

***“COMMUNITY IN MOTION”: GYPSIES IN OTTOMAN IMPERIAL STATE
POLICY, PUBLIC MORALITY AND AT THE SHARIA COURT OF
ÜSKÜDAR (1530s -1585s)***

by

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ABSTRACT

This dissertation explores the position of Gypsies in the sixteenth century Ottoman Empire in an engagement with the formidable material, historiographical and conceptual challenges that this venture entails. These challenges stem from the limitations of the sources on Gypsies, the variety of narratives produced in contemporary scholarship on the history of Gypsies and deployment of contested concepts such as “marginality,” “ethnicity” and “race” with almost no problematization, contextualization and historicization. Chapter one discusses theoretical and conceptual challenges through looking at various studies on those positioned on the margins, chapter two deals with the material challenges and introduces the historical sources and their limitations. Here I pay particular attention on the court records and how they have been used in Ottoman historiography up until now, as the court records of Üsküdar extending from 1530 – 1585 constitute the backbone of this dissertation. Following this methodological overview of the sources, Chapter three and four are a macro analysis of Ottoman social and moral landscapes. Here an attempt is made to position Gypsies within this contested landscape. Then the thesis takes a rather micro turn, though it should not be considered as a micro-history. In chapter five, Üsküdar’s local court and its records are introduced as well as some of the problems encountered in studying Gypsies through the prism of these court records. Chapter six is where my argument comes together and binds the various parts of the dissertation. Reading the court records in communication with the *kanunnames*, *mühimme* registers and published research on the *tahrir* registers, it is an attempt to demonstrate hybridity and diversity within the community of Gypsies. After demonstrating this diversity within the category ‘Gypsy’, chapter seven attempts to analyze how the Ottoman Imperial state appropriated what I call a “community in motion” at various levels into its administrative system. Through considering the state’s various policies especially those regarding taxation, settlement and the incorporation of many Gypsies in the Balkans within the structure of the auxiliary military forces – *müsellems* - yet at the same time (ideally) excluding them from joining the Janissary corps, I argue that the Ottoman state policy *vis a vis* Gypsies in the sixteenth century Balkan and Anatolia was neither uniform nor did the ruling authorities have a singular and monolithic view of Gypsies. One of the main conclusions of this dissertation is that the legal, social and economic status of Gypsies in the Ottoman Empire in the sixteenth century is much more complicated than what can merely be characterized as marginalization or

toleration. The interaction of the Gypsies, both with the state and with the Ottoman society at large, was *simultaneously* both hostile and symbiotic.

RÉSUMÉ

Ce mémoire étudie la position des tziganes dans l'Empire ottoman du seizième siècle en engageant avec les défis matériels, historiographiques et conceptuels formidables qu'entraîne cette entreprise. Ces défis proviennent des sources limitées sur les tziganes, des récits variables de la recherche contemporaine sur leur histoire, et l'emploi de concepts contestés comme la marginalité, l'ethnicité et la race sans aucun effort de problématisation, contextualisation ou historicisation. Le premier chapitre discute les défis théoriques et conceptuels à travers plusieurs études sur les marginalisés, tandis que le deuxième chapitre fait connaître les défis documentaires en introduisant les matériaux historiques et leurs limitations. Ici je concentre sur les documents judiciaires et la manière dans laquelle on les a exploités dans l'historiographie ottomane jusqu'à présent, et ce parce que les documents d'Üsküdar qui datent des années 1530-1585 représentent le noyau de ce mémoire. Enchaînant avec ce survol des sources, les troisième et quatrième chapitres constituent une macroanalyse du paysage social et morale. Une tentative est faite ici à localiser les tziganes dans ce paysage. À ce point, le mémoire tourne vers le plan micro, sans pour autant devenir une micro-histoire en soi. Dans le cinquième chapitre, la cour régionale d'Üsküdar et ses documents judiciaires sont introduits ainsi que certains problèmes qui se présentent dans l'étude des tziganes à travers le prisme de ces documents. Le sixième chapitre représente le cœur de mon argumentation et c'est ici où sont liés les différents fils du mémoire. Une lecture des documents judiciaires dans le contexte des *kanunnames*, registres *mühimme* et la recherche publiée sur les registres *tahrir*, montre l'hybridisme et la diversité à l'intérieur de la communauté tzigane. Après cette démonstration de la diversité au sein de cette catégorie dite «tzigane», le septième chapitre tente d'analyser comment l'état impérial ottoman a su intégrer ce que j'appelle une communauté mobile dans son système administrative. Par une considération de leurs politiques, surtout ceux de l'imposition, de l'installation et de l'incorporation de plusieurs tziganes balkaniques aux rangs des forces auxiliaires militaires – *müsellems* -- tout en leur refusant d'entrée dans le corps Janissaire. Je maintiens que la politique d'état ottomane vis-à-vis les tziganes dans les Balkans et l'Anatolie durant le seizième siècle n'était ni uniforme ni astucieux. Les autorités n'avaient qu'une vue singulière et monolithique des tziganes. Une des principales conclusions du mémoire est que le statut légal, social, et économique des tziganes dans l'Empire ottoman à cette époque était d'une complexité qui dépasse nos caractérisations de marginalité ou tolérance. L'interaction des tziganes avec l'état, ainsi qu'avec la société ottomane, était simultanément hostile et symbiotique.

NOTE ON TRANSLITERATION

I use modern Turkish spelling for all Turkish and Ottoman terms, names and book titles, as well as for the transliteration of the Ottoman documents in the Appendix, except in direct quotes. All Arabic and Persian phrases are provided here as transcribed from Ottoman Turkish into Latin characters (i.e., in their modern Turkish spellings) along with the characters *hemze* (') and *'eyn* ('). Occasionally, if a name or term of Arabic origin is discussed in a pre-Ottoman context or the modern Turkish spelling differs substantially from its Arabic transliterated form, the latter form is given as well. Words commonly used in English are rendered in their most common forms (e.g. pasha, agha, waqf, sharia, imam, muezzin, mufti, fatwa, qadi). I italicize all foreign words except for people's names and place names. Geographical names of Ottoman cities in the Balkans and Anatolia appear according to their Turkish names such as İstanbul, Edirne, Selanik and Gümülcine. For the Ottoman cities in the Arab Middle East, the established English names like Cairo, Damascus, and Makkah have been employed. Dates in the Muslim *hijri* calendar are given in Turkish transliteration. Many Ottoman documents are dated only to the first ten days (*evayıl*), the middle ten days (*evasıt*) or the last ten days (*evahir*) of the month: I translate these as early, mid or late. Unless otherwise indicated all translations are mine.

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INTRODUCTION

Writing on “Gypsies”¹ in the Ottoman Empire is a daunting task and one that poses a number of what I classify as “material”, “historiographical” and “conceptual” challenges to the students of Ottoman history, which I would like to briefly outline here before proceeding further:

Material challenges are related to the archival sources on Gypsies. These were written by non-Gypsies, i.e., by various state authorities for varied reasons and are very much scattered in different *defter* collections and archival classifications. Furthermore, the concerned narrative and literary sources at hand were produced by mostly male elites and reflect their prejudices. Therefore, it must be acknowledged that the process of accessing the voices of Gypsies themselves, especially in the early modern period, is often indirect and at times frustratingly incomplete. Even in the court records, considered the most reliable

¹ Since the term “Gypsy” (a rendered form of “Egyptian”) and its derivatives have derogatory connotations, many Gypsies prefer to be identified as *Roma*, which means “men” in the Romani language. The singular of the word is *Rom* and the adjective is *Romani*. However, there are some who would rather be called “Gypsies” in the official language of their country of residence. See Zoltan Barany, *The East European Gypsies: Regime Change, Marginality, Ethnopolitics* (Cambridge: Cambridge University Press, 2002), 1; and David M. Crowe “Roma: The Gypsies” *Encyclopedia of European Social History: From 1350-2000*, Vol. V, 449. In Modern Turkey, most Gypsies identify themselves as *Roman* because *Çingene* the most common word used to designate them has pejorative implications. See for instance Nazım Alpman, *Başka Dünyanın İnsanları Çingeneler* (İstanbul: Ozan Yayıncılık, 1997), 53-56. In the Ottoman texts, the terms used for a “Gypsy” are *Kıbtî* (in the case of female *Kıbtîyye*), *Çingene*, *Çingane*, *Cingene*. Their communal identity was embodied by the terms such as *taife-i çingane*, *çingane zümresi*; *taife-i kıbtîyan* or *kıbtîyan zümresi*. Thus, in accordance with my sources, I generally use “Gypsies” rather than “Roma.”

sources by Ottomanists for reconstructing the everyday life and survival tactics of the various subaltern groups, searching for the voices of the Gypsies is often futile. Besides the problems of the court records as historical sources, which have already been identified by numerous Ottomanists,² the occurrence of cases related to the Gypsies in the court records, compared to, for instance, Orthodox Christians, Jews, women of Muslim and non-Muslim communities and indeed even slaves, is very limited. For instance, in a one year sample of Üsküdar records from 1549-1550, only 24 entries out of a total of 968 are related to Gypsies. Among these 23 entries, three are imperial edicts and appointment letters regarding the administration and taxation of Gypsies in Anatolia. The remaining 20 entries consist of registrations of property transfers, credit transactions, payment of taxes and breaches of morality in which at least one Gypsy is a party. Among these 20 cases, only one includes a Gypsy woman who was called upon as a defendant to the court by her son-in-law.

Based on this one year sample from Üsküdar alone, we still cannot generalize on the Gypsies' presence in the court nor define the reasons why they resorted to the court for dispute settlement. That is why, for my dissertation project, I examined 22 separate court registers from 1530-1585. From this reading I was able to locate 234 entries on Gypsies out of a total of approximately 18,000 entries. That is to say, entries about Gypsies constitute only about 2% of the total

² See Chapter 2 for more on this.

(see Appendix I – The Court Registers Used in the Study).³ This number, though extremely low compared to other subaltern subjects seen in the court records, is nevertheless sufficient to reconstruct a narrative not only about Gypsies themselves but also about the imperial Ottoman government's various positions with respect to them. Furthermore, we have other state-generated sources that contain much valuable information on Gypsies, such as the *mühimme* registers, *ahkam* registers and *tahrir* registers. Nevertheless, unearthing these sources found in various registers and their critical reading is a task that has not yet begun on any large scale or in a systematic manner.

This undertaking also poses historiographical challenges because the field of contemporary studies on Gypsies in the Ottoman Empire is as yet very limited and at the very best suggests the emergence of two competing paradigms. The first of these contends that the Gypsies of the Ottoman Balkans provide a salient example of a group marginalized through stigmatization, segregation and exclusion, whereas the second maintains that the Gypsies were simply accepted,

³ It should be underlined that this number should be read as an approximate at least for three reasons: First of all, I have not numbered each entry in every register. Secondly, I have not read those cases written in Arabic in every register except in USS 15. As we shall see in Chapter 5, USS 15 has a total of 732 entries in Arabic and among them only one entry pertained to the Gypsies. On the basis of this, I do not assume that even if all the entries written in Arabic were read, there would be *substantial* increase in this data. Thirdly, I have not read thoroughly each and every single entries, I just scanned them. Despite my diligence to retrieve all the entries that include at least one Gypsy, some of the entries might have skipped my attention and hence gone unnoticed.

or at the very least, benignly tolerated by the Ottoman state.⁴ Both of these paradigms, however, fail to take into account the fact that the legal, social and economic status of Gypsies in the Ottoman Empire seems to have been, at different times and in different places, much more complicated than what can merely be characterized as marginalization or toleration. First of all, it would be a mistake to construe the Gypsies in the Ottoman Empire as an entirely homogenous group. Neither the Gypsies nor the imperial state's or local communities' attitudes towards them were homogenous and uniform in all times and places. As we shall see, "Gypsy" was a heterogeneous, hybrid and mobile category (and practice) at various levels. The population was heterogeneous in terms of its religious identity, as there were both Muslim and Christian Gypsies living in the Empire. Nevertheless, their perceived indifference to the "orthodox" practices of these religions – from conversion to gender segregation – led them to be stigmatized as "nominal" Muslims (and as a matter of fact, "nominal" Christians). In terms of their mode of living, they were not all nomadic – contrary to many representations of Gypsies especially in nineteenth century European and Ottoman discourses. Our sources make it clear that there were settled, nomadic and semi-nomadic Gypsies up until the end of the Empire. Their economic status too seems to have been quite heterogeneous and fluid in many ways. For instance, there existed settled Gypsies making a living through farming in the sixteenth century Ottoman Balkan provinces. Yet their alleged engagement with

⁴ For further on this, see Chapter I, 48-67

‘illicit’ activities as well as holding “monopolies” on lowly, menial and itinerant professions caused them to be seen as morally questionable by many Ottomans.

Finally, this research undertaking has to contend with conceptual and theoretical challenges at two levels. First of all, after years of work by many anthropologists, historians, scholars of Romani studies and more recently Romani scholars themselves, the pertinent question of who was / is a “Gypsy” is yet to be settled-- if indeed it ever will be. In his influential work on the ways in which “Gypsy” identity was *constructed* in the European discourse over some five centuries, David Mayall notes the existence of two adversarial camps within the field. According to him, while some scholars argue for “racial” or “ethnic” definitions, others deny the primacy of any ethnic identification and instead call for a “sociohistorical” approach. The first camp, for Mayall, is constituted by those scholars who argue that Gypsies owe their distinctiveness to their Indian origin and ancestry. For these scholars, these two foundational features provide the basis for the group’s overt physical differences, retention of a distinctive language with Indian roots and continuity in cultural practices. In this reading, “Nomadism and an outdoor existence are usually seen as essential aspects of their culture and way of life, and by referring to the Gypsy ‘instinct’ for travelling,

‘wanderlust’, and the inability to remain within four walls the impression given is that the practice of nomadism is inherited and in the blood.”⁵

The second camp, on the other hand, to use Mayall’s maxim, “combines way of life with low socio-economic and social status and typically adopts the label ‘gypsy’, rather than Gypsy, Rom or Romany.”⁶ These scholars view “nomadism” as the primary defining characteristic. By doing so, they overlook or perceive as trivial the range of other characteristics defined by opposing scholars, including origin and ancestry. In their reading, argues Mayall, “nomadism is equated with gypsyism, and being a nomad with being a gypsy.”⁷ Thus, what emerges from this reading is that it “is possible to become a gypsy by adopting this way of life, just as easily as a person stops being a gypsy once it is abandoned, whether out of choice or as a result of forced settlement and assimilation.”⁸

What emerges from Mayall’s analysis is that two further sub-categories might be added to the first group which privileges the racial and ethnic definition. As Mayall notes, despite the fact that “reference to cultural difference and

⁵ David Mayall, *Gypsy Identities 1500-2000: from Egipcians and Moon-men to the Ethnic Romany* (London: Routledge, 2004), 6.

