-Sayyid Marsot, "Entrepreneurial Women," in *Feminism and Islam: Legal and Literary Perspectives*, eds. Mai Yamani and Andrew Allen (Ithaca: Garnet & Ithaca Press, 1996), 37.
[242] Peirce, *The Imperial Harem,* 8.
[243] Peirce says that the term 'the Sultanate of Women' for the first time appeared as the title of four-volume history of Ottoman royal women written by Ahmed Refik in early twentieth century. Ibid., vii.
[244] Ibid., x.

waqf became a systematic method of building cities by providing various services in well thought-out nuclei through which these urban centers acquired a definitive shape. We know from various studies that Ottoman sultanas and princesses were amongst the prominent founders of many eye-catching iconic *külliye*s. One of the most famous was Hürrem Sultan (d. 1558), the wife of the Sultan Süleyman the Lawmaker (d. 1566), who endowed philanthropic institutions in her own name in Mecca, Medina, Jerusalem, Edirne and Istanbul. The first of these to be established, the Istanbul *waqf*, was built between 1537 and 1539. It included a mosque, a religious college, a soup kitchen, a hospital and a primary school.[245] It might be surprising for many to know that there is, arguably, no other city in the world whose ultimate architectural silhouette was shaped by the touch of so many female hands. Today there are numerous *külliye*s in operation for five-hundred years that were built by a number of imperial women, which acts as a reminder of their influential existence. Atik Vâlide Külliyesi[246] and Bezm-i Âlem Vâlide Sultan Külliyesi[247] stand out as examples among many others.

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[245] For a comprehensive study of the Külliye of Hürrem Sultan in Jerusalem see Singer, *Constructing Ottoman Beneficence: An Imperial Soup Kitchen in Jerusalem*.

[246] The founder was Nurbânu Vâlide Sultan (d. 1583) who was very dominant in factional political struggles of the palace and influential figure on her son Sultan Murad III (r. 1574-1595). The *külliye* was completed by the famous *devşirme* architect Sinan in 1579 and it consists of a sizeable mosque, *medrese*, *sibyan mektebi*, *darülhadis*, *darülkurra*, soup kitchen, caravanserai, hospital, and a public bath and it is located in Atik Valide suburb of Üsküdar district in Istanbul. See M. Baha Tanman, "Atik Valide Külliyesi," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 1991), 4: 68-73.

[247] The *külliye* was established Bezm-i Âlem Valide Sultan in 1843. She was brought to the palace as a slave girl from Georgia and after completing her education in the inner court she became the second wife of Sultan Mahmud II (r. 1808-1839) and mother of Sultan Abdülmecid (r. 1839-1861) who was raised like a European prince and enthroned only when he was sixteen. Naturally, the Queen mother became influential in state affairs until she died in 1853. However, Bezm-i Âlem Valide Sultan was known for her largesse and charity. The size of her *waqfiyya* for her fourteen *waqf*s exceeds over four hundred pages. She built dozens of hospitals,

The spiritual inclination of the Ottoman Sultanas was particularly important for they endowed huge amounts of money and undertook construction of lodges, mosques and hospices for their particular Sufi order. This also can be read as the winning over and controlling of different Sufi constituencies through royal philanthropy. Almost all Ottoman queen mothers, like their sons, adhered to certain Sufi orders. When for example, Nurbânu Vâlide Sultan (d. 1583) built Atik Vâlide Külliyesi she included the construction of a sufi lodge (*tekke*) designated for the *Halvetî* order, which indicates that the Queen mother Valide Sultan was a follower of the *Halvetiye* order.[248]

We also know that while the act of creating an endowment was that of private individuals, the beneficiaries of the endowment were always located in the public sphere, and in Hoexter's words, "the *waqf*'s contribution to the shaping of the urban space can hardly be overestimated. A major part of the public environment in towns actually came into being as a result of endowments."[249] Thus, one may argue that by constructing *külliye*-type *waqf* complexes, the Ottoman elite women, ladies bountiful, not only influenced and shaped urban public spaces and forms, but more importantly they displayed public visibility, civic engagement, a desire for political

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mosques, *medreses*, water fountains, a lithography print house, manuscript-rich libraries, bridges, not only in Istanbul but across the empire reaching Karbala, Mecca and Medina. Many of her public foundations still constitute Istanbul's monumental landmarks. To name a few: Galata Bridge, Dolmabahçe Mosque and Bezm-i Âlem Vakıf Gureba Hospital. See Necdet Sakaoğlu, *Bu Mülkün Kadın Sultanları: Vâlide Sultanlar, Hâtunlar, Hasekiler, Kadınefendiler, Sultanefendiler* (İstanbul: Oğlak Yayıncılık, 2008), 383-390.

[248] Godfrey Goodwin, *A History of Ottoman Architecture* (Baltimore: Johns Hopkins Press, 1971), 288-291; Tanman, "Atik Valide Külliyesi," 71.

[249] Miriam Hoexter, S. N. Eisenstadt, and Nehemia Levtzion, *The Public Sphere in Muslim Societies* (Albany: State University of New York Press, 2002), 128.

participation and a connection with the general population. This reflects a sense of belonging in a male-dominant society. Additionally, by providing certain services for the destitute they not only contributed to the overall welfare of the Empire, but also strengthened their patronage and gained much respected socio-political stature in the eyes of public. Gerber notes that, in the Ottoman period, women philanthropists had a very good understanding of the city, its problems as well as its needs.[250]

Waqf and *Ulema* Aristocracy

The state-like, robust authority of the *ulema* that continued for centuries partly emanates from their highly complex relationship with the *waqf* institution. Given that the *ulema* were custodians and also beneficiaries of the *waqf* institution, as a precursor to any discussion on the subject of the *waqf* it must be noted that since its inception, it was Islamic law, the core of the Islamic sciences that molded its shape, circumscribed its boundaries, regulated its operations, and standardized its management. Put differently, the *waqf* gained its spirit through the letter of Islamic law. The institution of *waqf* can thus be described as a sturdy child of the marriage between jurist and jurisprudence. Under their custody and auspices it not only grew vigorously and retained its special characteristics as the only perpetual entity of Islamic law, but was also protected, at least theoretically, from the arbitrary whims of meddlesome rulers as well as the cupidity of the beneficiaries, sometimes even from the founders themselves. The lifelong influence and place of the *waqf* is

[250] Gerber, "Social and Economic Position of Women in an Ottoman City," 231–44.

summarized by Yediyıldız:

> Thanks to the *waqf*s that florished during the Ottoman Empire, a person would have been born into a *waqf* house, slept in a *waqf* craddle, ate and drunk from *waqf* properties, read *waqf* books, been taught in a *waqf* school, received his salary from a *waqf* administration, and when he died, put into a *waqf* coffin and buried in a *waqf* cemetary.[251]

If this quotation from Yedıyildiz indicates the omnipresence of the *waqf* system in the social, economic, and religious life of the Ottoman people, it also indicates at the same time the existence of the inextricable bond between *waqf* and *ulema* in every sphere of Ottoman daily life ranging from birth to death. The *waqf* system was, in sum, the base on which the Ottoman *ulema* could operate.

The case of Mehmed 'Atâ'ullah Efendi (d. 1571) is illustrative in explaining how the Ottoman *ulema* built their fortunes and supported their favorite factions through the *waqf* system. While studying the *Kadızâdeli* movement and its spiritual leader Mehmed Birgivî Efendi (1523-1573), Faruk Bilici[252] notes that it was the imperial preceptor Mehmed 'Atâ'ullah Efendi, who gave the financial support to Sheikh Birgivî and his students that created the so-called the Ottoman *Salafî* movement.[253] However, in our case, the career

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[251] Yediyıldız, "Place of the Waqf in Turkish Cultural System."

[252] Faruk Bilici, "Birgivî Mehmed Efendi'nin Koruyucu Meleği: Atâullah Efendi Osmanlı Ulema Dayanışması," in *Osmanlı Dünyasında Bilim ve Eğitim: Milletlerarası Kongresi Tebliğleri*, ed. Hidayet Yavuz Nuhoğlu (İstanbul: IRCICA, 1999), 249-265.

[253] The Kadızâdeli movement emerged as a puritanical, sectarian and influential group in the 17th century Istanbul among the students of Kadızâde Mehmed Efendi (d. 1635) whose rigid doctrines were very similar to those of the later Wahhabis. Influenced by the teachings of Mehmed Birgivî Efendi (1523-1573), the Kâdızadeli preachers considered the use of tobacco, drinking of coffee, visiting graveyards, miniature paintings and all kinds of popular Sufi rituals as a deviation from the Sunni orthodox path and should be corrected even by means of violence. The Kâdızadeli vigilantism weakened when the grandvizer Köprülü Mehmed Pasha

of Mehmed ‘Atâ’ullah Efendi, who himself like his friend Mehmed Birgivî was a Birgi[254]-born *alim* and became very powerful figure in Istanbul and accumulated considerable wealth during his tenure as the personal preceptor to Selim II (r. 1566-1574). Bilici believes that ‘Atâ’ullah Efendi was appointed as *Hoca-i Sultânî* to Selim II by the Hürrem Sultan (d. 1558) and Rüstem Pasha (d. 1561) clique, hoping to help them in their struggle for the throne against Selim II’s brother Bayezid. At Selim II’s request, his father Sultan Süleyman granted in 1557 the first *temlik*[255] (transfer of property) to ‘Atâ’ullah Efendi comprising lands and mills that generated an annual income of 750 *akçe*. According to the original *temlikname* (ownership or title deeds) in the Turkish *Awqaf* Directorate the land that was given to ‘Atâ’ullah Efendi was state (*mîrî*) land, granted on the condition that it would be transformed into a *waqf*.[256] Two years later, in 1559, Prince Selim II requested from his father another grant for his teacher ‘Atâ’ullah. This time, however, he asked for an annual income of 20,000 *akçe*. In response, Süleyman mentioned that he agreed to give the grant and left the choice of land to his son, and asked Sheikh ‘Atâ’ullah to pray for his wellbeing.[257]

The endowment deed of ‘Atâ’ullah Efendi, however, indicates that his fortune continued to increase with his investments and other purchases. This

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managed to banish their ringleaders to Cyprus in 1656 but remained powerful until the end of the century. For more on the Kadızâdeli movement see Madeline C. Zilfi, *The Politics of Piety: The Ottoman Ulema in the Postclassical Age (1600-1800)* (Minneapolis, MN: Bibliotheca Islamica, 1988), 70-71; Semiramis Çavuşoğlu, “The Kādıẓādeli Movement: An Attempt of Şerīʿat-Minded Reform in the Ottoman Empire” (PhD Thesis, Princeton University, Princeton, NJ, 1990).

[254] Birgi is a small town located in Aegean Region, 121 km away from İzmir.

[255] Sultan's grant to a member of the elite of state-owned land as freehold property with complete tax immunity and autonomy.

[256] VGMA Inventory Book: 624/1, 13. Line: 7.

[257] BOA. Mühimme Registers, Inventory: 3, Decree: 293.

clearly shows that high-ranking *ulema*, like other members of central elite, made their fortunes because of their proximity to the ruling dynasty. What is more striking, however, was when Sultan Süleyman died (1566) during his last European campaign in Belgrade, Selim II and his preceptor Mehmed 'Atâ'ullah Efendi rushed to Istanbul. After a quick accession ceremony they headed to the battlefield. 'Atâ'ullah Efendi personally took care of Süleyman's funeral prayer even before the returning army reached Istanbul, where, to the chagrin of powerful *Şeyhulislam* Ebussuud Efendi and Grand Vizier Sokollu Mehmed Pasha (d. 1579), he managed to secure all the important appointments in the capital, selecting his relatives, friends and *hâne-gî*s to the most lucrative governmental positions.[258]

Even though the *ulema* of the Ottoman Empire *de jure* enjoyed the privilege of immunity from confiscation and freedom from execution and passed their wealth to their offspring without the fear of seizure, they, like many other secular elites named their successive family members to administer their *waqf*s for a safe and steady income.[259] The case of Feyzullah Efendi whose conspicuous political influence, nepotism and tragic end has already been mentioned in the first chapter constitutes another example for appropriating wealth as a result of political proximity and protecting it by turning it to a *waqf*. A few months after he assumed the position of *Şeyhulislam*, Feyzullah Efendi managed to acquire from the Sultan his first *mâlikâne* contract and during his tenure he continued to seize lands, gardens and farms

[258] Bilici, "Birgivî Mehmed Efendi'nin Koruyucu Meleği: Atâullah Efendi Osmanlı Ulema Dayanışması,"252.
[259] Zilfi, *The Politics of Piety*, 70-71.

from Thrace to the Caucasus.[260] When he was brutally executed, he had left in his *tereke* (estate) 50 million akçe in cash alone.[261]

Apart from the *ulema* being the sole interpreters of the *Sharīʿah*, their control of *waqf* assets under the supervision of the *qadıs*, who were also members of the *ilmiye* class, must have strengthened their socio-economic position and power both in the eyes of the governing elite and the public. As indicated earlier in this chapter, every *waqf* required a *mutawallī* for its administration. This post could be filled either by the founder of the *waqf* or, as it was often the case, by a member of the *ilmiye* class. Needless to say, the job was a source of handsome income for the holder and there was no legal restriction against a person holding multiple and concurrent *mutawallī* positions.[262] Marsot mentions that the accumulation of several supervisory posts was also a fairly common procedure among the high-ranking *ulema* of Ottoman Egypt.[263] Therefore, the *ulema* had the opportunity to undertake a number of managerial, fiscal, legal and financial responsibilities in order to manage the gigantic movable and immovable *waqf* entities. Makdisi brilliantly summarizes the intense administrative role and economic involvement of the *ulema* in the entire range of *waqf* affairs. The *mutawallī*, he says, "had all the rights and duties pertaining to the administration of the *waqf*."[264] Concerning the numerous activities undertaken by the *mutawallī* he cites from the *Fatāwā*

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[260] Abdülkadir Özcan, *Anonim Osmanlı Tarihi, 1099-1116 (1688-1704)* (Ankara: TTK Basımevi, 2000), 221-227.
[261] Ahmet Tabakoğlu, *Gerileme Dönemine Girerken Osmanlı Maliyesi* (İstanbul: Dergâh Yayınları, 1985), 297.
[262] Makdisi, *The Rise of Colleges*, 48.
[263] Marsot, "The *'Ulamā'*of Cairo in the Eighteenth and Nineteenth Centuries," 157.
[264] Makdisi, *Rise of Colleges*, 48.

and *Inṣāf*:

> The authors list these as follows: building and rebuilding (*'imārah*), preservation of the *waqf* (*ḥifz al-waqf*), leasing the property (*ijārah, ijār*), planting (*zirā'ah*), collecting the income of the *waqf* estates (*taḥṣil ar-rai'*), from its rents (*min ta'jīrih*), from its crops (*min zar'ih*), from its fruits (*min thamarih*), striving to increase its yield (*al-ijtihād fī tanmiyatih*), distributing the proceeds among the objects of the *waqf* (*ṣarfuhū fī jihātih*), repairing (*iṣlāḥ*), paying its beneficiaries (*i'ṭā' al-mustaḥiqq*), taking all precautions to preserve the properties and their proceeds (*ḥifz al-uṣūl wa al-ghallāt 'alā al-iḥṭiyāt*), hiring (*at-tawliyah*) and firing (*al-'azl*), and handling all disputes and litigations (*al-mukhā-ṣamah*).[265]

As Makdisi notes that a further example of the *ulema*'s leading role in overseeing the *waqf*s was the *fetva* given that "when the *mutawallī* of a *waqf* died and the district had no *qāḍi*, the trusteeship devolved upon the *'ulamā'* and the local pious (*ṣulaḥā'*)."[266] In interpreting this maxim Makdisi says that "this legal opinion is based on the theory that *waqf*s are the property of God, and the *ulama* and the pious are his vicegerents on earth."[267] A *qāḍi*, who also was a member of the *ulema* had the final authority and power in registering, controlling or dissolving a *waqf* whose founder's stipulations were no longer feasible, or whose economic resources were not sufficient to fulfill the conditions set by the endower. The *waqf*s sponsored young *medrese* students and provided them board and stipends, and continued to finance them when they became professors of law, local *imam*s, librarians or a *mutawallī*. In Zilfi's words, "For the vast majority of the [Ottoman] population, the *medrese* ...

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[265] Taqī ad-Dīn as-Subkī, *Fatāwā* (Cairo: al-Qudsī Press, 1356), II: 150; 'Alī b. Sulaimān al-Mardāwī, *Inṣāf*, ed. M. H. al-Fiqī (Cairo: as-Sunna al-Muhammadiya Press, 1376/1957), VII: 67; quoted in ibid.
[266] Muḥammed al-Husain al- Anqarawī, *Fatāwā al-Anqarawī* (Cairo: Būlāq, 1281/1864), 261; quoted in ibid., 46.
[267] Ibid.

sheltered the noblest of human endeavors, the study of the law... [and therefore] the most favored pious foundation in the period was the *medrese*."[268] According to Makdisi, this was because "in classical Islam, the advancement of education was synonymous with the advancement of religion."[269] In his comparison of Jewish *hekdesh* and Islamic *waqf*, Yaacov Lev notes that "When the social uses of Islamic charity are examined one is struck by the disproportionate amount of charity given in the form of *waqf* and *ṣadaqa* to religious and educational institutions and the mystics. [Because] In Judaism and Islam, religious learning was perceived as a duty and was highly valued."[270] Lev concludes his observation with an interesting analysis:

> The poor and other forms of social need ranked only second. From the point of view of the giver, the jurists and mystics and the institutions associated with them seemed more conducive to his attempts to communicate with God, while the poor had less to offer.[271]

Wealthy people depended on *waqf* to establish their power networks within their familial and communal milieus.[272] Thus, the *waqf* was instrumental in the procreation of like-minded posterity. This was true especially for the *ulema* families. Therefore, Ottoman *ulema* were not only supervisors, and beneficiaries of the *waqf per se*, but they benefited from composite networks of patronage relations with the *waqf* institution. Any attempt at centralization or reconfiguration of the *waqf* by the central authority was bound to have direct consequences on the *ulema* class.

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[268] Zilfi, *The Politics of Piety*, 205-06.
[269] Makdisi, *The Rise of Colleges*, 38.
[270] Lev, "Charity and Gift Giving in Medieval Islam," 261.
[271] Ibid.
[272] Deguilhem, "Gender Blindness," 343.

III. Conclusion

In this chapter I have explored the nature of the complex relationship between the creation of *waqf*s and elite ambitions. I have argued that in Ottoman practice charity was intimately linked to worldly desires and that Ottoman inter-elite and intra-elite struggles cannot be properly understood without consideration of their economic dimension where the *waqf* played a pivotal role. Different elite coteries and powerful individuals, both men and women exploited the *waqf* as the best-protected and most durable tool for capital formation, social recognition and political influence. Members of the royal family, high-ranking state officials, pashas, and high-ranking *ulema*s used the *waqf* as leverage and competed in establishing *waqf*s for strengthening their economic power, enhancing their social prestige and preserving their wealth through the perpetuity promised by the *waqf* institution. I have also drawn attention to the evolutionary aspect of the *waqf* and to the proportional correlation between the changes taking place in the socio-economic structures of the empire and the volume and capacity of the *waqf* system. However, if any of the historical periods of Ottoman history is indicative of change that would be the nineteenth century. A sweeping series of centralizing reforms replaced the old structure with the new order, which naturally affected the *waqf*, *waqf*-ulema and *waqf*-state relations in every respect. In the next chapter I will show the nature of this evolution and the shift that occurred in perceptions of poverty and of charity, both in the theory and practice of *waqf* and elite

structures.

During the nineteenth century, a new element was introduced into the *waqf*-elite equilibrium; the European colonial elites who wanted to acquire, control and exploit *waqf* properties in French North Africa and British India. Since a *waqf* property was protected from sale or seizure, these new elites were frustrated by the inalienability of the majority of agricultural *waqf*-lands and therefore the *waqf* institution emerged as the greatest impediment to colonial ambitions. The ensuing Orientalist onslaught gave birth to a new genre of literature which directly or indirectly triggered waves of domestic centralizing reform, each of which was particular to specific socio-economic circumstances and the product of historical contingencies. These reforms, I contend, irrevocably changed the *waqf* and the elite topographic maps in the Muslim world. Dissection of the causality of these complex relations constitutes the subject matter of the next chapter.

Chapter 3

CENTRALIZATION OF *AWQAF* AS A TOOL FOR ELITE RECONFIGURATION

My aim in this chapter is to challenge the prevailing tendency in the current historiography towards the belief that there was a link between the reasons for the centralization of *awqaf* resources in the eve of Tanzimat and the so-called suppression of *ulema* opposition. Or, clearly stated, the reformist Sultan Mahmud II (r. 1808-1839), after having eliminated the Janissary opposition in the bloody revolution of 1826, broke down the *ulema* opposition to reforms by cutting their jugular vein through centralizing the revenues of religious endowments.[1]

I will therefore deal with *ulema* attitudes to the reform process in the next chapter, and examine the issue of *waqf* reform in this chapter. Through a fresh and more dispassionate examination of the question, I will bring two distinct perspectives to the attention of the scholarly community in the hope that these perspectives will help us to gain a better understanding of the true causes of the *waqf* reformation and the prospective attitudes of the *ulema*. The first is the interconnectedness of the centralization of religious endowments as part of a global phenomenon caused by certain economic, temporal, and

[1] Bernard Lewis, *The Emergence of Modern Turkey*, 2nd ed. (New York: Oxford University Press, 1968), 91-92; Nikki R. Keddie, Introduction to *Scholars, Saints, and Sufis: Muslim Religious Institutions in the Middle East since 1500*, ed. Nikki R. Keddie (Berkeley: University of California Press, 1978), 8; Richard L. Chambers, "The Ottoman Ulema and the Tanzimat," in *Scholars, Saints, and Sufis: Muslim Religious Institutions in the Middle East since 1500*, ed. Nikki R. Keddie (Berkeley: University of California Press, 1978), 35; Charles White, *Three Years in Constantinople or Domestic Manners of the Turks in 1844* (London: H. Colburn, 1846), 236.

geographical contingencies. The second is the intimate connection between centralizations of charitable organizations and elite reconfigurations in various political entities.

In these two chapters, I will argue that the nature of the struggle that eventually determined the fate of the attempted reforms was not a vertical one, stemming from intra-elite dichotomy within the *ulema* corps as portrayed by Heyd and others, but rather it was a horizontal inter-elite power struggle between different high-ranking elite groups--*equipes formidables*--among the circle of governing elites. Undoubtedly, centralization of *awqaf* revenues constitutes an important element of this structural change among the elites in the pre-Tanzimat Ottoman capital.

Faroqhi points to the possibility of the confiscation of the Bektashi lodges in the aftermath of the Janissary abolition as a test to gauge the *ulema* reaction for government takeover of the religious endowments.[2] I will draw attention to a few jurisprudential reasons that prevented the *ulema* from reacting to wholesale Sultanic interference in *waqf* affairs.

Despite its widespread presence and legal recognition for over a millennium, from time to time, the *waqf* institution had suffered from state interventions.[3] Even though, *de jure*, rulers were supposed to pursue a "hands-off policy towards *waqf*-owned properties,"[4] almost all Muslim dynasties and

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[2] Suraiya Faroqhi, *Approaching Ottoman History an Introduction to the Sources* (Cambridge; New York: Cambridge University Press, 2004), 34.
[3] The term 'state' here by no means refer to 'nation state' as it is a very late European concept. By 'state', i.e., *dawla*, I mean an imperial state or more accurately an agency that performs the political authority as it did exist in classical *siyasetnâmes*. i.e., *din-ü devlet* [state and religion].
[4] Timur Kuran, "The Provision of Public Goods under Islamic Law: Origins, Impact, and Limitations of the *Waqf* System," *Law & Society Review* 35, no. 4 (2001): 847-48.

empires resorted in one way or another to centralization.[5] The impulse to restrain or limit charitable endowments was not, therefore, a uniquely nineteenth century phenomenon nor was it exclusive to the Ottomans or even to Muslims. Marjorie K. McIntosh notes that: "Just as the Abrahamic religions shared a set of basic assumptions about poverty during medieval and early modern periods, so too did each faith wrestle with the question of how widely charity should extend."[6] The most systematic and long-lasting wave of centralization, however, took place during the course of nineteenth century in various regions of the Islamic world. The year 1826, in particular, was a turning point for Ottoman religious endowments. It was then that Sultan Mahmud II decreed the establishment of the Ministry of Imperial Religious Foundations, *Evkâf-ı Hümâyûn Nezâreti* in Istanbul.[7]

I argue that, state centralization of the age-old religious endowments and the use of their resources for economic development was a leading trend in various parts of the world beginning in the late sixteenth and extending to the early nineteenth centuries. Mahmud II was a late-comer in following the footsteps of many European, Russian, and some Muslim leaders who repressed, controlled, dissolved and even confiscated the revenues of religious endowments. A decade and a half before Sultan Mahmud II, in 1812, Muhammad Ali Pasha (1769-1849), the Macedonian–born Ottoman viceroy of

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[5] Bahaeddin Yediyıldız, "Vakıf," in *İslam Ansiklopedisi* (İstanbul: Milli Eğitim Bakanlığı Yayınları, 1986), 13:153-173.
[6] Marjorie K. McIntosh, "Poverty, Charity, and Coercion in Elizabethan England," *The Journal of Interdisciplinary History* 35, no. 3 (2005): 457.
[7] John Robert Barnes, *An Introduction to Religious Foundations in the Ottoman Empire* (Leiden: E.J. Brill, 1986), 44; Nazif Öztürk, "Evkâf-ı Hümâyun Nezâreti," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 1995), 11: 521-524.

Egypt who turned against Istanbul but was later brought into line with the help of the British, under the guise of agrarian reform confiscated all *waqf* lands.[8] Marsot notes the Pasha centralized *awqaf* either to control the revenues or subjugate the *'ulamā'* and make them rely on him for subsistence.[9] Moreover and more importantly, after securing control of the enormous *waqf* lands he initiated a new practice called *ib'ādīyāt* by which he distributed large parcels of lands to his favorite elite families and other notable military and civil servants.[10] These new elites were tax-exempt and retained the right to cultivate the lands in their possession.[11]

Previously in Russia, Peter the Great (1672-1725), who was believed to have been a model for Sultan Mahmud II in his centralization reforms,[12] managed to modernize Russia without borrowing money for his state by taxing his subjects heavily[13] and confiscating Church endowments.[14] He also had to deal with the powerful elite groups and great aristocrats.

From the perspective of world history, the institutions and ruling systems of the Mediterranean region, as probably elsewhere, were determined by constant borrowings, exchanges, syntheses, and fusions between different

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[8] Gabriel Baer, *A History of Landownership in Modern Egypt 1800-1950* (London: Oxford University Press, 1962), 1-7.
[9] Afaf Lutfi al-Sayyid Marsot, "The *Ulama* of Cairo in the Eighteenth and Nineteenth Centuries," in *Scholars, Saints, and Sufis: Muslim Religious Institutions in the Middle East since 1500*, ed. Nikki R. Keddie (Berkeley: University of California Press, 1978), 163.
[10] Reuven Aharoni, *The Pasha's Bedouin Tribes and State in the Egypt of Mehemet Ali, 1805-1848* (London; New York: Routledge, 2007), 140-155.
[11] Muhammet Hanefi Kutluoğlu, "Kavalalı Mehmet Ali Paşa," in *TDV İslam Ansiklopedisi* (Ankara: TDV, 2002), 25: 65.
[12] Lewis, *The Emergence of Modern Turkey*, 94.
[13] He, for example encouraged smoking, but taxed tobacco. Because European men usually were clean shaven, he taxed Russians wearing beards. Paul Bushkovitch, *Peter the Great* (Lanham, MD: Rowman & Littlefield, 2001), 227.
[14] Ibid., 151.

cultures. Evidence indicates that it is implausible to think that the Sultan, who was trying to modernize his Empire in accordance with the Western models and standards, was not inspired by or aware of similar developments in Europe. In fact, both Selim III (r. 1789-1807) and Mahmud II (r. 1808-1839) were cognizant of these structural changes, but their power and comprehensive reform agenda were restricted by internal elite dynamics. This chapter, therefore, can also be viewed as a modest attempt to underline the necessity for more comparative and broader studies in the field of poverty and charity in Euro-Ottoman historiography.[15]

Upon closer and comparative examination, the Ottoman, Russian, and Egyptian patterns for the centralization of eleemosynary institutions display strong European influence, as all of them strove for broader fiscal centralizations and efficient and systematic resource management even though there was a considerable time lag between their respective efforts.

Moreover, I argue that centralization of religious endowments by the ruling authorities has always been related to the reconfiguration of existing elite structures. All legal acts, statutes and amendments in this regard generally ended up either weakening existing, or supporting emerging elite clusters.

Consequently, I contend that the nineteenth century Ottoman state centralization of charitable endowments, like its European antecedent, was function of socio-economic circumstances and a product of historical

[15] Abou-El-Haj is the leading figure for this call. See his classic Rifa'at Ali Abou-El-Haj, *Formation of the Modern State: The Ottoman Empire, Sixteenth to Eighteenth Centuries* (Albany: State University of New York Press, 1991), 1-11.

contingencies. More importantly, I argue that the confiscation of the charitable endowment revenues by Mahmud II, did not target the *ilmiye* class alone, but contrary to the common narrative, was directed at all other established conventional elite networks and coteries, of which the *ulema* constituted an important part. As clearly shown in the first and second chapters, the Ottoman political structure had assigned extraordinary political and administrative roles and bestowed economic privileges on the *ulema* class that were far more comprehensive than those found in any other Islamic dynasty or empire. The pre-Tanzimat reforms marked the reversal of this imperial policy by taking back the extensive state-assigned socio-economic privileges from the members of *ilmiye* class and other conventional elite groups and delegating them to a more specialized class of bureaucrats and diplomats whose very particular skills became paramount for the existence of the empire itself. This was in total accordance with the pressing realities and challenges of the time. The centralization of religious endowments and even the elimination of the Janissaries therefore, should be viewed as key components in a broad adaptation process. I will now present an overview of the process of the centralization of religious endowments in continental Europe followed by a comparison with the Ottoman case.

I. European Centralizations

At the outset, it should be clearly stated that sympathy, compassion, and benevolence towards the underprivileged and weak seem to have been

firmly established humanistic values in Western civilization. Throughout history, however, natural disasters, outbreaks of devastating wars, economic crises, deadly epidemic diseases, and other periods of trials and tribulations have moulded the perceptions and determined the collective reactions of people towards charity and poverty.