⁶ Ibid.

⁷ Ibid, 7.

⁸ Ibid, 286.

ideological separation creates some degree of overlap”⁹ within these two groups, they significantly move away from each other on the “origin” of the Gypsies. While the first group, constituted by scholars such as Ian Hancock, Thomas Acton, Donald Kenrick and the late Angus Fraser, assigns substantial weight to the Indian origins of the Gypsies, the other group does not posit this origin as lying outside of Europe but locates it in their nomadic ancestry. In Mayall’s reading, social anthropologist Judith Okely’s work constitutes the best example of the latter category. According to her, “no criterion interpreted from the outside provides a satisfactory method of identifying Gypsies, whether it be country of origin, race, language, occupation or general culture.”¹⁰ Instead, suggests Okely, the criteria for definition should come from within the group, that is, the Gypsies themselves. Based upon years of field work among the Gypsies in Britain, she claims that “nomadic descent” constitutes one of the main criteria in the way that Gypsies define themselves. In effect, she finds that, “place of origin has not seemed significant to Gypsies themselves.” In her very influential study, *The Traveller Gypsies*, she encapsulates the ways in which Gypsies define themselves with the following:

In order to protect themselves as a distinct group within a society which is always trying to assimilate or destroy them, the Gypsies uphold specific ethnic boundaries. These are based on the principle of descent, the practice of self-employment, a commitment to

⁹Ibid,8.

¹⁰Ibid,7

certain values, an ideology of travelling and pollution taboos. Their ethnic identity and beliefs are neither a passive nor a random construct, but a coherent system which when affirmed as daily practice both reflects and reinforces the boundaries between Gypsy and Gorgio [non-Gypsies].¹¹

This is not a place to give full exposure of the contemporary European literature produced on Gypsies and various contested identities constructed over the years. Nevertheless what I want to emphasize here – to use David Mayall’s perceptive observation – is that “What we are faced with is a complex and multi-layered Gypsy identity – or rather identities, as we are talking not of a single identity but several – and also a high degree of difference and confusion in the application of labels, images and boundaries.”¹²

Secondly, much of the existing literature on Gypsies takes for granted their “marginal” position and presents them as politically, socially, economically and ethnically marginalized group *par excellence* in all times and places. With the exception of a few studies, most of these works treat the term “marginal” or its derivatives as an uncontested or transparent category of analysis and deploy this very contentious term to examine (or better perhaps to confirm) the “otherness” of Gypsies. The problem with this argument, as far as the sixteenth century Ottoman context is concerned, might be summarized by raising three pertinent questions: Firstly, how are we going to identify “marginal” in a setting such as that of the

¹¹ Judith Okely, *The Traveller Gypsies* (Cambridge: Cambridge University Press, 1983), 34

¹² David Mayall, *Gypsy Identities 1500-2000*, 12

Ottoman Empire in general and the sixteenth century Üsküdar in particular which itself was an amalgam of various cultures, “ethnicities,” and belief systems? Secondly, is “marginality” a relevant category of analysis to explore various experiences of the Gypsies and the imperial state’s position towards them in diverse local and temporal settings? Thirdly, by positioning Gypsies on the margins or ascribing to them “marginal” status, are we not to some extent reading history teleologically and anachronistically? I do not think I will be able to provide full answers to all these questions in this study but they constitute challenges to the research and thus must be addressed.

At the first level then, this dissertation could be read as an engagement with and commentary on these challenges. While chapter one discusses theoretical and conceptual challenges through looking at various studies on those positioned on the margins, chapter two deals with the material challenges. It introduces the sources and their limitations. Here I pay particular attention on the court records and how they have been used in Ottoman historiography up until now. The reason of this exercise is to situate my methodology of reading *sicils* in Ottoman historiography. Following this methodological overview of the sources, Chapter three and four are a macro analysis of Ottoman social and moral landscapes in the 16th century, both in theory and in practice. These two chapters attempt to position Gypsies within this contested landscape. It could also be read as a commentary on historiographical challenges that I mentioned above. Then this thesis takes a rather micro turn, though it should not be considered as a

microhistory *per se*. In chapter five, Üsküdar's local court and its records are introduced with particular attention to some of the problems encountered in studying Gypsies through the prism of the court records. Chapter six is where my argument comes together and binds the various parts of the dissertation. First and most of all, it is an attempt to demonstrate mobility, hybridity and diversity within the category of "Gypsy" (*çingene* or *kıbtı*) as emerged from the various genres of sources. After demonstrating this diversity within the category "Gypsy," chapter seven attempts to analyze how the Ottoman Imperial state incorporated what I call a "community in motion" at various levels in to its administrative system. Through considering the state's various policies especially those concerning taxation, settlement and incorporating many of the Gypsies in the Balkans within the structure of the auxiliary military forces – *müsellems* - yet at the same time (ideally) excluding them from joining the Janissary corps, I will demonstrate that the Ottoman imperial state did not have a single, uniform and homogenous policy to administer Gypsies. Recent research on managing diversity by the Ottoman Imperial state has made it clear that rather than adopting a policy of homogenization, assimilation, acculturation and cultural uniformity, as happens in the modern nation-state formation, the Ottoman imperial ideology came to be based on the recognition of "difference" and, in fact, practically a complete absence of any political ideology to convert the "difference" into "sameness." As pointed out by Aaron Rodrigue,

Nothing in the political system of the Ottoman Empire called for different groups to merge into one. The difference was a given and accepted as such. That particular arrangement, therefore, renders invalid all our terms for debate about minority/majority, which are all extraordinarily Europe-centered-- and in many cases post-Enlightenment-Europe-centered. In the Ottoman situation, almost all aspects of social relationships and political power were organized in profoundly different ways. This was a world that recognized and accepted that groups did not necessarily have to share similarities to have a place in the overall arrangement¹³

This is not to suggest that all individuals and groups was equal and had the same access to various centers of power but rather to emphasize non-existence of an imperial ideology to construct a uniform policy fit for all regions and social groups. As very convincingly demonstrated by Rhodes Murphey through a very close reading of Ottoman chancellery records of orders dispatched to several ethnically and culturally distinct territories: "... Ottoman suzerainty came to be based not on the attempt to impose a fixed and inflexible set of loyalty tests and principles of inclusion irrespective of regional difference, but rather on a willingness to explore new approaches by offering a basis for association and affiliation with the Ottoman imperial project that was sensitive to local preference and expectations."¹⁴ The ways in which the Ottoman state adapted to Gypsies provides yet another example of this reading.

¹³ Aaron Rodrigue, "Difference and Tolerance in the Ottoman Empire," interview by Nancy Reynolds, *Stanford Humanities Review*, 5 (1995): 81-92.

¹⁴ Rhodes Murphey, "Ottoman imperial identity in the post-foundation era: Coming to terms with the multiculturalism associated with the empire's growth and expansion, 1450-1650," *Archivum Ottomanicum* 26 (2009): 83.

As seen above outline, this thesis does not engage with the “origins” of Gypsies which is common starting point in most scholarly and popular works written on Gypsies in Turkey and abroad. The reason behind this exclusion is twofold: Firstly, there are many sophisticated and critical analyses on the origins of Gypsies that any interested reader could easily access.¹⁵ Secondly, as stated by David Mayall, “This concern, if not obsession, with origins reflects the central ideological importance of ideas of nation, nationalism and national identity: in particular, the belief that all peoples have to have a homeland and to share the appearance, characteristics and culture of other people from that same land.”¹⁶ Arguably, this discourse on the “origins” of Gypsies could be heterognized by adding an Ottoman layer to it or in other words, how the Ottomans themselves thought of Gypsies’ “origin.” Even though in chapter five and chapter six, I briefly touch upon Ottoman discourse on origins of the Gypsies, the thorough analysis of this question is left to the future research.

Framing the Time and the Context of the Study

Sixteenth century Üsküdar, specifically the period from 1530-1585, provides an interesting setting to conduct this research for many reasons. It is often argued that marginality and social exclusion are most prevalent in societies

¹⁵ The most update study on this Adrian Marsh’s unpublished dissertation. Adrian Marsh, “No Promised Land: History, Historiography and the Origins of Gypsies” (PhD diss., University of Greenwich, 2008).

¹⁶ David Mayall, *Gypsy Identities 1500-2000*, 11

experiencing transformation, mutation and turmoil.¹⁷ Thus, exploring Gypsies in Üsküdar during this specific period is particularly instructive because it is in this era that the Empire experienced not only the ascendance of a powerful centralized bureaucracy and a flourishing economy but also concomitantly experienced political turmoil and economic distress. Secondly, the sixteenth century Üsküdar appears to have been a growing town with its heterogeneous Muslim, Jewish, Armenian and other populations. Besides its own residents, it was a site of transition for many travelers and temporary sojourners. Both contemporary sources and modern studies on Üsküdar point out the fact that sixteenth century Üsküdar was the gateway to the Ottoman capital and the capital's threshold for Anatolia. It was a site where the imperial armies were gathered for their campaigns to the East and a point of confluence for many commercial goods from all over that arrived for the supply of the imperial capital. It was also a point of transit for fugitive slaves. This location, therefore, makes Üsküdar a very apt place to study marginality in Ottoman history. Thirdly, the court records of Üsküdar, which constitute the backbone of this dissertation, are extremely rich not only in terms of numbers but also in terms of their content. We have 26 court registers covering this period. These registers contain approximately 2,900 *varaks* covering more than 25,000 entries. More recently, some of these registers have been transcribed into the Latin script and published by İslam Araştırmaları

¹⁷ Danielle Laberge and Shirley Roy, "Marginalité et exclusion sociales: des lieux et des formes," *Cahiers de Recherche sociologique* 22 (1994): 5.

Merkezi (İSAM) in Istanbul.¹⁸ Furthermore, we have several M.A theses written on the sixteenth century court records of Üsküdar at the department of “ Document and Data Management” of Marmara University in Istanbul.¹⁹ These theses are not thematical explorations but rather they identify, categorize and provide statistical analysis of the documents pertaining to the social and economic history of the town hence make easier to scan the thousand of entries. Furthermore, “preliminary” transliterations of most of the sixteenth century of Üsküdar court records are also available at ISAM’s library for consultation.²⁰ Lastly, despite the

¹⁸ See the bibliography for published court records of Üsküdar by ISAM.

¹⁹ These theses are Ekrem Tak, “XVI. Yüzyılın İlk Yarısında Üsküdar’da Sosyal ve İktisadi Hayatın Göstergeleri:Üsküdar Kadı Sicilleri Üzerine Bir Çalışma”(Master’s thesis, Marmara Üniversitesi, 2002); Kenan Yıldız, “Üsküdar’ın Sosyal ve İktisadî Hayatı ile İlgili Üsküdar Kadı Sicillerindeki Kayıtların Tespit ve Analizi (H. 954-980/M. 1547/1573)” (Master’s thesis, Marmara Üniversitesi, 2005); Müslüm İstekli, “Üsküdar’ın Sosyal ve İktisadî Hayatıyla İlgili Üsküdar Kadı Sicillerindeki Kayıtların Tespit ve Analizi (H. 978/991, M. 1570/1584)” (Master’s thesis, Marmara Üniversitesi, 2005); Nihat Yalçın, “1572- 1587 (H. 980- 995) Yılları Arası Üsküdar Mahkemesi Kadı Sicilleri’nin Sosyal ve İktisadi Açından Değerlendirmesi” (Master’s thesis, Marmara Üniversitesi, 2009); Sümeyye Akça, “Üsküdar Kadılığı 23 Nolu ve H.968-967 Tarihli Sicilin Diplomatik Yönden İncelenmesi:Metin ve İnceleme”(Master’s thesis, Marmara Üniversitesi, 2005).

²⁰ These transliterations are prepared by the undergraduate students at the department of “Document and Data Management” of Marmara University as a part of their degree requirement. According to Bilgin Aydın, who involved in this transliteration project as a faculty member, these transliterations at this stage should be considered “preliminary” and they should be used with caution and always in communication with the original registers. The reason being is the nature of the transliteration project. Faculty members involved in the project closely supervised students in reading the first ten folios of each register. Then each student was asked to complete his or her assigned register with a minimum guidance. Hence, cautions Aydın, the reliability of each transcribed register could vary depending upon students’ competence and diligence. Based upon personal communication with Bilgin Aydın at ISAM in May 2008. Among the court registers I used in this study, only two registers, namely USS 22 and USS 29 which include 180 and 197 folios respectively did not have “preliminary” transcriptions. At this point, I cannot comment on quality of each transcribed register as I did not use them extensively in my research except USS 15

rich primary sources available to researchers, Üsküdar's social and economic history has not yet received due attention from scholars, except for Yvonne Seng's pioneering study on Üsküdar's estates in the first half of the sixteenth century.²¹

Exploring Mobility and Marginality in Üsküdar

Let me make clear from the beginning that this study is not about the socio-economic developments of the town of Üsküdar in the sixteenth century. Neither does it seek to explore everyday life of its inhabitants at a micro scale. Rather, by reading the court records of sixteenth century Üsküdar both as “text” and as “document” along with other contemporary sources, it aims to understand mobility and hybridity within the category of “Gypsy.”

There exist a number of significant studies on the history of Ottoman Üsküdar. Nevertheless these studies, with a few exceptions, explore

— which I read very closely from the beginning to the end. This register was transcribed by Kübra Ata and Merve Çakır excluding all the Arabic entries. As we shall see further in the dissertation, these entries in Arabic constitutes one third of the register hence they cannot be ignored in a project such as this that seeks (among other things) to understand the role of the court and the nature of records it produced. Secondly, there is a discrepancy between the total number of entries found in the original register and its transcribed version. While the number of entries in the original registers amounts to 2,212, in the transcribed version it is 3082. The reason behind this substantial discrepancy is a “minor” negligence because after the entry number 1199, the next entry starts with 2000 and continues subsequently until the end. Furthermore, besides existence of various untranscribed words and blank spots which were indicated by the authors, there are many misspelled and mistransliterated words –presentation of which is only possible upon careful editing.

²¹ Yvonne J. Seng, “The Üsküdar Estates (*Tereke*) as Records of Everyday Life in an Ottoman Town, 1521–1524” (PhD diss., University of Chicago, 1991)

administrative and urban developments of the town in a *longue durée* period and generally take a macro-historical stand in constructing their respective narratives.²² As mentioned in the introduction, despite the fact that Üsküdar court records are almost complete from the early sixteenth century and up until the beginning of the twentieth century, social history of the town and everyday life of its inhabitants in different periods at a micro scale is yet to be written. There are a few exceptions, however. The most well-known example is Yvonne Seng's above-mentioned dissertation and her subsequent articles. The core of her study was the contents of eighty-nine *tereke* or estate inventories found in one court register stretching from 1521 – 1524. Seng attempts to supplement the picture drawn from these inventories with additional information obtained from the approximately eight hundred cases which appeared in the same court register. By reading very closely these eighty-nine estate inventories (*tereke*s) within this register, Seng attempts to reveal “a dynamic picture of the daily life of the inhabitants and sojourners of Üsküdar by taking as a base line the material goods and the economic and social relations to which they could claim.”²³ According to Seng, the daily life and domestic arrangements of the sixteenth century residents of Üsküdar could be discernible only through looking at social and economic

²² Examples include İbrahim Hakkı Konyalı, *Abideleri ve Kitabeleriyle Üsküdar Tarihi* (İstanbul: Türkiye Yeşilay Cemiyeti Yayınevi, 1976) and Mehmet Nermi Haskan, *Yüzyıllar Boyunca Üsküdar* (İstanbul: Üsküdar Belediyesi, 2001).

²³ Yvonne J. Seng, “The Üsküdar Estates (*Tereke*),” 34.

relations that kept this community together. For this reason, she explores proprietorship, economic transactions and inter-ethnic relations as main interactive networks. In her work, these networks serve as analytical tools to show inter-connectedness and interrelations of different societal categories such as the military-administrative class (*askeri*), Muslim and non-Muslim inhabitants, women, slaves, travellers who passed through the town and “the transients within the society itself.”²⁴ One of the main conclusions of Seng is that during the first years of Sultan Süleyman’s reign “Üsküdar was still semi-rural in character, and operated as a tax-station and ford to the capital. At this time, it was just awakening to its potential and had not yet become the urban and religious center that it would within the next decades.”²⁵ Moreover, comparing the results established by İnalçık on the estate inventories from the late fifteenth century Bursa with that of the early sixteenth century Üsküdar, Seng argues that “Üsküdar was not a flourishing commercial center and little of the wealth seen in the estates of Bursa appeared in those of Üsküdar.”²⁶ Another observation of Seng, which provided one of the significant motives to undertake the present study within the context of the sixteenth century Üsküdar is related to the ways in which the court

²⁴ Ibid, 79.

²⁵ Ibid, 241

²⁶ Ibid, 281. Seng shows that the three-fourths of the estates belonging to the inhabitants of Üsküdar (the others belonging to travellers, members of the active militia, and transients) were within the limits of lower socio-economic level. The majority of estates were belonged to the farmers and artisans in the low and middle levels and the value of their estates in general were less than 5.000 *akçe*.

records of Üsküdar offer glimpses on mobility and marginality within the society. Seng argues that “The estates, either by their presence or their content, affirmed the concept of physical and social mobility of the residents of the Ottoman Empire.”²⁷ It is attested to by the fact that almost “one-fourth of the estates belonged to individuals who were travellers through or transients within Üsküdar itself.”²⁸ In Seng’s reading, the category of travellers or temporary sojourners includes those individuals who passed through the town on special duty or were temporarily garrisoned in the area for the preparation of a campaign. In the early years of Sultan’s Süleyman’s reign in Üsküdar, these were usually the commanders, janissaries and the foot soldiers. The second category which is conceptualized as “transients within the society” or “floating population of the city” or “marginals” constituted those individuals who were not residents of the community, who for the most part lived in poverty, were institutionalized due to illness, or were transient workers or the floating groups of volunteer and enlisted soldiers. What emerges from this reading is that lepers, the mentally institutionalized, household servants, dockworkers, field laborers, fugitive slaves, porters in the *hans* and caravanserais are all considered as “marginals.” Nevertheless, as I extensively discuss in chapter I, marginality is a contested concept: it has many forms, degrees and usages in different disciplines both in the

²⁷ Ibid, 286

²⁸ Ibid.

modern and post-modern discourses. All these issues are not discussed in the narrative constructed by Seng. As we shall see in chapter one, the “marginality” of all these people is quite different from each other. Therefore, in order to explore the plurality of margins and the the dialectics between margins and the center, indeed centers, we need finer conceptualizations of both the “margin” and the “center.”

A Historical Overview of Üsküdar

Üsküdar — known in Western sources as Scutari — has been one of the most significant of the Asian shore suburbs of Istanbul. It is situated at the southern end of the Bosphorus. In Antiquity it was called Chrysopolis and appears to have been a suburb of the Greek colony of Chalcedon. With the advent of the Ottomans, Üsküdar replaced Kadıköy (Chalcedon) as the foothold for Constantinople towards Asia. Üsküdar functioned as a transient town not only from imperial capital to the eastern provinces of the Empire but also from the eastern provinces to the capital. The transient nature of the town can be seen in several perspectives. First of all, it is mentioned in various accounts as a site at which troops were requisitioned, organized and their necessary equipment checked – and if necessary, supplied – both at the commence of imperial campaigns to the east and at their return to the imperial city.²⁹ The sources that I

²⁹ See, for instance, Topkapı Sarayı Kütüphanesi Koğuşlar 888 no’lu Mühimme Defteri 73b/decree no 300. There are also many imperial edicts recorded in the Üsküdar court records regarding to preparations being done for Sultan Süleyman’s first and second imperial campaigns

am using in this study are silent about which part of the town the imperial army and the sultan's entourage gathered and camped in. Neither do my sources offer substantial information about the ways in which soldiers interacted with the inhabitants while they were at the camp site. Secondly, Üsküdar was also a vital town for merchants. The merchants that engaged in internal or eastern international trade used Üsküdar as a stop on the way to transferring their goods to İstanbul. The Bosphorus which formed a natural border around İstanbul and disallowed immediate access to the city also gave the state an opportunity to inspect and tax the merchandise in Üsküdar. Secondly, Üsküdar was also the point of departure for the caravans going on the pilgrimage to Makkah. Apparently, from Üsküdar, the caravans passed near Gebze, Eskişehir, Akşehir, Konya, Adana, and northern Syria and then reached Damascus. From there, they moved south to the holy cities.

It is suggested that Üsküdar was, like other environs of Istanbul, at least to some extent, resettled after the conquest of Constantinople. The mosque of Rum Mehmed Pasha appears to be the first post-conquest building mentioned in the sources (completion date 1471-1472). This was followed by construction of other centers of religion and commerce such as the mosques of Kaptan Pasha (completion date 1499), Davud Pasha (completion date 1505) and the mosques

—
to the east. The first campaign is known as Sefer-i Irakeyn. For this, see for instance, USS 9/118b/1; 120a/1; 120/1; 123b /1; USS 15 /14 a /2

and caravanserai of Selman Agha (completion date 1508).³⁰ Nevertheless, it was during the reign of Sultan Süleyman that Üsküdar began to truly prosper, increased in size and gained major a commercial and religious significance.³¹ Üsküdar, during the reign of Kanuni Sultan Süleyman, was a small town administratively separate from the capital. As Suraiya Faroqhi notes “Major pious foundations established from the second half of the sixteenth century onward formed a pole of attraction for immigrants, and by the later seventeenth century, the town of Üsküdar had become integrated into what might somewhat anachronistically, be called the ‘Greater Istanbul.’”³² This gradual development is even reflected in the court’s lexicon to define the city: While up until the late 1560s, Üsküdar was defined as *kasaba-i Üsküdar* (literally the town of Üsküdar), later it started to be designated as *mahmiye-i* or *mahruse-i Üsküdar* (literally the city of the Üsküdar).

³⁰ Tahsin YAZICI “Üsküdar ,” in *İslam Ansiklopedisi*, XIII, İstanbul, 1988, 127-131

³¹ For different aspects of Sultan Süleyman’s reign (1520-1566) see for instance, Cornell H. Fleischer, *Bureaucrat and Intellectual in the Ottoman Empire: The Historian Mustafa Ali (1541-1600)* (Princeton: Princeton University Press, 1986), 273-292. See also, *idem*, “The Lawgiver as Messiah: The Making of the Imperial Image in the Reign of Süleyman,” in *Soliman le Magnifique et son temps*, ed. G. Veinstein (Paris: La Documentation Française, 1992), 159-177; Gülru Necipoglu, “Süleyman the Magnificent and the Representation of Power in a Context of Ottoman-Habsburg Papal Rivalry,” *Art Bulletin* 71 (1989), 401-27; *idem*, *Architecture, Ceremonial, and Power: The Topkapı Palace in the Fifteenth and Sixteenth Centuries* (New York: The Architectural History Foundation, 1991); *idem*, “A Kanun for the State, a Canon for the Arts: Conceptualizing the Classical Synthesis of Ottoman Art and Architecture ” in *Soliman le Magnifique et son Temps*, 195-216; Metin Kunt, *The Sultan's Servants: The Transformation of Ottoman Provincial Government, 1550-1650* (New York: Colombia University Press, 1983).

³² Suraiya Faroqhi, *Towns and Townsmen of Ottoman Anatolia: Trade, Crafts, and Food Production in an Urban Setting, 1520-1650* (Cambridge: Cambridge University Press, 1984), 268

Estimating the Population of Üsküdar in the Sixteenth Century

Estimating the population of the town of Üsküdar and its surrounding villages in the sixteenth century is not a straightforward task. The reason being is that one of the main sources used for demographic analysis in the early modern Ottoman context, namely the *tahrir defters* (fiscal surveys), has certain limitations which I discuss in detail in Chapter 2. Hence here I abstain myself from reiterating the very much contested discourse produced over the years by Ottomanists on how the *tahrir* registers should be used – or if they should be ever used at all – for the estimation of population in a given context.

The relevant sections pertaining to the sixteenth century Üsküdar are found in two *tahrir* registers, namely TT 438 (dates to 1530)³³ and TT 436 (dates

³³TT 438 is the first volume of the two existing *icmal* (summary) registers on the province of Anatolia (*Muhasebe-i Vilayet-i Anadolu*). It dates 937 AH /1530 CE and is based on the comprehensive registrations carried out during the early years of Sultan Süleyman's reign (1526-1566). It is 815 pages long and includes the sections on nine sub-provinces (liva). In the first eight pages, the general summary of the province's physical, social and taxable landscape and the total amount of income to be sent to the Ottoman treasury is presented. According to this information, we learn, for instance, that in the nine sub-provinces concerned (Kütahya, Kara-hisar-i Sahib, Sultan-önü, Hamid, Ankara, Bolu, Kastamonu, Kangırı (Çankırı) and Kocaeli), there were 154 towns and cities, 37 castles, 71 bazaars, 160 kadıs, 550139 adult male taxable population (*nefer*), 7311 timarlı sipahi, 11869 Muslim and 353 Christian households (*hane*) belonging to the subject class (*reaya*) found in the lands under the authority of pious foundations. After this general summary, there are nine sections devoted for each province. The main unit within each province was "kaza" (town). Then towns and large villages were further subdivided into quarters. TT 438 is located in BOA and recently published by BOA with an introduction by Halil İnalçık. The summary given here is based on Halil İnalçık's introduction.

most likely to 1560s)³⁴ which have recently been published and analyzed by Ahmed Güneş.³⁵ I draw upon his readings in what follows. In both of these registers, taxable population of Üsküdar was recorded under the judicial district (*kaza*) of Genivize, one of the eight major judicial districts which constituted the sub-province of Kocaeli. Under the title of “Nefs-i Üsküdar,” the neighborhoods that made up this particular “nefs” and taxable population with the relevant *tahrir* categories such as household unit (*hane*) taxpaying adult male (*nefer*), unmarried adult male (*mücerred*) and those who were exempted from the obligatory taxes (*muaf*) were enumerated. According to TT 438 which was recorded in the first quarter of the sixteenth century, in the town of Üsküdar (*nefs-i Üsküdar*) there were eight neighborhoods, two mosques, one educational institution (*medrese*), two dervish lodges (*zaviye*), three small mosques (*mescid*) and two public baths (*hamam*). In these eight neighborhoods, there were 169 household units, 50

³⁴ TT 436 is also located in BOA. Among many other *tahrir* registers on Kocaeli Sancağı in the sixteenth and early seventeenth centuries, it was studied by Ahmet Güneş and Suraiya Farouqi. So my description of this register builds upon their works. TT 436 is not dated but it was catalogued under Kanuni Sultan Süleyman’s reign (r.1520-1566) by the archivists who set up the Tapu Tahrir section of the Başbakanlık archives. Historians agree upon the assumption that TT436 was recorded around the beginning of 1560s. It does not include a *kanunname* or a separate section devoted to the waqfs. It is one of the oldest *mufassal* (comprehensive) registers of the Kocaeli Sancağı. Whilst the beginning of the register is lost, it is suggested that the first few pages must have included information pertaining to İznikmid (modern İzmit) area. The register includes valuable data on eight *kazas* and their hinterlands which constitute the Kocaeli Sancağı including İznikmid, Kandıra, Şili, İznik, Yoros, Yalakabad (modern Yalova), Ada and Genivize. Üsküdar again was recorded as *nefs* under the judicial district (*kaza*) of Genivize.

³⁵ Ahmet Güneş, “16. ve 17. Yüzyıllarda Üsküdar’ın Mahalleleri ve Nüfusu,” in *Üsküdar Sempozyumu I: Bildiriler*, vol. I, ed. Zekeriya Kurşun, Ahmet Emre Bilgili, Kemal Kahraman, Celil Güngör (İstanbul: Üsküdar Araştırmaları Merkezi, 2004), 42-56.

unmarried adult males, 50 exempts and 278 taxpaying adult males (See the table below).