The successive disastrous harvests followed by severe periods of famine in the first decade of the sixteenth century marked a turning point in the history of continental Europe and had a radically transforming effect on the idea of poverty and urban charitable institutions that would continue to prevail for the next five centuries.[16] As a result of a demographic explosion[17] and frequent acute food shortages, malnourished and supposedly unhygienic paupers from the countryside flocked to the city centres, creating sharp increases in population, unemployment,[18] spiralling prices and waves of epidemics that threatened public order and triggered widespread turmoil in many European cities. In the name of public health and order and fearing social upheaval, authorities dealt with the problem in various ways ranging from closing the gates of the cities and extending help to those indigents who camped outside the walls while expelling alien idlers from cities back to their own parishes. The work-shy and able-bodied vagrants were perceived both in Protestant and Catholic Europe as 'dangerous poor' and authorities forced

[16] Bronislaw Geremek, *Poverty: A History* (Oxford; Cambridge, Mass.: Blackwell, 1994), 120; Paul Slack, *Poverty and Policy in Tudor and Stuart England* (London; New York: Longman, 1988), 1, 117.
[17] Livi Bacci notes that between 1500 and 1600 the general population of Europe increased 32 percent while between 1600 and 1700 the percentage was 13 percent only. See Massimo Livi Bacci, *The Population of Europe: A History* (Oxford; Malden, Mass.: Blackwell Publishers, 2000), 1-17.
[18] Whenever there was an over-supply of labour in a city it caused real wages to fall dramatically ending with unemployment and poverty among the craftsmen.

them to labour in workhouses and royal galleys from dawn to dusk for minimum wages or sometimes only in return for a food spanning a number of years.[19] However, when these measures failed to eliminate the cities of their crowds of paupers, the authorities banned public beggary in the streets and churches and flogged the mendicants openly and fined those who gave money or fed them.[20] McIntosh mentions that in England, poor strangers attracted grave suspicion for: "Anyone moving around from one place to another with no good reason risked punishment as a vagrant, liable to be set in the stocks and whipped before being expelled."[21] At times, resident-beggars were exposed to public ridicule through the boring of their ears, branding[22] or forcing them to wear humiliating identification badges such that the rest of the city dwellers would adhere to the prohibition against giving them alms.[23] Finally, in order to tame the incorrigible poor and extirpate beggary from society, authorities set up gibbets in the squares where beggars previously asked for alms, but now were executed by public hanging.[24]

It was against this socio-economic backdrop that the idea of the centralization of care for the poor became imperative as it emerged from

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[19] Slack, *Poverty and Policy,* 91; Robert M. June Schwartz, *Policing the Poor in Eighteenth-Century France* (Chapel Hill: University of North Carolina Press, 1988), 18-19; Mary Lindemann, *Patriots and Paupers: Hamburg, 1712-1830* (New York: Oxford University Press, 1990), 22-26.
[20] In 1506 the Provveditori alla Sanità in order to distinguish sturdy rogue from genuine pauper outlawed the incognito public begging with a punishment of imprisonment and flogging. See Brian Pullan, *Rich and Poor in Renaissance Venice* (Cambridge, Mass.: Harvard University Press, 1971), 220-221.
[21] McIntosh, "Poverty, Charity, and Coercion in Elizabethan England," 465-466.
[22] Slack, *Poverty and Policy*, 100.
[23] Keith Wrightson and David Levine, *Poverty and Piety in an English Village: Terling, 1525-1700* (New York: Academic Press, 1979), 179.
[24] In Middlesex 44 vagabonds were sentenced to branding between 1572 and 1575, 8 set to service and 5 sentenced to be hanged. See D. M. Palliser, *The Age of Elizabeth: England under the Later Tudors, 1547-1603* (London; New York: Longman, 1983), 124. And for early sixteenth century practice of executions see Geremek, *Poverty,* 155.

fierce debates held in city councils, parish commissions and parliaments between politicians and the high clergy. In 1522, Nuremberg centralized its aid to the poor; Strasbourg followed in 1525, Venice in 1528, Lyons in 1531, Ypres, Paris, and other European city centres in succession passed legislation centralizing charitable activities and imposing special taxes [25] to raise necessary funds in order to distribute the aid to the genuine sick, shamefaced poor, and the deserving infirm. A special governmental agency, "The Office of Overseer of the Poor" had been established in England in 1536.[26]

In parallel with these administrative legal measures another endogenous development was set in motion: the piecemeal secularization of charity on a pan-European scale which caused tension and heated debates in vestries and senates between churchwardens and civil administrative units in which both sides based their arguments on religious texts and ancient literature. Although examples of hospitals under royal or municipal control abounded at the end of the fifteenth century,[27] the increasing secularization of social aid programs in Europe began when city councils and municipal authorities began assuming wider responsibilities in hospital administration.[28] In the following decades, Europe witnessed a series of royal edicts from various empires and governments limiting the role and function of the clergy in delivering aid to the poor. The new reforms also reflected a harsh stance

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[25] In 1572, "the Poor Statute" extended this kind of tax to all towns of England. See Geremek, *Poverty,* 168; Pullan, *Rich and Poor,* 632.
[26] Geremek, *Poverty,* 166.
[27] Thomas Riis, "Poverty and Urban Development in Europe, 15th-19th Centuries: A General View," in *Aspects of Poverty in Early Modern Europe*, ed. Thomas Riis (Alphen aan den Rijn: Sijthoff, 1981), 18.
[28] Geremek, *Poverty,* 143.

taken by the central authorities toward the destitute together with increasing secularization. In February 1535 for example, the French government declared vagrancy a crime to be punished by death and transferred hospital administrations to secular hands.[29] Overall, the French promulgation was harsher than that of Charles V of Augsburg whose decree in 1530 contained similar statements with regard to the administration of hospitals but proposed sending alien beggars to other localities along with a letter of commendation.[30]

The influence of Protestant doctrine cannot be underestimated, providing as it did theoretical justification for these transformational shifts. Martin Luther (1483-1546)[31] who sparked the Reformation "dubbed Süleyman the Magnificent the Antichrist"[32] and maintained that "the Ottomans were instrument of God's anger and punishment for a corrupt Papacy,"[33] had always

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[29] Ibid., 146-47.
[30] Ibid., 143.
[31] Numerous historians believe that the proliferation of the Lutheran movement was, to a certain extent, due to the Ottoman threat to Western Europe as Ottomans encouraged religious divisions between Catholics and Protestants as well as internal strife among the European states. See Stephen A. Fischer-Galati, *Ottoman Imperialism and German Protestantism, 1521-1555*, Harvard Historical Monographs, vol. 43 (Cambridge: Harvard University Press, 1959); Kenneth M. Setton, *Lutheranism and the Turkish Peril* (Thessalonike: Institute for Balkan Studies, Society for Macedonian Studies, 1962), 136-165; C. Max Kortepeter, *Ottoman Imperialism During the Reformation: Europe and the Caucasus* (New York: New York University Press, 1972); Daniel Goffman, *The Ottoman Empire and Early Modern Europe*, (Cambridge, U.K. ;New York: Cambridge University Press, 2002). And more recently, utilizing a comprehensive data set on violent conflicts for a two-century interval between 1451 and 1650, İyigün finds empirical support for the idea that Ottoman military engagements in continental Europe not only lowered the number and extent of violent conflicts among and within the European states themselves, but more importantly, it also helped the acceptance and spread of Protestantism which ended the millennium-and-a-half long ecclesiastical monopoly of Catholicism in Western Europe. See Murat Iyigun, "Luther and Suleyman," *The Quarterly Journal of Economics* 123, no. 4 (2008): 1465-1494.
[32] Virginia H. Aksan, *Ottomans and Europeans: Contacts and Conflicts* (Istanbul: Isis Press, 2004), 150.
[33] Donald Quataert, *The Ottoman Empire, 1700-1922* (Cambridge, UK; New York: Cambrige University Press, 2005), 38.

advocated structured, secular, merit-based and centralized charity.[34] Protestant charity came to be associated with a scientific, systematic and rational approach towards poor relief with intense, centralized governmental intervention. In places where the Roman Catholic Church and its clergy exerted substantial control over the collection and redistribution of charitable donations, the purpose of charitable giving tended to focus on its positive spiritual effects for the donors, rather than on the relief it might provide for the less-fortunate whose suffering it was meant to alleviate. In some cases, the Church was even accused of "having no desire to eliminate poverty, because of its anxiety to preserve opportunities for the rich to be charitable"[35] With the Reformation, by the 1530s all charities operated by the Catholic Church in England were abolished.[36] Furthermore, the English Crown used its discretionary power to favor one segment of Christianity against the other by granting or restraining 'the right of alienation' into mortmain. The Statute of Charitable Uses that passed in 1601 during the reign of Elizabeth I (r. 1558–1603), when the restoration of Protestantism in England constituted the landmark of her rule, deemed any religious practices associated with the church of Rome as 'superstitious uses,' that is, praying for the souls of the dead. Charities for the Protestant faith and values, on the contrary were not only defined as 'good and charitable works' but rights of alienation in

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[34] Lindemann, *Patriots and Paupers,* 14.
[35] Ernst Troeltsch, *The Social Teaching of the Christian Churches,* trans. Olive Wyon (New York: 1931), I: 253; Max Weber, *The Protestant Ethic and Spirit of Capitalism*, trans. Talcott Parsons (New York: 1930), 177-78; quoted in Pullan, *Rich and Poor,* 11-12. However, Pullan proposes that at least in the sixteenth century Venice there was no obvious divergence between the Catholic Church and the government. See Pullan, *Rich and Poor,* 198.
[36] McIntosh, "Poverty, Charity, and Coercion in Elizabethan England," 460.

mortmain were lavishly licensed to them. In 1809 Anthony Highmore defended the Statute in the following words:

> The grant of lands to 'superstitious uses' such as for masses to be said for the soul of the donor, when he should quit the present stage of existence, and the like; was the most fertile invention to increase the power of the clergy (and a principle support of the argument in favour of purgatory): the heads of papal priesthood luxuriously slumbered upon large bequests for this purpose, while their inferior brethren spread their tattered garments over the graves of departed visionaries, and exhausted their breath in vain repetitions for the safety of those souls for whom they felt little regard, and less pious concern.[37]

In addition to the centralization and secularization processes, it should be added that with the royal confiscation policies ecclesiastical revenues were also changing hands from the clergy to the more secular elites. Furthermore, in the European context, and probably elsewhere too, throughout the centuries the alienation of property to a religious establishment had always been a bone of contention that concealed epic power struggles between Church, state, and nobility which dated back as far as the Magna Carta.[38] Highmore elucidated the tug-of-war when he indicated that a possessor's instant alienation to a religious house and then taking the lands back again as tenant and making the monastery as immediate lord, was an operation aimed to deprive the earls and barons of their feudal dues forever.[39] In response to

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[37] Anthony Highmore, *A Succinct View of the History of Mortmain and the Statutes Relative to Charitable Uses* (London: R. Wilks, 1809), 25.

[38] Thirty sixth article of the *Magna Charta Charter* states that: "It shall not be lawful for anyone henceforth to give his land to any religious house in order to resume it again to hold of the house; nor shall it be lawful for any religious house to accept anyone's land and to return it to him from whom they received it. If anyone for the future shall give his land in this way to any religious house and be convicted thereof the gift shall be quashed and the land forfeit to the lord of the fee." See Theodore Frank Thomas Plucknett, *A Concise History of the Common Law* (London: Butterworth, 1956), 541.

[39] Highmore, *A Succinct View of the History,* 13-14.

this clerical tactic, the Statute of Mortmain (*De Religious*) was promulgated to safeguard the economic welfare of the lords. In 1279, Edward I (r. 1272–1307), who was the first Christian prince to promulgate a statute of mortmain, brought relief to this powerful elite faction. Highmore justified the Statute as a necessary fiscal precaution as the eleemosynary revenues enriched the clergy at the expense of the public treasury. He wrote that:

> If posterity had continued to build and endow religious houses at the rate that they were established in the reign of Edward I, all England... would in a short time have turned into one entire and continued monastery: and the inhabitants thereof become either friars or founders. ... Such alienation of land in mortmain,... in a word, enriched private coffers and impoverished the public exchequer...[40]

Finally, in explaining the triumph of the Statutes over the church he concluded that:

> As the pope and the clergy mutually supported each other, in endeavoring to establish a permanent supremacy in the papal throne; this act was one of the most effectual means to oppose them both, by withstanding the one and checking the growth of the other; it was a fatal blow to the clergy, whose ambition urged them to grasp the universal dominion over public property...[41]

Years later, given the anti-clericalist bent of the Protestant doctrine, in the case of Lutheran Denmark, when the church endowments that financed masses for departed souls were abolished, as Brian Pullan notes, "their wealth was transferred mainly to the Crown, the nobility, and the aspiring gentry."[42]

Further, in the act of 1539 when the King Henry VIII of England (r. 1509–47) broadened the confiscation policy from church property to colleges,

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[40] Ibid., 16.
[41] Ibid., 15.
[42] Brian Pullan, "Catholics, Protestants, and the Poor in Early Modern Europe," *The Journal of Interdisciplinary History* 35, no. 3 (2005): 449.

collegiate churches and hospitals, Parliament sanctioned consolidating all ecclesiastical revenues from religious purposes to Henry VIII's personal use because the King "had very pressing need of supplies to carry on his continental troubles."[43] Lachmann notes that "Henry VIII seized Church properties and powers and eliminated the clergy as an independent elite. The Dissolution of the Monasteries yielded a windfall, which the crown spent on war in continental Europe and on patronage..."[44] Therefore as Geremek puts it, with the dissolution of monasteries in 1536 and 1539, "the Church property served only to enrich the king and the court elite."[45]

The confiscation policies and harsh treatment of paupers continued to prevail in the following periods both in Protestant and Catholic Europe.[46] In France, in the post revolutionary period, with the Statute of 1791 all existing charitable foundations were dissolved and their properties confiscated.[47]

Along with the 'butterfly effect' on natural disasters, and with fundamental shifts in the religious doctrines, there was also an evolution in the European economic mindset and fiscal institutions. Depending on temporal and spatial variations, throughout history numerous patterns of tax collection methods and contractual arrangements have been observed. Coşgel

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[43] Highmore, *A Succinct View of the History,* 42.
[44] Richard Lachmann, "Elite Self-Interest and Economic Decline in Early Modern Europe," *American Sociological Review* 68, (2003): 365.
[45] Geremek, *Poverty,* 165.
[46] The Ordinance of 1720 allowed the French guardsmen to hunt down able-bodied beggars where the soldiers were prized with a bounty of one pistol (ten livres) for each captive they brought to the Châtelet prison paid by, interestingly enough, the Compagnie des Indes. Needless to say that the indiscriminate capture of nine-hundred men and women caused uproar in Paris. See Schwartz, *Policing the Poor*, 31-32.
[47] Edith Archambault, *The Nonprofit Sector in France*, (New York: Manchester University Press, 1997), 27-29.

and Miceli, in developing a theoretical model for historical tax collection schemes, note that in the most general terms, there has been a three-phased evolution in the history of tax collection ranging from share contracts to rent contracts and from rent contracts to wage contracts.[48] In share contracts, which were the least common type, the revenues of a tax unit were divided between the ruling authority and the tax collectors in pre-negotiated proportions. As for rent contracts (also called tax-farming), the governing body leased the right of the tax collection to an agent for a lump sum fixed payment often determined at auctions and left any residual amounts to the collector. [49] This type of contract was very common during the sixteenth and seventeenth centuries both in Europe and the Ottoman Empire. As is well known, today wage contracts are the most common method of tax collection: governments employ salaried bureaucrats to collect taxes as can be observed in most contemporary economies. Although salaried tax collectors have been used in tax collection throughout history, only since the mid-seventeenth century did the wage contract emerged as the dominant pattern of tax collection. This was a direct and natural result of the increased monitoring ability of systems of modern government, which lowered the cost of measurement in comparison with share and rent contracts. Again, this is a very broad classification and depending on the time and place other methods of tax collection were also employed.

What is relevant in our case is the relationship between the prevalence

[48] Metin Coşgel and Thomas Miceli, "Tax Collection in History," *Public Finance Review* 37, no. 4 (2009): 401-04.
[49] Ibid., 410-415.

of wage contracts, the synchronous elimination of intermediaries between sources of tax revenue and government, and the idea of centralization of charity. It should be remembered that during the early modern era many European political entities made notable efforts to increase their central revenues through a more efficient and centralized system of taxation. It was crucial for countries to shield their economies from the fiscal shocks of increasingly frequent and protracted wars. Naturally, more efficient fiscal centralization permitted enhanced surplus extraction and increased revenue gains, leading to consolidated economies that could be translated into larger, better trained and better supplied armies.[50]

In their tax revenue centralization efforts, early modern European states began with the elimination of the intermediary elite groups that had previously helped the central governments collect taxes but while sharing a significant portion of tax revenue in the absence of state-run fiscal bureaucracies.[51] This was followed by the centralization of church endowments and the commercialization of their inalienable properties. This can be seen in the dramatic shifts in perceptions and attitudes towards the land holding systems in pre-Industrial Revolution England. When commerce became the darling of the age and new methods of farming and agricultural

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[50] For the scholarship on the European state centralization patterns see Charles Tilly, *Coercion, Capital, and European States, Ad 990-1990*, Studies in Social Discontinuity (Cambridge, Mass., USA: B. Blackwell, 1990); Martin Van Creveld, *The Rise and Decline of the State* (Cambridge; New York: Cambridge University Press, 1999); Daniel R. Headrick, *The Tools of Empire: Technology and European Imperialism in the Nineteenth Century* (New York: Oxford University Press, 1981); Richard Lachmann, *Capitalists in Spite of Themselves: Elite Conflict and Economic Transitions in Early Modern Europe* (New York: Oxford University Press, 2000).

[51] K. Kıvanç Kahraman and Şevket Pamuk, "Ottoman State Finances in European Perspective, 1500-1914," *The Journal of Economic History* 70, no. 3 (2010): 593-95.

production were invented, the utility of the land gained paramount prominence. Parallel to this new direction, alienation of or locking up the lands in mortmain had begun to be considered as an economic evil and as a detriment to the development of a country. According to the new Western economic paradigm, greater circulation of land meant greater commercial benefit to society. This was in sharp contrast to the feudal perception, where the greater circulation of land was considered as a threat to society and both the courts and the nobility attempted to maintain the *status quo* for a long time.[52]

Therefore, 'The Rule Against Perpetuities,' which had its origin in the case of the Duke of Norfolk in 1682, decades before emergence of the Industrial Revolution, sought to limit the length of the time any endowed property might be alienated by a testator and thus enhance the marketability of property. [53] After numerous amendments English Common Law finally put the dead hand (*mortmain*) back where it belonged, and prevented the alienation of an endowed property according to the will of its deceased benefactor for more than 21 years.[54] The spirit of the Rule reflected the prevailing economic mind-set and attempted to respond to the growing needs of markets at the dawn of the industrial era.

Another major shift in European economic perceptions was reflected in

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[52] Keith, "*Waqf: A Critical Analysis*," 36-39.
[53] "Rule against perpetuities," Lawiki, http://www.lawiki.org/lawwiki/Rule_against_perpetuities (accessed August 25, 2012).
[54] Judith-Anne MacKenzie and Mary Phillips, *Mackenzie and Phillips: Textbook On Land Law*, 14th ed. (Oxford: Oxford University Press, 2012), 339-44, http://www.oup.com/uk/orc/bin/9780199699278/resources/web_entries/mackenzieandphillips14e_webentry_ch19.pdf (accessed December 5, 2012).

hardening social attitudes towards the poor and the desire to exploit them as a cheap labor reserve. This can be seen in the edict of 1535 in England, which stated that, "the children of beggars, all those between the ages of five and fourteen, were to be sent, by force if necessary, to be apprenticed with craftsmen."[55] With the promulgation of The Poor Laws of 1529, Renaissance Venice, the sea power of the region, forcibly enlisted beggar children on merchant vessels as cabin boys or apprentices.[56] Although it was doomed to fail, "the Vagrancy Act of 1547 legislated that vagrants could be bound as slaves for two years to masters who would take them on."[57] More interestingly, as an extension of the policy of combatting vagrancy and idleness and the effort to force beggars to labour in the notorious workhouses of Amsterdam, able-bodied idlers were chained in a room that was slowly filled with water. The indolent idler had to pump the water from the room if he wished to stay alive. This was considered an effective way of teaching the idlers the virtues of work.[58] The statute on artisans that was promulgated in England in 1563 covered "all men between the ages of twenty and sixty who had no profession and were unable to find work were to be replaced, at the same wage, as servants in the house of landed gentry."[59]

Europe-wide statutes and ordinances continued to be legislated in the following centuries, always aiming towards greater centralization and more effective management of poor relief. From the middle of the sixteenth to the

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[55] Geremek, *Poverty*, 164.
[56] Pullan, *Rich and Poor*, 145 and 627.
[57] Slack, *Poverty and Policy*, 122.
[58] Geremek, *Poverty*, 219.
[59] Ibid., 165.

beginning of the nineteenth centuries there were more than thirty Statutes adopted with regard to charity in England alone.[60] The British Poor Law Amendment of 1834 reflected the ideas of utilitarian philosopher Jeremy Bentham (1748-1832), whose influence continued to prevail during the following century.[61] Though British poverty relief legislation was contemporaneous with the broader reforms begun under Sultan Mahmud II, and many of Mahmudian *waqf* reforms and economic ventures can easily be described as utilitarian in their outlook, a more in-depth comparison is required before drawing conclusions.

Pamuk and Kahraman note that most Western European countries achieved fiscal centralization during the 16th and 17th centuries, while Central and Eastern European countries saw centralization completed in the 18th century. For several reasons, the Ottomans lagged behind, but to a certain extent did achieve the centralization of tax revenues during the 19th century as reflected in the statistical data that shows that the Ottoman imperial treasury enjoyed a fifteen-fold increase in cash revenues between the 1780s and World War I.[62]

What emerges from the summary description above is, first, the socio-economic challenges that took place in the first decade of the sixteenth century had a decisive impact on the history of poverty and charity in Europe, where successive famines caused a peasant flight from the land resulting in a

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[60] For a review of the Statues see Slack, *Poverty and Policy*, 63-200.
[61] Lea Campos Boralevi, "Jeremy Bentham and the Relief of Poverty," in *Aspects of Poverty in Early Modern Europe*, ed. Thomas Riis (Alphen aan den Rijn: Sijthoff, 1981), I: 289.
[62] Kahraman and Pamuk, "Ottoman State Finances," 593-95.

floating lumpenproletariat swarming into city centers. The ensuing epidemics and galloping inflation, which meant increased crime, compelled European political decision makers to classify the poor as true/deserving and false/undeserving and treat the latter with punitive legislation culminating in expulsion, physical coercion, imprisonment and even the death penalty. In other words, an acute need to provide organized aid for the poor emerged out of the economic context. This in turn led to the centralization of social aid by municipal and governmental agencies, which naturally prepared the ground for the gradual secularization of charity, meaning, in turn, a transfer of clerically-controlled revenues to burgeoning secular elite groups across continental Europe.

In sum, with the transformational shifts in religious world-views, the birth of new doctrine of organized, secular and centralized charity became an adjunct of socio-economic and historical circumstances utilized to achieve certain desired ends, and not an end in itself.

Furthermore, in the European context, the organization and management of religious endowments followed a generally linear trajectory towards more centralized and fiscally efficient pattern, though with some exceptions and intervals in Catholic Europe, and often accompanied by fundamental shifts of revenue from the religious hierarchy to the more secular elites. In other words, the new secular elites who had become closer to the central ruling authorities benefited from the revenues of endowments at the expense of clergy. As will be shown later in the Ottoman case, the pattern

of change between centralization and decentralization tended to be cyclical, due to the jurisprudential differences between the Islamic *waqf* and Christian endowments. However, in both instances of centralization, the fundamental incentive was better fiscal management of ecclesiastical resources for a more efficient redistribution of wealth orchestrated by the central authorities.

Therefore, I argue that centralization of the religious endowments in any given place or time, can not be separated from three interwoven elements: the study of pragmatic shifts and evolutions in the perception of world views to respond to the most immediate and compelling economic challenges of the time; identification of the nature of the struggle over control of the direction of the flow of the revenue of religious endowments; and careful reading of major changes in the topography of the elites. Each of these three elements were in a state of continues and simultaneous flux. Centralization of religious endowments under the Ottomans exhibits similar fiscal incentives and sociological consequences to those of the Europeans. When studying the attitudes of the *ulema* class towards the Mahmudian centralizing reforms and their long-lasting impact on the institutions of the Empire, it is imperative to approach them with these three elements in mind.

II. Ottoman Centralization

As indicated earlier, the most comprehensive centralization of religious endowments was carried out during the reign of Sultan Mahmud II (r. 1808-1839), son of Sultan Abdülhamid I (r. 1774-1789) and Nakşıdil Sultan (d.

1817) and father of the two consecutive sultans that followed him, respectively Sultan Abdülmecid (r. 1839-1861) and Sultan Abdülaziz (r. 1861-1876). Mahmud II was indeed a perplexing historical figure. For some he was an infidel sultan (*Gavur Padişah*)[63] and for others he was depicted as the Saint Sultan (*Veli Padişah*).[64] A few European authors even ventured that he was a cyrpto-Christian.[65] He has often been compared or likened to Peter the Great of Russia (r. 1682-1725),[66] or to the future founder of the Republic of Turkey, Mustafa Kemal Atatürk (d. 1938).[67] His legacy, however, bears witness to his qualities as an ardent reformer,[68] an astute politician,[69] a renowned calligrapher,[70] a talented composer and poet,[71] and a pious patron of Islamic charitable causes[72]

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[63] Çelik notes that the appellation of Mahmud II as infidel can be traced in the reports of foreigners of the time but became widespread only after his death. See Yüksel Çelik, "The Axis of Order, System and Reform the Portrait of Sultan Mahmûd-ı Sânî," in *II. Mahmud: Istanbul in the Process of Being Rebuilt*, ed. Coşkun Yılmaz (İstanbul: İstanbul 2010 Avrupa Kültür Başkenti), 42-44.

[64] Şirvanlı Fatih Efendi, *Gülzâr-ı Fütûhât: Bir Görgü Tanığının Kalemiyle Yeniçeri Ocağının Kaldırılışı: (İnceleme-Tahlil-Metin),* ed. Mehmet Ali Beyhan (İstanbul: Kitabevi, 2001), XXXIX.

[65] M. Kayahan Özgül, "What Was Sultan Mahmud to Do!," in *II. Mahmud: Istanbul in the Process of Being Rebuilt*, ed. Coşkun Yılmaz (İstanbul: İstanbul 2010 Avrupa Kültür Başkenti, 2010), 195.

[66] Lewis, *The Emergence of Modern Turkey*, 103.

[67] Küçük calls Mahmud as "the prototype of Atatürk." See Cevdet Küçük, "Değerlendirme," in *Sultan II. Mahmud ve Reformlari Semineri: 28-30 Haziran 1989: Bildiriler* (İstanbul: Edebiyat Fakültesi Basımevi, 1989), 210.

[68] Many historians believe that Tanzimat reforms are often mistakenly attributed to Mustafa Reşid Pasha and it was Mahmud II who was the real mastermind of the Tanzimat even he called his reform applications as '*Tanzimat-ı Hayriye*' See Reşat Kaynar, *Mustafa Reşit Paşa ve Tanzimat* (Ankara: TTK Basımevi, 1991); Mübahat S. Kütükoğlu, Introduction to *Sultan II. Mahmud ve Reformları Semineri: 22-30 Haziran 1989: Bildiriler* (İstanbul: Edebiyat Fakültesi Basımevi, 1990), VIII.

[69] Kemal Beydilli, "II.Mahmud," in *TDV İslam Ansiklopedisi* (Ankara: TDV, 2003), 27: 352-357.

[70] He was renowned by his *Celi Sülüs* style and famous with sending his own calligraphic works to prominent statesmen containing verses from Qur'an or Prophetic sayings related to their professions. For example he sent the framed inscription of "Paradise is under the shadow of swords" (Hadith) to his commander-in-chief, and "And when ye judge between man and man, that ye judge with justice" (The Holy Qur'ān, 4: 58) to the office of *Şeyhulislam*. See M. Uğur Derman, "The Calligraphy of Sultan Mahmud II," in *II. Mahmud: Istanbul in the Process of Being Rebuilt*, ed. Coşkun Yılmaz (İstanbul: İstanbul Avrupa Kültür Başkenti, 2010), 219-237. For a few samples of Sultan Mahmud II's calligraphy, see Figure II in the Appendix.

[71] Özgül, "What Was Sultan Mahmud to Do!," 193-217.

[72] Şânî-zâde Mehmed 'Atâ'ullah Efendi, *Şânî-zâde Târîhi*, ed. Ziya Yılmazer (İstanbul: Çamlıca, 2008), 25-26.

who died of tuberculosis exacerbated by heavy drinking.[73]

After the assassination of his uncle Selim III (r. 1789-1807) before his eyes and the deposition (and subsequent execution) of his step brother Mustafa IV (r. 1807-1808) in a deadly power struggle among the court elites, Mahmud II (r. 1808-1839), the only legitimate living male member of the dynasty was thrust atop the throne under the protection of a political elite clique known as the Rusçuk Committee (Rusçuk Yaranı),[74] headed by a powerful provincial commander Alemdar Mustafa Pasha (1765-1808) also known as Bayraktar.[75]

His thirty-one year reign was one of the most turbulent periods in Ottoman history. Wars with several regional powers, incessant provincial rebellions demanding 'autonomy or anatomy,' widespread epidemics, and economic setbacks marked his rule but did not prevent him from embarking on an unprecedented reform initiative. In terms of his modernizing reforms, Mahmud's reign can be divided into two periods, beginning with his ascension to power in 1808 until 1826, which was highlighted by the Auspicious Incident (*Vak'a-i Hayriye*), which many historians consider as a milestone and clear break from the traditional Ottoman governing structure and regime.[76] Thus

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[73] Ali Akyıldız, "II. Mahmud'un Hastalığı ve Ölümü," *Türk Kültürü İncelemeleri Dergisi*, no. 4 (2001): 49-84.

[74] Rusçuk is a city located in present day Bulgaria and 'Rusçuk Yaranı' literally means the 'friends of Rusçuk' who were group of pro-*Nizam-ı Cedit* reform statesmen who took refuge behind Alemdar Mustafa Pasha after the deposition of Selim III. Namely, the group comprised of Abdullah Ramiz, Mehmed Tahsin, Mustafa Refik, Mehmed Said Galib and Mehmed Emin Behiç Efendis.

[75] Mehrdad Kia, *The Ottoman Empire*: 1500-1900 (Westport, Conn.: Greenwood Press, 2008), 103-104.

[76] Avigdor Levy, "Maḥmūd II," in *EI ²*, 6: 58-61. Aksan says, "One thing is certain: the Ottoman Empire of Süleyman the Magnificent (c. 1494–1566) died with the elimination of the last Janis-

eighteen years of preparation and consolidation were followed by thirteen years of massive reform ending with his death in 1839.

Since the analysis of all his reforms is not within the scope of this dissertation, I will now turn full attention to the issue of centralization of religious endowments, as it was the most important issue of all for the future of *ulema*, Islamic religious institutions and other governing elites in the Ottoman Empire.

Reasons for the Mahmudian Centralization

Reasons for the Sultans' need to centralize the *waqf* system were manifold, but the first and foremost reason was economic incentive. As described in the previous chapter, throughout the centuries, the Ottoman central authority granted large pieces of revenue generating state-owned *mîrî* lands to the members of the *askeri* class on condition of establishing *waqf*s to provide goods and services demanded by the public most of which would fall under government responsibility in modern times. In other words a majority of *waqf*s, in a sense, functioned as part and parcel of the Ottoman taxation system and operated as intermediary organizations under the aegis and scrutiny of the ruling authority in collecting and spending tax to be assigned to public charity.