	Neighborhoods in the town-center (<i>nefs</i>) of Üsküdar	<i>Hane</i> (household) TT 438	<i>Hane</i> (household) TT 436	<i>Mücerred</i> (bachelor) TT 438	<i>Mücerred</i> (bachelor) TT 436	<i>Muaf</i> (exempted) TT 438	<i>Muaf</i> (exempted) TT 436	<i>Nefer</i> TT 438	<i>Nefer</i> TT 436
1	İmaret-i Mehmet Paşa	40	40	10	20	11	11	61	71
2	Eyerci/Eberci (other name, <i>Kepçe</i>)	20	36	3	10	5	3	28	49
3	Hergele (other name <i>Salacak</i>)	13	12	7	6	7	6	27+9	24
4	Hanza Fakı or Hamza Fakih	8	24	2		3	12	13	36
5	Davud Paşa	18	5	4	2	7	2	29	9
6	Geredeli (or Geredeli or <i>Geredöler</i>)	13	18	3	10	5	4	21	32
7	Bulgurlu	37	23	14	14	8	8	59	45
8	Selman Ağa	20	19	7	3	4	5	31	27
9	Emir-i Ahur		33		6		8		47
10	Gülfam		22		7		6		35
11	Hasan Ağa		37		15		7		59
12	Hacı Mehmed		17		6		4		27
13	Evliya Hoca		23		11		14		48
14	Abdullah Hoca		6		2		3		11
15	M. Toygar Hanza		25		6		4		35
16	Hayrettin Çavuş		27		5		4		36
17	Cami-i Sultaniyye		46		9		2		57
18	Solak Sinan Bek (or Solak Sinan)		16		9		3		28
19	Ahmed Çelebi-i Trabzoni								
20	Torbali								
21	İsfendiyar								
	<i>Yekün</i>	169	429	50	141	50	106	269+9	676

Source: Ahmet Güneş, “16. ve 17. Yüzyıllarda Üsküdar’ın Mahalleleri ve Nüfusu,” in *Üsküdar Sempozyumu I: Bildiriler*, vol. I, ed. Zekeriya Kurşun, Ahmet Emre Bilgili, Kemal Kahraman, Celil Güngör (İstanbul: Üsküdar Araştırmaları Merkezi, 2004), 56

According to TT 436, which was recorded most likely in the second half the century (circa 1561), the number of all these units increased substantially. First of all, within this approximately forty years period, thirteen new neighborhoods emerged in addition to those eight neighborhoods which already

existed. Within these twenty one neighborhoods, there were now 429 households compared to 169 households recorded in the previous register. The number of unmarried adult males increased from 50 to 141. Similarly, the number of exempts increased from 50 to 106 and the number of adult male tax payers increased from 278 to 676.

On the basis of this data, it is possible to *estimate* the population of the town of Üsküdar. Nevertheless, Ahmet Güneş abstains from doing this. Though it is not explicitly stated in the text, one of the reasons for this abstinence might have been the pitfalls of *tahrir* registers. As stated by Jennings, “One of the more stubborn problems in using data from Ottoman tax surveys has been to establish a methodology for estimating the number of people included in collective terms like *hane* and *nefer* and also for interchanging the two when, as not infrequently happens, one defter is in *hane* and another in *nefer*.”³⁶ In his own study, Jennings has suggested substituting the number of taxpaying males (*nefer*) rather than the number of household heads as the base figure to be multiplied, and using a multiplier of 3 to 3.5.³⁷ Nevertheless, most of the Ottomanists, following in the

³⁶ Jennings, “Urban Population in Anatolia in the Sixteenth Century: A Study of Kayseri, Karaman, Amasya, Trabzon, and Erzurum,” *International Journal of Middle East Studies* 7 (1976): 22

³⁷ Jennings’s figures for *nefer* include everyone tax-bound and tax-exempt whose name is mentioned in the register. The reason why he used *nefer* as a category for the estimation, Jennings states the following: (1) it is the figure most consistently obtainable from the fiscal registers (2) in a few registers it seems that all *zimmis* (non-Muslims) of adult age are considered *hane*, and consequently to use the *hane* figure would overrepresent the number of *zimmis* in those registers; (3) The *nefer* figure seems preferable to the *hane* where the number of *mücerred* is increasing.

footsteps of Ömer Lütfi Barkan, who pioneered the Ottoman demographic studies on the basis of the *tahrir* registers, suggest an estimate of five as the average number of persons per household (*hane*), although some have argued for a larger figure³⁸ Nevertheless, as *hane* figure excludes “certain military groups, the Janissaries, the servants of the imperial court and the empire's slave population”³⁹ Barkan raised the figures by 20 per cent in the case of Istanbul and 10 per cent elsewhere admitting that these are only assumptions and may in some cases be misleading.⁴⁰

Jennings, Urban Population in Anatolia in the Sixteenth Century: A Study of Kayseri, Karaman, Amasya, Trabzon, and Erzurum,” *International Journal of Middle East Studies* 7 (1976): 24-25

³⁸ Ömer Lütfi Barkan, "Research on the Ottoman Fiscal Surveys," in *Studies in the Economic History of the Middle East*, edited by Michael A. Cook (Oxford: Oxford University Press, 1970), 163–171. For larger figures see Michael A. Cook, *Population Pressure in Rural Anatolia, 1450–1600* (London: Oxford University Press, 1972); Andre Raymond, “The Population of Aleppo in the Sixteenth and Seventeenth Centuries according to Ottoman Census Documents,” *International Journal of Middle East Studies* 16 (1984): 452–53. Raymond argues that the commonly used multiplier of 5 is too small for cities, with their uncounted population of slaves, servants, etc., and hence he uses a multiplier of 8.

³⁹ Ömer Lütfi Barkan, "Research on the Ottoman Fiscal Surveys," 6

⁴⁰ Ibid.

TABLE 2: ESTIMATING POPULATION OF <i>NEFS-I ÜSKÜDAR</i> USING <i>NEFER</i> AND <i>HANE</i> CATEGORIES				
	NEFER		HANE	
YEAR	Lower Estimation (Nefer x 3.0)	Upper Estimation (Nefer x 3.5)	Lower Estimation Hane x 5 + (Hane x 5 x 10 %)	Upper Estimation Hane x 5 + (Hane x 5 x 20 %)
1520s (TT 436)	834	973	930	1014
1560s (TT 438)	2	2.366	2.359	2.574

On the basis of these findings, I constructed the table above considering both the categories of *nefer* and *hane*, suggested by Jennings and Barkan respectively. Yet as underlined both by Jennings and Barkan in other places, these numbers for Üsküdar are incomplete and can be misleading in many ways. The numbers, first of all, are an *estimation* of the *nefs* of Üsküdar only. They do not include the population of the villages which were attached to the town and whose presence is so vivid in the court records.⁴¹ Furthermore, it does not include travelers in the town. Üsküdar, as the capital's gateway to Central and Eastern Anatolia, as well as a threshold for state officials, military personnel, merchants and villagers on their way to the imperial capital, contained a transient population which sought temporary housing within the town. As the court records demonstrate, their

⁴¹ In USS 1 / 3a / 3, the villages attached to Üsküdar numbered eighteenth and they are listed as follows: Samandıra, Soğanlık, Viranköy, Yakacık köy, Başbüyükölü, Karamanlı, Nerdübanlı, Küçük Dudullu, Reisli, Yenice köy, Bulgurlu, Kısıklı, Çengelköy, İstavros, Herekedone, Kuzguncuk and Kartal.

presence is not uncommon — not only in the estate records but also in other dealings registered at the court.

By the 1550s human confluence to Üsküdar had increased so much that not only were there boats providing daily transportation but also a growing shortage of *hans* and caravanserais able to accommodate the increasing number of travelers and temporary sojourners in Üsküdar. For instance, in an imperial decree written in early July 1550 (early Rebiülevvel 957 AH) as result of the petition submitted by the trustee of the New Mosque (Cami'-i cedid or Yeni Cami) and addressed to the honorable judge of Üsküdar, we learn that in the *hans* which had been built for the waqf of Yeni Camii, there were some people who had been staying for five to ten days, hence causing a scarcity of accomodation for travelers (*varidin ve sadirin*). That is why the Sultan commanded that, from then on, any guest staying in the above mentioned *hans* had to limit his stay to no more than three to four days, except those who were destitute and in dire need.⁴² A year later (early Receb 958 AH / July 1551 CE), we see another imperial edict sent to the judge of Üsküdar about the scarcity of places to stay in Üsküdar for merchants coming from Anatolia.⁴³ Apparently, as there was a shortage of rooms, many of these merchants chose to stay in the dwellings of the residents of the town. And some of the residents were also helping merchants transfer their goods

⁴² USS 15 / 21 a / 1

⁴³ USS 15 / 21 a / 2

at night by boat to Istanbul without paying any customs dues. In order to tax the merchants properly, the sultan ordered that from then on residents of Üsküdar were not to shelter any merchants coming from Anatolia in their houses or help them transport their goods to Istanbul. Instead, as soon as the merchants arrived in the town, they were to go to the han built by Sultan Mehmed the Conqueror, which was known as the Old Han within the community, and according to old practice and tradition, they were to bring their goods to the custom house located apparently on the dock of Üsküdar – and pay their custom dues before heading to Istanbul.

In short, state officials, merchants, religious scholars and those who left their homes to find a niche in the imperial capital all left their imprints on the social landscape of Üsküdar while travelling thorough the town. As we shall see, those Gypsies who were originally registered in the city of Istanbul in the *tahrir* registers also found a niche there and approached its court from time to time to seek justice. The high number of fugitive slaves captured in Üsküdar was yet another indicator of the presence of transients, of known and unknown identity, travelling through this gateway city. Research demonstrates that registration and litigations regarding the fugitive slaves (*‘abd-ı abık*) constituted one of the major chores of the court of Üsküdar in the first half of the sixteenth century.⁴⁴

⁴⁴ Seng states that “During the forty-month period between 1521 and early 1524, there were 142 fugitive slaves captured within the legal boundaries of Üsküdar.” Yvonne J. Seng, “The Üsküdar Estates (*Tereke*), 62.

Compared to the first half, the cases related to fugitive slaves decreased considerably in the second half of the sixteenth century. Nonetheless, they were still numerous; for instance, within the four year period covered by register USS 15, we see 151 entries regarding fugitive slaves, both male and female. The presence of this transient population, as argued by Seng, can therefore neither be ignored nor excluded in any demographic analysis pertaining to the town of Üsküdar.

Although the *tahrir* registers fall short of covering this multiplicity within the human landscape of Üsküdar, they nevertheless disclose the tremendous growth of the town and its population within a forty year period starting from the second half of the sixteenth century. And this fact can be inferred even from the raw data, i.e., without resorting to any calculation. As emphasised by many scholars already, there was a general population increase in the sixteenth century within the Mediterranean basin. Therefore the growth of population within Üsküdar in the corresponding period can be partly explained within this general trend. Nevertheless, starting from the second half of the century, the reason why Üsküdar shifted from a semi-rural transient town to a growing city which, by the seventeenth century, became a major part of the imperial capital, had much to do with major construction projects initiated and commissioned by the members of ruling elites, including the royal ladies. Among the most significant ones were the

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mosque complexes (*külliye*)⁴⁵ built by royal ladies such as Gülfem Hatun,⁴⁶ Mihrimah Sultan,⁴⁷ and Nurbanu Sultan.⁴⁸ The significance of these complexes to

⁴⁵ In the Ottoman context, mosques were usually built together with several dependencies such as *han* (inn), *hamam* (bath), *zaviye* (dervish lodge), *dariüşşifa* (hospital), *medrese* (college), *tabhane* (hospice), *imaret* (soup kitchen). With the inclusion and incorporation of such buildings around a mosque, it became a mosque complex. In this way, the mosques not only served the religious needs of the population, but they also came to fulfill municipal needs.

⁴⁶ The information on Gülfem Hatun is sketchy in that we do not in what capacity she lived in Sultan Süleyman's royal household. In the sources, she was referred to be either a concubine of Süleyman or highly influential figure charged with certain administrative duties in the harem. The complex that she commissioned composed of a mosque, *imaret*, *medrese*, *mekteb*, mausoleum and caravanserai. This complex was completed in 1540. To build this complex, Gülfem initially endows 360, 000 *akçe* in cash. In addition to this, she endowed 30 shops in Manisa and 5 shops in Üsküdar near the caravanserai for the maintenance of the complex. For further information on women as patrons of architecture see, for instance, Ülkü Bates, "Women as Patrons of Architecture in Turkey," in *Women in the Muslim World*, ed. L. Beck and N. Keddie (Cambridge Mass.: Harvard University Press, 1978) 245-60; Leslie Peirce, "Gender and Sexual Propriety in Ottoman Royal Women's Patronage," in *Women, Patronage and Self-Representation in Islamic Societies*, ed. D. Fairchild Ruggles (New York: Suny Press, 2000) 53-68; Sinem Arcak, "Üsküdar as the Site for the Mosque Complexes of Royal Women in The Sixteenth Century" (Master's thesis, Sabanci University, 2004). For a very well-researched study on the neighborhood of Gülfem – a neighborhood developed around the complex -- in the sixteenth century based upon the court records of Üsküdar see Nuray Urkaç Güler, "16. Yüzyılda Üsküdar'da Gülfem Hatun Mahallesi (1540-1600)" (Master's thesis, Marmara Üniversitesi, 2008)

⁴⁷ Mihrimah Sultan was the single daughter of Süleyman the Magnificent. The Mosque Complex of Mihrimah included an *imaret*, a *tabhane*, a *medrese*, and a *sıbyan mektebi* (primary school). It was completed in 1548. For the maintenance of this complex, Mihrimah Sultan endowed a *medrese* consisting of 16 rooms (*hücre*) and a classroom (*dershane*), a guesthouse with eight partitions (*sekiz bab misafirhane*), a barn (*ıstabl*), a storehouse (*anbar*), a *kiler*, and an inn (*han*) Other than these, Mihrimah sultan endowed 17 villages in Rumelia and one village and one meadow (*çayır*) in Anatolia. Sinem Arcak, "Üsküdar as the Site for the Mosque Complexes of Royal Women in The Sixteenth Century" (Master's thesis, Sabanci University, 2004), 31-43.