The expansion and proliferation of religious endowments had reached

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saries in 1826." Virginia H. Aksan, *Islam-Christian Transfers of Military Technology, 1730–1918* (Mainz: Inst. f. Europ. Geschichte, 2011), under "passage 11," http://www.ieg-ego.eu/aksanv-2011-en (accessed December 15, 2012).

its natural limits at the beginning of the nineteenth century and had come to threaten the interests of the Imperial Treasury.[77] *Awqaf,* as noted above, held almost four-fifths of the arable lands of the Empire under their control and although many cash-rich individual *awqaf* held their accumulated surpluses in their coffers, they generated almost zero income for the state, as they were exempt from taxation. Öztürk notes that over time with the accumulation of *awqaf*, Istanbul as a whole had become *waqf* land.[78] With trend to centralized wage collection and direct taxation systems gaining momentum, the *waqf* institution could no longer maintain the primacy it had enjoyed in the past. The reason is simply that the government inevitably needed to collect taxes without any intermediary agent, rentier class or organization. According to one estimation, during the course of the eighteenth century at the peak of decentralization, Ottoman intermediaries[79] retained fully two-thirds of the tax revenues collected from tax farming for themselves, while only one-third reached the central treasury.[80] What is more interesting is the striking similarity between Ottoman fiscal circumstances and *ancient régime* France, where only 40 percent of the gross tax collection ended up the central

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[77] Barnes, *Religious Foundations,* 83.
[78] Nazif Öztürk, *Türk Yenileşme Tarihi Çerçevesinde Vakıf Müessesesi* (Ankara: TDV, 1995), 69.
[79] By intermediaries, I mean the provincial elites on whom the Ottoman ruling body depended on the collection of tax farming revenues and extraordinary *avarız* levies; the second or even third party local subcontractors on whom the right to farm out was legally transferred by their *ayan* patrons; Istanbul based, mostly non-Muslim bankers (*sarraf/kefil*) who loaned money for the initial down payments (*kefalet akçesi*) also guaranteed the remittance of total dues on time in return for considerable amount of cash profit; and well-connected rentier bureaucrats that orchestrated the arrangements of the tax-farm contracts.
[80] Kahraman and Pamuk, "Ottoman State Finances," 609; Murat Çizakça, *A Comparative Evolution of Business Partnerships: The Islamic World and Europe, with Specific Reference to the Ottoman Archives* (New York: E.J. Brill, 1996), 165-168; Ariel Salzmann, "An Ancien Régime Revisited: 'Privatization' and Political Economy in the Eighteenth-Century Ottoman Empire," *Politics & Society* 21, no. 4 (1993): 393-423.

coffers.[81] Barkey explains the shift from indirect to direct, and from decentralized to centralized taxation methods as a necessity brought about by the economic, social and political dynamics of the nineteenth-century.[82]

When Mahmud II ascended the throne, the Ottoman Empire was at war with Russia and Britain. While the Ottoman-Russian (1806-12 and 1828-29), the Ottoman-Iranian (1818, 1821-23) wars and the French invasion of Algeria (1830) took place on the international front, much of his three-decade reign was taken up with civil wars and dozens of rebellions in all corners of the empire. The Serbian (1813 and 1830), and second Wahhabi revolts (1813), the revolt of Ottoman Napoleon Tepedelenli Ali Pasha (1822), the Last Pharaoh Kavalalı Mehmet Ali Pasha (1831-33), the Greek rebellion (1821-30) and that of the Damascene uprising (1831) were particularly challenging and shook the empire to its foundations.[83]

As Lachmann puts it, "wars require rapid infusions of large amounts of cash"[84] enormous losses of revenue-generating territories, devastating war indemnities,[85] the outbreak of deadly cholera and plague epidemics,[86] and

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[81] John P. LeDonne, *Absolutism and Ruling Class: The Formation of the Russian Political Order, 1700-1825* (New York: Oxford University Press, 1991), 269; quoted in Kahraman and Pamuk, "Ottoman State Finances," 616. Pamuk in another article puts more emphasis on the remarkable similarities between the trajectory of the episodes of the change of the Ottoman fiscal institutions and that of the *ancien régime* France and calls for broader comparative studies. See Şevket Pamuk, "The Evolution of Financial Institutions in the Ottoman Empire, 1600-1914," *Financial History Review* 11, no. 1 (2004): 31-32.
[82] Karen Barkey, *Empire of Difference: The Ottomans in Comparative Perspective* (Cambridge; New York: Cambridge University Press, 2008), 270.
[83] For a succinct view of the wars and rebellions of the period see Virginia H. Aksan, *Ottoman Wars, 1700-1870: An Empire Besieged* (Harlow, England: Longman/Pearson, 2007), 259-305.
[84] Lachmann, "Elite Self-Interest and Economic Decline in Early Modern Europe," 362.
[85] After the 1828-29 war with Russia, Ottoman Empire was forced to sign the Treaty of Edirne which stipulated the payment of 400 million qurush (11.500.000 Hungarian ducat) war indemnity at a time the annual budget of the Ottomans was not more than half of that amount. See, Stanford J. Shaw and Ezel Kural Shaw, *History of the Ottoman Empire and Modern*

costly military reforms, almost depleted the central treasury. During Mahmudian era, the central government had to rebuild its entire fleet from scratch after a joint Russo-British-French naval squadron without a declaration of war destroyed the joint Ottoman-Egyptian navy at the battle of Navarino in 1827.[87] Economic historians estimate that, after adjusting for inflation, from the beginning of the reign of Selim III at the end of eighteenth century to the end of the Mahmudian era in 1839, central government expenditures increased by 250 to 300 percent.[88]

These monetary crises were further exacerbated by the explosion in the number of military officials, rocketing from a mere 2,000 at the turn of the century to 120,000 in the late 1830s, adding a huge additional financial burden on the budget.[89] The economic historian Yavuz Cezar notes that between the last decades of the eighteenth century to until 1841, approximately half of the Ottoman budget was allocated for military expenditure, a proportion that was notably higher than those of war times.[90] Levy further claimed that: "the military, which during Mahmud's last years was allocated about 70% of the

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Turkey (Cambridge: Cambridge University Press, 2002), 2: 32; Şerafettin Turan, "Edirne Antlaşması," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 1994), 10: 442-43

[86] For a balanced view of the perception of the plague in Ottoman religious thought and how it distressed the Ottoman maritime trade see Birsen Bulmus, "The Plague in the Ottoman Empire, 1300-1838" (PhD Thesis, Princeton University, 2008).

[87] İdris Bostan, "The Ottoman Navy in the Era of Mahmud II," in *II. Mahmud: Istanbul in the Process of Beign Rebuilt,* ed. Coşkun Yılmaz (İstanbul: İstanbul 2010 Avrupa Kültür Başkenti, 2010), 136-145.

[88] Yavuz Cezar, *Osmanlı Maliyesinde Bunalım ve Değişim Dönemi: XVIII. yy'dan Tanzimat'a Mali Tarihi* (İstanbul: Alan Yayıncılık, 1986), 244-280; Şevket Pamuk, *A Monetary History of the Ottoman Empire* (Cambridge: Cambridge University Press, 2003), 189.

[89] Stanford J. Shaw, "The Origins of Ottoman Military Reform: The Nizam-ı Cedid Army of Sultan Selim III," *The Journal of Modern History* 37, no. 3 (1965): 298-299.

[90] Cezar, *Osmanlı Maliyesinde Bunalım,* 244-280.

state's revenues, continued to be the focal point of reform."[91] There can be little doubt that in addition to costly wars and incessant rebellions, the total annihilation of the four-century old Janissary army and its replacement by brand new *Mansure* Army garnered the lion's share of the budget deficit.

In addition to huge military expenditures, a combination of negative trade, capitulations, and extravagant palace life had drained the central budget and compelled the fiscal bureaucracy to look for remedies for the severe shortage of liquid capital. In response to the challenge Sultan Mahmud resorted to an old internal borrowing method, the policy of debasement called *tağşiş-i sikke*. It is striking to note that his reign from 1808 to 1839 witnessed the most frequent and highest rates of the debasement of the currency in the entire history of Ottoman Empire, a phenomenon rightly coined by Pamuk as "the Great Debasement."[92] For example from 1808-1830, the Ottoman golden *sikke* was devalued 35 times and silver *qurush* 37 times.[93] Devaluation was particularly devastating for the salaried bureaucrats as the central government paid their wages with the silver *qurush*.[94] Pamuk and Kıvanç add that: "the exchange rate of the *qurush* against the British pound sterling declined from 18 in 1808 to 110 per pound in 1844."[95] In other words, during the Mahmudian period, the value of the silver *qurush* decreased by more than 80 percent. The ensuing rise of consumer prices by more than fivefold during

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[91] Levy, "Maḥmūd II," 60.
[92] Pamuk, *A Monetary History of the Ottoman Empire*, 188.
[93] Ali Akyıldız, *Osmanlı Finans Sisteminde Dönüm Noktası Kağıt Para ve Sosyo-Ekonomik Etkileri* (İstanbul: Eren Yayınları, 1995), 27.
[94] Mehmet Esat Sarıcaoğlu, "II.Mahmud Devri Para Politikaları," in *Türkler Ansiklopedisi* (Yeni Türkiye Yayınları, 2002), 14: 408.
[95] Kahraman and Pamuk, "Ottoman State Finances," 619-20.

his reign meant an unbearable financial burden on the public. [96]

Strikingly, researchers who study social and religious resentment towards Mahmud's reforms often fail to take this important fact into consideration, preferring instead to interpret social opposition as a clash between backward-looking reactionaries and secular, reform-minded progressives. In describing the socio-political developments of the pre-Tanzimat milieu, prolific Ottomanist Aksan notes that "simply [to] polarize the events into a confrontation between Muslim reactionaries and secular reformist is to misrepresent the history of the period altogether. First and foremost, the struggle was an economic as well as a social conflict."[97] Likewise, the portrayal of the centralization of the *awqaf* as a means to suppress and subjugate the *ulema* class is, I argue, is not only an overly simplistic and a reductionist statement, but also a misleading argument as it fails to take into account the magnitude of the economic strains that had called the very existence of the empire into question.

The fact that Mahmud II chose to merge the administration of *awqaf* with the imperial mint under the same administration was, in fact, quite indicative of his real intentions.[98] The sultan was in search of immediate sources of cash and the readily available surplus of the *awqaf* would be of obvious benefit. It should be noted that the Ottoman central administration had borrowed money from the *waqf* surplus (*zawāid-i awqāf*) in more than one

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[96] Ibid.
[97] Aksan, *Ottoman Wars, 1700-1870: An Empire Besieged*, 251.
[98] Barnes notes that Mahmud as early as 1813 succeeded to merge the Imperial mint and imperial *awqaf*. See Barnes, *Religious Foundations,* 72.

occasion prior to Mahmud's accession to power.[99] This is, I argue, one of the reasons why there was no widespread resentment of the centralization initiative among the *ulema.*

Moreover, during the sixteenth century when European polities were busy centralizing their charitable activities, at the Ottoman court a special administrative unit was launched under the leadership of the Chief Black Eunuch, Dârussaâde Ağası with a view to making management of the imperial *awqaf* system more efficient. The 'Ministry of Imperial *Awqaf*,' like the ministry of the same name established in 1826, sought to prevent abuse, corruption and embezzlement in *waqf* affairs.[100] This ministry continued to exist under different names and with the annexation of various imperial *waqf*s.[101] In other words, both as a title and as an administrative body, the ministry was not a new concept for the Ottoman public and therefore did not arouse any resentment from the *ulema* in the first instance.

Another reason why the Ottoman *ulema* did not raise their voices against the centralization of *awqaf* revenues was not because they were short sighted and unable to project its impact on the future of the *awqaf* as an institution, but rather emanated from the fact that a substantial portion of the *awqaf* then being centralized were imperial *awqaf* established by the members of the royal family, past and present. The second largest group of centralized

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[99] Ziya Karamursal notes that in 1654 and 1694 the Grandvizier, *Şeyhulislam* and *Kazasker*s gathered in Sultan Ahmed Mosque and unanimously agreed that the government borrowing from the *waqf* surplus. See Ziya Karamursal, *Osmanlı Malî Tarihi Hakkında Tetkikler* (İstanbul: Güneş Matbaası, 1940), 29-47.
[100] Barnes, *Religious Foundations*, 84.
[101] Yediyıldız, "Vakıf," 153-73.

awqaf were drawn from the state-owned *mîrî* lands originally under imperial allocation to certain notable persons (*tahsisat kabilinden*) and not from the private wealth of individual donors. From the *Sharīʿah* point of view, the latter group was categorized as *irṣadī waqf*s or *ghayri ṣaḥih*, that is, unsound *waqf*s, because the landed property of these *waqf*s originally belonged to the state in the form of *mîrî* lands.[102] The *ulema* were, of course, well aware of this ruling and, even though they were affected by the government takeover, they remained silent. Barnes points out that, "After centuries of abeyance, the right of proprietorship by the state to what were, in essence, *mîrî* lands were reasserted; and the administrators were suddenly reminded that the property under their stewardship had never been theirs."[103] Mahmud's proclaimed initial strategy was nothing less than to reclaim the surplus of revenues of (unsound) *awqaf* and as the leader of the faithful, pay out for what he deemed necessary and beneficial for the public interest (*maṣlaḥa*).[104] Such interests included the upkeep of religious buildings, the salaries of religious personnel, and other pious purposes.[105]

Öztürk presents substantial number of archival documents showing the transfer of *waqf* surpluses to various governmental departments and economic initiatives during and after the Mahmudian period.[106] From the beginning of the centralization of the *waqf* system, money was borrowed by the state sector

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[102] Ahmet Akgündüz, *İslam Hukukunda ve Osmanlı Tatbikatında Vakıf Müessesesi* (İstanbul: Osmanlı Araştırmaları Merkezi, 1996), 523-561.
[103] Barnes, *Religious Foundations*, 45.
[104] Nazif Öztürk, *Elmalılı M. Hamdi Yazır Gözüyle Vakıflar: Ahkâmu'l-Evkaf* (Ankara: TDV, 1991), 156.
[105] Lewis, *The Emergence of Modern Turkey*, 93.
[106] Öztürk, *Türk Yenileşme Tarihi Çerçevesinde Vakıf Müessesesi*, 109-144.

and this policy was pursued in the following decades in an increasing manner. Barnes notes that towards the end of Mahmud II's reign, the revenue from the *arāḍi mawqūfa*, which is the landed *waqf* properties, was relied upon as a source of income for the *Âsâkire-i Mansûre-i Muhammediye*, the new imperial troops.[107]

Another way of channelling *waqf* capital to the state sector was to force the Ministry of Imperial *Awqaf* to participate in economic ventures, even though some of them were doomed to fail.[108] A case in point was that of a spinning mill founded by *waqf* capital soon after the establishment of the ministry in 1826.[109] The mill was designed to produce yarn for the uniforms of the new army and sails for the navy. Since, however, the Ottoman government applied a system called *mîrî mubayaa*, wherein it always purchased the raw materials it needed at less than market value and did not levy a protective import tax against foreign competition, the mill was fated to operate at a substantial loss, and ultimately closed its doors.[110] The losses incurred by this disastrous venture were compensated using *waqf* money.

Another large-scale *waqf* investment was the construction of a tramway for the city of Istanbul, a joint-venture undertaken together with the municipality. Although the entire project was financed by the *Awqaf* Administration, and the Istanbul municipality made no financial contribution, decades later in 1941, the city took over all the shares of the company with a

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[107] Barnes, *Religious Foundations*, 127.
[108] Nazif Öztürk, "Batılılaşma Döneminde Vakıfların Çözülmesine Yol Açan Uygulamalar," *Vakıflar Dergisi* 23 (1994): 301.
[109] Ibid.
[110] Öztürk, *Türk Yenileşme Tarihi Çerçevesinde Vakıf Müessesesi*, 147; Murat Çizakça, *A History of Philanthropic Foundations: The Islamic World from the Seventh Century to the Present* (İstanbul: Boğaziçi University Press, 2000), 85.

symbolic payment.[111] In 1909 the total amount owed by the state to the *waqfs* reached 1,737,602 lira.[112] However, Çizakça concludes that "the central treasury practically ignored its debts to the *waqfs*, which led to a constant struggle between the *Awqaf* Treasury and the *Ministry of Finance*, a struggle which the former had obviously little chance of winning."[113]

In addition to economic motivation, similar to the European case of several hundred years before, one of the main incentives for the centralization of religious endowments was to restore sound management (*Te'sîs-i Hüsn-ü İdâre*) in *waqf* affairs and to make effective use of its enormous resources. At the beginning of Sultan Mahmud II's reign, the Ottoman Empire had an 11,844,192 square kilometer surface area in Asia, Europe and Africa.[114] As indicated in the previous chapter, the Ottomans established *waqf*s in every city that came under their rule. Consequently, the *waqf*s were scattered across remote geographical areas where a variety of languages were spoken and different currencies were in circulation. Apparently, the intention of Sultan Mahmud II was to end the prevailing anarchy of scattered *awqaf* administrations and bring them all under one single jurisdiction.

Another often-mentioned reason for instituting the Ministry of Imperial *Awqaf* was the prevention of malpractice, embezzlement and abuse.[115] Ottoman *waqf*s were charitable institutions in which huge amounts of cash and

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[111] Çizakça, *A History of Philanthropic Foundations*, 85.
[112] Nazif Öztürk, "Osmanlılarda Vakıfların Merkezi Otoriteye Bağlanması ve Sonuçları," in *Le "Waqf" Dans Le Monde Musulman Contemporain (XIXe-XXe Siècles): Fonctions Sociales, Fonctions Économiques: Actes De La Table Ronde D'Istanbul, 13-14 Novembre 1992 / Sous La Direction De Faruk Bilici Varia Turcica,: Anatoliennes,* ed. Faruk Bilici (Istanbul: Institut français d'études, 1994), 33.
[113] Çizakça, *A History of Philanthropic Foundations*, 85.
[114] Yılmaz Öztuna, *II. Sultan Mahmud* (İstanbul: Babıali Kültür Yayıncılık, 2009), 80-82.
[115] Öztürk, *Türk Yenileşme Tarihi Çerçevesinde Vakıf Müessesesi,* 69.

other material benefits were involved. Makdisi indicates that even the best of philanthropic endeavors have not always been safe from corruption in any age or place. If the *waqf* yielded far more income than it needed, "the surplus often found its way to coffers for which it was not meant."[116]

As noted earlier, the control and disposition of *awqaf* revenues was usually in the hands of administrators *(mutawallī)* and revenue collectors for the *waqf (cābī)*, who belonged to, or were appointed by, members of the *ilmiye*. Çizakça notes that: "the establishment of the *Nezaret* was legitimized on the grounds that the *awqaf* revenues were left in the hands of dubious trustees."[117] Barnes gives an example of a case of corruption and says, "the office of *mutawallī* had been sold to the highest bidder for a number of imperial foundations, each of which had its own administration. In order to counter this widespread abuse, the separate *mutawallī*ships were consolidated into one central office."[118] Another potential for embezzlement lay in the *Awqaf Mulḥaqa* when the line of descendants designated by the founder to hold the office of *mutawallī* had become extinct; the *nazır*s then awarded these offices to whomever they favored, and were conferred as a *ṣadaqa* or a gift.[119] In fact, both the well-documented cases of misappropriation of *waqf* resources in the Ottoman court registers (*sicil*) and often intimidating imperial *firman*s issued against corrupt *waqf* officials constitute a rich and promising source of

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[116] George Makdisi, *The Rise of Colleges: Institutions of Learning in Islam and the West* (Edinburgh: Edinburgh University Press, 1981), 40.
[117] Çizakça, *A History of Philanthropic Foundations*, 86.
[118] Barnes, *Religious Foundations,* 84.
[119] Mustafa Nuri Paşa, *Netâyic ül-Vukûât: Kurumlarıyla Osmanlı Tarihi*, ed. Yılmaz Kurt (Ankara: Birleşik Yayınevi, 2008), 507-08.

archival material for Ottomanists. Therefore, prevention of misappropriation of *waqf* funds, or any kind of fraud and corruption that might occur at the hands of the *mutawallī*s was the other ostensible argument used for establishing the Ministry of Imperial *Awqaf*, which then no one could possibly oppose.

In concluding this section, it would be appropriate to scrutinize the *waqf*s that fell under the purview of the ministry. For, with the massive process of bureaucratization that lasted many years, the ministry became the sole agent responsible for all *waqf* affairs throughout the empire.

After the establishment of the Ministry of Imperial *Awqaf* in its essential form in 1826, as far as their management was concerned, a new category of Ottoman *awqaf* came into being which in turn enhanced and expanded ministerial control over the *awqaf*.[120] It should be noted that this classification was unique to the Ottomans and cannot be found in classical *waqf* law books.[121] This new classification consisted of three types: *Awqaf Maẓbūṭa*, *Awqaf Mulḥaqa* and *Awqaf Mustathnā*.[122] All the *waqf*s managed by the ministry were called *Awqaf Mazbūṭa* and comprised of three sub-types. The first was the *awqaf* of the royal household (*Awqaf Salāṭīn*) whose supervision (*nazārat*) and later management (*tawliyah*) were commissioned to the newly established ministry. The second type of *Awqaf Maẓbūṭa* comprised the *waqf*s whose appointed *mutawallī*s and the line of descendants of the founder had

[120] Burhan Ersoy, ed. *Bir Medeniyetin İzdüşümü: Vakıflar* (İstanbul: Vakıflar Genel Müdürlüğü Yayınları, 2012), 38.
[121] Ibid, 38.
[122] Akgündüz, *İslam Hukukunda*, 367.

come to an end, and therefore, the ministry took over their management and supervision. The last category, that of *Awqaf Mazbūṭa*, included the *waqf*s whose appointed trustees kept their honorary titles but were paid a certain emolument by the Ministry of Imperial *Awqaf* on condition that they did not interfere with the management of the *waqf*. This meant that despite the existence of actual *mutawallī*s, the *waqf* was brought under direct ministry administration. Scholars noted that the seizure of *awqaf* by this way was against the principles of canon law.[123]

The second category of *awqaf,* known as *Awqaf Mulḥaqa*, according to the well known *waqf* law scholar, Elmalılı Hamdi, was devised by the government to expand its control over the *waqf*s that were still administered by individual *mutawallī*s appointed by the founders.[124] As a result, their trustees were not government appointees.

The third type of *awqaf*, *Awqaf Mustathnā* included those that were administered entirely by their own *mutawallīs* without the interference of the ministry. Under this category there were mainly two sub-types of *waqf*s. First, *'A'izza waqfs*, which were dedicated to the Great Sufis, such as Mawlānā Jalāl al-Dīn Rūmī, 'Abd al-Qādir Gaylāni and Hacı Bektāsh Walī. Second, *waqf*s established by pioneer war veterans (*Ghuzāt waqf*s), such as the Ghāzi Evranos Bey *Waqf* in Selanik (Thessalonica), and Ghāzi Mihal Bey in Filibe (Plovdiv).[125] In short, after its establishment, the Ministry of Imperial *Awqaf* assumed both

[123] Muḥammad al-Qubeisī, *Aḥkām al-Waqf fī al-Sharī'ah al-Islamiya* (Baghdad: Matbaa'a al-Irshad, 1977), 9; quoted in Barnes, *Religious Foundations,* 84.
[124] Öztürk, *Elmalılı M. Hamdi Yazır Gözüyle Vakıflar,* 195.
[125] Ersoy, ed., *Vakıflar*, 38-40.

the *mutawallī*ship (management) and *nezaret* (supervision) of the *Awqaf Mazbūṭa*, and the sole supervisor of the *Awqaf Mulḥaqa*.[126]

From the three categories enumerated above, it is clear that gradually the majority of *awqaf* came under the sole jurisdiction and control of the Ministry of Imperial *Awqaf.*

Centralization and Elite Elimination

In addition to the two above-mentioned 'official' reasons, I contend that the centralization initiative should be viewed as an imperial design for elite group reconfiguration in the wider sense of the word. In other words, it would be wrong to assume that the main target of the state's *awqaf* centralization policy was the *ulema* class alone. A closer look at the developmental process of the Ministry of Imperial *Awqaf* indicates that Mahmud II intended to strike at a wide cross-section of existing elite structures and to replace them with newer ones. During the thirteen year period of his rule after 1826, he gradually consolidated the management of *waqf*s controlled by various prominent elite figures, bringing them under the sole control of the ministry.

According to Ottoman tradition, when the sultans and the royal household established *waqf*s, for practical reasons they entrusted supervision of them to Grand Viziers, *Şeyhulislam*s, *Dârüssaâde ağa*s and other prominent military figures and statesmen.[127] In the long run, with the cumulative feature

[126] Öztürk, "*Evkâf-ı Hümâyun Nezâreti*," 523.
[127] Akgündüz, *İslam Hukukunda*, 359.

of the *waqf*s, these supervisors came to command of tremendous amount of movable and immovable assets and as a consequence wielded enormous political power and patronage.[128]

In fact, as early as 1809, Mahmud II had joined his *waqf*s (*Awqaf-ı Mahmudiyye*) with the *waqf*s of his father Abdülhamid I (r. 1774-1789) (*Awqaf -ı Hamidiyye*) and appointed the director of the Imperial Mint as their supervisor. However, with the addition of number of Janissary and Sekbanbaşı[129] controlled *waqfs* after the abolition of the Janissaries in 1826, it became difficult for the Imperial Mint Director to manage them all. A special vizierate was then created for the management of these *awqaf* in the same year. In 1828, all *waqfs* managed by *kapı ağaları* (palace chamberlains) and two years later in 1830 those *waqfs* under the supervision of the *bostancıbaşı* (chief Imperial Gardener), the *topçubaşı* (Chief of Artillery), the *hazinedarcıbaşı* (Superintendent of the Imperial Treasury), the *kilercibaşı* (Head of the Imperial Kitchens), the *defterdar* (Finance Director), the *reis efendi* (Chief Clerk, whose title was changed to 'Foreign Minister' in the 18thcentury) and *saray-ı cedid ağaları* (high officials of the New Palace) were taken over by the vizierate.[130] Within the first five years the number of *waqf*s taken over by the ministry totaled 632.[131] In 1831 with the imperial decree of Mahmud II, the *kadı*s of the

[128] Jane Hathaway, *Beshir Agha: Chief Eunuch of the Ottoman Imperial Harem*, Makers of the Muslim World (London: Oneworld Publications, 2005), XIII-XV.
[129] The second highest ranking officer, on the same level with the *Kul Kethüda.* During the absence of the Janissary Ağa in wartime, he acted on his behalf.
[130] Öztürk, "Evkâf-ı Hümâyun Nezâreti," 522-23.
[131] Ibid., 522.

Bilâd-ı Selâse[132] *kapudan pasha* (Chief Admiral of the Ottoman Navy), and the *çavuşbaşı* (Chief Bailiff) had to give up the privilege of supervision of their *waqf*s as their administration was assigned to the ministry. In 1832, the Ministry of Imperial *Awqaf* annexed the supervision of the *waqf*s under the control of Grand viziers.[133] In the following years, the policy of steady takeover continued with both large and small *waqf*s and in 1838 the *Awqaf -ı Ḥaramayn Nazaratı* (Ministry of *Awqaf* for the Holy Sites, Mecca and Medina) became a subdivision of the new ministry.[134] In the same year, the *waqf*s whose management belonged to the *Şeyhulislam*s were transferred to the Ministry and more importantly the Minister became a member of the cabinet.[135] It should be emphasized that Mahmud II began the take over of *awqaf* management with secular palace officials before moving on to the high ranking *ulema* class. For example, he waited for five years to end the *waqf* supervision privileges of the chief judges and twelve years for those of the *Şeyhulislam*s. This caution reflects Mahmud's typically gradual approach. He planned and executed his reforms with great care and caution, to avoid repeating the mistakes of his late uncle, Selim III.

There are a number of lessons to be gleaned from this chronological sequence of promulgations. First, until the Tanzimat of 1839, not only the

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[132] *Bilâd-ı Selâse* is an expression used by the members of *ilmiye* denoting the chief judgeship of Galata, Üsküdar and Eyüp districts. Though sometimes it is used for Istanbul, Bursa and Edirne judgeships but this usage was not common. See Mehmet İpşirli, "Bilâd-ı Selâse," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 1992), 6: 151-2.
[133] Hüseyin Hüsameddin Yaşar and İbnülemin Mahmud Kemal İnal, *Evkaf-ı Hümayun Nezaretinin Tarihçe-i Teşkilatı ve Nuzzârın Terâcim-i Ahvâli* (İstanbul: Evkaf-ı İslamiye Matbaası, 1919), 28.
[134] *Evkâf-ı Haremeyn Nezareti* was established in 1586 to oversee the enormous *waqf* assets dedicated to Mecca and Medina, and it was annexed by the Ministry in 1838.
[135] Hüseyin Hatemi, *Medeni Hukuk Tüzelkişileri* (İstanbul: İstanbul Üniversitesi Hukuk Fakültesi, 1979), 331.

members of the *ulema* class but a wide range of prominent non-*ilmiye* elites were in charge of administering huge *waqf*s, and benefiting from them in building their own patronage networks and power bases. Second, it shows that with the establishment of the ministry, not only the *ulema* but the majority of non-*ilmiye* elites were deprived of their economic base, which naturally affected their political power and influence. The establishment of a special *nezaret* for the management and supervision of *awqaf* constitute an important break in the history of the institution, as the ministry a corporate body replaced the actual *mutawallī*s and *nāzir*s who had previously administered the *waqf*s. It also signaled the end of an era. Hundreds of thousands of people who used to make a living as *mutawallī* or *nāzir* in the *waqf* sector were gradually replaced by salaried state bureaucrats. This can be seen as a prime example of how an emerging elite group was favored against the existing elite structure through the centralization of religious endowments.

The ministerial annexation of the *awqaf* of the chief black eunuchs, the *Dârüssaâde ağaları*, provides a telling example of the change in elite structures. While the castration of pre-pubescent boys to perform as male sopranos when women were still banned from church choirs had been an established practice of the Vatican for more than a half-millennium,[136] the Ottomans, like the Chinese, Romans, Byzantines, Mughals and Abbasids, followed the same inhumane elite slavery custom. After an intensive education, they employed both African (*kara ağalar*) and Caucasian (*ak ağalar*) eunuchs in the inner-most

[136] "Castrato," Wikipedia, the free encyclopedia, http://en.wikipedia.org/wiki/Castrato (accessed December 6, 2012)

part of the Ottoman *harem* and charged them with multitude of administrative tasks.[137] For some 380 years,[138] the elite eunuchs, called *Dârüssaâde ağaları* owing to their unrestricted direct accessibility and spatial proximity to the Sultans and queen mothers at the nerve center of the empire, became pivotal political figures. Ranked after the Grand Vizier and *Şeyhulislam*s in the ceremonial hierarchy,[139] especially from the last quarter of the sixteenth century onwards, the chief black eunuchs became extremely influential in elite factional antagonisms, so much so, that they even had a decisive impact on shaping the imperial foreign policy, promotion or dismissal of Grand Viziers and some of them practically outshone the Sultan himself.[140] During the incessant palace intrigues and major elite factional struggles these high-ranking eunuchs often collaborated with *valide* sultans and other ranking palace figures against rival factions. The chief *harem* eunuch was primarily responsible for overseeing the agglomeration of *waqfs* called the *Harameyn Vakıfları* clustered around the various geographical regions of the empire dedicated to the Muslim holy places Mecca, Medina and pilgrimage services.[141] Naturally, he controlled a huge cash flow and enjoyed the power that came

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[137] Ahmed Akgündüz, *İslam Hukukunda Kölelik-Câriyelik Müessesesi ve Osmanlı'da Harem* (İstanbul: Osmanlı Araştırmaları Vakfı, 2006), 275-284; Ehud R. Toledano, *Slavery and Abolition in the Ottoman Middle East* (Seattle: University of Washington Press, 1998), 41-53; Hathaway, *Beshir Agha*; İsmail Hakkı Uzunçarşılı, *Osmanlı Devletinin Saray Teşkilâtı* (Ankara: TTK Basımevi, 1988), 172-183.
[138] Ülkü Altındağ, "Dârüssaâde," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 1995), 9: 1-3.
[139] Akgündüz, *İslam Hukukunda Kölelik,* 281.
[140] Hathaway, *Beshir Agha*, 63.
[141] For a comprehensive study of the *Waqf*s for the Holy Cities see Mustafa Güler, *Osmanlı Devleti'nde Haremeyn Vakıfları (XVI-XVII. Yüzyıllar)* (İstanbul: Tarih ve Tabiat Vakfı, 2002).

with it. [142] Pamuk notes that the total number of gold coins (either Ottoman *sultani*s or Venetian *ducat*s) that were annually sent from these pious foundations to the Hejaz with the Hajj caravans (sometimes numbering close to 100,000 pilgrims) constituted one of the largest specie flows within the Ottoman Empire, stretching from Istanbul, Anatolia, and Egypt before reaching the Arabian Peninsula.[143] The chief eunuch held weekly meetings to deal with endowment issues every Wednesdays in the Topkapı palace.[144] Hathaway notes that these *waqf*s for the holy sites "united the empire in a network of financial and religious obligations" and that the chief eunuch established "a critical link between Istanbul and the provinces through his patronage of provincial clients."[145] According to Singer, when Sultan Abdülhamid I gathered his own imperial *waqf*s under separate management, he was aiming to create a counterbalance to that of the Chief Black Eunuch.[146] With the annexation of the *waqf*s under their control by the ministry in 1834, the economic and political power of the *Dârüssaâde Ağas* faded away.[147]

In order to enhance my argument, to emphasize the magnitude of the Mahmudian *waqf* reforms on the elites, and to illustrate how his reforms aimed to re-shuffle a majority of existing elite structures, I will compare his reform policies with those of Mehmed II (r. 1444-1446 and r. 1451-1481) who is

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[142] Caroline Finkel, *Osman's Dream: The Story of the Ottoman Empire, 1300-1923* (New York: Basic Books, 2006), 169.
[143] Pamuk, "The Evolution of Financial," 10.
[144] Mehmed Zeki Pakalın, *Osmanlı Tarih Deyimleri ve Terimleri Sözlüğü* (İstanbul: Millî Egitim Basımevi, 1983), 1: 402.
[145] Hathaway, *Beshir* Agha, 111.
[146] Amy Singer, *Charity in Islamic Societies* (Cambridge: Cambridge University Press, 2008), 188. For the developmental process of the Ministry of Imperial *Awqaf* Foundations see Nazif Öztürk, "Evkâf-ı Hümâyun Nezâreti," 521-524.
[147] Altındağ, "Dârüssaâde," 2.

regarded by many historians as the true founder of the classical Ottoman Empire.[148] My aim is to contrast the two reformist Sultans and draw attention to the fact that even though nearly four hundred years separated them, they both successfully combined the centralization of *awqaf* and the redesign of the elite classes in their polities.