⁴⁸ Nurbanu Sultan was the *haseki* of Sultan Selim II, and the mother of the next reigning sultan, Murad III. She died in 1583. Nurbanu Sultan is most well known as an architectural patron, with the Atik Valide complex which was completed in the early 1580s. The complex include a mosque, a *medrese*, a *sıbyan mektebi*, a school for reciters of the Quran (*darü'l-kurra*), a school for teaching the traditions of the prophet Muhammed (*darü'l-hadis*), a soup kitchen (*imaret*), a dervish convent (*hankah*), a *han*, a hospital (*darü's-şifa*) and two bathhouses. Sinem Arcak, *opcit*, 47-57.

the development of the urban landscape can be seen at several levels. The most observable result is that they led to the emergence of new neighborhoods clustered around them. As seen in the table on Üsküdar's neighborhoods, there were many city quarters that emerged after the completion of these mosque complexes and which were named after them.

Many of these construction projects and their maintenance became possible with the foundation of various waqfs. The socio-economic roles the waqfs played in Üsküdar and their function in transforming Üsküdar from semi-rural town to growing city is very much reflected in the business load of Üsküdar's court, which I will explore in detail later in the dissertation.

CHAPTER I

LITERATURE REVIEW AND THEORITICAL FRAMEWORK

Objective

Though the study of “marginal” groups in the Ottoman Empire has only recently become a domain populated by Ottomanists, much innovative work has been produced in this short time.¹ Exploring the lives of ordinary men and

¹ For example, the works of Abdelhamid Larguèche and Dalenda Larguèche on eighteenth and nineteenth century Tunisia deal with various forms of marginality and marginalization: slavery, prostitution, divorce and poverty. See, for example, D. Larguèche, "Confined, Battered, and Repudiated: Women in Tunis Since the Eighteenth Century," in *Women, the Family, and Divorce Laws in Islamic History*, ed. Amira El Azhary Sonbol (Syracuse: Syracuse University Press, 1996), 259-76.; Abdelhamid Larguèche, *Les ombres de la ville : pauvres, marginaux et minoritaires à Tunis, XVIIIème et XIXème siècles* ([Manouba]: Centre de publication universitaire, Faculté des lettres de Manouba, 1999); A. Larguèche and D. Larguèche, *Marginales en terre d'Islam* (Cérès, 1992). Some works on prostitution adopted the perspective of marginalization and demonstrated how the status of prostitutes as an outcast group was formed through state regulation and reorganization of urban space. See, for example, Mohamed Kerrou and Moncef M. Halla, "La prostitution dans le médina de Tunis aux XIXe et XXe siècles," in *Etre Marginal au Maghreb*, eds. Fanny Colonna and Zakya Daoud (Paris: CNRS, 1993), 201-221; Fariba Zarinebaf, *Crime and Punishment in Istanbul 1700/1800* (Berkeley: University of California Press, 2010); For recently completed dissertations, see, for example, Liat Kozma, "Women on the Margins and Legal Reform in late nineteenth-century Egypt, 1850—1882" (PhD diss., New York University, 2006); Başak Tuğ, "Politics of Honor: The Institutional and Social Frontiers of "Illicit" Sex in mid-eighteenth-century Ottoman Anatolia" (PhD diss., New York University, 2009). Furthermore, dissertations written by Eyal Gino (in Hebrew) and Marinos Sariyannis (in Greek) are also concerned with marginality and underworld in the Ottoman Empire. Nevertheless, as I can't read these languages, I only use their works published in English language. See, for instance, Marinos Sariyannis, "Prostitution in Ottoman Istanbul, Late Sixteenth - Early Eighteenth Century," *Turcica* 40 (2008):37-65; idem, "Neglected Trades": Glimpses into the 17th Century Istanbul Underworld," *Turcica* 38 (2006): 155-179; Eyal Gino, "Living on the Margins of Charity: Coping with Poverty in an Ottoman Provincial City," in Michael Bonner, Mine Ener and Amy Singer (eds.) *Poverty and Charity in Middle Eastern Context*, (Albany: State University of New York Press, 2003), 165-184; idem, "Neither Muslims nor Zimmis: The Gypsies (Roma) in the Ottoman Empire," *Romani Studies* 5 (2004): 117-144

women started becoming the focus of interest among students of Ottoman history in the 1970s. The opening of the rich Ottoman archives following World War II and the resulting (re)discovery of Ottoman court records, as well as intellectual exchanges between Ottomanists and scholars of European history and subaltern studies, have facilitated a more comprehensive approach to social history in recent decades. In this field of history, emphasis is placed upon recovering the lives and survival strategies of common people who were at times oppressed, silenced, marginalized or excluded from the master narratives and yet still retained their agency.

Over the last four decades, the field of Ottoman social history has gradually expanded, taking many new and different directions. A variety of concepts and paradigms —nurtured within different disciplines of the social sciences and literary studies and within the field of history itself— have been applied by scholars in an effort to amplify these voices missing from the traditional narratives. I shall take up the discussion on the contours of Ottoman social historiography in the second chapter but here I wish to emphasize that study of the “marginal” groups has very recently emerged within this “New Social History” of the Ottoman Empire. While we have a number of separate works that focus on different margins, thereby unfolding their multiplicity, we are still far

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from having comprehensive narratives for the Ottoman realm such as Branislaw Geremek's *The Margins of Society in Late Medieval Paris*² or John Boswell's *The Formation of a Persecuting Society: Power and Deviance in Western Europe*.³ While the existing literature embodies how margins functioned in shaping, reinforcing and subverting the norms of religion, gender and sexuality, slavery and freedom as well as health and disease in the early modern Ottoman Empire, it does not problematize contentious terms such as “marginal,” “marginalized” or “margins.” With the exception of a few studies, most of the works that I will discuss below treat “marginal” or its derivatives as an uncontested or transparent category of analysis. Thus, the aim of this chapter is twofold: first, to delineate the existing scholarship on those sectors of society positioned at the margins; and second, to explore the genealogy of the term “marginal” and its derivatives in an attempt to demonstrate how “marginal” is indeed a contested category of analysis and how its application to the early modern Ottoman context – which itself was constituted through confluences and amalgamations of various cultures – requires thorough consideration. I suggest that exploring the lives and survival strategies of those situated at the margins –discursively as well as materially–may help us ‘heterogenize’ diverse narratives of “history from below” as well as make us

² Bronisław Geremek, *The margins of society in late medieval Paris* (Cambridge: Cambridge University Press, 1987)

³ R. I. Moore, *The Formation of a Persecuting Society: Power and Deviance in Western Europe, 950-1250* (Oxford, UK: Blackwell, 1990)

question the assumed uniformity and conformity of the center itself. Nevertheless, in this attempt, a workable definition of “marginal” and “margins” needs to be constructed in dialogue with the context in question. Therefore, after discussing the literature that explores various margins, I will attempt to historicize and contextualize what it meant to be on the “margins” in early modern Ottoman society (and especially in the setting of sixteenth century Üsküdar) as reflected in the court registers.

At the Margins of Ottoman Society: An Overview of the Literature

Let me start my discussion by exploring the modern discourse on those who were positioned at the margins of Islamic orthodoxy in the later middle Islamic period, beginning with the expanding research on the heretical dervishes of the Ottoman Empire. A prime example is Ahmet Karamustafa’s *God’s Unruly Friends*, which continues to stand as one of the most significant yet approachable works on these deviant dervishes.⁴ Karamustafa challenges the practice of relegating what he calls “deviant dervishes” to the sphere of “popular religion,” a monolithic and unchanging category that is often deployed for describing the beliefs and practices of the illiterate masses. In fact, he stringently criticizes the application of a “two-tiered model of religion” to the study of “new renunciation”, since, as he contests, it fails to recognize the complexity of the issue. First and foremost, it falls short of explaining the fact that the antinomian dervishes did not

⁴ Ahmet T. Karamustafa, *God's unruly friends : dervish groups in the Islamic later middle period, 1200-1550* (Salt Lake City: University of Utah Press, 1994).

only come from the lower social classes. Insufficient, too, is what Karamustafa terms “survival theory,” according to which deviant mystical movements of the later middle Islamic period were conceived of as survivals of earlier non-Islamic beliefs and practices. Through close scrutiny of various sources, Karamustafa argues instead that the dervish piety of this period formed a distinct religious phenomenon in that dervishes placed persistent and conscious emphasis on socially and legally non-conformist behavior. Thus, he suggests “the explanation for the emergence of and entrenchment of this mode of piety should be located within, rather than without, Islamic societies.”⁵ To Karamustafa, the “world-renouncing dervish groups were a radical protest movement against medieval Islamic society at large, but more specifically against the kindred but socially respectable institution of tariqāh.”⁶ In short, Karamustafa’s revisionist attempt to depart from the tradition of viewing religious movements as “popular” and “elite” is a welcome contribution to the field. Nevertheless, his work still leaves many unanswered questions, such as: Why did these dervishes, conceived of as a “protest movement” against institutional Sufism, appear only at the time and place they did (during the fourteenth and fifteenth centuries in the Fertile Crescent, Iran and Anatolia)? Furthermore, Karamustafa leaves the significant question of the relationship between the Islamic state and antinomian dervishes almost

⁵ Ibid., 11.

⁶ Ibid.

unexplored. In addition to these thematic lacunae, Karamustafa's book suffers from certain anachronisms, and it must be said that the author uses modern concepts such as "deviant," "marginal," and "anarchist" without really specifying or contextualizing these terms. However, this criticism does not detract from the value of the work, especially for the present research. His study, as Karamustafa acknowledges at the end, demonstrates how margins were influential in forming and affirming the center, which in this particular case, was institutionalized Sufism.

Besides religion, sexuality was another significant factor in the formation of communal and individual identity in early modern Ottoman society. The margins of sexuality and gender relations were so multiple and varying that it would be impossible to treat every aspect of this phenomenon in such a limited space. Thus, I have decided to focus on one of the groups that were arguably at the furthest margins of Ottoman society: women engaged in the illicit sex trade, i.e., prostitutes. Scholarly interest in prostitution has been burgeoning in the recent years. Many studies have been produced in the last five years in the form of conference papers, articles, dissertations and published works focusing on prostitution and especially on how it was practiced in the early-modern (most notably the eighteenth century) and reform eras of Ottoman history, and to a

lesser extent during the Turkish Republican period.⁷ Some of the studies, especially those on prostitution during the early modern period, are important for this dissertation and I will briefly touch upon them here. One of the earliest works on prostitution in modern Ottoman historiography was produced by the renowned scholar of Ottoman Syria, Abdul Karim Rafeq. Using the court records of Damascus, the author examines how breaches of the moral code, ranging from evil talk to wine drinking and prostitution, were treated at the courts of law in Damascus.⁸ The record shows that those who violated the moral code of the quarter could be ordered by the qadi to move out of the area upon the request of a delegation of its residents. A later study carried out by Elyse Semerdjian on eighteenth century Aleppo tests many of Rafeq's conclusions and finds that in the Ottoman period, local communities, rather than the state, policed instances of prostitution. Neighbours would come together along with neighborhood notables and bring the offender to court. And even when convicted, prostitutes were not given corporal punishment. More often than not, punishment simply took the form of expulsion from the neighborhood.⁹ Semerdjian's work is a welcome contribution to this developing field. She positions her work within the revisionist

⁷Rifat N. Bali, *The Jews and prostitution in Constantinople, 1854-1922*, 1st ed. (Istanbul: Isis Press, 2008). Elyse Semerdjian, "Sinful Professions: Sinful Occupations of Women in Ottoman Aleppo, Syria," *Hawwa* 1(2003).

⁸ Abdul Karim Rafeq, "Public Morality in 18th Century Damascus," *Revue De Monde Musulman et de la Méditerranée* 55/56(1990).

⁹ Elyse Semerdjian, *"Off the straight path" : illicit sex, law, and community in Ottoman Aleppo* (Syracuse, N.Y.: Syracuse University Press, 2008).

historiography of Islamic law, yet, in practice, she often resorts to one of the long-held Orientalist paradigms, i.e., that there is a “discrepancy” between the theory and practice of Islamic law regarding how sex crimes were treated. Instead of problematizing this relationship, however, she readily accepts and indeed reiterates on numerous occasions that there was a “discrepancy” between what the *fiqh* scholars produced and what the courts practiced.¹⁰ Furthermore, Semerdjian categorically refutes the argument that the state was involved in any way in policing the sex crimes in Ottoman Aleppo from the second half of the sixteenth century to the end of the nineteenth century. For her, “the official Ottoman police apparatus was virtually absent in court cases concerning public morality. Instead neighborhood residents often informally and formally warned neighbors who engaged in prostitution, drinking, or cursing or who ran brothels in their homes in order to escape a collective fine.”¹¹ Contrary to Abraham Marcus’ view, Semerdjian asserts that the “collective responsibility” demonstrated by neighborhoods and various community groups (such as guilds) in the surveillance and policing of breaches of morality was not due to Ottoman coercion.¹² Rather, “group solidarity represents an attempt of community to police itself in a place of

¹⁰ Ibid, xviii.

¹¹ Ibid., 83

¹² Abraham Marcus discusses this issue in his *The Middle East on the Eve of Modernity: Aleppo in the Eighteenth Century* (Columbia University Press, 1989), especially in chapter 3.

a weak administration”¹³ in order to safeguard the interests of these neighborhoods and community groups.¹⁴ Nevertheless, a recent study carried out by Fariba Zarinebaf on eighteenth century Istanbul demonstrates that at this time in Istanbul “the state tried to gain control of vice trade as it spread from the red light district of Galata, where the state regulated and taxed it, to private houses in Muslim and non-Muslim neighborhoods where the community was responsible for controlling it.”¹⁵ Furthermore, Başak Tuğ’s intriguing dissertation on the institutional and social frontiers of “illicit” sex in mid-eighteenth-century Ottoman Anatolia reveals that “the Ottoman central administration was vociferous in its outcry demanding to monopolize discretion over punishment, especially over serious sexual offenses such as rape and abduction, and to have control over moral order.”¹⁶ By juxtaposing different components of Ottoman legal practice such as the *qadī* court records of Ankara and Bursa, the petitionary registers of the Imperial Council in İstanbul, the petitions of Ottoman subjects submitted to the central government, and also the *fetva* (legal opinions of jurisconsults) collections of the time, Tuğ finds that “The Ottoman state increased its scrutiny over the

¹³Semerdjian, “Off the Straight Path,” 85

¹⁴ In this argument, Semerdjian takes side with Rafeq who argues that “eighteenth century Damascus was characterized by a weak administration, punctuated periodically by attempts at the enforcement of law and order.” Rafeq, “Public Morality,” 180

¹⁵ F. Zarinebaf, *Crime and Punishment in Istanbul (1700-1800)* (Berkeley, Calif.: University of California Press, 2010). 111.