Interesting parallels can be drawn between the reform policies of Mahmud II and Mehmed II that make it possible for us to discern the economic and political dimensions of *ulema*-state relations in the Ottoman Empire. Sultan Mehmed II codified many laws regarding the administration of the state and his *Kanunnâme*s (collection of law codes) reveals a wide range of structural innovations that had a lasting impact on Ottoman legal and social life in the centuries that followed.[149] Among his reforms, two fundamental initiatives stand out. The first was his radical decision to eliminate the powerful Turkic elite family dynasties from the ruling circles of the Palace and replace them with *kul*s/slaves graduated from the *Enderûn*. The second was the centralization of religious endowments.

Reşat Barış Ünlü notes that just before the conquest of Istanbul in 1453 there were two well-established rival factions around the Ottoman sultan.[150] The first was the peace party, comprising the bureaucrat clique headed by the Grand Vizier Çandarlı Halil Pasha (d. 1453) who believed that imperial expansion was against their vested interests, simply because a large scale

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[148] Halil İnalcık, *The Ottoman Empire: The Classical Age 1300-1600* (London: Phoenix Press, 2000), 23-34.
[149] Halil Inalcik, "Meḥemmed II," in *EI* [2], 6: 978.
[150] Reşat Barış Ünlü, "The Genealogy of a World-Empire: The Ottomans in World History" (PhD Thesis, Binghampton University, 2008), 202.

imperial state structure would require incorporation of various elements in the ruling mechanism from diverse ethnic and religious backgrounds.[151] Therefore, Çandarlı fiercely opposed the idea of waging war against the Byzantines and defended his cause by promoting the idea that maintaining a peaceful relationship with the enemy as being in the best interest of the Ottomans. However, when he realized that his arguments could not convince the belligerent young Sultan, the Ottoman Grand Vizier was said that he did not hesitate to provide military intelligence about the Mehmed II's plans and logistics to the Byzantine in the hope of foiling the siege of Constantinople.[152] The second rival faction around the Sultan was the war party, the *ghāzi* warriors who saw that the age-old dream of the conquest might increase their glory, social standing and influence in the decision making process of the palace and thus eagerly pushed for the idea of war.[153] Even though soon after the conquest Çandarlı Halil Pasha was executed, it seems he was right in his prophecy about the cosmopolitan nature of the post-conquest political structure. His elimination represented a moment of change in the history of institution of the vizierate. Colin Imber notes that while before 1453 the majority of the viziers were "freeborn men of Muslim and Turkish descent," after 1453, Turkish Muslim viziers in the Ottoman court became an exception.[154] Instead, thenceforth, with few exceptions, almost all the grand viziers were of *devşirme* origin (*kul taifesi*). In other words, beginning with

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[151] Ibid.
[152] Halil İnalcık, *Fatih Devri Üzerinde Tetkikler ve Vesikalar* (Ankara: TTK, 1954), I: 124-127.
[153] Ünlü, "The Genealogy of a World-Empire," 202.
[154] Colin Imber, *The Ottoman Empire, 1300-1650: The Structure of Power* (New York: Palgrave Macmillan, 2002), 162.

Mehmed II, the Ottoman Sultans mostly relied primarily on convert viziers who had grown up in the palace school (*Enderûn*) as opposed to those previous viziers from prominent Turkish Muslim families with strong tribal ties and extensive networks of influence. A major shift in the imperial policy of the Ottoman Court had its resentful echo in contemporary poetry as one had to be a Persian, a Jew or a Frank to find employment at his court.[155]

The second major innovation was the large-scale conversion of revenue-holding *waqf* lands into *timar*, that is, lands held in exchange for military service and their distribution to the members of the war party soldiers in the provinces. According to historian Tursun Bey, in the last decade of his rule, Mehmet II (r. 1444–46 and 1451–81) centralized over 20,000 *waqf* villages into *mîrî* (state) lands[156] in the hope of decreasing in military expenditures when periodic currency devaluations (*tağşiş-i sikke*) were unable to meet the ever-increasing costs of war.[157] This unprecedented conversion caused great discomfort, especially among the *ulema* who were directly affected. Since the *ulema*, for strategic reasons, preferred not to criticize the Sultan openly in matters of finance, they directed their anger towards his Grand Vizier Nişancı Karamânî Mehmed Pasha (r. 1476-1481) who himself was a *medrese* graduated and erudite *âlim*, a prolific historian and perceptive statesman who had pioneered many of Mehmet II's radical and innovative

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[155] Franz Babinger, *Mehmed the Conqueror and His Time* (Princeton, N.J.: Princeton University Press, 1978), 472.
[156] Tursun Beg, *The History of Mehmed the Conqueror*, ed. Halil İnalcık and Rhoads Murphey (Minneapolis: Bibliotheca Islamica, 1978), 22.
[157] On the coin debasement policy of Mehmed II see Pamuk, *A Monetary History of the Ottoman Empire*, 47-48.

reforms.[158] However, his exceptional qualifications did not save him from the wrath of his *ulema* colleagues and in his angry colleague Aşıkpaşazâde's words, "when he died, he was buried without his head on his shoulders." [159]

Besides, Atçıl points out, "by abolishing religious foundations, which were established in the pre-Ottoman period or by previous members of the Ottoman ruling elite, Mehmed II wanted to bring the appointments to all higher educational institutions under his control."[160] The rules of Islamic *waqf*, explains Atçıl, "hindered the Ottoman Sultan's and the government's ability to regulate the affairs of the professors in the higher educational institutions established in the pre-Ottoman period."[161]

When Mehmet II's two sons engaged in a struggle for the throne, the *ulema* threw their support behind Bayezid II (r. 1481-1512) who, when he was a young prince, did not carry out his father's centralization orders in Amasya province where he was then governor. As promised, Bayezid II reversed his father's *waqf* centralization process when he ascended to the Ottoman throne, and redistributed the villages that had been converted to tax farming back to

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[158] Yusuf Küçükdağ, "Karamânî Mehmed Paşa," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 2001), 24: 449-51.

[159] Outraged by the innovation, the renowned historian Aşıkpaşazâde wrote: "Wherever there are wrongs and injustice they are his [Mehmed Pasha] creation. He has abolished all *waqf*s and *mülk*s that were established in Ottoman lands according to the *Sharī'ah* of Muhammed and seized their revenues for the treasury of the Sultan. When asked, he replied 'they were not valid, [so they are now] abolished' (...) Once I went to him and asked: 'These *mülk*s and *waqf*s were established in accordance with the *Sharī'ah* of Prophet Muhammed (...) How can you abolish them?' He said: 'Why do you ask me such a question. Were any of your possessions also abolished?' (...) When he died, he was buried without his head [on his shoulders]." See Derviş Ahmet Âşıkpaşazâde, *Tevârih-i Âl-i Osman*, ed. Nihal Atsız (İstanbul: Türkiye Yayınevi, 1949), 244-45, quoted in Oktay Özel, "Limits of the Almighty: Mehmed II's 'Land Reform' Revisited," *JESHO* 42, no. 2 (1999): 226.

[160] Abdurrahman Atçıl, "The Formation of the Ottoman Learned Class and Legal Scholarship (1300-1600)" (PhD Thesis, University of Chicago, 2010), 4.

[161] Ibid.

waqf lands. It was perhaps unavoidable that Mehmed's other son, Cem Sultan (d. 1495), who shared his father's belligerent character, lost the throne to his brother who enjoyed the support of the *ulema*. The incident not only showed that Mehmed II's intended reforms failed to achieve their goals either fiscally or politically; it also revealed the limits of the sultans' power and the vulnerability of their positions in their struggle against the rival power contenders.[162] As for the *timar* regime of the Empire, it was Mahmud II who finally managed to abolish this centuries-old tradition.

Even though the *Enderûn* Palace School, as noted above, was founded by Sultan Murad II (r. 1421–44; 1446–51) in Edirne, his successor, Mehmet II established the practice of using it to educate the future administrators of the empire.[163] For centuries the *Enderûn* continued to be the main source for producing loyal imperial administrators, but the first great change in the Palace School came about during the reign of Mahmud II (r. 1808–39) when, in 1826, the Sultan abolished the Janissary Corps. After that date, the Palace School lost its previous stature and the graduates of the newly established Western-style schools irreversibly rose to prominence in the state administration.[164]

In other words, Mahmud II wanted to create a brand new elite

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[162] Özel, "Limits of the Almighty: Mehmed II's 'Land Reform' Revisited," 226.
[163] Mehmet İpşirli, "Enderun," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 1995), 11: 185-87.
[164] However, the Enderûn was not the only classical institution that Mahmud II terminated during his reign. Many other centuries-old Ottoman institutions were gradually erased from Ottoman bureaucratic life. *Timâr*, *Dîvân, Janissaries, Bektâşî Sûfî order* and *mehter* (the Janissary band) can be mentioned in this regard. For comprehensive and most up-to-date scholarship on the Mahmudian reforms, see Beydilli, "Mahmud II," 352-57.

factions[165] and intended to break not only the monopoly of religious knowledge, but also political and administrative knowledge and allow it to trickle down to the lower classes.[166] It would seem that like Mehmet II, Mahmud II himself must have had thoroughgoing plans for changing administrative personnel recruitment during his reign—a change that had an enduring impact on imperial statecraft in the subsequent decades.

Furthermore, both Mehmet II and Mahmud II displayed a powerful urge to build up a centralized imperial bureaucracy by combining *waqf* centralization with the reshuffling of the groups. Therefore when we look at the two centralization waves from the perspective of the elite, we realize that religious endowments were instrumental in achieving this end, and that both Mehmed II and Mahmud II depended on *waqf* centralization as leverage in creating new social and political elite groups. With each episode of centralization, the *ulema* were financially and politically weakened but not entirely eliminated from the political system. However, the main difference between Mehmed and Mahmud's centralization was the fact that the first one had a cyclical trajectory, since the decision was reversed by his successor, while the latter exhibited a lengthy linear trajectory due to the unprecedented historical contingencies of the nineteenth century.

Furthermore, whenever the power of the Ottoman central administration was weak, there would be a sudden increase in the area of land

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[165] Ali Şükrü Çoruk, Introduction to *Osmanlı Sarayında Gündelik Hayat: Letâif-i Vekâyi'-i Enderûniyye*, by Hâfız Hızır İlyas Ağa (İstanbul: Kitabevi, 2011), XLIX.
[166] Kemal H. Karpat, *The Politicization of Islam: Reconstructing Identity, State, Faith, and Community in the Late Ottoman State* (New York: Oxford University Press, 2001), 117-18.

held as private property or as *waqf*; when a sovereign established a strong, central authority, he would abolish private property rights and *waqfs* and re-assert state control. The period that extended from the middle of fifteenth century to the end of sixteenth century is generally regarded as a long period of centralization characterized by strong sultans and increased tax revenues.[167] The seventeenth and eighteenth centuries, especially the age of *ayan*s (1699-1812), were considered as politically decentralized when provincial notables asserted their power on the periphery of the empire.[168] Needless to say, during this period the *waqf* institution had also become prevalent. In the late eighteenth and early nineteenth centuries, the thrust toward centralization once again gained momentum in the Ottoman Empire. Thus, this cyclical pattern continued until the reforms of Mahmud II in 1826. This last Ottoman *waqf* centralization appears to be linear and its effects were far reaching, and unprecedentedly devastating for the institution, the *ulema* and other existing elite structures.

Therefore, I submit that the establishment of the Ministry of Imperial *Awqaf* by Mahmud II, did not single out the *ulema* class in particular, as has been erroneously portrayed by the standard narrative, but it dealt a fatal blow to all other long-standing elite structures whose existence was perceived as a threat to the looming new age characterized by absolutist, centralized 'state' rule as was the case in most European countries. In other words, centralization

[167] Kahraman and Pamuk, "Ottoman State Finances," 600.
[168] Bruce McGowan, "The Age of the Ayans," in *An Economic and Social History of the Ottoman Empire: 1300-1914*, ed. Halil İnalcık and Donald Quataert (Cambridge; New York: Cambridge University Press, 2004), 642-45.

was not only an economic reality for Mahmud II but it was an administrative necessity to restore his autocratic power by eliminating intermediary agents and elite rentiers, and thus increase his revenues through direct taxation.

As I argued throughout this chapter, these fiscal and administrative developments were intimately connected with European precedents, though at a much slower pace than in many leading industrial countries of the continent. Mahmud II was well aware that he was in dire need of liquid capital and well aware of the European forms of public taxation.[169]

It goes almost without saying that all these developments were stepping stones towards the emergence of a full-fledged bureaucratic state in the modern sense which aimed to construct governable bodies whom it could 'control' and 'dominate' and eventually acquire the authority and monopoly of distributing welfare assistance as happened in Europe. Furthermore, as Singer notes, "the formation of ministries of education, health and public works integrated functions previously filled by *waqf*s into the growing bureaucracy."[170] This points to a similar pattern in institutional change between European and Ottoman concern for poor relief, though with considerable time difference. A significant common denominator of the majority of the studies of *waqf* reform, as well as those looking at the entire modernization effort in general, is their disregard for the fact that the Ottoman Empire had been part and parcel of the European political mosaic for centuries, and there already existed a reciprocal relationship between

[169] Barkey, *Empire of Difference*, 274.
[170] Singer, *Charity*, 197.

Ottomans and Europeans. This point should not be overlooked when examining other aspects of the Ottoman reformation.

The modern nation-state totally changed the traditional role of the state (*dawla*), of the ruler and of men of law, as well as perceptions of governance, legislation, authority, justice, violence, welfare and philanthropy. Hallaq mentions that the traditional ruler, for instance, "considered himself subject to the law and left the judicial and legislative functions and authority to the legal profession. The modern nation-state reversed this principle, thereby assuming the authority to dictate what the law is or is not."[171] Hoexter notes that "the *waqf* was particularly well-suited to the requirements of a patrimonial, premodern system of government."[172] Therefore, with the rise of the concept of nation state, the old elite mechanisms and their related institutions became obsolete. The modern and bureaucratic state apparatus replaced the *waqf* institution as a provider of regular salaries and of social security.

In other words, a paradigm shift took place in the nature of charity, from the personal beneficence of the imperial rulers to the impersonal and bureaucratic form of philanthropy of the welfare state.[173] This was an unprecedented development in history. Perhaps, it would not be an exaggeration to say that with its own sacrosanct governing regulations,

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[171] Wael B. Hallaq, "Juristic Authority vs. State Power: The Legal Crises of Modern Islam," *Journal of Law and Religion* 19, no. 2 (2003): 254.
[172] Miriam Hoexter, "The Idea of Charity: A Case Study in Continuity and Flexibility of an Islamic Institution," in *Wissenschaftskolleg Jahrbuch 1985/86 (Institute for Advanced Study Zu Berlin)* (Berlin), 187-88.
[173] Singer, *Charity,* 214.

colossal financial capacity, throngs of employees and their close connections with power bases such as the *ulema* who from time to time made common cause with mutinous military factions, the quasi-state *waqf* institution was thenceforth conceived as a rival threat to the imperial objectives of 1826, which pointed toward the construction of strong statecraft and governable bodies in the Foucauldian sense.[174] Çizakça notes that with these changes occurred in its nature, "modern Ottoman state was now above all these groups and institutions and did not hesitate to eliminate them if it suited its purpose."[175]

The question that remains unanswered is this: to what extent were the *ulema* of Selim III and Mahmud II aware of these fiscal and doctrinal shifts in political systems of Europe? More specifically were they aware of the implications of the centralization of religious endowments for their future? Did they support or oppose the *waqf* reform in particular and other modernizing reforms in general? Were they, as Heyd and others claim, short-sighted and was their support not ultimately self-defeating?

Before embarking on the analysis of the *ulema* response to the modernizing reforms, it will be useful to discuss briefly the impact of *waqf* centralization both on the *ulema* and the institutions of Islam to justify the weight given to the topic throughout this dissertation.

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[174] Hilmi Erdogan Yayla, "Operating Regimes of Truth: Accounting and Accountability Change in Sultan Suleyman Waqf of the Ottoman Empire (the 1826 Experience)," *Accounting History* 16, no. 1 (2011): 5-34.
[175] Çizakça, *A History of Philanthropic Foundations*, 75.

Outcomes of Centralization

Çizakça notes that the establishment of the Ministry of Imperial *Awqaf* "allowed the central government to extensively interfere in the *waqf* affairs."[176] Hundreds of additional bureaucrats had to be employed by the ministry at the expense of *waqfs* for which no resources had been endowed.[177] This was because *waqf* founders either appointed managers to their own *waqf*s, or the old existing *waqf*s already had their *mutawallī*s and *nāzir*s and therefore the establishment of a central apparatus meant a duplication of expenses and extra cost for *waqf* budgets. This meant the squandering of *waqf* resources to pay the salaries of a bureaucratic army.[178] Within the first decade of its establishment, it turned out that "the ministry existed to serve itself and its officials, but contributed little to the *waqf*s themselves."[179]

Furthermore, with the government appropriation of *waqf* management, a more serious problem had emerged. Contrary to what centralization was thought to produce the reality emerged of greater risk of embezzlement and corruption; the salaried bureaucrats charged with the collection of *waqf* incomes kept the funds for themselves, and starved the religious endowments of funds for their upkeep.[180] Çizakça notes that "it must be recognized that the harm an individual trustee may inflict upon a *waqf* pales beside what a corrupt high-level official can do to the entire centralized system." [181]

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[176] Ibid., 85.
[177] Öztürk, "Osmanlılarda Vakıfların Merkezi Otoriteye Bağlanması ve Sonuçları," 32.
[178] Öztürk, *Elmalılı M. Hamdi Yazır Gözüyle Vakıflar,* 35.
[179] Singer, *Charity,* 191.
[180] Çizakça, *A History of Philanthropic Foundations*, 83.
[181] Ibid., 86.

More appallingly, Seyyid Mustafa Nuri Pasha (1824-1890), who himself was one of the ministers of the Ministry of Imperial *Awqaf* during the Tanzimat era described the government takeover of *awqaf* revenue as the "fleecing of Islam by the state."[182] He further lamented that, "all mankind has witnessed the destruction of the pious works that are religious and charitable foundations... the Ministry of *Awqaf,* which should have been the protector of the *awqaf,* became their destroyer."[183]

Even some European observers of the nineteenth century noticed the general impoverishment of the religious buildings, *medreses* and thought that the Ministry was responsible for their decline. One of the most striking indictments of the government's takeover of *waqf* income came from the pen of the English writer Charles MacFarlane:

> I can speak confidently to the fact that a considerable number of these works (i.e., mosques, bridges, fountains, inns, *tekkes*, and the like), which are destroyed and useless now were in a tolerable good state of repair no farther back than the year 1820. But the reformers, who are uprooting religion, and a respect for it in every direction, have utterly destroyed the security which the mosque, and the mosque alone, could give to any landed property; they have destroyed the independence of the Turkish Church –if I may so call it; they have laid their greedy hands on nearly all the *awqaf* of the empire, and are undertaking to provide out of the common state treasury, for the subsistence of the *Ulama*, *Mollas* and college or *medrese* students, to keep up the mosques and the *medreses*, to repair the bridges, khans, etc., and to do, governmentally, that which the administrators of the *awqaf* had done or ought to have done. Hence, with very few exceptions, we see the heads of the mosques and the *medreses* in abject poverty, the rabble of (religious) students in rags, the most beautiful of the temples and the minarets shamefully neglected and hurrying into decay, the bridges, fountains, and khans in the state I describe. It is notorious that since the *Awqaf* have been

[182] Mustafa Nuri Paşa, *Netâyicü'l-Vukū'ât,* 508.
[183] Ibid.

> administered by the government nothing has been done to maintain the works of public utility.[184]

In his seminal article, Hallaq succinctly elucidates the overall impact of the *waqf* reform on the *ulema* in particular and Islamic legal thought in general. Hallaq finds that "The ruin of the *madrasa* was the ruin of Islamic law, for its compass of activities epitomized all that had made Islamic law what it was."[185] He further notes that,

> The demise of the *Sharīʿah* was assured by the strategy of 'demolish and replace,' the weakening and final collapse of educational *waqfs*, the *madrasa*, positive Islamic law and the *Sharīʿah* court was collaterally, diachronically and causally conjoined with the introduction of state finance, Western-style law schools, European codes and a European court system, ...among other things, codification precluded the traditional means of the law from ever coming into play... and ...the call to restore the *Sharīʿah* is in effect an appeal to a counter-revolution.[186]

In the light of this categorical statement, it becomes clear that with Mahmud II's *waqf* reform, the *ulema* and religious institutions suffered a sharp loss in their material possessions, which eventually impaired their influence and power.[187]

Having explored the multifaceted complexities of the centralization of the *awqaf* institution in its historical, religious and temporal contexts, I will in the following chapter analyze the attitudes of the *ulema* of Istanbul towards

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[184] Charles MacFarlane, *Turkey and Its Destiny: The Result of Journeys Made in 1847 and 1848 to Examine into the State of That Country* (Philadelphia: Lea and Blanchard, 1850), 1: 237-38.
[185] Wael B. Hallaq, "Can the *Sharīʿah* Be Restored?" in *Islamic Law and Challenges of Modernity,* eds. Yvonne Y. Haddad and Barbara F. Stowasser (Walnut Creek, CA: Altamira Press, 2004), 24.
[186] Wael B. Hallaq, "Juristic Authority vs. State Power: The Legal Crises of Modern Islam," *Journal of Law and Religion* 19, no. 2 (2004): 243-258.
[187] Mehmet İpşirli, "II. Mahmud Döneminde Vakıfların İdaresi," in *Sultan II. Mahmud ve Reformları Semineri: 28-30 Haziran 1989: Bildiriler* (İstanbul: İstanbul Üniversitesi Edebiyat Fakültesi Basımevi, 1990), 49-57.

the modernizing reforms of the Sultan Selim III and Mahmud II from a distinct perspective and challenge the existing standard narrative of current Ottoman historiography.

Chapter 4

REFORMS, ELITE CONFLICTS and HISTORICAL CONTINGENCY

Early in the dissertation it was pointed out that the reaction of the *ulema* to the pre-Tanzimat modernizing reforms (1789-1839) has always been a contentious topic in Ottoman historiography.[1] In studying the attitudes of the *ulema*, researchers have adopted differing approaches. While some studies portrayed them as a major reactionary force that resisted European innovations though with individual exceptions and criticized them for their oppositional stance, others--*laudatores temporis acti*--going to the opposite extreme, noted that the Ottoman *ulema* not only provided unconditional support for and legitimized the reform initiatives, but also took the lead and personally hailed many of the central authority's westernizing policies. A third approach, as proposed in particular by Uriel Heyd, views the *ulema* not as a monolithic structure and notes that there existed a vertical dichotomy among the *ulema* corps. While the high ranks with some exceptions and for a variety of personal reasons supported the reforms, the lower ranking *ulema* and the so called mob of undisciplined *softa*s, *medrese* students and dervishes adamantly and sometimes "with extreme violence" rejected them.[2] The latter approach is the prevailing view in current Ottoman historiography. In this chapter I

[1] See the literature review, 18-38.
[2] Uriel Heyd, "The Ottoman 'Ulemā and Westernization in the Time of Selīm III and Mahmūd II," in *The Modern Middle East: A Reader*, eds. Albert Habib Hourani, Philip S. Khoury and Mary C Wilson (Berkeley: University of California Press, 1993), 33-36.

intend to challenge this tranquilly accepted view, which I view as mistaken.

I. Heyd and Dichotomy Model

In his seminal article Uriel Heyd[3] examines from a variety of perspectives the attitudes and reactions of the Ottoman *ulema* towards the reforms of Sultans Selim III (r. 1789-1807) and Mahmud II (r. 1808-1839).[4] Indeed, his article has been one of the most referenced works in Ottoman *ulema* studies in the last five decades by the advocates and the critics of the *ulema* both in Turkey and in the West.[5] His unsurpassed contribution to the field helped debunk many of the entrenched, ideology-driven, and one-dimensional generalizations produced by the proponents of Turkish official historiography (*resmi tarih*). One such generalization, made by several Orientalist scholars, depicted the majority of the Ottoman *ulema* as religious fanatics who impeded the reform attempts of Sultan Selim and Mahmud and

[3] He was born in Cologne in 1913 and studied law and economics in various German Universities. In 1934 immigrated to Palestine where studied Arabic literature, Islamic history and culture. After studying two more years at Istanbul University, he joined the Middle East Department of the Jewish Agency for Palestine in 1946 and was transferred to its London office where he completed his PhD on famous Turkish poet Ziya Gökalp for the Hebrew University. Heyd died at the early age of fifty-five in Jerusalem in 1968. For more on his life and scholarly works see: Aharon Layish, "Uriel Heyd's Contribution to the Study of the Legal, Religious, and Political History of the Ottoman Empire and Modern Turkey," *Bulletin (British Society for Middle Eastern Studies)* 9, no. 1 (1982): 35-54; Ferhat Koca, "As an Historian of Turkish Law and Culture Uriel Heyd: His Life, Works and His Views," *İslam Hukuku Araştırmaları Dergisi* 4, (2004): 117-126.
[4] Heyd, "The Ottoman 'Ulemā and Westernization," 29-59.
[5] Seyfettin Erşahin, "Westernization, Mahmud II, and the Islamic Virtue Tradition," *American Journal of Islamic Social Sciences* 23, no. 2 (2006): 40-42; Richard L. Chambers, "The Ottoman Ulema and the Tanzimat," in *Scholars, Saints, and Sufis: Muslim Religious Institutions in the Middle East since 1500*, ed. Nikki R. Keddie (Berkeley: University of California Press, 1972), 33-46; Fatih M. Şeker, *Modernleşme Devrinde İlmiye* (İstanbul: Dergah Yayınları, 2011), 89-101; Bedri Gencer, *İslam'da Modernleşme 1839-1939* (İstanbul: Lotus Yayınevi, 2008), 318-372; Caroline Finkel, *Osman's Dream: The Story of the Ottoman Empire, 1300-1923* (New York: Basic Books, 2006), 432-34.

thus caused considerable damage to the regeneration of the empire.[6]

Dissatisfied with what he read, Heyd travelled to Istanbul, stayed with a Turkish family, mastered Ottoman epigraphy and the Turkish language and spent months reading with great enthusiasm the first-hand accounts contained in the Ottoman sources.[7]

Upon his return to Israel and emulating the ancient tradition of the Ottoman *ulema*, Heyd assumed both academic and governmental responsibilities.[8] He joined the Hebrew University and while graduating dozens of erudite students who became the leading figures in their respected fields, he produced voluminous works on a wide range of Turkish-Ottoman legal studies, many of which are still considered classic in the field.[9]

His above-mentioned article on the Ottoman *ulema*, published in 1961, consisted of two main sections and a conclusion. His major contribution to the field comes in the first section where he invalidated the steorotype of so-called *ulema* obstructionism against reform.[10] Under 'The Attitudes of the *Ulema*' section and after having justified the relevancy of the topic both for Ottoman studies and in understanding the stance taken by the *ulema* toward the reforms in general, he then listed the names of cooperative *ulema* who

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[6] Karal, *Osmanlı Tarihi,* 10; Kayra and Üyepazarcı, *İkinci Mahmut'un İstanbul'u*, 11; Tunaya, *Türkiyenin Siyasî Hayatında,* 53-54.
[7] His mentor was his host, a local and well-informed *imam* who sat with Heyd every day and tutored him in deciphering the Ottoman manuscripts while sipping his daily dose of raki. See: Layish, "Uriel Heyd's Contribution", 35.
[8] From 1948 to 1950 Heyd worked as a diplomat at the Israeli embassy in Washington and Legislation in Ankara. Ibid., 36.
[9] Mehmet İpşirli, "Osmanlı'da İlmiyeye Dair Çalışmalar Üzerine Gözlemler," in *Dünden Bugüne Osmanlı Araştırmaları: Tesbitler, Problemler, Teklifler*, ed. Ali Akyıldız, Ş.Tufan Buzpınar, and Mustafa Sinanoğlu (İstanbul: İsam Yayınları, 2007), 270.
[10] Uriel Heyd, "The Ottoman 'Ulemā and Westernization," 29-33.

gave their support to the reform endeavors of the Selimian and Mahmudian periods. One of Heyd's examples was that of Tatarcık Abdullah (d. 1797) who in his memorandum (*layiha*) ardently defended the adoption of Western military science and drill, the systematic translation of European technical works into Ottoman Turkish and the employment of foreign instructors and experts. In addition to Tatarcık, Heyd gives a detailed summary of the *layiha* of Keçecizade İzzet Molla (1786-1829) whose statesmanlike suggestions appear as if they came from a high level bureaucrat of an industrialized nation.[11] Keçecizade proposed fixed salaries for all officials, pointed out the import-export imbalances of the empire, and encouraged Muslim participation in trade and commerce. To this latter end, he appealed for a fundamental change in Muslim attitudes toward profit and accumulation of wealth for investment. Going even further, he advised the government to take the necessary precautions to facilitate economic ventures and investments by lowering tax rates for three years, supporting local production, discouraging imports by various means and restricting the plunder of wealth, particularly by those who built luxurious seaside villas and extravagant mansions. Heyd acknowledges the magnitude of the ideas coming from a high-ranking *alim* a full decade before the promulgation of the Tanzimat.

Furthermore, Heyd enumerates a number of reform endeavors legitimized and/or initiated by *Şeyhulislams* and other high-rank *ulema*. Among these endeavors were: the printing press, the use of Western bayonets, (even though these both occurred earlier than Heyd's period of study), the

[11] Ibid.

establishment of preventive measures against plague including a quarantine station near Istanbul in 1838, dispelling possible public suspicion about the general census, and the inauguration of the first official Turkish newspaper *Takvim-i Vekayi* in 1831. These *ulema* were 'high-ranking' and mostly employed in the state service.

Under the heading "Opposition to Reforms," Heyd describes what was primarily *softa* (*suhte*) antagonism, the so-called horde of *medrese* students, which he labels as low-ranking *ulema* who violently rejected the reform programs in public demonstrations.[12] In the final part of his first section, "The Ideology of Reforms," Heyd sheds light on the mindset and arguments of the pro-reform *ulema* and demonstrates how they used Qur'anic verses and the traditions of the Prophet to legitimize the wholesale importation of Western innovations in order to convince the public and prevent possible social upheaval.