¹⁶ Başak Tuğ, “Politics of Honor,” 310

penal administration of crimes in the eighteenth century.”¹⁷ Greater surveillance over penal administration and practices, including sexual offences, constituted one of the responses of the central government to the economic and social transformations taking place in the provinces. Therefore, contrary to what is expected – given that sexual offenses were punished on a more local basis in early-modern Islamic society – Tuğ finds that by the eighteenth century the state was very much involved in regulating the moral and sexual domains. Indeed, she suggests that “the sexual sphere became one of the primary arenas in which social conflicts and power struggles were articulated.”¹⁸ All this discussion suggests that the state’s involvement in surveillance of and intervention in “illicit” sexual contacts, including prostitution could vary between different times and locales. Furthermore, as suggested by Tuğ, reading the qadi court records along with other legal sources, namely the imperial registers, petitions and *fetvas*, within an institutional framework that posits them within a larger analysis of Ottoman legal culture, is required in order to gain a better understanding of the social and institutional history of sexuality. All these new studies are exciting for the developments in “New Ottoman Social History;” however, we still need further studies to fully reconstruct the history of prostitution in the Ottoman Empire. We still do not have detailed answers to such questions as the following: Who were

¹⁷ Ibid., 307

¹⁸ Ibid., 372

the prostitutes? Were they widows, slaves or concubines? Who were the people involved with the prostitutes? How did the prostitutes practice their profession? Did they readily accept the charges against them brought by the community or the police officer (*subaşı*)? If not, what were their tactics in dealing with the state? The answers to these questions, I think, will allow us to better analyze the complicated relationship between margins and centers as well as their ever shifting boundaries. Moreover, they will show us the “weapons of the weak” used to deal with various forms of power without overtly confronting it.

Besides religion and gender, being free or enslaved was crucial to determining one’s social status in Muslim societies. Slavery is one of the most controversial, sensitive and complex subjects in modern Islamic historiography. Orientalist scholarship has long examined the issue through the prism of intolerance in Islam and presented slaves as property in the hands of their owners. Recent scholarship challenges the objectification of the slaves because viewing slaves as mere objects – goes the line of thinking – does not do justice to the various roles that slaves played in local communities. Rather than seeing slavery as a rigid category, scholars emphasize its fluidity bringing many examples in which the status of a slave ranges from a domestic servant to the most intimate companion and advisor of the sultan.¹⁹ One of the most recent and eye-opening

¹⁹ Examples include Abraham Marcus, *The Middle East on the Eve of Modernity*; Ronald Jennings, “Black Slaves and Free Blacks in Ottoman Cyprus, 1590-1640,” *Journal of the Economic and Social History of the Orient* vol. 30, no. 3 (1987): 286-302; Ehud R Toledano, “Shemsigül: A Circassian Slave in Mid-Nineteenth- Century Cairo,” in *Struggle and Survival in*

contributions to the historiography of Ottoman slavery has been provided by Yvonne Seng.²⁰ Looking through the prism of the sixteenth century estate inventories of Üsküdar, Seng observes the objectification of the slave as property, along with rugs, chickens and houses etc. in these documents. Yet, this “static definition of status,” Seng contemplates, obscures the variety of roles played by slaves in the Ottoman society. Invoking Victor Turner’s idea of “liminality” and “rites of passage”, she attempts to analyze the transition of slaves –identified as “property-with-voice” (*mal-ı natık*) in the words of Ottoman jurists – into the community. She argues that in the period of transition, slaves were “neither subject nor object.” She demonstrates that, while enslaved, slaves had access to the sharia courts and used them to assert their rights in respect to contracts of manumission against their masters or their masters’ beneficiaries. Seng’s article is significant not only for its conclusions but also its interdisciplinary perspective on reading the court registers and I will discuss this perspective further in the second chapter. Here I would like to emphasize that, while on the one hand, the legal sources clearly demarcate a slave’s rights and duties and constitute them as a

the Modern Middle East, edited by Edmund Burke, III (Berkeley & Los Angeles: University of California Press, 1993), 59-74; idem, “The Concept of Slavery in Ottoman and Other Muslim Societies: Dichotomy or Continuum?,” in *Slave Elites in the Middle East and Africa: A Comparative Study*, edited by Miura Toru and John Edward Philips (London and NY: Kegan Paul International, 2000), 159-176; Madeline C. Zilfi, “Servants, Slaves and the Domestic Order in the Ottoman Middle East,” *Hawwa* vol. 2, no. 1 (2004): 1-33;

²⁰ Yvonne Seng, “Liminal State: Slavery in the sixteenth century Istanbul,” in *Slavery in the Islamic Middle East*, ed. Shaun Elizabeth Marmon (Princeton, NJ: Markus Wiener Publishers, 1999), 25-42; idem, “Fugitives and factotums: slaves in early-sixteenth-century Istanbul,” *Journal of Economic and Social History of the Orient* 39 (1996): 136–166.

separate category with certain disadvantages; on the other hand, it is now known that in the history of Islam, slaves could, and did, have access to the highest strata of society. Sometimes, their power was so great that it was only surpassed by that of the sovereigns; furthermore, they themselves ended up governing and reigning in different places, a phenomenon unknown in other cultures, such as in the Christian West. Therefore, while positioning the slaves on the margins of Islamic society in general and Ottoman society in particular, one has to situate the question of marginality from a positive point of view rather than from one of rejection and absolute exclusion.

The history of disability and sickness deserves particular attention in understanding marginality. To put it very simply, “the disabled,” due to their very nature, are more prone to being marginalized and excluded from the society in which they live. How Muslim societies in the past dealt with these “imperfect” people has tremendous significance for my venture to understand what being “marginal” and “marginalized” entailed in the pre-modern Ottoman Empire. A quick survey of the history of sickness and disability demonstrates that there are very few studies pertaining to this vital subject in early modern Ottoman Empire. To my knowledge Sara Schelenge’s recent dissertation constitutes perhaps the first comprehensive analysis of this significant subject in the English language.²¹

²¹ Sara Scalenghe, "Being different : intersexuality, blindness, deafness, and madness in Ottoman Syria" (PhD diss., Georgetown University, 2006).

Eschewing court records and drawing instead on literary and narrative sources as well as *fiqh* and *fatwa* manuals, Scalenghe examines how bodily differences were conceived of and treated in the early modern Arab East roughly from the 1500s to the 1800s. Intersexuality, blindness, deafness and madness are selected as four different cases by Scalenghe as being useful for uncovering multiplicity of discourses, perspectives and practices of difference in Ottoman Syria. One of the main findings of this dissertation is that “... the modern notion of disability as an abstraction, i.e., a state or condition that exists independently of social and cultural practice and operates as determinant of identity, appears to have held little purchase on the minds of early-modern Syrians.”²² According to Scalenghe, impairments of the body and the mind were, more often than not, considered to be rooted in the physical body, and seldom, if ever, attributed to the agency of supernatural powers or the moral, spiritual, or were considered to diminish the intellectual credentials of the person afflicted. This study also reveals that embodied and mental differences hardly ever resulted in the ascription of stigma, whether religious or social. According to Scalenghe, this relatively benevolent conceptualization and treatment of the physically and mentally different was, to a certain extent, facilitated by the sharia both in theory and practice. For her, the jurists’ approach consistently exhibits a motivation to

²² Ibid., 15.

integrate those who were physically and mentally different into the society in quest of a balance between the rights and responsibilities of the individual and the well-being of the community. Above all, the sharia made substantial arrangements to accommodate some special needs, allowing, for instance, a mute person to substitute signs for the written or spoken word when dealing with most legal issues. Thus, Scalenghe argues that in the context of (urban) early modern Ottoman Syria, “physical impairments were *situationally* disabling, i.e. they constituted disabilities only in certain specific circumstances such as excluding or restraining the right of the blind to provide testimony in court. Thus, such physical conditions and characteristics were not necessarily understood as permanent states that were constitutive of identity.”²³ Therefore, Scalenghe emphatically refuses to use the modern category of “disabled” to understand mental and bodily differences in this particular environment as its usage constitutes teleological readings of the past. Schalenghe’s study is one of the few exceptions in the field to make an attempt to problematize the categories pertaining to difference and abstain from using certain anachronisms. Thus, her work sets an example for this novice reader of the Ottoman “New Social History.” As for her decision of avoiding the use of court records, it is understandable, though not desirable, considering the amount of time required in going over each and every register to come up with sufficient cases to build an argument. For

²³ Ibid.

instance, in the registers that the present study is based on, I have come across only a handful of cases related to the bodily and mental differences and these cases seem to substantiate Scalenghe's claims.

Gypsies constitute yet another community that has been positioned at the margins in the literature. In the section to follow, I shall first discuss how Gypsies in the Ottoman Empire have been approached by scholars working in different disciplines. I will then explore the relevant discourse on the concept of "marginality" and problematize its usage as a category of analysis to examine historical experiences of Gypsies in the Ottoman Empire.

Gypsies at the Margins: A Literature Review

The historians of the Ottoman Empire have hitherto produced works not only on the functioning of the poly-ethnic and multi-religious society of the Ottoman Empire, but also on the specific ethnic and religious groups that made up this plural society. Yet although the Gypsies were a part of this multiethnic and religious coexistence, they have not received sufficient academic attention from Ottomanists whether in Turkey or abroad. Consequently, the academic literature produced within the field of contemporary Ottoman studies on Gypsies living in the Ottoman Empire is so limited that a thorough survey of the literature becomes almost a redundant exercise. Indeed, as we shall see, interest in Gypsies in Ottoman society on the part of Ottomanists is almost non-existent up until the turn of the twenty first century with the exception of a few articles. What was produced and reproduced until 2000s is largely written by the scholars outside of

the field of contemporary Ottoman studies. These scholars, coming from very diverse disciplinary training and interests, naturally relied on what was available to them in western languages rather than contemporary Ottoman primary sources.

It should be underlined, however, that there has been a growing academic and popular interest in the Gypsy/Roma in Turkey since the turn of the century. Urban Regeneration projects that demolished the Roma settlements along with others in different parts of Turkey; the persistent references to the disadvantaged position of the Gypsy/Roma in Turkey in the EU progress reports and the increasing tendency of the Turkish Roma to get organized have led to considerable media and academic attention to the subject. First of all, there is a growing body of popular works produced by Roma activists including Turkish Roma themselves.²⁴ Secondly, recently students of political science, anthropology, sociology, cultural and urban studies have contributed to our knowledge on social and economic status of various Turkish Roma communities by conducting field studies in densely populated Roma districts.²⁵ Furthermore,

²⁴See, for example, Mustafa Aksu's *Türkiye'de Çingene Olmak* (İstanbul:Ozan Yayıncılık, 2003); Nazım Alpman, "*Başka Dünyanın İnsanları Çingeneler*" (İstanbul:Ozan Yayıncılık, 1993); Nazım Alpman, *Trakya Çingeneleri: Sınırdaki Yaşayanlar* (İstanbul:Bileşim Yayınları, 2004).

²⁵ See, for example, Gülten Kazgan, Hasan Kirmanoğlu, Çiğdem Çelik and Arus Yumul, *Kuştepe Araştırması 1999* (İstanbul: İstanbul Bilgi Üniversitesi Yayınları, 1999); Adrian Marsh and Elin Strand (eds.), *Gypsies and the Problem of Identities: Contextual, Constructed and Contested* (İstanbul: Swedish Research Institute in Istanbul, 2006); Zerrin Toprak, Ömür N. Timurcanday Özmen and Gökhan Tenikler (eds.) *İzmir Büyükşehir Bütününde Romanlar* (Ankara:Nobel Yayın Dağıtım, 2007); Başak E. Akkan, Goncagül Gümüş, Abdullah Karatay and Başak Erel (eds.), *Romanlar ve Sosyal Politika*, (İstanbul: n.p., 2008); Suat Kolukırık and Şule Toktaş, "Turkey's Roma: Political participation and organization," *Middle Eastern Studies*, vol. 43, no.5 (2007) :761

Gypsies have been represented in various ways in Ottoman / Turkish literary traditions and various means of contemporary popular culture including but not limited movies and TV series. Representations of Gypsies in literary traditions and popular culture constitute an object of study in itself and beg for further research. However, this very much desired inquiry is beyond the scope of the present dissertation.²⁶

Although these works on contemporary Gypsy / Roma communities in Turkey are significant and will hopefully instigate further interest in the subject, they do not add anything substantial to our knowledge on Gypsies in the Ottoman Empire as they mostly reiterate what is already available on the history of Gypsies. What follows is an analysis of this limited scholarship produced by non-Ottomanists and some Ottomanists, both in Turkey and abroad. I will start first examining those works written in English by scholars whose primary interest is writing history of Gypsies in Europe and the Balkans. Then an attempt will be

²⁶ 777. Besides this published material, various works have been produced as M.A. and PhD theses in different universities in Turkey. See, for instance, Suat Kolukırık, "Aramızdaki Yabancı Çingeneler"(PhD diss., Ege Üniversitesi Sosyal Bilimler Enstitüsü, 2004); Selin Ceyhan, "A Case Study of Gypsy/Roma Identity Construction In Edirne" (Master's Thesis, Middle East Technical University, 2003); Zeynep Ceren Eren, "Imagining And Positioning Gypsiness: A Case Study Of Gypsy/Roma From Izmir, Tepecik" (Master's Thesis: Middle East Technical University, 2008); Begum Uzun, "Gypsies, The Roma And Justice Claims: The Case Of Lüleburgaz," (Master's Thesis , Boğaziçi University, 2008).