In the second section of the article "Reasons for *Ulema* Support of Reform," Heyd mentions six fundamental reasons for *ulema* support of the reforms. These reasons were "Decline of Power," "Hostility to Janissaries and Bektashis," "Connections with the Court," "*Ulema* in Government," "Raison d'état," and "Islamic Character of the State."[13]

In his conclusion, Heyd asserts that the *ulema* who supported the reforms of Selim and Mahmud "were not farsighted enough to realize that the Westernizing reforms supported by them would eventually destroy the Islamic

[12] Ibid., 29-36.
[13] Ibid., 39-53.

character of the Ottoman State and society." This lack of perspicacity, he says,

> [W]as no doubt due to their unbounded confidence in the superiority and eternal strength of their religion and, at the same time, to their limited knowledge and understanding of historical developments in the West. Even those among them who were aware of the decline of religion and power of the clergy in contemporary Europe failed to draw the logical conclusion that modernization might lead to a similar result in the lands of Islam.[14]

Moreover, throughout his article, Heyd uses a term of his own coinage, the lower *ulema* or low-rank *ulema*, more than eight times to explain social opposition to the reform initiatives of Sultans Selim III and Mahmud II. In Heyd's understanding, therefore, there existed what I define as a 'vertical dichotomy' among the *ulema* class in their attitudes towards the modernizing reforms.

Heyd invented the term lower *ulema* in 1961 and ten years later he also wrote: "many prominent *ulema* backed the government for various reasons, even in its westernizing reforms; they thereby deepened the traditional gulf between the *ulema* leaders and the more fanatical *ulema* of lower rank, the *softa*s or *medrese*-students, and dervishes, who maintained their reactionary influence over the masses."[15]

Since then the high-low dichotomy has become such standard usage that it has come to be viewed as common sense in Ottoman historiography. Even though there are other problematic aspects in Heyd's article that need to

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[14] Ibid., 54-55.
[15] Uriel Heyd, "The Later Ottoman Empire in Rumelia and Anatolia," in *The Central Islamic Lands From Pre-Islamic Times to the First World War,* eds. P.M Holt, Ann K. S. Lambton, and Bernard Lewis, vol. 1 of *The Cambridge History of Islam,* (Cambridge: Cambridge University Press, 1970), 364-65.

be addressed, such as his tendency to use presentism with modern concepts such as liberalism, secularism and proletarian in a non-modern context, I would like to question the accuracy of the term 'lower *ulema*' and its widespread usage in the Ottoman context, since it is particularly relevant to my argument in this chapter. The issue of dichotomy has not been adequately addressed in the historiography thus far; I believe that the term 'low- rank *ulema*,' and more precisely Heyd's usage, is a problematic appellation because it eventually leads us to confusing conclusions.

That said, however, it must be stated that the problem arises in part from the definition[16] of the term *ulema* itself: an ambiguous, ill-defined and imprecise term. As I indicated at the beginning of the first chapter, it is generic rather than specific. There is no precise syllabus that qualifies a person as an *ʿālim*. Although there is no precise answer to the question who is an *alim/ulema*?, there is certainly a clear answer regarding who is not. At least in the Ottoman context, a wide range of professionals attached to the *ilmiye* class working in one of the religious or educational institutions, were not considered to be *alim* or *ulema*. Stated differently, the problem in Heyd's article stems partly from the use of the terms *ulema* and *ilmiye* interchangeably and treating them as if they were synonymous. This issue needs further elaboration.

There would be very few who would argue against the fact that there is a natural hierarchy in the world of learning. Titles are assigned to those who possess differing levels of knowledge and its application. It is true that there

[16] See chapter one, 39-41.

were, as Heyd rightly describes, high *ulema*, known as *kibar-ı ulema* or *ulema-i izam efendiler*, such as *şeyhulislam*s, *kazasker*s, and high-level *mevleviyet kadı*s. However, we cannot associate the word *ulema* with a *medrese* novice, *suhte/softa*, or even an *imam* or *müezzin* simply because the Ottomans never labeled them as low *ulema*, nor even used the term *ulema* with reference to them. Not even today, anywhere in the contemporary Muslim world are *medrese* students and *imam*s considered to be *ulema*, even though there might be some renowned *ulema* who serve as *imams* in larger mosques.

In the well-established Ottoman *ilmiye* tradition, the process of becoming *alim/ulema* was more significant than the title. The title was the result of years of training and service. When a boy graduated from a *sibyan mektebi*,[17] he would enroll in a *medrese* and accept the duties of a *çömez* or fag and as such he would serve the students (meal preparations and cleaning) in return for board. Later he would become a *suhte* or *softa*, which means in Persian one who is burned with the love of knowledge.[18] The initial training followed introductory courses (*mebāni ulūm*) and a successful *suhte* later obtained a certificate called *temessük*. After years of study he would be transferred to the *Sahn medrese* and becomes a *danişmend* (intern or graduate student) and be allowed to have his own room in a *medrese* complex. As he increased his knowledge, and to gain experience, he would begin teaching the

[17] *Sıbyan Mektepleri*: Also called *mahalle mektebi* (local area school) or *küttâb* in previous Muslim states, these schools catered to children of the ages five or older. Financed and operated by a foundation (*waqf*), these primary schools were generally located within the *külliye* (mosque complex). The teachers were selected from among those with *medrese* education or among the *imam*s of a mosque. See Cahit Baltacı, *XV-XVI. Asırlarda Osmanlı Medreseleri: Teşkilât: Tarih* (İstanbul: Marmara Üniversitesi İlahiyat Fakültesi Vakfı Yayınları, 2005), 1: 76-80.
[18] However, since the nineteenth century and even in modern Turkish it means a bigoted person. See Mustafa Alkan, "Softa," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 2009), 37: 342.

younger *suhtes* eventually first becoming a *muzāf* (deputy *muid* who was selected among the best of the *medrese* students) and then a *muid*, a deputy *müderris.*[19] In time he would receive an *icazet* (diploma or certificate) from his master and thus be qualified in theory to teach certain subjects of Islamic studies but he would not yet be considered as a full-fledged *müderris* or *alim.* With his certificate, as a *mülazım*, he would inscribe his name in the special *ulema* ledgers and wait his turn to finally be appointed as a *müderris* or *kadı.* This process was the result of a 12-15 year period of education and service.[20]

The point of the above is to demonstrate that the most significant part of the Ottoman education system was the teacher (*müderris*) and not the *medrese*[21] whose *raison d'etre* as an institution was, since the time of the Mehmed II, to produce loyal and able (*sadık bende*) state employees.[22] Research shows that from the 1470's onwards, the majority of Ottoman *ulema* (approximately two-thirds) preferred better-paid judicial posts to teaching positions in a *medrese.*[23] In other words, the Ottoman philosophy of recruitment was based on interpersonal relationships, which compelled each student first to succeed in his course of study and then to secure a personal endorsement and suretyship (*kefalet*) from his master as a passport to a better paid job in a religious, educational, legal or bureaucratic position. Therefore, a

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[19] *Muid* can be selected among the advanced students but a *müderris* who is waiting for his appointment can also be *muid*. See: Sami Es-Sakkar, "Muîd," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 2006), 31: 86-87.
[20] Mehmet İpşirli, "Mülazemet," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 2006), 31: 537-38.
[21] Gábor Ágoston, "Ulema," in *Encyclopedia of the Ottoman Empire*, ed. Gábor Ágoston and Bruce Alan Masters (New York, NY: Facts On File, 2009), 577.
[22] Ahmet Yaşar Ocak, "XV-XVI. Yüzyıllarda Osmanlı Resmî Dinî İdeolojisi ve Buna Muhalefet Problemi" *İslami Araştırmalar Dergisi* IV, no. 3 (1990): 192.
[23] Fahri Unan, "Osmanlı Resmi Düşüncesinin İlmiye Tariki İçindeki Etkileri: Patronaj İlişkileri," *Türk Yurdu* XI, no. 45 (1991): 7.

student who intended to seek a career in the *ilmiye* had to be under the close surveillance and protection of a respected scholar (*himaye*). As a result, the *suhte* had to devote himself to his master's service for years (*kapılanmak*) and prove that he had good manners and when bestowed with a remunerative job, and to show his gratitude (*minnet*) by pursuing and protecting his master's interests.[24] This was truly a mutually beneficial arrangement for all three parties: while the central government was able to recruit loyal and energetic employees whose credentials were guaranteed by reliable scholars, a young and promising student could find an opportunity for upward social mobility, while those who sought to further their influence in political affairs could rely on their former students in certain key positions attached to them with bonds of affection and prepared to advance the interests of their former masters. It was very unlikely, if not impossible, for a *softa* to get a government job without a personal recommendation (*tavassut*) from his *müderris* to an influential statesman.[25] A student whose background was unknown (*ne idüğü belirsiz*) had little chance of obtaining a proper job in government service. The Ottoman Sultans not only fully controlled the religious institutions, but they managed to assert their absolute authority over the *ulema* class as a whole.[26] Therefore, as long as a *softa* did not fail in his studies, disrespect his master or rebel against the central authority, there was little obstacle to prevent him from reaching the highest echelons of an *ilmiye* career or even become a

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[24] Ibid., 8.
[25] Şerif Mardin, *Türkiye'de Toplum ve Siyaset, Makaleler* (İstanbul: İletişim Yayınları, 1990), 184.
[26] M.Tayyib Gökbilgin, "Ulema," in *İslam Ansiklopedisi* (İstanbul: Milli Eğitim Bakanlığı Yayınları, 1986), 13: 24.

Şeyhulislam.[27] Furthermore, it should be noted that the Ottoman central authority had for some time employed the death penalty (*siyaseten katl*) for rebellious *softa*s.[28] The point here is that in this highly structured system of patronage, only a person who had nothing to lose would risk becoming an outcast from the system and participate *softa* uprising. This subject, I argue, requires more in-depth empirical studies on the *medrese* populations through *waqf* accounting registers and ledgers before any generalized conclusions can be drawn.

Furthermore, it is true that historically some Ottoman *medrese*s were known as breeding grounds for *softa*s who had displayed non-political and unruly behavior (*suhte kıyamı*) since the middle of the sixteenth century.[29] Both Dursun and Akdağ mention that there were groups of bandits who roamed from place to place disguised as *suhte*s, robbing and killing people, sacking villages, raiding court sessions and humiliating judges in various regions; more interestingly, they sometimes were even backed by the local *kadı*s and provincial notables as a reaction to the central bureaucracy (*kul bürokrasisi*).[30] The territorial losses suffered by the empire, followed by an influx of forced migrants, sharp population increases, wars and famines, however transformed some *medrese*s into safe havens for vagrants and unemployed seasonal soldiers who were seeking a free meal and shelter for an

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[27] Unan, "Osmanlı Resmi Düşüncesinin İlmiye Tariki İçindeki Etkileri: Patronaj İlişkileri," 9.
[28] Davut Dursun, *Yönetim-Din İlişkileri Açısından Osmanlı Devletinde Siyaset ve Din* (İstanbul: İşaret, 1989), 341.
[29] Mustafa Akdağ, "Medreseli İsyanları," *İktisat Fakültesi Mecmuası* 11, no.1-4 (1949-50): 361; Dursun, *Yönetim-Din İlişkileri,* 340-42.
[30] Dursun, *Yönetim-Din İlişkileri,* 249-51; Akdağ, "Medreseli İsyanları," 364-65.

open-ended period.[31] In fact, Heyd's description of a number of *medrese* students as "no longer young and unmarried" corroborates the nature of the problem.[32] Therefore, great caution should be exercised in describing *suhte*s, many of whom were teenage *medrese* students, before speaking of them as *ulema*. To do so would be inherently contradictory within the sociological and linguistic implications of the term itself. To further illustrate, the following analogy might be useful. In today's world, undergraduate and graduate students as well as tenured faculty members who are well versed in their respective fields are all considered part of the academic community. If one were to compare *medrese* to university as Fleischer does,[33] describing *suhte*s as low rank *ulema* it would seem as bizarre and inaccurate as calling undergraduates low-rank scholars.

Levy notes that in order to raise the educational standards of the officers of his new army, Sultan Mahmud II recruited many *imam*s, hoping for their assistance in teaching soldiers to read and write.[34] However, Mahmud was dismayed to find out that most of the employed *imams* were themselves illiterate or semi-literate. This alone demonstrates that not only the *medrese* students, but also the *imam*s were far from being considered as *ulema*. It also shows that the *imamet* profession as a profession was not, as had always been the case, a sought-after career choice for the better educated among the *ulema*.

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[31] Niyazi Berkes, *The Development of Secularism in Turkey* (Montreal: McGill University Press, 1964), 142; Chambers, "The Ottoman Ulema and the Tanzimat," 37.
[32] Heyd, "The Ottoman 'Ulemā and Westernization," 35.
[33] Cornell H. Fleisher, *Bureaucrat and Intellectual in the Ottoman Empire: The Historian Mustafa Âli (1541-1600)* (Princeton, N.J.:Princeton University Press, 1986), 6.
[34] Avigdor Levy, "Military Reforms and the Ulema in the Reign of Mahmud II," in *II. Mahmud: Istanbul in the Process of Being Rebuilt,* ed. Coşkun Yılmaz (İstanbul: İstanbul Avrupa Kültür Başkenti, 2010), 160.

A prolific scholar of the early modern Ottoman period, Beydilli notes that the ignorance of *imams* was one of the most hotly debated issues during the Selimian and Mahmudian periods, and that in the Ottoman Empire in general *imam*s were not considered as *ulema*, but treated as part of the *ilmiye* class.[35]

The profession of *imamet*, that is the quality of holding the position of *imam* in a mosque in the Ottoman Empire, was often considered a hereditary job and passed from father to son. A basic knowledge of *fiqh* (*ilmihal bilgisi*) and good manners were sufficient to secure an appointment.[36] Uzunçarşılı notes that in the seventeenth century, the appointment of *imam*s was finalized after listening to their recitation of the Qur'an in the presence of the Grand Vizier.[37] Even though the *imam*s benefited from the privileges of the *ilmiye* class, İnalcık has shown that they were appointed by royal decree and at the end of their work contract they lost their *askeri* status and tax exemptions.[38] However, the *imams* of the large and centrally located mosques were often selected from among the members of the *ulema* who combined *imamet* with *hitabet*, that is, leading prayers and public preaching. Exceptionally, they were considered as *ulema*, in part because they were better equipped with Islamic knowledge and more importantly because they controlled the pulpits, which were an important governmental propaganda tool to disseminate information before

[35] Kemal Beydilli, *Osmanlı Döneminde İmamlar ve Bir İmamın Günlüğü* (İstanbul: Tarih ve Tabiat Vakfı, 2001), 23.
[36] Ibid., 21.
[37] İsmail Hakkı Uzunçarşılı, *Osmanlı Devletinin İlmiye Teşkilâtı* (Ankara: TTK Basımevi, 1988), 185.
[38] Halil İnalcık, *Osmanlı İmaparatorluğu: Toplum ve Ekonomi* (İstanbul: Eren Yayıncılık, 1993), 50-51.

the existence of newspapers.[39] Beydilli further notes that the administrative duties of *imams* went far beyond that of those in religious and educational positions because the former were held primarily responsible for the socio-economic safety of their districts. It is interesting to note that even some Christian subjects preferred to go to *imam*s to conduct their marriage ceremonies because the fee for an *imam* was less than that of a priest and *imam*s were more tolerant in cases of a divorce.[40]

As in the case for *imams*, the *müezzins* (mosque functionary who calls the believers for prayer) who were appointed by *Padişah beratı* (Sultanic decree) were, during their tenure, considered as part of the *askeri* class and thus exempted from certain taxes.[41] However, as soon as their duties came to an end, they lost their status and assigned privileges. Evidence shows that *müezzin*s in the Ottoman Empire were not required to have a thorough Islamic education; instead, the beauty of their voice and familial credentials determined their appointments. In other words, they were not a learned class like the *ulema*, but were considered as *ehl-i hiref-i hassa*, that is, a specific professional group under the broad purview of the *ilmiye* class. However, since merit and loyalty were the basic determinants for recruitment in the House of Osman, some palace *müezzin*s, such as Baltacı Mehmed Pasha (d. 1712) and Bıyıklı Ali Pasha rose to the position of Grand Vizier.[42]

Heyd mentions three major incidents in which the high-rank *ulema*

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[39] Kemal Beydilli, "Osmanlı Devleti'nde İmamlık," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 2000), 22: 184.
[40] Ibid., 183.
[41] Mustafa Sabri Küçükaşçı, "Müezzin," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 2006), 31: 493.
[42] Ibid.

were involved and played a negative role with regard to the reform initiatives of Sultans Selim and Mahmud: first and foremost was the *ulema* leadership's active role in the 1807 revolution, which ended with the dethronement of Selim III and the abrogation of the *Nizam-ı Cedid* reforms. As for the Mahmudian period, there were two incidents in which the *ulema* rejected the will of the Sultan. First, the *ulema* categorically refused to wear the red fez and abandon their age-old white turban. Second, they showed their discontent at Mahmud's insistence that his own portrait be displayed in government offices.

In addition as an example of the reactionary *ulema*, Heyd mentions a Bosnian *müderris* (whose name is unknown) who in 1829, after the Peace of Adrianople was expelled from Istanbul for his outright rejection of the new European dress and categorization of those who adopted it as unbelievers. This particular *müderris* may have suffered from schizophrenia as he "claimed to have been sent by Allah to defend the poor and drew into his force remnants of the Janissaries and other outlaws."[43] However, even though there were other incidents of social unrest, which Heyd did not mention in his article, the 1829 Peace of Adrianople was, as indicated in the third chapter, financially and psychologically the most devastating military treaty signed by the Ottomans after the Treaty of Küçük Kaynarca in 1774.[44] In Aksan's words, it "signaled the nail in the coffin of [the] empire."[45] Therefore the social unrest that occurred following the signing of the treaty should not be viewed solely

[43] Heyd, "The Ottoman 'Ulemā and Westernization," 34.
[44] Karal, *Osmanlı Tarihi*, 121.
[45] Virginia H. Aksan, *Ottoman Wars, 1700-1870: An Empire Besieged* (Harlow, England: Longman/Pearson, 2007), 357.

within the context of opposition to European attire or headgear, but rather it should be seen as "stimulated by the chaos, shortages, and exactions of the two years of war."[46] Heyd also mentions another unidentified *müderris* in Tosya Kastamonu who supported remnants of the Janissaries that had been expelled from Istanbul in 1826 but gives no further detail as to whether his support was for the rebels, for Western attire or something else.

According to Heyd, "one of the main centers of opposition to many reforms of Ottoman Government and society on western lines was the *medrese*s and *softa*s."[47] Heyd narrates two incidents where *softa*s violently demonstrated against the will of the government. The first was the Incident of the Candle (*mum vak'ası*) in 1817-18, which took place when a *softa* and shop owner argued over a candle and the quarrel resulted in physical conflict and arrests. The second incident took place in 1821, when *medrese* students protested the banishment of one of their teachers for his anti-government speeches. In both incidents, *softa*s were protesting the official attitude adopted towards the members of the *ilmiye* class, believing they deserved better treatment, especially from the *Şeyhulislam*. In other words, these two incidents cannot be directly linked to the religiously motivated reform opposition, even though Heyd mentions them under the subtitle 'Oppositon to Reforms.'

Heyd also mentions an incident that took place earlier in 1801 during the Selimian period when some of *softa*s attacked the Russian ambassador and his entourage with their slippers while the latter was paying a visit to

[46] Ibid.
[47] Heyd, "The Ottoman 'Ulemā and Westernization in the Time of Selīm III and Mahmūd II," 35.

Süleymaniye mosque. Even though the average reader may find it difficult to establish a connection between this incident and opposition to reform, Heyd nevertheless asserts that it was due to the strict and narrow-minded *medrese* curriculum.[48]

The participation of more than three thousand *softa*s in the *Vak'ayi Hayriye* or Auspicious Event was the most notable public demonstrations involving *softa* during the entire period under study. Yet the *softa*s were participating not against but in favor of the reform and joined in the annihilation of the Janissaries who were the main center of the opposition to every reform initiative. What is interesting is that even though Heyd used this example to point to the excessive number of *medrese* students in Istanbul at the time, he mentions the incident under the "Opposition to Reforms" rubric.[49]

Heyd also sees an ideological dichotomy and behavioral bifurcation not only in the *ilmiye* class but also among the Sufi orders in their response to modernizing reforms. He mentions that while the *Mevlevi*s and other popular Sufi orders supported the Sultan and his reforms, the 'low-rank' unattached itinerant dervishes did not hesitate to display their utmost discontent to government officials. He mentions two incidents. The first was in 1829 during Friday prayer in which "an ecstatic dervish loudly cursed and reviled the *Şeyhulislam*, who attended the service with other State dignitaries, for

[48] Ibid., 36.
[49] Ibid., 35.

influencing the Sultan to adopt false rites."[50] The second incident was directed at Sultan Mahmud himself. Another ecstatic dervish, Heyd claims, known as *Şeyh Saçlı*, stopped the Sultan on the Galata Bridge, called him an "infidel sultan," and accused him and his consultants for destroying the religion of Islam. Historians who narrate the story, however, note that *Şeyh Saçlı* claimed to be sent by Allah and to be acting only on His orders.[51] As can be seen by these two reported incidents, it was not the particular Sufi order as a whole, together with their networks of lodges, sheikhs and dervishes that opposed the reforms but unorthodox itinerant dervishes who showed their discontent by cursing either the *Şeyhulislam* or the Sultan. It should be noted that the two examples of dervishes that Heyd mentions are called *meczub* or *meczubin*, that is, ecstatic people often without employment, home or family attachment who lived in a constant state of voluntary poverty. Hindered by weird speech and social isolation such schizotypal personalities can be found in almost every Muslim community, past and present. From the point of view of the *Sharīʿah*, due to their lack of rationality, that is *maslūb al-ʿaql*, they are not even expected to pay attention to the most basic hygienic rules or to perform the obligatory rituals that every mature Muslim male and female must respect.[52]

What emerges from the above discussion is that even though Heyd presents a number of *softa*-led public demonstrations and portrays the *medreses* and *softa*s as the main center of opposition, his writings fail to

[50] When mentioning the incident the historian Lutfi described the dervish as, "*Pekmezci delisi nam meczub*" (literally, the ecstatic who is crazy of the maker of molasses). See Ahmet Lûtfî, *Tarih-i Lûtfî* (İstanbul: Matbaa-yi Amire, 1291), II: 94.
[51] İrfan Gündüz, *Osmanlılarda Devlet-Tekke Münasebetleri* (İstanbul: Seha Neşriyat, 1984), 152.
[52] Süleyman Uludağ, "Meczub," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 2003), 28: 285-86.

demonstrate the presence of an ideology-driven *softa* rebellion against the westernizing reforms during the period in question. Apparently, when he studied Ottoman history and the *ilmiye* tradition, Heyd noticed examples of nepotism, cronyism and corruption, such as the practice of unjust favoritism for the sons of the *ulema*, and assumed that there was animosity and antagonism between high and low *ulema.* Based upon this interpretation, he tried to prove that the *softa*s did not share in the support that their masters gave to the reforms. What he did not take into account was that a significant component of the reform initiatives of Selim and Mahmud was specifically designed to rehabilitate the *ilmiye* career path and to restore the criterion of merit for promotions, a policy that would eventually benefit the *softa*s.[53] As for favoritism and nepotism, these had been well entrenched in the system for nearly half a millennium, and we do not have any evidence that the 'illiterate *softa*s' of the Mahmudian period had the perspicacity to use these injustices as a pretext for a social opposition movement against the reforms based upon class consciousness.

A second factor that Heyd also overlooked was the importance of patronage relations in securing a proper job. As indicated earlier, a sign of disrespect from a pupil towards one of his masters or a rebellious attitude towards the central government were considered sufficient grounds for derailing his career. The House of Osman showed no mercy toward the

[53] For the reformation of the *ilmiye* during the Selimian and Mahmudian periods see, Ahmet Cihan, *Reform Çağında Osmanlı İlmiyye Sınıfı* (İstanbul: Birey, 2004); İlhami Yurdakul, *Osmanlı İlmiye Merkez Teşkilatında Reform* (İstanbul: İletişim, 2008); Osman Özkul, *Gelenek ve Modernite Arasında Osmanlı Ulemâsı* (İstanbul: Birharf Yayıncılık, 2005).

slightest threat to its existence or to public order and swiftly punished any perpetrators. The *softa*s who attacked the Russian delegation at the Süleymaniye mosque were immediately executed.

In conclusion, the word *ulema*, is not a catch-all term that can be applied to anyone who serves in a religious, educational or legal profession. The strange concept of "uneducated *ulema*,"[54] that is, uneducated scholars, would be problematic for any culture or civilization. For over a millennium and a half the term *alim* and *ulema* denoted a scholarly person or groups who had attained certain levels of understanding of religious texts and displayed at least a familiarity with other Islamic sciences. Therefore, the term connoted respect and high esteem though in varying degrees depending on the degree of knowledge and adherence of the scholar to moral and ethical values.

In the light of the information given about *suhte*s, *imam*s and *meczub*s, Uriel Heyd's vertical dichotomy and bifurcation hypothesis between high-ranking versus low-ranking *ulema* in their attitudes towards the reforms needs to be reconsidered.

More importantly, the indiscriminate use of the term *ulema* applied to the members of *ilmiye* profession is inappropriate, not because it is a misnomer or prejudiced, but because it is misleading, obscuring as it does the true nature and motivation of the opposition towards the Selimian and Mahmudian reforms. The misuse of the terminology becomes important in particular when analyzing the attitudes and reaction of the *ulema* who made common cause with the reactionary forces in the 1807 *Kabakçı* revolt that

[54] Levy, "Military Reforms and the Ulema in the Reign of Mahmud II," 160.

marked the tragic end of the New Order reforms of the Selimian period.

Therefore, contrary to the intra-elite vertical bifurcation model, I propose that horizontal high-rank inter-elite conflicts were far more decisive in shaping the fate of the reform initiatives of Selim III and his successor. While Heyd joins many others in portraying the *Kabakçı* revolution as the decisive triumph of *ulema*-led conservatism,[55] I argue that the historical reality was much more complex. In expounding my argument I will rely to Richard Lahmann's 'The Elite Conflict of Historical Contingency' theory.

II. Elite Conflict Theory and Contingency Factors

Richard Lachmann is a professor of comparative historical sociology who explores state formation theories as they apply to medieval and early modern Western Europe. His research focuses on number of areas that have been preoccupying social scientists for a long time: the rise and fall of certain hegemonic powers, the transition from feudalism to capitalism, class and elite conflict, the factors that engender social change, and finally how more than 500 European states and state-like polities of the late fifteenth century developed into a mere 25-28 states in the late twentieth.[56] In addition, he examines wide range of socio-economic models and criticizes number of influential theoreticians such as Karl Marx, Max Weber, Immanuel

[55] Yılmaz Öztuna, *II. Sultan Mahmud*, 2nd ed. (İstanbul: Babıali Kültür Yayıncılığı, 2009), 38; Heyd, "The Ottoman 'Ulemā and Westernization," 33; Ahmet Refik Altınay, *Geçmiş Asırlarda Osmanlı Hayatı: Kabakçı Mustafa* (İstanbul: 1913), 20; İsmail Hami Danışmend, *İzahlı Osmanlı Tarihi Kronolojisi* (İstanbul: Türkiye Yayınevi, 1947), IV: 87; İsmail Hakkı Uzunçarşılı, *Osmanlı Devletinin Saray Teşkilâtı* (Ankara: TTK, 1988), 104.

[56] Richard Lachmann, *Capitalists in Spite of Themselves: Elite Conflict and Economic Transitions in Early Modern Europe* (New York ; Oxford: Oxford University Press, 2000), 4.

Wallerstein, Charles Tilly, Gaetano Mosca and Vilfredo Pareto.[57] Lachmann began producing his scholarly work in the early 1990's and, after evaluating the existing models, he developed a highly analytical and well-structured theory of his own called the "elite conflict model of contingent historical change." [58]

Lachmann defines the elites "as a group of rulers with the capacity to appropriate resources from non-elites who inhabit a distinct organizational apparatus."[59] In this sense, "elites are similar to ruling classes in that both live by exploiting producing classes."[60] The concept of elite conflict occupies centre stage in his writings and he always emphasizes that social change occurs primarily at the elite level in contradistinction to the class level. The kernel of Lachmann's argument is, however, that structural change occurs due to the unforeseen by-products of elite rivalry. In other words, a series of intense elite struggles for power and extraction of revenues is the prime generator of social change since it is impossible to predict which elite will gain the upper hand. He says: "elites effect social change by acting for themselves."[61] More importantly, the end result of this change eventually determines the dominance of a certain polity.

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[57] Richard Lachmann, "Class Formation without Class Struggle: An Elite Conflict Theory of the Transition to Capitalism," *American Sociological Review* 55, no. 3 (June, 1990): 389-414; idem, "Elite Self-Interest and Economic Decline in Early Modern Europe," *American Sociological Review* 68, no. 3 (June, 2003): 346-72.
[58] These are mostly "fiscal-military," "rational choice," and "imperial overstretch" models of early modern Europen state formation and Lachmann categorizes them as "path-dependent models." For more on the subject see Richard Lachmann, "Greed and Contingency: State Fiscal Crises and Imperial Failure in Early Modern Europe," *American Journal of Sociology* 115, no. 1 (2009): 39-73.
[59] Lachmann, "Class Formation without Class Struggle," 401.
[60] Lachmann, "Greed and Contingency," 56.
[61] Lachmann, "Elite Self-Interest and Economic Decline in Early Modern Europe," 352.

Moreover, Lachmann criticizes the existing models for ignoring the relational aspects of power and assuming a unidirectional relationship among state resources and state capacities. According to Lachmann, "states are not controlled by unified strategic actors, nor do states face undifferentiated subjects who share a single interest as the holders of human and material resources desired by the state."[62] Instead, he points to the existence of multiple elite coteries who contend for power and authority. Furthermore, he says that "power is relational and is enhanced or diminished as conflicts among various elites transform the structure of their relations along with their control over particular institutions and modes of surplus extraction."[63] Change, in his view, can only be contingent.

In this chapter, I will apply Lachmann's model to the Ottoman context to demonstrate how conflicts among the Istanbul-based central elite decisively affected social structural change and eventually determined the empire's ability to face local and global challenges. In other words, this chapter will draw attention to the phenomenon of acute top elite factionalism and the outcomes it yielded in evaluating the attitudes of the *ulema* towards the pre-Tanzimat modernizing reforms. Elite conflict here means conflict of interests among elites. Therefore, I argue that the conflict that occurred in the application of the reforms was not purely a doctrinal clash between two diametrically opposing ideological groups but rather was about their interests. Put differently, the chapter is about the conflict among intellectual elites who

[62] Lachmann, "Greed and Contingency," 40.
[63] Ibid.

transformed conflicts of interest into conflicts of ideas.

I have selected Lachmann's approach from among other elite-conflict theories for the following two reasons: first, his insistence on the element of historical contingency in evaluating elite conflicts, as theoretical explanations alone do not often help us to grasp the true reality of the problem; second, the predictive power quality of the elite conflict theory model may help detecting and even forestalling possible future conflicts in some tormented regions.

However, it should be noted that the mode of extracting revenues from non-elites in the Ottoman state differed from that of Europe though both ultimately served the same end. However, this needs further elaboration. As indicated in the first and second chapters, unlike its counterparts in Europe, the Ottoman state was not mercantilist. It was founded instead on the three principles of *provisionism, traditionalism* and *fiscalism*.[64] Its economic philosophy was based on the sustenance of an economy of plenty aimed at providing the subjects with cheap and abundant goods and services. Therefore the main objective of economic activity was to satisfy the needs and not primarily to turn a profit. Through the application of this policy the House of Osman not only ensured its subjects a supply of cheap and abundant goods but also successfully prevented the rise of a rich merchant class that might challenge its authority as would happen in Europe. Members of the central elite, however, made their fortunes because of their proximity to the ruling dynasty. As İnalcık has noted, proximity to the Sultan was the necessary condition for wealth appropriation in the Ottoman Empire in particular and in

[64] See chapter two, 161-63.

its near eastern polities in general. The Sultan's court was the source of all power and favor.[65] It was through the distribution of major land grants, *mâlikâne*s, *iltizam*s, *mukâtaa*s and *temliknames*[66] that influential elite players managed to extract revenues from non-elites and more importantly by turning them into a *waqf* made the acquired wealth inalienable in perpetuity. Thus, while the mode of extraction in my model differs from that of Lachmann, in the end, as far as revenue extraction is concerned, elites in both cases reached the same destination.

In the light of Lachmann's definition, while the *ulema* can be considered as a genuine elite, members of the *ilmiye* class in general cannot be so defined for two reasons: first, in Lachmann's definition, a particular group in an elite establishment can only be considered as elite if it has the ability to leave the existing structure and create its own apparatus. Second, even though it is a beneficiary of the same organization of appropriation, it lacked the ability to extract revenue and depended upon the genuine elites. Lachmann labels such groups as "merely privileged employees."[67] He further links the definition with the ability to protect and extend the group's autonomy and power.[68] Accordingly, the case of elite conflict studied in this chapter deals only with the high-rank, official state *ulema*.

Let us begin by asking a few relevant questions about the Ottoman context: Why and how did certain core interest groups manage to reinforce

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[65] See chapter two, 168-69.
[66] For the definition of these terms see chapter two, 164-65 and 182.
[67] Lachmann, "Class Formation without Class Struggle," 404.
[68] Ibid., 401.

their dominance over other power contenders and how were they able to maintain their privileges over the rival cliques? More specifically, how did polymorphous interest groups, notables, or family dynasties managed to gain political dominance and consolidate their economic interests, which were often hotly contested by other groups? Why and how in certain periods of the Ottoman history distinct ideology-driven groups such as the puritanical Kadızadelis, and in other times reformist groups managed to dominate court politics and why and how did they lose their privileged positions? Moreover, how did the inter-elite struggle for power and patronage affect the central authority's ability to respond to contemporary challenges? Most important of all, by applying a consistent set of variables to multiple cases; can a testable general theory be developed to explain why one core elite block lost its leading political and economic dominance over another? Equally important, does this theory have a predictive quality that would make it applicable to various periods of the Ottoman history?

I believe that the Elite Conflict Model of Historical Contingency has much to offer not only in contextualizing the historical sociology of the pre-reform period of the Ottoman Empire in particular, but when taken as a prism to reevaluate some of the key moments of Islamic political history in general, it may radically alter some of our existing perceptions and standard paradigms. Undoubtedly, such a theory would not only shed light on the dynamics of Ottoman elite relations and the nature of institutional evolution, but it would also provide a fresh interpretation of the longevity of the one of

the most heterogeneous but long-lived empires in world history. These, of course, are the great questions of Ottoman historiography that need to be addressed; they cannot be answered in one chapter. While leaving some of the answers for further research, I will in this section concentrate specifically on the Selimian period elite struggle and its impact on reform process and the ability of the empire to deal with external challenges.

According to Lachmann, there are key moments in history that can be described as a shift in the relations among any given set of elites. These moments not only determine the rise and fall of elites and their capacity to extract resources but also affect the ability of states to deal with geopolitical challenges.[69] His writings tend to focus on testing his theory by identifying particular historical moments and contingent factors that affected the dominant powers in contrasted geo-political settings.

As Lachmann suggests, his model can be used for other areas of the social sciences and humanities.[70] Accordingly, I will take the 1807 the *Kabakçı* revolution[71] as the key moment for the application of his elite conflict theory to the Ottoman context. As an eminent institutionalized elite group, the Ottoman *ulema* and their attitudes towards modernization attempts constitute the focal point of this analysis. I take the *Kabakçı* revolt of 1807 as the key event[72] for the following four reasons. First, because it violently ended the

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[69] Lachmann, "Greed and Contingency," 40.
[70] Lachmann, Capitalists in Spite of Themselves, 39-40.
[71] The name of the revolt comes from the chief of the rebellion known as *Kabakçı* Mustafa who was killed in 1808.
[72] Aksan considers the *Kabakçı* Rebellion as one of the "pivotal moments" of the social change in the history of the empire. See Virginia H. Aksan, "Theoretical Ottomans," Review of *An*

massive reform initiatives of Sultan Selim III along European lines and therefore engendered an abrupt social change. Second, some of the high-ranking *ulema* were not only involved in its planning but also took an active role in its execution from beginning to end, illustrating in the most explicit way *ulema* attitudes towards the sultan's projected reforms. Third, the *Kabakçı* revolt became almost a touchstone in examining reactions to the pre-Tanzimat reforms in the historiography. Finally, the revolt not only altered the existing relations among the elite structures but more importantly it determined the empire's ability to face provincial and global challenges.

After identifying this historical moment and its impact on the socio-economic status of the *ulema* group, I intend to bring a new interpretation to the shifting position and power of the *ulema* within the Ottoman polity as well as their highly-criticized attitudes towards the reform process. Finally, my analysis will seek to shed light on our understanding of the socio-economic, political and military conditions of the Ottoman Empire a few decades before the Tanzimat era.

III. The *Kabakçı* Revolt as a Collision of Antagonist Elite Coalitions

As mentioned above, Lachmann argues that states are not controlled by unified, undifferentiated strategic actors who share a single interest in its material resources; instead, multiple elites contend for the spoils of state resources as well as for state-like authority. I contend that the 1807 *Kabakçı*

Ottoman Tragedy: History and Histioraphy at Play by Gabriel Piterberg, *History and Theory* 47, no. 1 (2008): 118.

revolt was much more about the collision of two rival elite cliques for apportion of human and material resources than that of reformist-conservative struggle as it has been portrayed by many scholars in the current historiography.[73] Moreover, the nature of the reaction to the reforms was shaped not by intra-class conflict as Heyd claimed but was determined by high-level, inter-elite conflicts particularly between two powerful rival cliques.

In fact, the conflict was primarily due to the mutual antagonism and hatred of the two rival factions, which involved controlling the spoils and the attendant power and prestige of the government. Both rival contenders tried to present their causes as the best option for the interest of the House of Osman and the empire in general.

Moreover, in the *Kabakçı* revolt, as will be shown, there existed an alliance of defeated elite blocks whose economic interests were severely disturbed by the leading elite faction. These defeated elites, through their shared opposition to the leading faction, forged an impregnable elite coalition that sought political and social hegemony. The *Kabakçı* revolt therefore was about the rise and demise of certain elite coteries each of which belonged to urban, rational and institutionalized structures. Istanbul was the terrain of heightened elite conflicts because, as imperial capital, it encompassed the ways in which the contenders could extract wealth and prestige through their

[73] Öztuna, *II. Sultan Mahmud*, 38; Heyd, "The Ottoman ‘Ulemā and Westernization," 33.

proximity to the Sultan, the ultimate source of power. [74]

It should be noted that, as Lachmann puts it, "... [elites] were polymorphous in their pursuit of profit and power"[75] and therefore, neither faction could be defined either as homogeneous anti-reformist *ulema* or progressive and secular bureaucrats. As will be shown, both groups included *ulema* and other members of the *askeri* elites.[76] In sum, the incident was about the collision of two polymorphous elite coalitions.

At the outset, it should be noted that during the Selimian era at the Ottoman court, two principal elite divisions took form. Although, the 'conservative clique' led by *Şeyhulislam* Şerifzâde Mehmed 'Atâ'ullah Efendi,[77] and his revered teacher Mehmed Münib Efendi (d. 1823)[78] and Kadı of Istanbul[79] comprised the nucleus, they had allies inside and outside the courtly environment as well.

The second clique was the *Nizam-ı Cedid Ricali*, that is, "Men of the New Order," comprising a group of reform-minded statesmen. *Nizam-ı Cedid* was the

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[74] See chapter one, 101-02 for the development of Topkapı Palace as the center of power in the Ottoman Empire.
[75] Lachmann, Capitalists in Spite of Themselves, 90.
[76] For a comprehensive survey of the *ulema* and sufi sheikhs who supported the reforms see Kahraman Şakul, "Nizâm-ı Cedid Düşüncesinde Batılılaşma ve İslami Modernleşme," *İlmî Araştırmalar* 19, no. 2 (2005): 117-150.
[77] Known also as Topal, (*l'âme de la révolution*), he was born in Istanbul in January 1, 1760 and at a young age due to his father *Şeyhulislam* Şerif Mehmed Efendi's influence, he rapidly climbed the echelons of the *ilmiye* and appointed by Selim III as *Şeyhulislam* in 1806. He was very influential in the courtly politics and was one of the major role players in the tumuoultous reigns of Selim III and Mustafa IV. He signed the '*hüccet-i şer'iyye*,' the fetva for the abdication and a year later for the execution of Selim III. He was dismissed by Alemdar Mustafa Pasha in 1807 and expelled first to Kızanlık (in Bulgaria) and later to Güzelhisar-Aydın where he died in October 13, 1811. Mehmet İpşirli, "Topal Atâullah Mehmed Efendi," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 1991), 4: 47.
[78] Özkul, *Gelenek ve Modernite Arasında Osmanlı Ulemâsı*, 361.
[79] He was Muradzade Seyyid Mehmed Efendi, See Arif Efendi, "Tüfengçi-Başı Ârif Efendi Tarihçesi," ed. Fahri Ç. Derin, *Belleten* 38, no. 151 (1974): 395.

name of a reform program initiated by this group to increase the central power wielded by Sultan Selim in parallel with the 'enlightened absolutism' trend then prevailing in European polities.[80] As a top-down reform program, it officially began in 1793 and ended with the military coup of the 1807 Kabakçı revolt.[81] Even though the main area of reform seemed to be the military field, in reality the *Nizam-ı Cedid* had a broader reformist agenda in bureaucracy (*kalemiye*), *ilmiye* and other spheres of socio-economic and cultural life. Known also as *atabekan-ı saltanat*,[82] this crown-favored reformist clique, many of whom were the childhood friends of the Sultan,[83] was comprised of 10-12 high-ranking statesmen, though their numbers fluctuated over the years. It began as a spontaneous grouping [84] under the leadership of İbrahim İsmet Bey (d. 1807),[85] and shared the idea of the necessity for root-and-branch reforms with the reigning Sultan.

The reformist group however, knew that reform might disturb the sensitive elite balance and thus engender negative reaction from various groups. Therefore, they obtained an oath from the Sultan, who promised to protect their lives under any circumstances, while keeping a low profile.

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[80] Fatih Yeşil, "Nizâm-ı Cedid," in *Selim III: Istanbul at a Turning Point between Two Centuries*, ed. Coşkun Yılmaz (İstanbul: İstanbul Avrupa Kültür Başkenti, 2010), 103.
[81] Kahraman Şakul, "Nizam-ı Cedid," in *Encyclopedia of the Ottoman Empire*, ed. Gábor Ágoston and Bruce Alan Masters (New York, NY: Facts On File, 2009), 434-36.
[82] Ahmet Cevdet Paşa, *Tarih-i Cevdet* (Dersaadet [İstanbul]: Matbaa-i Osmaniyye, 1309), VIII: 147.
[83] Stanford J. Shaw, *Between Old and New: The Ottoman Empire under Sultan Selim III, 1789-1807* (Cambridge, Mass.: Harvard University Press, 1971), 86.
[84] Franz Babinger and C. E. Bosworth, "Niẓām-ī DJedīd," in *Encyclopaedia of Islam*, 2nd ed. (Brill Online, 2012), http://referenceworks.brillonline.com/entries/encyclopaedia-of-islam-2/nizam-i-djedid-SIM_5946 (accessed November 14, 2012).
[85] He was the chief of the reformist group and member of a high rank *ulema*, he served as *nakibüleşraf* and *kazasker* of Rumeli, see Mehmed Süreyya, *Sicill-i Osmani yahud Tezkere-i Meşahir-i Osmaniye* (İstanbul: Matbaa-ı Âmire, 1894), III: 472.

İbrahim İsmet Bey (d. 1807), Ebubekir Ratib Efendi (d. 1799),[86] Çelebi Mustafa Reşid Efendi (d. 1819),[87] Küçük Hüseyin Pasha (d. 1803),[88] Yusuf Ağa (d. 1807),[89] Mahmud Râif Efendi (d. 1807),[90] Elhac İbrahim Reşid Efendi (d. 1807),[91] Mehmed Raşid Efendi (d. 1798)[92] and the personal clerk of Selim III, Ahmed Faiz Efendi (d. 1807)[93] made up the core of the group.

The clique acted as a "kitchen cabinet" and contemplated, planned and submitted the proposed reform packages to the *meşveret meclisi* (consultative council) to ensure legitimacy and finally, with the approval of the Sultan, energetically executed the reforms.[94] Since they were a group of advisors they took no political responsibility for their decisions, unlike a vizier or grand

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[86] His "Grand Memoranda" (*layiha*) from Vienna where he was ambassador constituted the backbone of *Nizam-ı Cedid* program. See Fatih Yeşil, *Aydınlanma Çağında Bir Osmanlı Kâtibi: Ebubekir Râtib Efendi, (1570-1799)*, (İstanbul: Tarih Vakfı Yurt Yayınları, 2011), 240-365.

[87] Known also as Köse Kahya, served as the director of the both the *Nizam-ı Cedid* infantry and Imperial Treasury, he was known for his pro-British stance in political affairs. Süreyya, *Sicill-i Osmani*, V: 1383.

[88] Circassian slave origin, married to Selim III's cousin Esma Sultan, served as Grand Admiral of the imperial fleet. Known also as Çuhadar, he was an ardent reformist and prowess politician and stood very close to the Sultan since his boyhood. See Nejat Göyünç, "Kapudan-ı Derya Küçük Hüseyin Paşa," *Tarih Dergisi* II, no. 3-4 (1950-1951), 35-50.

[89] *Valide Sultan Kethüdası* that is, the Lieutenant of the Queen Mother Mihrişah Sultan, and served as director of the Imperial Powder and chief of the palace kitchens. Through his contacts in the Palace, Yusuf Ağa became very powerful figure but he was known for his moderate approach to the reforms. See İsmail Hakkı Uzunçarşılı, "Nizam-ı Cedid Ricalinden Valide Sultan Kethüdası Meşhur Yusuf Ağa ve Kethüdazade Arif Efendi," *Belleten* XX, no. 79 (1956): 485-524.

[90] Fluent in English and French, he served as the *Reisülküttab* and advised the Sultan in foreign affairs. He was the main contact person for the foreign ambassadors and delegations, he was known as 'English Mahmud' for his pro-English ideas and life style. He translated many science books into Ottoman Turkish. See Kemal Beydilli and İlhan Şahin, *Mahmud Râif Efendi ve Nizâm-ı Cedîd'e Dâir Eseri* (Ankara: TTK, 2001), 21-31.

[91] Known also as '*Gizli Sıtma*,' that is, 'hidden malaria' he was the director of the Istanbul shipyard and known for his ruthless character in his administration. See Süreyya, *Sicill-i Osmani*, III: 757.

[92] He was the director of Imperial Arsenal and served three times as the Reisülküttab and played active role in the construction of new ships for the navy. See Alaaddin M. Yalçınkaya, "III. Selim ve II. Mahmud Dönemleri Osmanlı Dış Politikası" in *Genel Türk Tarihi Ansiklopedisi*, ed. Ali Birinci and Hasan Celal Güzel (Ankara: Yeni Türkiye Yayınları, 2002), 7: 633.

[93] Faiz Efendi's personal notes of daily events during his incumbency published as direct transliteration. See Sırkâtibi Ahmed Efendi, *III. Selim'in Sırkâtibi Ahmed Efendi Tarafından Tutulan Rûznâme*, ed. Sema Arıkan (Ankara: TTK Basımevi, 1993).

[94] Shaw, *Between Old and New*, 87.

vizier who could be held accountable for his actions. This was how, during the early years of Sultan Selim III's reign, a dual elite structure emerged and co-existed for the next fourteen years in the governing mechanism.

Since the words *ıslah* and *tecdid* --reform and renewal--had become the darlings of the age,[95] the reformist clique, similar to what had occured one hundred years earlier in the case of *Şeyhulislam* Feyzullah Efendi,[96] surrounded and blocked all access to the Sultan. The absolute deputy of the Sultan, the Grand Vizier, his deputy the *kaymakam*, the *kadı* of Istanbul, the head of the *ulema*, the *Şeyhulislam* and their networks gradually became estranged from the decision making process. Contemporary sources note that the reform faction virtually ignored the existence of the *Şeyhulislam* in meetings and concealed important information from him. According to historian Asım, Men of New Order did not give the *Şeyhulislam* any weight other than of a small neighbourhood *imam*.[97] As the core members of the conservative group held important posts, they therefore became politically emasculated administrative figures that had no influence over imperial decision-making. As was in the case of Feyzullah episode, the monopolization of access to the Sultan and excessive influence on his decisions, in Lachmann's sense, by "upsetting the existing and beneficial allocation of resources and powers"[98] created a conflict between the two high ranking rival elite coteries. That conflict quickly generated envy, hatred and animosity between the two factions.

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[95] Kemal Beydilli, "Islahat: XVIII. Yüzyıldan Tanzimata Kadar," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 1999), 19: 174-75.
[96] See chapter one, 106-111.
[97] Asım Efendi, *Tarih-i Asım* (İstanbul: 1867), I: 137.
[98] Lachmann, "Elite Self-Interest and Economic Decline," 352.

Moreover, *Nizam-ı Cedid* sought to impose a codification program,[99] and while reordering the old-age institutions and redefining their changing roles, the reformist party naturally needed and preferred to work with like-minded bureaucrats who believed in the necessity of reform. The end result of their monopolistic claims to office was the gradual and systematic replacement of top management in highly influential and remunerative governmental positions. Needless to say, this extraneous expansion rapidly undermined the time-honored ties of institutionalized political and economic patronage and thus heightened tensions between the two power groups.

Similar to the concept of *eşref saati*, "auspicious time," to which the Ottomans attached great importance, both Wallerstein [100] and Lachmann and Pichardo[101] note that the success of elites has always depended on their ability to seize the opportunity in moments of crisis. This was a similar to the ancient Greek philosophers who formulated *kairos* as the right, opportune time to do something, as opposed to *kakakairos,* the wrong time, and *akairos* as a time without opportunity within *chronos* as a measure of time.[102]

Before the Treaty of Jassy (January 9, 1792) the Ottoman army, for the first time in its history, ignored the will of Sultan on the battlefield and despite his clear orders refused to continue the war with Russia.[103] Seizing the *kairos*

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[99] Yeşil, "Nizâm-ı Cedid," 108.
[100] Immanuel Wallerstein, *Unthinking Social Science: The Limits of Nineteenth-Century Paradigms* (Philadelphia: Temple University Press, 2001), 146-47.
[101] Richard Lachmann and Nelson A. Pichardo, "Making History from above and below: Elite and Popular Perspectives on Politics," *Social Science History* 18, no. 4 (Winter, 1994): 498-99
[102] I borrowed the usage of the term from Reşat Barış Ünlü's dissertation. See Reşat Barış Ünlü, "The Genealogy of a World-Empire: The Ottomans in World History" (PhD Thesis, Binghampton University, 2008), 28-29.
[103] Beydilli, "Nizam-ı Cedid," 175-178.

amid the chaos, Sultan Selim announced his long-awaited plans for a comprehensive reform package.[104] He read the flow of events correctly and calculated that the feelings of guilt and shame that the army's refusal to fight would engender, would silence the opposition for a while.[105] Therefore, even before the disobedient army returned to Istanbul, he called upon prominent *ulema* and statesmen to submit their reform proposals for the amelioriation of the deplorable condition of the army in particular and of state affairs in general. Twenty-three memoranda (*layiha*) were submitted to Sultan, five of them from *ulema*, three from foreign military experts in the Sultan's service, while the rest came from prominent statesmen.[106] While reading some of the proposed ideas, Selim expressed his shock, annoyance and disappointment at the mediocrity of the propositions. He guffawed,[107] cursed, and even used highly derogatory language in describing their sheer ignorance. "Dimwit-donkey (*eşşek kafalı*),[108] one of them doesn't even know where Prussia is," said the Sultan to his entourage.[109] Disappointed by some of the *layiha*s, and by the level of ignorance of some scholars, he drew closer to the reformist party and began consulting with them even more closely about his reform plans and, while keeping the conservatives in their official posts, virtually ignored their

[104] Kemal Beydilli, "'"Evraka, Evraka" veya "Errare Humanum Est"," *İlmî Araştırmalar* XIX, (2000): 45-46.
[105] Kemal Beydilli, "III. Selim: Aydınlanmış Hükümdar," in *Nizam-ı Kadim'den Nizam-ı Cedid'e III. Selim ve Dönemi / Selim III and His Era from Ancien Regime to New Order*, ed. Seyfi Kenan (İstanbul: İsam Yayınları, 2010), 37-38.
[106] Ergin Çağman, *III. Selim'e Sunulan Islahat Lâyihaları* (İstanbul: Kitabevi, 2010), XI-XV.
[107] Ahmet Cevdet, *Tarih-i Cevdet,* V: 34.
[108] Ahmet Sarıkaya, "Nizamü'l-Atik Ömer Faik Efendi" (Graduation Thesis, Istanbul University, 1979), 4; Yüksel Çelik, "Nizâm-ı Cedîd'in Niteliği ve III. Selim ile II. Mahmud Devri Askerî Reformlarına Dair Tespitler (1789-1839)," in *Nizam-ı Kadim'den Nizam-ı Cedid'e III. Selim ve Dönemi / Selim III and His Era from Ancien Regime to New Order*, ed. Seyfi Kenan (İstanbul: İsam Yayınları, 2010), 584.
[109] Ahmet Cevdet, *Tarih-i Cevdet*, IV: 191.

existence. The resounding mockery and ensuing public ridicule served only to sharpen the friction between the two rival groups.

Another public rift between some *ulema* and the Sultan was opened when he asked the state officials to bring their gold and silver domestic utensils and vessels to the imperial mint.[110] The Sultan was trying everything he could to cover the empire's burgeoning military expenditures. It was the *ulema*, however, that dragged their feet, grumbling that this Sultan would eventually turn them into poor subjects. *Bu Sultan bizi kara çanaklı edecek*, they said: "this Sultan will make us to eat from black crockery."[111] Tension increased even more between the men of religion and the Sultan when they heard him, utter these words: "Perhaps the prayers are performed in return for money and that's why there is no outcome yielded from them, what can one expect from *dua* offered to make money."[112]

It should be noted that, only eleven days after his accession to the throne, Selim called a meeting and invited all the prominent *ulema* to discuss *ilmiye* reform.[113] This clearly shows that the Sultan was not happy about the condition of the *ilmiye* profession from the very beginning of his reign. When inaugurated, however, probably the most disturbing aspect of the *Nizam-ı Cedid* reform for the *ulema* was its attempt to prevent their children from attaining high rank *ilmiye* positions at a very young age and/or faster than

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[110] İsmail Baykal, "Selim III. Devrinde 'İmdad-ı Sefer' için Para Basılmak Üzere Saraydan Verilen Altın ve Gümüş Avani Hakkında," *Tarih Vesikaları Dergisi* III, no. 13 (Ağustos, 1944): 36-50.
[111] Ahmet Cevdet, *Tarih-i Cevdet*, VI: 7.
[112] Enver Ziya Karal, *Selim III'ün Hat-tı Hümayunları: Nizam-ı Cedit: 1789-1807* (Ankara: TTK Basımevi, 1988), 125.
[113] Mehmet İpşirli, "The Ulema and Selim III," in *III. Selim: Istanbul at a Turning Point between Two Centuries*, ed. Coşkun Yılmaz (İstanbul: İstanbul Avrupa Kültür Başkenti, 2010), 157.

their peers.[114] Unlike his father, Selim III turned down number of prominent *ulema* when they requested that he grant a *müderris*ship position to their very young sons. He told them: "let him be a *müderris* when his beard grows." (*mültehi olduğu zaman müderris olsun.*)[115] The reformists also prevented high rank *ulema* from sending their representatives to distant posts where they would continue to enjoy substantial material benefits. For many centuries, both practices were deeply entrenched in the *ilmiye* profession and it infuriated the *ulema.*

Reaching Down to Allies

One of the reasons I find Lachmann's theory compelling is its contextualization of social movements from below as "recurrent elite efforts to assert power."[116] He shows that in many European cities, public demonstrations were in fact the work of elite challengers to ruling monarchs.[117] The same can be said for the *Kabakçı* rebellion in particular and many other instances of public unrest in general, often, involving janissaries, *suhte*s and the common rabble. The heightened tension between the two rival factions within the government, as profound and as obvious it would have appeared at the court, does not sufficiently explain the deadly military coup of 1807. As Lachmann puts it, elites always needed to find allies from below; the

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[114] Yeşil, "Nizâm-ı Cedid," 112.
[115] Seyfi Kenan, "III.Selim Dönemi Eğitim Anlayışında Arayışlar," in *Nizam-ı Kadim'den Nizam-ı Cedid'e III. Selim ve Dönemi / Selim III and His Era from Ancien Regime to New Order*, ed. Seyfi Kenan (İstanbul: İsam Yayınları, 2010), 151.
[116] Lachmann and Pichardo, "Making History from above and below," 498.
[117] Ibid., 497-504.

harsh economic austerity measurements of the reformists paved the way for the conservative clique to reach down to allies in furthering their cause at the grassroots level.

It should be noted that Selim III was the first Ottoman Sultan who shifted from a single treasury to a multiple treasury system.[118] In order to finance the empire's costly military expenditures he set up a new treasury called *İrad-ı Cedid*,[119] (New Revenues) specifically designed to maximize income for the construction of number of military compunds, royal arsenals and shipyards, many of which are still used by the Turkish Armed Forces today. İdris Bostan, who has studied Selim's naval reforms, concludes that at the end of his reign the Ottoman navy was mightier than that of the Russians in many respects.[120] The military compound that he had built in the slopes of Üsküdar, known as Selimiye Kışlası,[121] notable for its size and architectural style, made headlines in many European newspapers, which described it as the architectural magnificence of Ottoman modernization.[122] Babinger and Bosworth note that the new revenue fund supplied about 60,000 purses equivalent to 48 million francs.[123] However, in order to raise revenues the reformists had to abolish many of the age-old taxation systems and introduce

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[118] Yavuz Cezar, *Osmanlı Maliyesinde Bunalım ve Değişim Dönemi: XVIII. yy'dan Tanzimat'a Mali Tarihi* (İstanbul: Alan Yayıncılık, 1986), 151.
[119] Beydilli, "Nizam-ı Cedid," 176-77.
[120] İdris Bostan, *Beylikten İmparatorluğa Osmanlı Denizciliği* (İstanbul: Kitap Yayınevi, 2006), 216. On the same subject see also, Tuncay Zorlu, *Innovation and Empire in Turkey: Sultan Selim III and the Modernisation of the Ottoman Navy* (New York: I.B. Tauris Publishers, 2008.)
[121] See Figure XVII in the Appendix.
[122] It is interesting to note that during the Crimean war many British soldiers were stationed in Istanbul and when came to serve the wounded soldiers, Florence Nightingale was given the royal quarter of the compound of Selimiye Kışlası. See M. Gözde Ramazanoğlu, "Selimiye Kışlası," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 2009), 36: 437.
[123] Ahmed Cevdet, *Tarih-i Cevdet*, VIII: 139-40 as quoted in Babinger and Bosworth, "Niẓām-ī D̲Jedīd."

new taxes in a haphazard manner. Coupled with inflationist policies, and devaluations that sapped people's purchasing power, these policies caused widespread discontent against the Men of Reform.[124] As Rosenthal notes, "raising revenue is a costly enterprise."[125]

Meanwhile, in stark contradistinction to people's economic hardship, the reformist clique, after consolidating their eminence in the palace began reaping the benefits of their policies, and proceeded to build their own fortunes, and new networks of power and patronage. As time passed, the corruptive effect of political power turned the idealist reformers into self-aggrandizing oligarchics, into heavy spenders who eventually alienated themselves from the masses as well as incumbent government officials. As Lachmann points out, "the capacity of each elite to realize its interests is determined primarily by the structure of inter-elite relations."[126] However, it was their arrogance that most frustrated the wide range of elite groups and individuals. This, in turn, locked the men of reform into a crisis of legitimacy, which eventually ended with their opponents forging an alliance against them. Therefore, one may conclude that towards the end of the Selimian period, the high governing structure was torn by the claims of the two conflicting rival elite groups. While the disgruntled elites saw that their interests seemed to lie in the continuation of the status quo within the *Nizam-ı Kadim*, the "old order," the new elites who ardently defended the reformation

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[124] Cezar, *Osmanlı Maliyesinde Bunalım ve Değişim Dönemi*, 206-207; Arif Efendi, "Tüfengçi-Başı Ârif Efendi Tarihçesi," 381.
[125] Jean-Laurent Rosenthal, "The Political Economy of Absolutism Reconsidered," in *Analytic Narratives*, ed. Robert H. Bates (Princeton, N.J.: Princeton University Press, 1998), 68.
[126] Lachmann, "Class Formation without Class Struggle," 401.

and successfully combined it with their own interests preferred the *Nizam-ı Cedid*. It was not long before each party began to attempt to subdue or subsume the other.

Perceptions of the rival group as an eminent threat to its own existence could be best seen in the conflict between the Janissaries and the *Nizam-ı Cedid* troops. As the elite troops of the imperial army for centuries, the Janissaries did not like anything attached to the New Order. This was primarily because the new system instituted year-round drills in semi-urban military barracks designed to meet the needs of soldiers within their confines.[127] The Janissaries were quick to infer that the new system would not allow them, as soldier-merchants, to carry on with their lucrative businesses as they had been doing for ages. Furthermore, the Men of the New Order rescinded the Janissary corps's seniority rule and instead instituted merit as the main criterion for military promotion, which at one stroke perturbed a considerable number of seasoned soldiers within the corps. Following the European model, the new army organization also introduced screening measures to monitor the discipline and obedience of each soldier. More important, though, the new regulations aggravated hundreds of thousands of people who had illegally managed to register their names in the Janissary ledgers (*esami*), regularly received their salaries and carried on with their businesses. Karal notes that during Selim's reign, the number of the enlisted people on the ledgers was 400,000 but only 25,000 actively participated to military campaigns.[128] A large

[127] Yeşil, "Nizam-ı Cedid," 109.
[128] Karal, *Selim III'ün Hat-tı Hümayunları*, 9.

number of guild members and shop owners who were business partners of the Janissaries should also be added to the offended group. Kırlı notes that one fifth of each shop in Istanbul belonged to a janissary soldier.[129] Selim III was enraged one day to learn that two of his personal barbers were listed on the Janissary payrolls and received a salary.[130] Therefore, these fiscal regulations not only disturbed very broad sections of the Istanbul population but also helped form the armed wing of the opposition. As Faroqhi points, "the janissaries who rebelled against Selim III were not acting merely out of blind conservatism, but at least in part were struggling to protect their livelihoods."[131]

That said, however, there is one more important development that must be addressed in this regard. As Kafadar notes, ever since the founding years of the empire, the House of Osman had taken great pains to follow the Sunni doctrine in its political structure and did not allow unorthodox sects to infiltrate the court environments.[132] The ruling dynasty, however, tacitly accepted and even encouraged the close association of unorthodox Bektashi sect followers within the Janissary corps. For centuries the heroic Bektashi stories of the glorious military victories of the past continued to be the main source of encouragement and valor for the Janissaries. The New Order,

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[129] Cengiz Kırlı, "Devlet ve İstatistik: Esnaf Kefalet Defterleri Işığında III. Selim İktidarı," in *Nizam-ı Kadim'den Nizam-ı Cedid'e III. Selim ve Dönemi / Selim III and His Era from Ancien Regime to New Order*, ed. Seyfi Kenan (İstanbul: İsam Yayınları, 2010), 196.
[130] Aksan, *Ottoman Wars,* 184.
[131] Suraiya Faroqhi, "In Quest of Their Daily Bread: Artisans of Istanbul Under Selim III," in *Nizam-ı Kadim'den Nizam-ı Cedid'e III. Selim ve Dönemi / Selim III and His Era from Ancien Regime to New Order*, ed. Seyfi Kenan (İstanbul: İsam Yayınları, 2010), 179.
[132] Cemal Kafadar, *Between Two Worlds: The Construction of the Ottoman State* (Berkeley: University of California Press, 1995), 89.

however, brought about a paradigm shift that replaced unorthodox heroism with a more orthodox, Sunni approach that conceptualized the obedience of the soldier to his ruler as his individual obligatory duty as a Muslim.[133] A number of conclusions can be drawn from this transformation: While the reform initiatives sought to concentrate the power in the hands of the ruler as had happened in most contemporary European 'enlightened absolutist states,' the Ottomans did not follow the same trajectory of detaching religion from the state formation process. In other words, they did not secularize the emerging institutions but instead used religion as a legitimizing tool to enhance the centralization of governance. Second, the replacement of age-old unorthodox heroism with more ratiocinative legalism reflected the cognizance and active participation of the *ulema* in constructing the intellectual basis of the reforms. The conspicuous increase of '*iṭa'at al-sulṭān*' literature of the epoch which emphasizes the urgency of the obedience to the ruler, buttresses this argument. It is noteworthy that these treatises were mostly penned by eminent Turkish and Egyptian *ulema*[134] as well as renowned Sufi sheikhs.[135] The *Kabakçı* revolt on the other hand, stands out as a stark example for the magnitude of elite antagonism in the struggle for the fate of the reform initiative.