²⁶ To my knowledge only study on the representation of Gypsies in contemporary Turkish novels written by Alev Sınar "Yazarlarımızın Gözüyle Çingeneler,"*Türk Kültürü İncelemeleri Dergisi*, 8 (2003):143-164. As for how Gypsies have been represented in Turkish films, see, Tijen Koşetaş, "Racism Against Gypsies in Turkish and American Films," (Master's Thesis, Kadir Has University, 2006).

made to show how social and economic positions in the Ottoman Empire have been approached by the Ottomanists.

a) Approaching Ottoman Gypsies from the Outside: Gypsies as *Ignored* or *Tolerated* Subjects of the Sultans

Gypsies in the Ottoman Empire has been approached by anthropologists²⁷, linguists²⁸, political scientists²⁹, journalists³⁰, historians³¹ and scholars of Romani studies³² working on Gypsies in Europe and the Balkans. Naturally, these works

²⁷ See for instance Elena Marushiakova and Vesselin Popov, *Gypsies (Roma) in Bulgaria* (Frankfurt: Peter Lang, 1997), 18-26. The authors' brief discussion on the Gypsies of Ottoman Bulgaria attempts to throw light upon the status of the Gypsies during the Ottoman era mostly referring to the studies conducted in Slavic languages.

²⁸ V. Friedman and R. Dankoff, "The Earliest Text in Balkan (Rumelian) Romani: A passage from Evliya Çelebi's *Seyahatname*," *Journal of Gypsy Lore Society*, I (1991): 1-21. This joint work of Friedman, professor of Slavic and Balkan Languages and Dankoff, professor of Turkish, is indispensable for Ottoman historians as well as scholars of Romani Studies as it provides not only Dankoff's translation of the Evliya's account on the Gypsies living in Gümülçine and elsewhere in the Ottoman Empire but also the Romani glossary collected by the celebrated traveler of the seventeenth century and its annotation (by Friedman).

²⁹ Zoltan Barany, *The East European Gypsies: Regime Change, Marginality, and Ethnopolitics* (New York: Cambridge University Press, 2001), especially 23-31 and 83-95. While elucidating the status of Eastern European Gypsies in different types of regimes -imperial, authoritarian, state-socialist and democratic political systems- over a period of seven centuries, Barany discusses the Ottoman state's policies towards the Gypsies and their socioeconomic status in the society.

³⁰ Bart McDowell, *Gypsies: Wanderers of the World* (Washington: The National Geographic Society, 1970), 144-160.

³¹ Noel Malcolm, *Kosovo: A Short History* (New York: New York University Press, 1998), 205-209. Leo Lucassen and Wim Willems, "The Weakness of Well Ordered Societies: Gypsies in Western Europe, the Ottoman Empire, and India, 1400-1914," *Review*, XXVI, no. 3 (2003): 283-313

³² See, for instance, Angus Fraser, *The Gypsies* (Oxford and Cambridge: Blackwell, 1992), 173-178. Fraser's account of the Ottoman Gypsies is based mostly upon the works published in the *Journal of the Gypsy Lore Society* (detailed description of which will be provided within the text). He incorporates the Gypsies of the Ottoman Empire into the total history of the Gypsies.

approach Gypsies from their respective standpoints and theoretical frameworks and treat Ottoman Gypsies very briefly within the grand narratives on Gypsies living in Europe and the Balkans. The main argument of this scholarship as represented, for instance, in the studies carried out by Agnus Fraser and Zoltan Barany is that the Ottoman Empire had been a place of some degree of tolerance, or at least benign indifference towards the Gypsies in what has been termed “the classical period.”³³ This argument is given further currency in *Gypsies in the Ottoman Empire* written by Marushiakova and Popov.³⁴ Based in Bulgaria and anthropologists by training, Marushiakova and Popov write extensively on Gypsies living in Bulgaria. Unlike Fraser and Barany, Marushiakova and Popov construct their narrative on Gypsies in the Ottoman Empire based on collections of Ottoman primary sources published by Bulgarian Academy of Sciences.³⁵

³³ For example, Agnus Fraser argues that “they [the Gypsies] ... were left pretty much unmolested by western European standards,” *The Gypsies*, 175. Similarly, Elucidating the status of eastern European Gypsies under different types of regimes – imperial, authoritarian, state-socialist, and democratic political systems – over a period of seven centuries, Barany discusses the Ottoman state’s policies towards the Gypsies and their socioeconomic status in those societies. On this point he argues that “the Ottoman Empire, with the marked absence of systematically repressive policies and legislation characteristic of the rest of Europe, was a haven for the Roma. The state accepted or, put differently, did not care about their customs and religious identities.” Barany, Zoltan D. *The East European Gypsies*, 91-92

³⁴ Elena Marushiakova and Vesselin Popov, *Gypsies in the Ottoman Empire: A contribution to the history of the Balkans*, ed. Donald Kenrick, trans. Olga Apostolova (Hatfield, Hertfordshire: University of Hertfordshire Press ; Paris : Centre de Recherchés Tsiganes, 2000).

³⁵ Unfortunately, the authors do not provide further information on these collections on Ottoman primary sources for Bulgarian history. For instance, whether these collections include original Ottoman documents, transliterations and translation into Bulgarian is not presented clearly by the authors except listing them in the bibliography. What is even more disappointing is that this book is written without footnotes or endnotes.

Marushiakova and Popov, to some extent, reiterate argument put forward by Fraser and Barany by stating that

The “Gypsies” occupied a special place in the overall social and administrative structure of the empire. In the first place they had been “Citizens” of the empire since its establishment. Notwithstanding the division of the empire’s population into two main categories (the “true believers” and the “infidels”), they had their specific statute and were differentiated on the basis of their ethnicity. There was not a strong differentiation between Muslim and Christian “Gypsies”, between nomadic and settled. On the whole, they were close to the local populations, with some small privileges for the Muslim “Gypsies”, and considerable larger benefits for those in the service of the army. ... On the whole, however, the civil status of the Roma in the Ottoman Empire was more favorable than it was for their cousins in Western Europe, where, during the same historical period, the Roma were persecuted.³⁶

What emerges from above reading is that like Fraser and Barany, Mariushkova and Popov also posit the status of Gypsies in the Ottoman Empire against the background of their experiences in Europe and conclude that Gypsies in the Ottoman Empire in general were better off socially and economically compared to their European counterparts. Nevertheless, as can be seen in the above quotation, they also draw certain “conclusions” about the Ottoman society in order to situate Gypsies within the overall socio-political organization. My reservation to this work pertains to this latter point. As we shall see in this dissertation, there are various social divisions in Ottoman society. These divisions

³⁶E. Marushiakova and V. Popov, *Gypsies in the Ottoman Empire*, 47

– horizontal and vertical – were constructed by the learned male elite. The significance of these divisions, for instance, being *askeri* and *reaya* or Muslim and non-Muslim could change according to the social standing and administrative position that these authors enjoyed. How the Ottoman grand mufti of the period, İbn Kemal (d.1536) and famous bureaucrat and historian Gelibolulu Mustafa Ali (d.1600) present social structures and societal organization is quite different from each other. Research carried out within the field of Ottoman history since the early 1980s has shown that these divisions animated in the contemporary Ottoman sources represent ideals and in practice these boundaries drawn between the *askeri* and *reaya*, Muslim-non-Muslim were very much fluid. My second criticisms towards this conclusion put forward by Mariushkivo and Popov is related to the argument that the Ottoman imperial state categorized Gypsies according to their “ethnicity” and assigned them special status, different from that of other Muslims and non-Muslims. Even though I myself posited this view in my earlier works, I revisit this conclusion in the present study. I will come to this point later in this section but first, I shall explore the sources that led to this conclusion put forward by the scholars of Romani Studies.

The first serious attempt to analyse aspects of the Gypsy communities in Turkey come from Dr. Alexander G. Paspatis M.D. (also Alexandros G. Paspates) in the 1860’s who attempted to describe the language in use amongst them in his

“Memoir on the language of the Gypsies as now used in the Turkish Empire.”³⁷ In his introduction to the history of the Gypsies, Paspati refers to the fact that “no general persecutions ever took place against them, either on religious or political grounds...” and as a consequence “they have been suffered quietly to live in those provinces [of the Ottoman Empire]... and have multiplied to such a degree that they are superior in number to their fellow-countrymen in all other states in Europe...”³⁸ He goes on to note that the Gypsies of Turkey follow the religion of those whom they live amongst, and that they inter-marry with Turks but not with Christians.³⁹ In the following pages Paspati proceeds to analyse the language of the Gypsies after making his famous remark “The entire history of this race [*sic.*] is in its idiom...”⁴⁰ a maxim that – according to Adrian Marsh -- has guided Romani Studies ever since.⁴¹

In his opus, *Études sur les Tchingianés ou Bohémiens de l'Empire Ottoman*, Paspati again refers to the Gypsy population in Turkey and how

³⁷ Alexander G. Paspati, “Memoir on the language of the language of the Gypsies, as now used in the Turkish Empire,” [trans.] Rev. C. Hamlin D.D. *Journal of the American Oriental Society*, 7: (1860-1863): 143-270

³⁸ Ibid., 147. As we saw in the discussion above, Fraser and others follow this conclusion closely.

³⁹ Ibid., 148

⁴⁰ Ibid., 149

⁴¹ Adrian Marsh, “No Promised Land,” 31

numerous Gypsies are there,⁴² before suggesting, in a rather curious remark that the differences in dialects spoken in the Empire meant that Balkan Gypsies may not understand those in other parts.⁴³ According to Adrian Marsh, “This ... is an indication that Paspatis was aware of the fact that both *Domari* and *Lomavren* were being spoken by groups of Gypsies in Turkey, but not the knowledge of what these ‘dialects’ actually were.”⁴⁴ Paspatis also draws a distinct linguistic difference between Christian and Muslim Gypsies, as he suggests that Muslim Gypsies perceive the use of *Romanës* as essentially Christian and avoid using it as a result.⁴⁵

Yet another genre of sources that nurtured this conclusion comes from the studies published in *the Journal Gypsy Lore Society* in the late nineteenth and early twentieth centuries.⁴⁶ These works are often associated with very

⁴²Alexander Paspatis, *Études Sur Les Tchinghianés ou Bohémiens de l'Empire Ottoman* (Constantinople: n.p. 1870), 35.

⁴³Ibid., 36

⁴⁴Adrian Marsh, “No promised Land,” 31

⁴⁵ Alexander G. Paspatis, “Memoir on the language of the language of the Gypsies, as now used in the Turkish Empire,” 143

⁴⁶ The Gypsy Lore Society was established in 1888 by founding members Henry Crofton, Francis Hindes Groome, Charles Leland, David MacRitchie, and Archduke Joseph of Austria-Hungary. The first run of the *Journal of the Gypsy Lore Society* went from 1888 to 1892; it was revived in 1907 and lasted until 1914; its third and longest run went from 1922 to 1973. After all its early members were dead, the fourth series was published from 1974 to 1978 and the fifth, from 1991 to 1999. Currently, a successor to the journal is published in the United States as *Romani Studies*. For a brief history of the society, see Angus Fraser, “A Rum Lot,” in *One Hundred Years of Gypsy Studies: Papers from the Tenth Annual Meeting of the Gypsy Lore Society, North American Chapter*, ed. Matt T. Salo (Cheverly, Md.: Gypsy Lore Society, 1990), 1–15. And for how

contentious term “Gypsyism.”⁴⁷ Here is not place to discuss “Gypsyism” because it is a topic of inquiry in and of itself and there exist a number of critical works on “Gypsyism” in western historiography.⁴⁸ Nevertheless, what I want underline here is that these studies published in *the Journal of Gypsy Lore Society* are not only fragmented and incomplete but also very much Eurocentric. These accounts, with the few very few exceptions, are not based upon Ottoman and / or Turkish sources but rather observations of the authors themselves and they explore the questions raised within this discourse of nineteenth century Gypsyism, such as the origins of the Gypsies, their language and their “traditional” occupations.⁴⁹ As aptly observed by Adrian Marsh,

The numbers of European, and most especially western European folklorists and ethnologists that had come to the Ottoman lands in the later Ottoman period, had carried with them the seeds of a scientific racism that had imbued much of their own work, framing

“Gypsies” were represented in the works of major Gypsylorists, see Deborah Epstein Nord, *Gypsies & the British Imagination, 1807-1930* (New York: Columbia University Press, 2006).

⁴⁷ Examples include R.W. Halliday, “Some Notes upon the Gypsies of Turkey,” *Journal of the Gypsy Lore Society* 1(1922): 163-189. This article offers an ethnographic and historical survey on the Gypsies of Rumelia, Anatolia and İstanbul based mainly upon European travel accounts.

⁴⁸ Some examples are Adrian Marsh, “No promised Land”; Ken Lee, “Orientalism and Gypsyism,” *Social Analysis* 44. 2: (2000):129-156; Nicholas Saul and Susan Tebbutt (eds.) *The Role of the Romanies: Images and Counter-Images of "Gypsies"/Romanies in European Cultures* (Liverpool [England]: Liverpool University Press, 2004).

⁴⁹ In a very stimulating article Ken Lee defines “Gypsyism” as a “field of study that discursively constitutes as its subjects ‘The Gypsies’”. Like Orientalism, Lee argues, “Gypsyism is a discursive formation that emerges from asymmetrical exchanges of power of different sorts (political, economic, cultural, intellectual and moral) that in turn help to re-constitute and perpetuate the unequal exchanges that underlay the initial discursive formation.” Ken Lee, “Orientalism and Gypsyism,” 132.

the kinds of questions that were conceived of, and the perspective through which the Gypsies were then viewed.⁵⁰

Until the advent of the work by Margaret Hasluck, the studies by ethnographers, anthropologists and folklorists were built upon the prevailing dominant views about the Gypsies in Europe, with little recourse to the sources in the Ottoman lands — Paspati's early contribution to the *Journal of the Gypsy Lore Society* notwithstanding. Hasluck, it has been argued, "...can be regarded as an innovator who insisted on an Ottoman discourse of the Gypsies. She used for the first time, through her Albanian contacts the available Ottoman documents, to reconstruct the Gypsies' experiences during the Ottoman period."⁵¹ Her use of some of these documents is however, not uncontested by some Ottomanists who consider her translations of these *firman*s to be inexpert.⁵²

What emerges from this literature is that scholars working outside of the Ottoman studies often fails to follow contemporary critical scholarship produced on the functioning of the Ottoman "plural society" in general and the so-called "millet system" in particular. Instead of positioning Gypsies within many communities – religious, ethnic, professional, administrative ...etc – that made up the Ottoman society, these scholars often approach them through the prism of the so-called millet system and hence conclude that Gypsies had an "exceptional" or

⁵⁰ Adrian Marsh, "No promised Land," 1-2.