In addition to the Janissaries, the elites of the Ottoman Empire used the

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[133] Yeşil, "Nizâm-ı Cedid," 109.
[134] İhsan Fazlıoğlu, "İbnü'l-Annâbî ve es-Sa'yü'l-Mahmûd fî Nizâmi'l-Cünûd Adlı Eseri," *Dîvân İlmî Araştırmalar* 1, (1996): 165-174; Es'ad Efendi, "el-Kevkebü'l-Mes'ûd fî Kevkebeti'l-Cünûd," Ms. 2363, Esat Efendi Collection, Süleymâniye Library, İstanbul; Yâsincizâde Abdülvehhab Efendi, *Hulâsâtü'l-Burhân Fî İtâati's-Sultan,* (İstanbul: 1247).
[135] Mustafa Kara, "The Era of Mahmud II from the Perspective of Dervish," in *II. Mahmud: Istanbul in the Process of Being Rebuilt,* ed. Coşkun Yılmaz (İstanbul: İstanbul Avrupa Kültür Başkenti, 2010), 281-295.

*suhte*s or *softa*s as a method of reaching below for allies. A historical examination of incidents involving the *suhte* suggests three types of categories. First, that of ordinary criminal offenses, i.e., *adli vakalar*, where some *softas* were involved physical assault, theft, fornication etc. For example during the reign of Sultan Mahmud II a certain *suhte* named Seyyid Hasan was caught while trying to smuggle a prostitute into his *medrese* in man's clothing.[136] The *softa* in question was exiled to the city of Çanakkale on the Dardanelles and imprisoned in a fortress. Another example was a certain Salih Efendi who was also expelled from Istanbul in 1838 on grounds that he had stolen some of his friends' belongings in the *medrese*.[137] The second was a collective reaction of *softas* to specific problems, such as an expulsion of one of their teachers or colleagues, a newspaper article written against them, or defeat in battle. As noted, Heyd gives many such examples. The most relevant to my argument is, however, the third type of *suhte* insubordination, in which unjustly dismissed statesmen or other defeated elites[138] mobilized *softas* to advance their interest under the pretext of religious concerns. Öztürk notes that from time to time even the high-ranking *ulema*, the better to dislay their influence or show their power incited the *softas* directly against the Sultan.[139] Responding to the *ulema*, one of Mahmud's firmans signalled that he was well aware of the message and in addition included a warning: "if they [ulema] do

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[136] BOA, Cevdet-Adliye, Nr. 3083; quoted in Murat Akgündüz, *Osmanlı Medreseleri: XIX. Asır* (İstanbul: Beyan, 2002), 41.
[137] BOA, Cevdet-Adliye, Nr. 5163; quoted in ibid., 42
[138] Mücteba İlgürel, "*Celâlî* İsyanları," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 1993), 7: 252-57.
[139] BOA/HH.1235: 22735; quoted in Nazif Öztürk, *Türk Yenileşme Tarihi Çerçevesinde Vakıf Müessesesi* (Ankara: TDV, 1995), 73.

not teach the *suhte* band how to behave, its consequence may hurt them too." (*eğer suhte makulesini tedib etmezler ise, mazarratı efendilere de dokunur*.) [140]

Another time-tested method was to use *softa* revolts as a tool to eliminate rival political figures. Cevdet Pasha says that the famous Grand Vizier Midhat Pasha (1822-1884), while waiting for an appointment at his residence in Istanbul, to overthrow his arch enemy Mahmud Nedim Pasha's (1818-1883) government, incited the *medrese softas* and for days caused havoc in Istanbul and ultimately achieved his goal.[141] But more interesting than these incidents is one that happened during the reign of Abdulhamid II (r. 1876-1909). The Sultan received an intelligence report informing him of a plot aimed at overthrowing him. According to the information he received, the Grand Vizier Kamil Pasha (1838-1919) was secretly meeting with some *softas*, giving them money and instructions about when and how to mobilize their friends. After a cross examination of the would-be perpetrators, however, it turned out that the plot was staged by the opponents of Kamil Pasha who hoped that the accusation of inciting *softas* would ensure his dismissal from the office.[142] There is, in fact, an abundance of examples of the latter type.

Only by carefully examining the sequences and consequences of the revolts that shook the Ottoman Empire can their true internal logic emerge. Thus, before making easy generalizations as pro or anti reform, with reference to the many *suhte* revolts, one should always ask the ancient question: *cui*

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[140] BOA/HH.1233:22671; quoted in ibid.
[141] Ahmet Cevdet Paşa, *Tezâkir 40 – Tetimme*, 2nd ed., ed. Cavid Baysun (Ankara: Türk Tarih Kurumu Basımevi, 1986), IV: 151-153.
[142] Ali Said and Ahmet Nezih Galitekin, *Saray Hâtıraları: Sultan Abdülhamid'in Hayatı* (İstanbul: Nehir Yayınları, 1994), 92-95.

bono? As can be seen, *softa*s were, as a social group, generally inarticulate and unaware, making them ripe for manipulation by powerful and ambitious political figures. They were not a floating *lumpenproletariat*, but were always instrumental in public demonstrations and social unrest in favor of one or the other party to conflict.

Ultimately, international contingencies delivered the *coup de grâce* to Selim's imperial authority and turned public opinion against him. It was, however, *kairos* for the opposition. As noted in the introduction of the dissertation, Selim was born after forty years of absence of a male heir in the House of Osman; it was widely believed that he would restore the glorious days of the empire. Beydilli notes that Selim III himself seemingly believed the tale.[143] His father and uncle gave utmost care to his education, and when he acceded to the throne at the age of twenty eight, he was a physically fit warrior, excelled in horse riding, swordsmanwhip and war games,[144] and had even written a treatise on the theoretical aspects of canon ballistics.[145] He ordered the translation of number of European books on weaponry, read them and ordered his high-ranking statesmen to do the same. His uncle turned a blind eye to Selim's secret correspondence with Louis XVI of France through which he argued with French Emperor about the state of affairs in Europe.[146] With the encouragement and support of French Ambassador Choiseul-

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[143] Karal, *Selim III'ün Hat-tı Hümayunları*, 18-21.
[144] Ibid., 58-59.
[145] Kemal Beydilli, *Türk Bilim ve Matbaacılık Tarihinde Mühendishâne, Mühendishâne Matbaası ve Kütüphânesi, 1776-1826* (İstanbul: Eren Yayıncılık, 1995), 181.
[146] İsmail Hakkı Uzunçarşılı, "Selim III'ün Veliaht İken Fransa Kralı Lui XVI ile Muhabereleri," *Belleten* II, no. 5-6 (1938): 191-246.

Gouffier, [147] Selim even managed to send a secret envoy (*şehzade elçisi*) to Europe on his behalf to investigate their military and economic developments.[148] According to the time-honored rules of court protocol, the communications of an heir to throne without a formal authorization of the reigning Sultan were subject to the death penalty. However, due to the absence of another heir and willingness to prepare him for the throne, his impatience was tolerated. In Ahmed Cevdet Pasha's words, the young *şehzade* was like "a blindfolded falcon in a cage," awaiting his day of release. [149]

Aksan notes that he acceded to throne in "one of the most difficult moments in the history of the dynasty."[150] Public opinion expected him to win wars and reconquer the lost lands.[151] It should be noted that neither before nor after did the Ottoman Empire ever reach the intensity of wars and treaties with Europe as during his era.[152] The loss of Crimea to Russia was a heavy blow to the Ottomans. His uncle Abdülhamid I (1774-1789), is said to have died of grief.[153] It became one of Selim's obsessions to reconquer the Crimea. The year of his accession to power, 1789, was the worst year for the empire's military fortunes in its entire history.[154]

The most devastating impact on his imperial charisma, however,

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[147] Ibid., 199.
[148] Kemal Beydilli, "Şehzade Elçisi Safiyesultanzâde İshak Bey," *İslam Araştırmaları Dergisi* III, (1999): 73-81.
[149] Ahmet Cevdet, *Tarih-i Cevdet*, VIII: 149.
[150] Virginia Aksan, "Selim III," in *Encyclopaedia of Islam*, 2nd ed. (Brill Online, 2012), http://referenceworks.brillonline.com/entries/encyclopaedia-of-islam-2/selim-iii-SIM_6703 (accessed December 27, 2012)
[151] Karal, *Selim III'ün Hat-tı Hümayunları*, 156.
[152] Kemal Beydilli, "Selim III," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 2009), 36: 420-23.
[153] Münir Aktepe, "Abdülhamid I," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 1998), 1: 216.
[154] Yalçınkaya, "III. Selim ve II. Mahmud Dönemleri Osmanlı Dış Politikası," 632-34.

occurred during the months leading up to the revolution that marked the end of his reign. On February 20, 1807, Ottoman Istanbul for the first time since the conquest saw an enemy fleet anchored off shore,[155] its intimidating canons trained on the entire city.[156] This was the result of the Ottoman-French *rapprochement*, which had irritated the British. Fatih Yeşil notes that, as a precautionary measure against a possible subsequent British land invasion, the Janissary *ağa* obtained imperial permission to recruit thousands of vagrants from the streets of Istanbul to form auxiliary Janissary units called *dalkılıç*.[157] He concludes that a few months later, when the *Kabakçı* revolt erupted, the Janissaries were quick to mobilize these newly armed vagabonds and send them into the streets against the Sultan.

Only a month after the British intimidation, which had no military consequences, on March 20, 1807 news reached Istanbul that the entire Hejaz had fallen under the rule of the Wahhabis.[158] According to the report, the Wahhabis had turned the Hajj caravans away from Mecca with only 30 hours of travel remaining to the city and therefore the pilgrimage that year could not be performed. This setback was particularly significant for two reasons. First, the Ottoman Sultans, among their many other imperial titles, preferred *Hadimül Haremeyn eş-Şerifeyn* that is, the servitor of the two sacred places, Mecca and Medina. The prevention of Hajj was a serious affront to the

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[155] For the picture of the scene, see Figure XVIII in the Appendix.
[156] Fatih Yeşil, "İstanbul Önlerinde Bir İngiliz Filosu: Uluslararası Bir Krizin Siyasi ve Askeri Anatomisi," in *Nizam-ı Kadim'den Nizam-ı Cedid'e III. Selim ve Dönemi / Selim III and His Era from Ancien Regime to New Order*, ed. Seyfi Kenan (İstanbul: İsam Yayınları, 2010), 462.
[157] Ibid., 463.
[158] Zekeriya Kurşun, *Necid ve Ahsa'da Osmanlı Hâkimiyeti: Vehhabi Hareketi ve Suud Devleti'nin Ortaya Çıkışı* (Ankara: TTK Basımevi, 1998), 24-45.

protector of the faithful. Second, Yavuz Sultan Selim I (r. 1512-1520) had been the first Ottoman Sultan to use the title after conquering the Hejaz and Egypt in 1517-19.[159] Selim III, as mentioned in the introduction of this dissertation, had been named in the hope that he would be like Yavuz Selim. The capture of the Harameyn by the Wahhabis brought about serious damage to his public persona.[160]

At about the same time, devastating news arrived from Egypt: the British had occupied Alexandria. However, this was not the first time that disturbing news had come from Ottoman Egypt under Selim's rule. A decade earlier than the British, France had invaded Egypt[161] which had caused a major wave of dismay and schock in the capital and had brought Sultan's legitimacy into question. This was because, since his early years, Selim had preferred to develop good relations with France and was known for his pro-French stance in foreign policy.[162] According to Eschasseriaux, Egypt was "separated from France only by a little bit of water and only half-civilized,"[163] while France needed Egypt in order to reimburse her losses in North America and as a toehold to block the British sugar trade in the East. [164] However, what outraged the Sultan was to hear that Bonaparte told the Egyptians that he was sent by

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[159] Feridun Emecen, "Selim I," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 2009), 36: 414
[160] Erhan Afyoncu, "Foreign and Domestic Events in the Era of Selim III," in *Selim III: Istanbul at a Turning Point between Two Centuries*, ed. Coşkun Yılmaz (İstanbul: İstanbul Avrupa Kültür Başkenti, 2010), 96.
[161] Câbi Ömer Efendi, *Câbi Tarihi: Târîh-i Sultân Selîm-i Sâlis ve Mahmûd-i Sânî: Tahlîl ve Tenkidli Metin*, ed. Mehmet Ali Beyhan (Ankara: TTK, 2003), I: 40-45.
[162] Karal, *Selim III'ün Hat-tı Hümayunları*, 157.
[163] Juan Ricardo Cole, *Napoleon's Egypt: Invading the Middle East* (New York: Palgrave Macmillan, 2007), 16.
[164] Enes Kabakcı, "Napoléon Bonaparte'ın Mısır Seferi (1798-1801)," in Nizam-ı Kadim'den Nizam-ı Cedid'e III. Selim ve Dönemi / Selim III and His Era from Ancien Regime to New Order, ed. Seyfi Kenan (İstanbul: İsam Yayınları, 2010), 339-342.

Selim III to fight against the unruly *bey*s who mercilessly overtaxed the people,[165] that the French people were genuine Muslims and that he continued to mint golden coins on Selim's behalf.[166] Cole notes that "how little, the sultan viewed the conflict as a clash of civilizations is demonstrated by his immediate alliance with Russia and Britain, Christian powers, against the secular republic he had once befriended."[167] Only when a joint British-Ottoman naval attack destroyed the French fleet and Bonaparte had to leave Egypt on a commercial vessel did the Sultan feel a sense of relief and through public celebrations tried to restore his image.[168]

These three open attacks on Ottoman soil certainly provided a golden opportunity for the conservative party. As it had so many times in the past, the propaganda machine wasted little time in spreading the news in and around the coffeehouses where Janissary congregated to drive tension to new heights. Rumors claimed that the British navy had been specially invited by the reformists to annihilate the Janissaries and the infertility of the Sultan was a sign from Allah of his inauspiciousness; the *Nizam-ı Cedid* was *Nizam-ı Yezid*,[169] and the exaggerated stories of corruption and nepotism of the men of the reform which at the time spread rapidly.

With opposition from below guaranteed, and public opinion won over,

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[165] Cole, *Napoleon's Egypt,* 31.
[166] Ahmet Cevdet Paşa, *Tarih-i Cevdet*, ed. Dündar Günday (İstanbul: Üç Dal Neşriyat, 1974), 6: 453.
[167] Cole, *Napoleon's Egypt,* 157.
[168] The people of Istanbul for the first time in their history saw fireworks and flying balloon on this occasion. See Beydilli, *Türk Bilim ve Matbaacılık Tarihinde Mühendishâne*, 53.
[169] *Nizam-ı Yezid or Leşker-i Yezid* refers to the soldiers of the Yazīd b. Muʿāwiye (645-683), the tyrannical Umayyad ruler who killed Ḥuṣayn b. ʿAli, the grandson of the Prophet. Though it lacks the context completely, the historical allusion is striking as it aimed to construct a religious legitimacy in opposing the Western-inspired reforms.

the conditions were ripening for a perfect *coup d´État* in the Ottoman capital. However, revolutions need masterminds to engineer them and in Ottoman case, religious justification was *sine qua non*. Another wave of disinformation sufficed to convince the unruly *Boğaz yamakları*[170] that the government would force them to wear the infidel attire of the new army. They rose in arms and killed Halil Ağa and Mahmud Râif Efendi while they were visiting one of the Black Sea region fortresses.[171] In the light of recent archival findings, recent scholarship is certain about the absence of any relevant governmental decision.[172] However, the government had begun the initial transfer of *Nizam-ı Cedid* battalions to the Black Sea region as a precaution in the event of a possible attack from Russia, because the empire was at war with Russia. In other words, it was a *kakakairos* for the government to assign the new army troops to garrisons where the Janissaries and *yamak*s were living in constant fear of being pushed aside by the growing new army at any time.

And the revolt began. Since the Grand Vizier İbrahim Hilmi Pasha was abroad with the army fighting against the Russians, his deputy *Kaymakam* Hafız Köse Musa Pasha was in charge of the capital's security. He and the *Şeyhulislam* Topalzade Mehmed Şerif Efendi (*l'âme de la révolution*) in fact orchestrated the revolt.[173] It should be noted that both were in-laws.[174]

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[170] *Boğaz yamakları* were the assistant auxiliaries to Janissaries in rank and file and placed in the Bosphorus forts. In other words, they were not even considered as a full fledge Janissary soldiers.
[171] Arif Efendi, "Tüfengçi-Başı Ârif Efendi Tarihçesi," 387-89.
[172] Aysel Yıldız, "The Kabakçı Rebellion and the Murder of Selim," in *Selim III: Istanbul at a Turning Point between Two Centuries*, ed. Coşkun Yılmaz (İstanbul: İstanbul Avrupa Kültür Başkenti, 2010), 228.
[173] Tayyâr-zâde Atâ, *Osmanlı Saray Tarihi: Târih-i Enderûn*, ed. Mehmet Arslan (İstanbul: Kitabevi, 2010), III: 60.

Lachmann notes that "ideology and interest are indistinguishable in analysis once they become inseparable in an elite's practice."[175] From May 25, when the first mutiny occurred until May 29 when the revolt ended with the dethronement of Selim, they secretly communicated with the rebels and fed them with intelligence from within.[176] Especially Musa Pasha during its developmental phase asssured Sultan Selim that the mutiny was an unimportant tumult involving a bunch of unruly soldiers and that there was no need to panic. As the revolt was moving towards another level, despite the urgings of the *Nizam-ı Cedid* men to mobilize the New Troops, Musa Pasha successfully convinced the Sultan to keep them in their barracks. Meanwhile, 25.000 fully equipped and trained *Nizam-ı Cedid* soldiers were waiting in their military compounds for Sultan's instructions to crush the rebellion.[177]

On the third day, both *Şeyhulislam* and *kaymakam* pasha went to negotiate with the rebels, who stipulated that certain government officials must immediately be handed over to them alive. Furthermore, they requested that the Sultan should abolish the reform package and disband the new army. In return they agreed to return to their barracks. It was not surprising to note that the list of the most wanted government officials contained only the names of the Men of the New Order. Moreover, as some sources indicate, after discussing the details of their stipulations, the *Şeyhulislam* repeatedly asked

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[174] Kaymakam's son had married with *Şeyhulislam*'s daughter. See Özkul, *Gelenek ve Modernite*, 362.
[175] Lachmann, *Capitalists inspite of Themselves*, 239.
[176] For a detailed account of the four day revolution see Aysel Yıldız, "Şeyhulislam Şerifzâde Mehmed Atâullah Efendi, III. Selim ve Vak'a-yı Selimiye," in *Nizam-ı Kadim'den Nizam-ı Cedid'e III. Selim ve Dönemi / Selim III and His Era from Ancien Regime to New Order*, ed. Seyfi Kenan (İstanbul: İsam Yayınları, 2010), 529-564.
[177] Uzunçarşılı, *Osmanlı Devletinin Saray Teşkilâtı*, 104.

the rebels whether there was anything else that they wanted.[178] Tempted by the hint, the rebels immediately informed the *Şeyhulislam* that they would not return to their barracks until Sultan Selim abdicated and proclaimed his nephew Mustafa IV as the new Sultan. Having taken what they needed, the two luminaries returned to the palace and informed the Sultan about the seriousness of the situation. Sunar notes that "since the ministers of the New Order already had alienated the majority of the *ulema* by limiting their power in government councils, the *ulema* were somewhat willing to play the role given to them by the rebels."[179] It should be noted that many contemporary historians severely criticized the *Şeyhulislam* for his active involvement in political affairs, especially in the dethroning and execution of Selim III. *Neticetül Vekayi* labeled him as not *Şeyhulislam* but "*sharr al-Islam*," that is "the evil of Islam."[180] Ubeydullah Kuşmani, a contemporary historian called him, "not *muftī al-waqt*" but "*mukhṭī al-waqt*," that is, "he was not the jurist consult of the epoch but its most erroneous man."[181] The historian Tayyâr-zâde Ahmed Atâ called him, "*topal merkeb*" that is, crippled donkey.[182]

Exhausted from the "*gaile-i saltanat,*" the burdens of rule, Selim acquiesced, abdicated and summoned his cousin Mustafa IV from his cage and

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[178] Arif Efendi, "Tüfengçi-Başı Ârif Efendi Tarihçesi," 400; Adil Şen, *Osmanlıda Dönüm Noktası: III. Selim Hayatı ve Islahatları* (Ankara: Fecr Yayınları, 2003), 151.
[179] Mehmet Mert Sunar, "Cauldron of Dissent: A Study of the Janissary Corps, 1807-1826" (PhD Thesis, State University of New York at Binghamton, 2006), 124.
[180] Neticetü`l-Vekayi, İstanbul Üniversitesi, Yazma Eserler, nr. 2785, 31-35; quoted in Aysel Yıldız, "Şeyhulislam Şerifzâde Mehmed Atâullah Efendi, III. Selim ve Vak'a-ı Selimiye," 533.
[181] Ubeydullâh Kuşmanî and Ebubekir Efendi, *Asiler ve Gaziler: Kabakçı Mustafa Risalesi*, ed. Aysel Danacı Yıldız (İstanbul: Kitap Yayınevi, 2007), 117.
[182] Tayyâr-zâde Atâ, *Osmanlı Saray Tarihi: Târih-i Enderûn*, ed. Mehmet Arslan, (İstanbul: Kitabevi, 2010), III: 62.

with his own hands placed him the throne.[183] Even though Mustafa feigned surprise at first,[184] he was happy to see the accomplishments of his two secret partners, the *Şeyhulislam* and *Kaymakam* pasha.[185]

Even though Selim a decade and a half earlier had given an oath to the Men of the New Order that he would protect their lives under any circumstances,[186] he saw that he had no choice but to give them up. Nevertheless, Selim refused to hand over all the members of the clique. Instead, he let three of them escape from the palace and showed his 'mercy' to the rest by not handing them over alive, and sent their heads to the rebels. The ensuing manhunt conducted by a Janissary-led web of spies in the streets of Istanbul ended with the killing of the rest of the *Nizam-ı Cedid* men.[187] Their decapitated heads were put a top a pyramid of human heads piled up in the *Et Meydanı* square in front of Sultanahmed mosque where the celebrations were taking place.

The descriptions of the scene in the square indicate how right Selim had been in his decision not to hand his men over to the rebels alive. Aysel Danacı, a Turkish scholar, discovered a contemporary narration of the event penned by an author who was against the reforms.[188] What is more interesting is the author, certain Ebu Bekir Efendi who witnessed the rebels' celebrations in the square, described the rebels as heroic warriors who saved the subjects

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[183] Ebubekir Seyyid, *Vaka-ı Cedid: Yayla İmamı Tarihi ve Yeni Olaylar*, ed. Yavuz Senemoğlu (İstanbul: Tercüman, 1976), 74.
[184] Shaw, *Between Old and New*, 383.
[185] Beydilli, "III. Selim: Aydınlanmış Hükümdar," 52.
[186] Ahmet Cevdet, *Tarih-i Cevdet*, VIII: 164.
[187] Abdülkadir Özcan, "Türk Devletlerinde Casusluk," in *TDV İslam Ansiklopedisi* (İstanbul: TDV, 1993), 7: 169.
[188] Kuşmanî and Ebubekir, *Asiler ve Gaziler,* 117.

from the tyranny of oligarchic oppressors.[189] He said that killing one of the men of the New Order was as virtuous as killing a battalion of Russian infidels. Efendi's horrific torture account reflects the level of hatred and animosity caused by the actions of the men of the reform. According to his account, before virtually cutting the men of reform into pieces, the Janissaries repeatedly stabbed them and licked the bloodied swords and daggers before their eyes. Those who were unable to do so due to the press of the crowd, asked their friends for permission to lick little bit of blood from theirs.[190] The indescribable scenes of the remaining parts of the account can be considered as another call to seek out the motives of the revolt elsewhere than in the religious domain.

A particularly notorious case clearly illustrates how the Men of the New Order enriched themselves and how their arrogance caused hatred among the public. Ahmed Faiz Efendi (d. 1807), the personal clerk of Selim III, used to take note of daily events as well as organize the Sultan's personal library.[191] He had been an archer when the Sultan had noticed him and granted him an appointment at court. Due to his exceptional professional qualities, he climbed the echelons of the bureaucracy swiftly and became the personal confidant of the Sultan (*sırkatibi*)—a position that was considered to be highly influential. He joined the Men of New Order when the group was formed and became an important part of the *Nizam-ı Cedid*. Using his rank and

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[189] Ibid., 19.
[190] "*... kemal-ı gayz ve garezlerinden kılıç ve bıçaklarının kanını yalayub kesret-i zihamdan darb ve cerhine muvaffak olamayanların aman karındaş ben de senin kılıcından bir katre kanını yalayım...*" Ibid., 117.
[191] Mehmet Ali Beyhan, *Saray Günlüğü* (İstanbul: Doğu Kütüphanesi, 2007), 6.

power, Ahmed Faiz Efendi gained the respect of high state officials and according to Ahmed Cevdet Pasha, like the statesmen of his time, accumulated an exceptional fortune during his career and eventually indulged in a luxurious lifestyle, building lavishly appointed houses and extravagant waterside residences.[192] Naturally, this disturbed many people, including the Janissaries, and when the *Kabakçı* revolt broke in 1807, his name was at the top of the list of those whose heads were demanded. He went into hiding but after an unexpected attack at one of his houses on the outskirts of the capital, he was beheaded by a Janissary "to save him from dying in an unclean manner."[193] His corpse was then dragged to Sultanahmet square where the bodies of other executed state officials were piled up. Although he left behind countless immovable properties and some seventeen thousand bags of coin, he was notorious for his stinginess towards the needy and even his own relatives.[194]

The total eradication of the reformist clique, however, was not enough for the conservative party and one after another they began removing the sons, relatives and *hâne-gî*s of the reformists from various *ilmiye* posts and at once ended their privileges.[195] In other words, the *Kabakçı* revolt was from beginning to end, a deliberate and well-planned elimination of cadre and other high-ranking personnel in the true sense of the word. Lachmann notes that, "elites protect themselves from other elites either by defeating their

[192] Ahmet Cevdet, *Tarih-i Cevdet*, VIII: 143.
[193] Beyhan, *Saray Günlüğü*, 8-9.
[194] Ibid.
[195] Yıldız, "Şeyhulislam Şerifzâde Mehmed Atâullah Efendi, III. Selim ve Vak'a-yı Selimiye," 560.

rivals in conflict or by establishing institutions that prevent rivals from upsetting the existing and beneficial allocation of resources and powers."[196] When the conservative clique saw that with its emerging institutions and new systems of taxation, the era looming before them would abruptly discharge them from the ruling mechanism; it instinctively understood that it had no choice but to defeat its rivals. Lachmann's judgement was accurate when he wrote: "the defeat of other elites is rare, and I hypothesize that any elite defeats are the causes of sudden changes in a polity's geopolitical and economic strategies."[197]

After his forced abdication, Selim returned to the cage where he had spent considerable time in his youth[198] and there spent his days reviewing the Qur'an, which he had memorized in its entirety in his childhood,[199] reading books on fifteenth and sixteenth century history, composing new songs, writing treatises on the theory of classical music and talking to the other heir to the throne, Sultan Mahmud whom he looked upon Selim as his father.

The absence of a rival elite group short-circuited the fragile equilibrium and very soon evolved from inter-elite to intra-elite factionalism as the *Şeyhulislam* and Köse Musa Pasha fell out with each other. Not only did they disagree on a number of appointments, but eventually became arch-enemies. The *Nizam-ı Cedid* reform program was officially brought to an end by Selim III, but in order to extirpate its remnants, the Janissaries burnt down the

[196] Lachmann, "Elite Self-Interest and Economic Decline," 352.
[197] Ibid.
[198] Ahmet Cevdet, *Tarih-i Cevdet*, VII: 171.
[199] Ahmet Vasıf Efendi, *Vasıf Tarihi* (İstanbul: Üsküdar matbaası, 1214/1804), I: 278.

gigantic military complex that reminded them of an eminent threat to their vested interests. By selling what was left from the fire and putting the land up for sale, Sultan Mustafa IV completed the mission in 1809.[200]

During the reign of Selim III the Ottoman Empire became fully integrated into continental European politics. Ottomans began practicing modern diplomacy as Sultan Selim opened permanent embassies in major European cities for the first time in the history of the empire. [201] In the same time period European ambassadors became increasingly influential role players in Ottoman domestic politics. Juan Cole relates that the French ambassador, the former Priest Charles Maurice de Talleyrand, attempted to overthrow Selim III by inciting the Balkan notables against him, but the Sultan forestalled his efforts by granting more lands to the local power brokers.[202] Another historian, Asım, notes that another French ambassador, General Horace Comte Sebastiani was in close contact with the leader of the mob Kabakçı Mustafa before and after the revolt.[203] Cevdet Pasha notes that the British, like the Russians, clandestinely helped the groups opposed the reformation.[204] Beydilli on the other hand points to a Russian hand in the revolt as the Russian ambassador provided help for the anti-reform movement because they were not happy with Selim's recognition of Napoleon's

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[200] The complex was rebuilt again by Sultan Mahmud II during his reign. See M.Gözde Ramazanoğlu, "Osmanlı Yenileşme Hareketleri İçinde Selimiye Kışlası ve Yerleşim Alanı" (PhD Thesis, Yıldız Teknik University, 2003), 1; idem, "Selimiye Kışlası," 436.
[201] Faik Reşit Unat, *Osmanlı Sefirleri ve Sefaretnameleri* (Ankara: TTK, 2008), 14-22.
[202] Cole, *Napoleon's Egypt*, 157.
[203] Asım Efendi, *Tarih-i Asım*, II: 152.
[204] Ahmet Cevdet, *Tarih-i Cevdet*, VIII: 152.

emperorship, and with his overall pro-French political stance.[205] To sum up this idea, beginning with the reign of Selim the European ambassadors in Istanbul played active role in domestic politics and therefore, some foreign embassies should also be seen as participating in the polymorphous 'conservative clique' coalition against the Men of New Order.

IV. Conclusion

In this chapter I argued that Heyd's analysis of low rank vs. high rank *ulema* response was linguistically, historically and sociologically inaccurate. The tautological narrative should be taken with utmost caution and its usage avoided. I have also demonstrated that even though the nature of the Selimian era inter-elite struggle looked like a conflict of ideas on the surface, underneath (the bottom line), it expressed a conflict of interests.

The fundamental aim of the coup was the elimination of the rival clique for many reasons. First the *Nizam-ı Cedid* reform was inaugurated in 1793 and the revolt broke out in 1807. If the main motivation of the *ulema*-led opposition had been religious in nature, the clash would have been occurred sometime earlier during the fourteen year period. Second, as Beydilli and others point out, even though Mustafa IV and his new governing staff eradicated the symbols of the New Order, they continued many of reform programs initiated by his predecessor. Mustafa for example ordered a comprehensive new legal code for the amelioration of the Military

[205] Beydilli, "III. Selim: Aydınlanmış Hükümdar," 51.

Engineering School.[206] Furthermore, through Seyyid Mehmet Hâlet Efendi who grew up in the household of *Şeyhulislam* Topalzade Mehmed Efendi, the new Sultan assured the French government that there would be no change in the foreign policy of the empire despite the radical changes in the staff of the foreign ministry.[207] Mustafa also continued to consolidate central power and pursue reformist policies, though without calling them New Order.

It becomes clear that the monopolization of power by a certain clique, coupled with unbridled favoritism, corruption and insolence together with an unwillingness to share power was the prime factor in the outbreak of the revolt. In other words, the hatred and animosity was not between low *ulema* and high *ulema* as Heyd and many others believed, but rather between high-rank rival elite groups who strove to maximize their power and preserve their vested interests.

It is very likely that the Men of the New Order believed sincerely in the necessity of change and reform and therefore were able to find a place for themselves in the entourage of the Sultan. However, with the corruptive aspect of power, over the years they became a self-interested group. In Lachmann's terms, they were elites who acted for themselves. By imposing high taxes on the public and displaying an extravagant life style, the Men of New Order alienated themselves from the lower strata of the society and caused those strata to look askance at the reform process. Lachmann notes

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[206] Beydilli, *Türk Bilim ve Matbaacılık Tarihinde Mühendishâne*, 81-82; Kemal Beydilli, "İlk Mühendislerimizden Seyyid Mustafa ve Nizam-ı Cedid'e Dair Risalesi," *Tarih Enstitüsü Dergisi* XIII, (1987): 404-405.

[207] BOA., HH. 14633; quoted from Süheyla Yenidünya, "Mehmet Sait Hâlet Efendi Hayatı İdari ve Siyasi Faaliyetleri (1790-1822)" (PhD Thesis, İstanbul Üniversitesi, 2008), 99.

that, "polities lost, or failed to achieve, economic dominance when a single elite, or a set of linked local elites, achieved unchallenged control over the institutions through which an economic surplus was appropriated."[208] The unbridled monopoly exercized by the Men of New Order disrupted the pre-existing equilibrium and ended with the formation of a coalition of offended power contenders that led to the total elimination of the Men of New Order.

In sum, at the end of the Selimian period, an abrupt social and structural change occurred because of the conflict and the rigid relations between the rival elites who acted for themselves and managed to reach their allies from below. The historical change took its final shape due to a sequence of historical contingencies. Once again, change occurred as the unforeseen by-product of elite rivalry for the appropriation of economic resources. This became quite evident as the rebels not only sacked the residences of executed statesmen but the new elites of Mustafa IV plundered the New Revenue Treasury.[209] The Kabakçı revolt terminated the much needed reform program, hindered the fiscal centralization of the empire and thus weakening its ability to establish better-supplied and trained armies in the modern sense. The period from 1807 to 1826 when Sultan Mahmud II finally did away with what Cevdet Pasha calls, the "cancer virus" in the heart of the state, [210] i.e., janissaries, was wasted time for the empire as it stymied the reforms and in the long run jeopardized the empire's capacity to increase its resources in the face of ever-increasing international confrontation. Because, as Lachmann

[208] Lachmann, "Elite Self-Interest and Economic Decline," 369.
[209] Beydilli, "Nizam-ı Cedid," 177; Kuşmanî and Ebubekir, *Asiler ve Gaziler*, 13.
[210] Ahmed Cevdet Paşa, *Tezâkir*, 219.

says, “elites acting locally determine their capacities to act globally.”[211]

There can be little doubt that elite conflicts, personal antagonism and hatred between rival factions played a decisive role in ending the vitally important and costly reform initiatives. The Ottoman minister Fuad Pasha, once said to a European diplomat: “our state is the strongest state. For you are trying to cause its collapse from the outside, and we from the inside, but still it does not collapse.”[212]

[211] Lachmann, "Elite Self-Interest and Economic Decline," 369.
[212] Davison, Reform in the Ottoman Empire, 9.

CONCLUSION

Although the period from 1789-1839 figures among the most formative periods of Ottoman history it has remained largely under-theorized, despite the pervasiveness of its impact on the later history of the Ottoman Empire. Using Lachmann's 'elite conflict theory' as a lens through which to analyze this period, the dissertation offers a different interpretation of the reaction of the Ottoman *ulema* to the Westernizing reforms that were introduced during that period.

While the *Nizam-ı Cedid* reforms were supported by some members of the *ulema*, others vehemently terminated them, making the very diversity of *ulema* attitudes towards the reforms worthy of inquiry. Their privileged positions as legal scholars meant that the *ulema* exercised tremendous influence in the imperial decision-making process, their attitudes quite literally shaping the future of modernizing reforms that were implemented or rejected based on their reactions.

This dissertation has sought to explore the gap in theory that exists with regards to the weight and importance given to the role of the *ulema* in Ottoman society. Often, analyses of the impact of the *ulema* have described it in terms of a mere struggle between religious and secular leadership, failing to account for the nuanced social dynamics that existed among members of the *ulema* elites. Often represented in monolithic and homogenous terms, the complex sets of tensions and relations that existed among the *ulema* and other

rival elites are frequently obscured. Rather than considering the *ulema* to be a singular social force shaping Ottoman society, this research has argued that significant tensions existed between pre-Tanzimat elite circles, and that these inter-elite conflicts shaped the roles of the *ulema* as well as the fate of Ottoman reforms. The application of elite conflict theories is therefore central in achieving a deeper understanding of the social effects of these elite rivalries. This research has argued that an examination of the *ulema* and *waqf* using elite conflict theories elucidates the detailed relations that shaped the change in Ottoman society.

In contrast to earlier Islamic empires and dynasties where the *ulema* were less influential, this dissertation argues that the Ottoman *ulema* exercised vast control over the Ottoman aristocracy, despite Prophetic cautions against the intermingling of the *ulema* with state rulers. Bolstered by their large endowments, exclusive veto rights and control of patrimonial career structures, the Ottoman *ulema* exerted unparalleled influence over the imperial court. Their vast economic wealth, coupled with their social status meant that the *ulema* enjoyed tremendous power in Ottoman society-power whose influence deeply shaped the imperial decision- making process.

As a largely unexplored phenomenon in Ottoman historiography, the examination of the crucial role of the *waqf* as a surplus extraction mechanism forms a central argument in this dissertation. In showing how the *waqf* served as a fortune shelter, the research suggests that the *waqf* formed the pillar of economic prosperity for the *ulema*, and provided the economic foundations

that both produced and dismantled elite social groups in Ottoman society. The *waqf* provided the *ulema* with the organizational apparatus and guaranteed method of wealth accumulation that allowed them to achieve and maintain their status as an elite group. The role of the *waqf* was therefore pivotal in making and maintaining the *ulema* as an aristocratic, elitist group.

An important parallel aspect of this research is the counter-narrative it provides in interpreting the actions of Sultan Mahmud II with regards to the fiscal reforms he implemented. While traditional narratives have suggested that the centralization of the *waqf* was intended to diminish the power and influence of the *ulema* who opposed Westernizing reforms, I have instead argued that such reforms represented part of a fiscal domino effect that was sweeping through a large number of states across the globe. Through a comparative analysis of fiscal reforms, this research demonstrates that from the late sixteenth to the early nineteenth centuries, the centralization of religious endowments and the use of their revenues in state economic development was a trend in many parts of the world, and not unique to Ottoman society. Far from existing in a political vacuum, the Ottoman Empire was heavily influenced by the fiscal reforms taking place in Russia, Egypt and more importantly several European nations. The adoption of a comparative fiscal perspective in understanding the fiscal reforms of Mahmud II represents a departure from conventional scholarship that has thus far omitted this perspective from analysis. The similarities in fiscal reform that can be seen across various geographic areas further supports this arguments, suggesting

that these fiscal policies were in fact "contagious" in nature.[1] This theory argues that the fiscal centralization in one political unit is likely to be mirrored by neighboring nations also seeking an increase in tax revenues by these means. Increased tax revenues translated into stronger armies, bolstering the political weight of nations who then competed for shares in the decentralized tax incomes of neighboring nations. I have argued that Ottoman fiscal reforms are therefore best understood as a link in a chain of fiscal changes that swept eastward from Western Europe towards the greater Mediterranean area.

Importantly, this finding further suggests that states and empires have always been relationally tied to one another, influencing each other's policies and reforms in complex ways. Large-scale social changes occur under the influence of a multiplicity of local and global factors, a fact which is often obscured by reductive historical analyses that point to Islamic conservatism as the driving force behind social change in Ottoman society.

The centralization of religious endowments had an extensive effect on elite structures in each of the geographic areas in which they were implemented, resulting in either the supporting of emerging new elite groups, or the weakening of existing elite structures. In considering the broader social context surrounding the confiscation of charitable endowment revenues by Mahmud II, I have argued that these fiscal reforms were not intended to target

[1] I am grateful to Prof. Erol Özvar for sharing his soon to be published working paper with me. Erol Özvar and Haldun Evrenk, "Contagious Fiscal Centralization and Warfare," Working paper.

the *ilmiye* class alone, but rather that they were part of a larger set of changes taking place in response to contemporary social and political challenges faced by Ottoman society. The centralization of religious endowments by Mahmud II should therefore be understood as a fiscally necessary reform in response to a changing political landscape both within Ottoman society and beyond.

An important contribution of this dissertation is the clarification of the often unclear term *ulema*. While Heyd has argued that the divergence of reactions among the *ulema* towards reforms was the result of conflicting opinions between high and low rank *ulema*, I argued that this approach fails to accurately grasp the nature of the *ulema* both linguistically and sociologically. In contrast to Heyd's model of intra-elite vertical dichotomy, I have proposed that the application of Richard Lachmann's elite conflict theory is better suited to the analysis of the role of the *ulema* in relation to Ottoman fiscal and bureaucratic reforms. Through the application of Lachmann's theory, I have shown that social change occurs primarily at the elite level, rather than between class or rank structures. The meagre impact of the *softa* uprisings that occurred towards the end of the reforms are evidence of the primacy of the elite as the locus of social change. Using the *Kabakçı* revolt as a main variable, I employed Lachmann's theory as a prism, concluding that social change is often the unanticipated result of various elite circles in competition for wealth and power. The application of Lachmann's elite conflict theory in the study of Ottoman reforms represents not only an important theoretical departure in the study of this research topic, but also promises new interpretations of other

historic periods as its applicability in other contexts is explored.

The demise of the Selimian reforms was therefore not the result of a mere clash of ideological perspectives, as has been suggested by a large number of scholars. Rather, I have argued that the competition between powerful rival elite groups for control over government profits formed the kernel of the conflict. Significantly, this argument challenges analyses that suggest that the attitudes of the *ulema* were simple responses to European-inspired fiscal reforms. Instead of a purely doctrinal conflict, this research has shown that the reactions of the *ulema* originated primarily from a desire to protect their economic and social interests. Through the transformation of economic conflicts into ideological ones, the fate of the Ottoman reforms was largely determined by conflicts among elite intellectuals.

In applying Richard Lachmann's "elite conflict theory of historical contingency," the dissertation has offered a new perspective on the study of Ottoman *ulema* reactions to pre-Tanzimat fiscal reforms. In contrast to prevailing analyses which put forth a vertical intra-elite model for understanding *ulema* reactions, this research has shown that an inter-elite model of horizontal conflict better reveals the complex relations that shaped *ulema* reactions to Ottoman fiscal reforms, shedding light on the conflicts that ultimately brought about the demise of the reforms themselves. Furthermore, this research challenged conventional interpretations of the centralization of religious revenues as a mere tool for the silencing of *ulema* opposition to Western reforms. Through a detailed comparative study of early European

fiscal reforms and taxation models, this research has shown that the centralization of the *awqaf* by Mahmud II was part of a broader economic trend occurring in response to contemporary challenges faced by European states and the Ottoman Empire alike. By underscoring the shortcomings of the prevailing understandings of the term *ulema*, this research has attempted to clarify widespread misinterpretations of the term. This dissertation has sought to provide a comprehensive analysis of *waqf*-elite relation, in an effort to contribute to and advance scholarship on the complex and dynamic world of pre-Tanzimat Ottoman society.

Following Lachmann's theory, a few hypotheses can be inferred from the four chapters of this dissertation that can be arguably applied to other periods of Ottoman history:

- Hypothesis: An elite structure can only be replaced by a coalition of discontented elites with religious legitimacy.
- Hypothesis: While a feeble sultan implied fierce elite struggles and a massive increase in family *waqf*s, a strong-willed sultan denoted less enthusiastic factionalism and an increase in public *waqf*s.
- Hypothesis: Revolts are the key events for identifying the elite structures and the ability to seize *kairos* in times of chaos determined an elite's *vita*.
- Hypothesis: The longevity of central power depended on the functionality of the revolving door of periodic elite circulation.

- Hypothesis: Elite equilibrium means a balance of opposing forces and when monopolization of access to the sultan was combined with immoral conduct, the balance was disrupted with violent insurrection.
- Hypothesis: Territorial expansion meant growth in the *ilmiye* while territorial loss meant shorter terms of incumbency.
- Hypothesis: The more centralized the government, the fewer *ulema* were employed in non-religious posts.

Even though this dissertation demonstrates the applicability of Lachmann's thesis to the Ottoman context, it is unfortunate to see that in his writings Lachmann does not make any mention of the Ottoman factor in European inter-elite struggles. As the recent scholarship in Ottoman historiography increasingly indicates, for centuries Ottomans and Europeans not only mutually influenced each others' perceptions and institutions but through their commercial activities, capitulations, wars, and strategic alliances had a profound impact on each other's socio-economic and military equilibrium.

More than two hundred years after the inception of the *Nizam-ı Cedid*, Turkey is ardently attempting to enter the European Union and to continue to pursue her reform policies in tandem with European standards, yet under the leadership of a prime Minister who is a graduate of *Imam-Hatip* religious school. While the European Union seemingly cannot take the risk of rejecting or accepting Turkey completely, recent historiographic findings suggest that

there is a growing tendency to believe on both sides of the border that their own history will not be fully grasped or even written until they study the history of 'the other.'

Throughout the process of conducting this research, a significant shift in my own approach to the research subject took place. In the earlier stages of the work, I tended to think of the trajectory of all *waqf* centralizations as cyclical, as they were subsequently followed by decentralization initiatives. The birth and rise of the modern nation state has however shown that *waqf* centralization has followed a linear trajectory, given that the social and economic services previously provided by the *waqf* became the purview of the modern state. The *waqf*, which was in many ways perfectly suited to the middle ages, appeared to be obsolete in the context of modern structures of government.

Some recent international developments however, have compelled me to question this conclusion. First, many global aid agencies have begun establishing partnerships with local *awqaf* in order to increase the effectiveness and sustainability of their development projects in the Third World. Given the importance of the *waqf* as indigenous organizations, aid agencies found that employing native workers through the *waqf* created less suspicion among local populations.

Second, several prominent individuals from the business world have begun calling for the revival of the Ottoman *waqf*s. In an ironic twist, the most recent and astounding call for the reinvigoration of the Ottoman

philanthropic tradition came from the heart of World capitalism - Wall Street - during the hot days of the "occupy movement."[2] Pared of rhetoric, the commentary penned by Charles Landow[3] and Cortney Lobel[4] proposed in simple terms that the economic crisis which had broken out in New York in 2011 and spread globally could be resolved with the Ottoman Empire's *waqf* tradition. The authors suggested that wealthy Americans should consider public works and infrastructure as new targets for their philanthropy, saying that "the very wealthy can pay for the infrastructure such as building schools and hospitals, which the state cannot afford, thus paving the way for ensuring not only employment but also drawing investors." Presenting the Ottoman-Turkish case as a successful precedent, the article also gave examples from the Republican period, noting that "Many modern Turkish foundations have continued to supply traditional infrastructure—the Sabancı Foundation, for example, has built more than 120 schools, hospitals, libraries, orphanages and other facilities. These assets are then transferred to state ministries, which run them."[5]

Another significant instance of *waqf* revival came from South Africa, where a vivid example of *külliye* construction was recently completed in Midrand. Importantly, it was believed that modern urban development

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[2] Charles Landow and Courtney Lobel, "How Billionaires Can Build Bridges to the Middle Class," *The Wall Street Journal*, October 17, 2011. http://online.wsj.com/article/SB10001424052970203914304576628893908997616.html (accessed January 1, 2013).
[3] Mr. Landow is associate director of the Civil Society, Markets, and Democracy Initiative at the Council on Foreign Relations. See http://www.cfr.org/experts/world/charles-landow/b13248
[4] Ms. Lobel is associate director for foundation relations at the Council on Foreign Relations. See http://www.cfr.org/experts/world/courtney-lobel/b16245
[5] Landow and Lobel, "How Billionaires Can Build Bridges to the Middle Class."

practices would foreclose the possibility of the construction of *külliye*, due to their sheer size. It no longer seemed feasible to erect large *külliye* complexes with their surrounding clusters of buildings in already overcrowded city centres. The cost of such huge construction projects must have been another deterring factor for individual and corporate donors alike. Despite this, the Nizamiye[6] *külliye* which is the largest *külliye* of its kind in Southern hemisphere was built to resemble any other typical Seljuki or Ottoman *külliye*s.[7] Donated as a *waqf* by a humble Turkish businessman who is now in his mid-seventies, he is now affectionately known as Uncle Ali among the South Africans.[8] The *külliye* consists of a sizeable central mosque, an adjacent Islamic boarding college with an 800 student capacity, a shopping centre to generate revenue for the *waqf* complex, a hospital (added to the project to honour the personal request of his Excellency Mr. Nelson Mandela), a soup kitchen, dormitories, and a private cemetery.[9] With the transfer of the Mehmed Remzi Bey's tomb from Johannesburg to the *külliye* cemetery, the *külliye* became complete in every sense.[10] This 30 million dollar project is designed and built as a three-quarter scale replica of the Selimiye mosque complex in Edirne Turkey, and attracts

[6] Referring to the Nizamiya medreses in Baghdad established by famous Seljuki vizier Nizam al-Mulk (d. 485/ 1092).
[7] For a recent photograph of the Nizamiye Külliye, see Figures XIII and XIV in the Appendix.
[8] The real name of this property tycoon is Ali Katırcıoğlu.
[9] Natashia Bearam, "Constructing a Masterpiece," *Lenasia Rising Sun*, July 17, 2012 http://www.looklocal.co.za/looklocal/content/en/lenasia/lenasia-news-general?oid=5885954&sn=Detail&pid=1171268&Constructing-a-masterpiece (accessed January 1, 2013).
[10] Mehmed Remzi Bey was last ambassador of the Ottoman Empire to South Africa.

about a thousand visitors each day.[11]

Recent changes in the political topography of some Muslim countries, exemplified in events such as the Arab Springs and other instances of increased public presence and political participation, may work to increase the political potency of the middle classes. As phenomena that may encourage upward mobility among the middle class, these events may also bolster the formation of new elite groups who may eventually seek new ways of influencing their communities and benefiting from the prestige of charity. Consequently, interesting paradigmatic shifts could emerge in the perception of poverty and charity in the contemporary collective Muslim ethos.

In addition to these international examples, the work of Dr. Azeemuddin Subhani deeply impacted my thinking about the institution of the *waqf*. In his seminal work, Dr. Subhani describes the categories of the processes of creation as three groups: *Ex-nihilo* creation (*khalq min al- 'adam*), *Ex-sui* creation or Intra-action (*khalq min al-nafs*), and *Ex-alio* creation or Inter-action (*khalq min al-ghayr*).[12]

The first category, *ex-nihilo* creation, is an exclusively divine capability, as God created the universe from nothing, and creating from nothing is not only beyond human capacity, but attempting it is considered to be a human trespass into the domain of the divine. The second category, *ex-alio* creation, is the simplest form of creation, best understood as the coming together of two

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[11] "Zuma Open's Nizamiye Mosque in Johannesburg," *Yeni Medya Internet Publishing*, June 10, 2012. http://en.haberler.com/zuma-open-s-nizamiye-mosque-in-johannesburg-216753/ (accessed January 1, 2013).
[12] Azeemuddin Subhani, "Divine Law of Riba and Bay': New Critical Theory" (PhD Thesis, McGill University, 2006), 235.

different agents inter-actively resulting in a third creation. The recreation of the human being is the most obvious example of this category of creation. However what is striking in this inter-action model is that it does not lead to eternal growth; rather it leads to decay, as it also leads to imperfection and impurity.[13]

What is most significant for my research is the third kind, *ex-sui* creation or Intra-action (*khalq min al-nafs*). In this process, there is only one agent that acts upon itself in order to create or attempt to create, known as an intra-action model. Unlike inter-action, intra-action leads to self-substinence, self-emanation, perfection, purity, infinity and eternity. It is the purest form of growth, a replication without the impurities that result from the inter-action of two agents with necessarily different genetic characteristics. Again, the attributes of self-substinence, self-emanation, perfection, purity, infinity and eternity are divine attributes. *Ex-sui* creation is also, therefore, an exclusively divine mode of growth based on intra-action. Also, intra-action results in inbreeding. In the human domain, incest with one's own mother (the subject of a Prophetic hadith on *riba*, that is, interest) is the utmost limit of inbreeding involving circular action. Incest, with other members of the biological family unit involves lesser degrees of inbreeding. Also, man can attempt self-replication, self-emanation and eternity through the genetic engineering technique of human cloning, but the operative attribute still remains divine.[14]

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[13] Ibid., 236.
[14] Ibid., 237.

Based on this explanation, Subhani concludes that, with the sole exception of the institution of *waqf* (endowment) which is the only form of perpetually recurring charity in Islam, any human act that is intra-active - or even an attempt at that – is a transgression in the divine domain.[15] Even though he does not give any further elaboration on the *waqf* institution as intra-action creativity, it is not difficult to connect the dots and have the complete picture of why and how the institution of the *waqf* has successfully outlived so many dynasties and empires. The institution was preserved thanks to its self-sustainability, legal immunity and consistent financial support through recurring charity mechanisms. As long as a *waqfiyya* can be found, it remains possible to re-create a *waqf* even many centuries later, like a Phoenix that returns to life emerging from its ashes, capable of duplicating itself, eternally.

In concert with the parallel economic and sociological developments in the world of charity and philanthropy on a global scale, I would speculate that there exist several signs of the reinvigoration of the *waqf* institution in the Muslim world and elsewhere. Only time will tell whether or not the linear centralization line graph will curve upwards, and the *waqf* will regain its position as a beacon in the lives of Muslim people, having survived a millennium amidst the ebbs and flows of history.

[15] Ibid.

APPENDIX

Figure I: Sultan Mahmud II

Figure II: The Calligraphy of Sultan Mahmud II

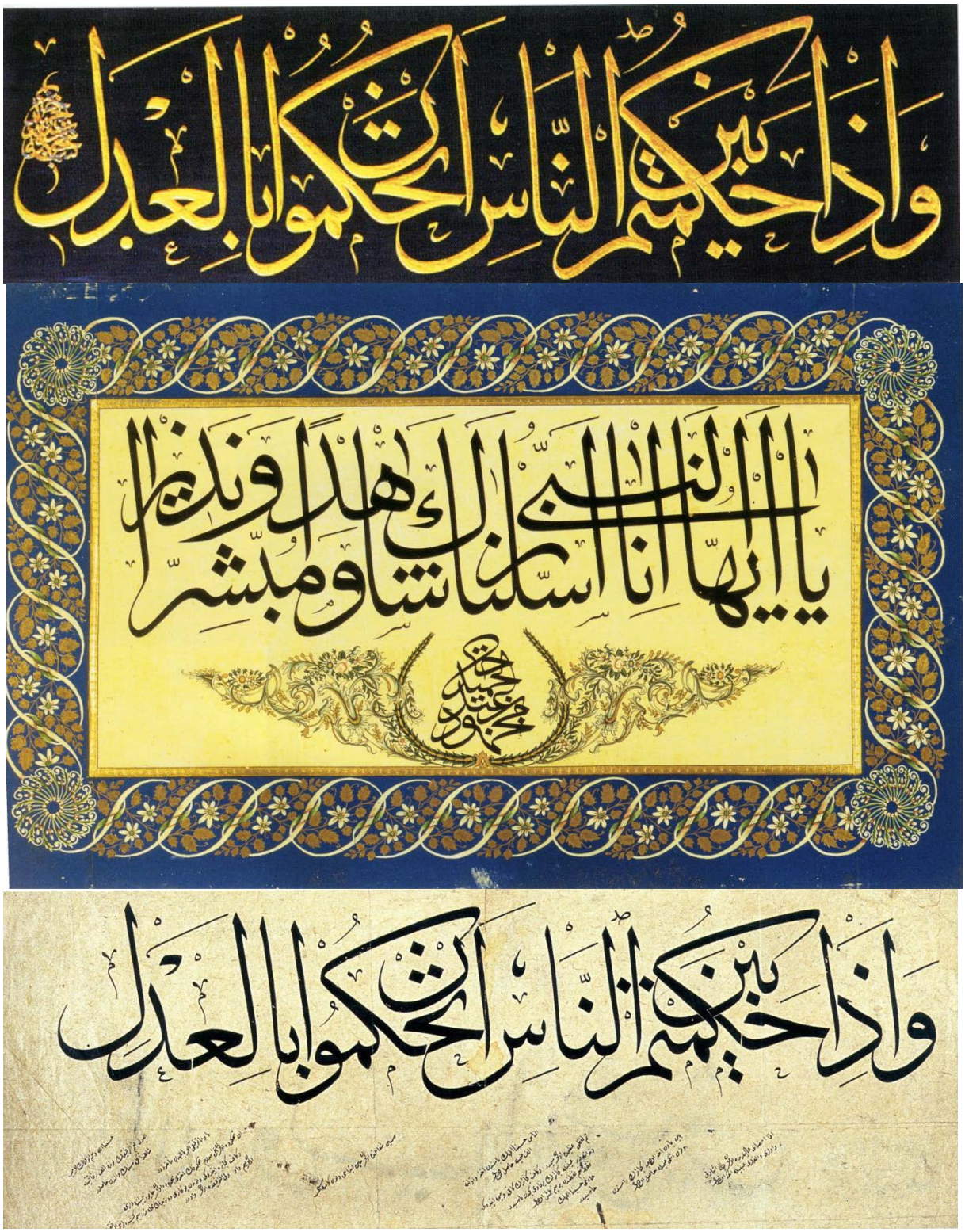


Figure III: The *Waqfiyya* of Sultan Selim III

Figure IV: The *Waqfiyya* of Sultan Selim III

Figure V: Sultan Selim III

Figure VI: Sultan Selim III and the *Ulema*

Figure VII: A European ambassador having dinner with the grand vizier in the Divan.

Figure VIII: From right to left: Bektashi, Gulsheni, Rufai and Mevlevi Dervishes.

Figure IX: From right to left: Personal clerk, *Şeyhulislam*, his deputy, and Chief Footman.

Figure X: Ottoman *Ulema*

Figure XI: Sultan Selim III receiving a European ambassador

Figure XII: Sultan Mahmud II

Figure XIII: Aerial view of the Nizamiye Külliye, Midrand, South Africa
(Source: http://www.nizamiyekulliyesi.com)

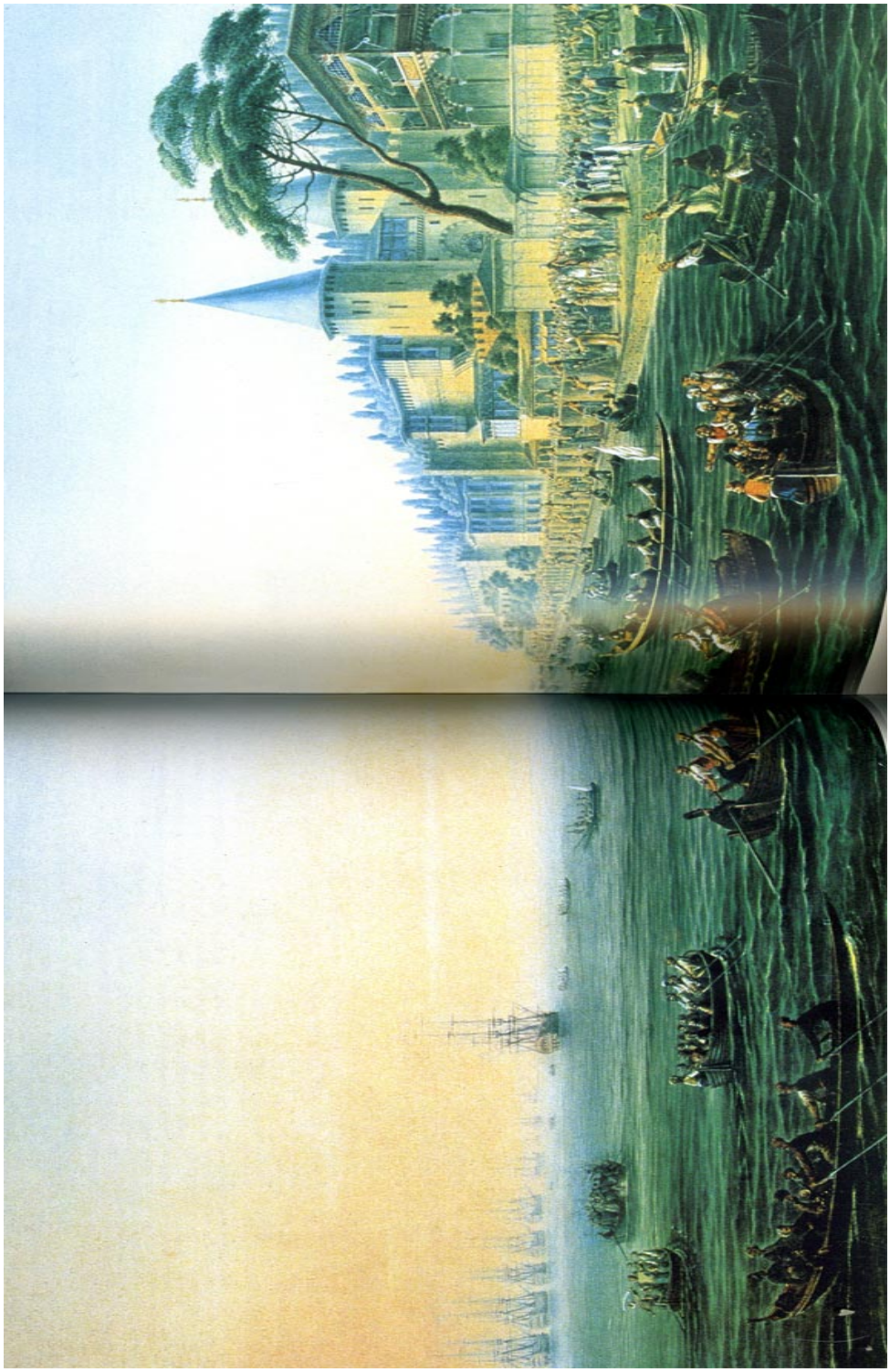
Figure XIV: Nizamiye Külliye, Midrand, South Africa
(Source: http://www.nizamiyekulliyesi.com)

Figure XV: Mahmud II's Tomb

Figure XVI: Sultan Selim III

Figure XVII: Selimiye Military Complex

Figure XVIII: British Fleet anchored facing Topkapı Palace in 1807



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