⁵¹ Eyal Ginio, "Exploring the 'Other': Margaret Hasluck and the Ottoman Gypsies" *Lecture at the School of Oriental & African Studies*, University of London, 13th December, 2000.

⁵² Ibid.

“atypical” status in the Ottoman Empire as their administration did not fit neatly in to what millet system is conceived to be. The reasons behind this conclusion are not only unassailable contemplations on “millet” but also, a lack of micro-historical studies on Gypsies in the Empire in different regions and epochs. So scholars who approach Gypsies from outside often uncritically reiterate many of the earlier notions and texts from Romani historiography in the *Journal of the Gypsy Lore Society*.

b) Approaching Gypsies from Within: Gypsies as *Tolerated* or *Marginalized* subjects of the Sultan?

Aside from the above mentioned literature, until recently little attention had been paid to the history of Gypsies within the domain of Ottoman studies. In fact, the academic literature produced by Ottomanists on Gypsies is so limited that a thorough survey of the literature becomes almost a redundant exercise. Compared to sheer number of studies and multiplicity of approaches in exploring history of Gypsies in European historiography,⁵³ all we have available is a few

⁵³ There is a substantial body of historical, anthropological, literary, political and polemical writing addressed Romani experience in Europe. Exploring this literature is beyond the scope of this dissertation. One of the most comprehensive accounts how “Gypsy” as a social identity has been constructed and deconstructed and approached in European historiography is provided by David Mayall, *Gypsy Identities 1500-2000: from Egipcians and Moon-men to the Ethnic Romany* (London: Routledge, 2004). Other critical works on the category of “Gypsy” and contemporary scholarship on Gypsy / Roma are, for example, Thomas Acton, *Gypsy Politics and Social Change. The Development of Ethnic Ideology and Pressure Politics among British Gypsies from Victorian Reformism to Romany Nationalism* (Routledge & Kegan Paul, London, 1974); Ian Hancock, *The Pariah Syndrome. An Account of Gypsy Slavery and Persecution* (Karoma Publishers Inc., Ann Arbor, Michigan, 1987); Leo Lucassen, Wim Willems and Annemarie Cottaar, *Gypsies and Other Itinerant Groups: A Socio-Historical Approach* (Macmillan, Basingstoke, 1998); Judith Okely, *The Traveller Gypsies* (Cambridge University Press, Cambridge, 1983); Willems, Wim, *In*

articles published here and there. Indeed, even the *Türkiye Diyanet Vakfı İslâm Ansiklopedisi* (Turkish Religious Foundation Encyclopaedia of Islam) which has been published in Turkish since 1980s and is considered to be one of the most comprehensive and authoritative sources on the history of Islam in Turkey and abroad does not include an entry on “Çingene” (Gypsy). With a few exceptions, all these articles are written in Turkish and reiterate the same discourse and reach more or less the same conclusions. Gypsies in these articles at all times and places are constructed as to be poor, dirty, morally inferior, nominally Muslim or Christian yet talented musicians, dancers and iron workers. Gypsy women in this

Search of the True Gypsy: From Enlightenment to Final Solution (Frank Cass, London, 1997). David Mayall's *Gypsy-Travelers in Nineteenth-Century Society* (Cambridge, 1988) provides one of the best history of the Gypsies in Britain (including an appendix listing all major legislation affecting Gypsies, 1530-1908). Similarly, Richard Pym's *The Gypsies of Early Modern Spain, 1425-1783* (Basingstoke [England]: Palgrave Macmillan, 2007) provides one of the most comprehensive accounts on Gypsies in early modern Spain. For a variety of excellent analyses of the figure of the Gypsy western literature, see Katie Trumpener, “The Time of the Gypsies: A “People without History” in the Narratives of the West,” *Critical Inquiry*, 18 (1992): 843-884; Deborah Epstein Nord, *Gypsies & the British Imagination, 1807-1930* (New York: Columbia University Press, 2006).

discourse appear to possess dubious sexual morals and are charged with seducing young boys in town and villages and causing dissolution of families. As for the Ottoman state attitudes towards the Gypsies, there appear two competing arguments: Gypsies were either tolerated, benignly ignored or marginalized subjects of the sultans in all times and places!

Tayyib Gökbilgin's article "Çingeneler" published in the *İslâm Ansiklopedisi* typifies this approach.⁵⁴ Through using some eighteenth and nineteenth century German sources on the origins of Gypsies, Gökbilgin first reiterates the established Western narrative on the origins and lifestyles and religious identity of Gypsies. Then through using Ottoman archival sources (especially those in the Cevdet Tasnifi and Cizye Muhasebesi Kalemi, *Mühimme* and *Tahrir* Registers found in the Başbakanlık Osmanlı Arşivi), Gökbilgin delineates Ottoman state's administration of Gypsies in Rumelia including taxation and employment in the Ottoman military as *müsellems*. Then he sets out to talk about Gypsies' professions, lifestyles and their customs and traditions. In spite of the fact that Gökbilgin's article is significant in presenting –perhaps for the first time – what we have in Ottoman archives pertaining to Gypsies, it falls short of close reading of these material. Most likely this is due to the fact that it was written as encyclopedic entry as such it is a descriptive rather than an

⁵⁴ M. Tayyib Gökbilgin, "Çingeneler," *İslam Ansiklopedisi*, vol. III (İstanbul: Milli Eğitim Basımevi, 1945), 420-426.

analytical narrative with a concrete argument. While presenting Ottoman archival material on Gypsies, Gökbilgin remains neutral. However, his tone and approach change significantly while presenting Gypsies' religion, lifestyles and professions. In this discussion, Gypsies are represented and objectified as poor, dirty, morally inferior, only nominally following their professed religion and Gypsy women are portrayed as the ruin of the innocent youth. Indeed, this discourse on Gypsies is reiterated by most of the authors writing in Turkish.⁵⁵ In this discourse, there is no mention of particular time and place. Time is almost frozen or not-existent and this timelessness is enhanced by the use of simple present tense by the authors. Therefore, in this narrative, Gypsies' lifestyles, beliefs, as well as their social and economic status appear to be unchanging and monolithic at all the time.

Next, Enver Şerifgil published an article on Gypsies in the 1980s.⁵⁶ This article is a presentation and transliteration of the population figures for Gypsies as well as sultanic laws concerning the Gypsies living in the province of Rumelia in the sixteenth century. The main source of Şerifgil is the *tahrir* registers of the sixteenth century Rumelia. After Şerifgil, Emine Dengeç and İsmail Haşim

⁵⁵ See, for instance, Reşad Ekrem Koçu, "Çingeneler," *İstanbul Ansiklopedisi*, vol.VII (İstanbul: n.p. 1965), 3986-4006; Melih Duygulu, "Çingeneler," *Dünden Bugüne İstanbul Ansiklopedisi*, vol.II (İstanbul: İletişim Yayınları, 1994), 514-516; İsmail Haşim Altınöz, "Osmanlı Toplumunda Çingeneler," *Tarih ve Toplum* 137 (May 1995): 22-29.

⁵⁶ Enver Şerifgil, "XVI. yüzyılda Rumeli Eyaletindeki Çingeneler," *Türk Dünyası Araştırmaları Dergisi* 15 (1981):117-144.

Altınöz contributed to our knowledge of Gypsies in the Ottoman Empire.⁵⁷ While Emine Dineç tests and elaborates Şerifgil's findings on the role of Gypsies in the Ottoman Army as *müsellems*, İsmail Haşim Altınöz's work appears to be more ambitious in terms of scope. It claims to cover Gypsies living in the Ottoman Empire from the fifteenth century until its dissolution in the early twentieth century. As is inevitable in such a macro level attempt, the dissertation does not go beyond summarizing of what is available on the Gypsies in the Ottoman archives. The variety of sources that Altınöz uses are quite impressive, ranging from *tahrir* and *mühimme* registers, various documents catalogued in different collections of the Ottoman Archives and the court records, though the latter is not read systematically and used intermittently as a supplementary source. Nevertheless, these sources are almost treated as transparent and objective reflections of reality, their weaknesses and strengths are not problematized.

⁵⁷ Emine Dineç, "Rumeli'de Geri Hizmet Teşkilatı İçinde Çingeneler (XVI. Yüzyıl)" (PhD diss., Anadolu Üniversitesi Sosyal Bilimler Enstitüsü, 2004); İsmail Haşim Altınöz, "Osmanlı Toplumunda Çingeneler" (PhD diss., İstanbul Üniversitesi Sosyal Bilimler Enstitüsü Yeniçağ Tarihi Ana Bilim Dalı, İstanbul 2005) Access to these dissertations are not allowed in online dissertation database of the Council of Turkish Higher Education (YÖK). Therefore, my comments on Emine Dineç's work is based upon her published article. "XVI. Yüzyılda Osmanlı Ordusunda Çingeneler," *SDÜ Fen Edebiyat Fakültesi Sosyal Bilimler Dergisi* 20:(2009):33-46. Nevertheless, a copy of İsmail Haşim Altınöz's is available for library use only at ISAM's library in İstanbul. He has also several articles published in Turkish. These articles reiterate each other and appear to be earlier versions or part of his dissertation work. See, for instance, İsmail Haşim Altınöz, "Osmanlı Toplumunda Çingeneler," *Tarih ve Toplum* 137 (1995): 22-29; idem, "Osmanlı Toplum Yapısı İçinde Çingeneler," in *Türkler*, vol X, edited by Hasan Celal Güzel, Kemal Çiçek, Salim Koca (Ankara: Yeni Türkiye Yayınları, 2002), 422-432; idem, "Osmanlı Döneminde Balkan Çingeneleri," in *Balkanlar'da İslam Medeniyeti Uluslararası Üçüncü Sempozyum Tebliğleri, Bükreş 1-5 Kasım 2006*, (İstanbul: IRCICA, 2011), vol., 1, 91-106.

Furthermore, Altınöz's narrative lacks an organized attempt to discuss the status of Roma in the Ottoman Empire by considering questions of temporal and contextual change, class, gender and agency despite the fact that his sources offer substantial information on these methodological categories. Hence, notwithstanding a few lines here and there, neither the Ottoman State's treatments of the Roma in different temporal settings nor the Roma's negotiations with and resistance against various agents of local and imperial power become objects of analysis within the narrative with a focused overarching argument. One of the main conclusions of Altınöz is that "the Gypsies living in the Ottoman Empire were never granted *millet* status and they were never attached to any Muslim or non-Muslim confessional community. Indeed, they were treated as though they were guests kept waiting in the hall."⁵⁸ One of main problems of this argument is that it assumes that there was a systematic "millet" organization all over the Ottoman Empire at all times. Another way of reading this argument is equally problematic. Altınöz assumes that the Gypsies were outsiders and always kept at the edge; nevertheless, our sources – including Altınöz's sources do not seem to agree with this assertion.

More recently, Eyal Ginio has probed the status of Gypsies in the Ottoman Empire in his "Neither Muslims nor Zimmis: The Gypsies (Roma) in the Ottoman

⁵⁸İsmail Haşim Altınöz, "Osmanlı Toplumunda Çingeneler," 27.

Empire.”⁵⁹ Looking through the eighteenth century court records of Salonica, Ginio argues that the Gypsies of the Ottoman Balkans are a salient example of a group that was marginalized through stigmatization, segregation and exclusion. According to Ginio, the Ottoman state also took part in their marginalization. For him, the most obvious evidence for Gypsies’ marginalization by the Ottoman authorities is the fact that, “whether Muslim or Christian, they were categorized as one distinct group that shared some common features – and that had to pay a special poll tax that was earmarked only for them.”⁶⁰ But the Gypsies utilized an array of strategies to empower themselves, for as Ginio notes: “on occasion, they were even able to win cases in court or to receive a favourable sultanic edict that supported their claims. Furthermore, they endeavored to improve their status when the possibility arose.”⁶¹ The present study substantiates some of Ginio’s findings, especially on marginal agency, but during an earlier period, that is in the sixteenth centuries. Yet it questions Ginio’s attempt to see the Ottoman imperial state’s policies vis a vis Gypsies in the neat paradigm of “absolute marginalization.” Furthermore, it challenges Ginio’s rather absolute (!) remarks on the ways in which “Gypsies” as a category were constituted by the Ottomans. To him, “The sole criterion for categorizing as part of this group was by birth.

⁵⁹ Eyal Ginio, “Neither Muslims nor *Zimmis*: The Gypsies (Roma) in the Ottoman Empire,” *Romani Studies* 5 14 (2004): 117-144.

⁶⁰ Ibid., 141.

⁶¹ Ibid., 141-142.

Furthermore, unlike other inferior groups that lived in the Ottoman state, one could not leave this category by way of conversion, education, settlement or manumission.”⁶² This argument first of all presents “Gypsies” as an isolated “ethnic” community attached to each other by genetic descent or common blood hence ignores any possibility of amalgamation with other itinerant or settled groups. Secondly, this view considers “Gypsies” as a homogenous category with no variations in terms of class, gender, mode of living or religion. As we shall see in this dissertation, at least as far as the sixteenth century concerned, neither *all* Gypsies were marginal nor were they always marginalized.

To sum up, this scholarship, though very useful as a guide to the rich historical materials available on the subject, also suggests the emergence of two competing paradigms in the study of the history of the Roma people in the Ottoman realms. The first of these contends that the Gypsies of the Ottoman Balkans provide a salient example of a group marginalized through stigmatization, segregation and exclusion,⁶³ whereas the second maintains that the Gypsies were simply accepted, or at the very least, benignly tolerated by the

⁶² Ibid, 130.

⁶³ Along with Ginio, I also submitted to this view in my very first works on Gypsies, “Exploring Marginality in the Ottoman Empire: Gypsies or People of Malice (*Ehl-i Fesad*) as Viewed by the Ottomans,” *European University Institute Working Papers*, no. 2004 / 39 and “Limits of Tolerance: The Status of Gypsies in the Ottoman Empire,” *Studies in Contemporary Islam*, 5, 1-2 (2003), 161-182.

Ottoman state.⁶⁴ Both of these analyses, however, fail to take into account the fact that the legal, social and economic status of the Roma people in the Ottoman Empire seems to have been, at different times and in different places, much more complicated than what can merely be characterized as marginalization or toleration. First of all, it would be mistake to construe the Gypsies in the Ottoman Empire as an entirely homogenous group. Neither the Gypsies nor the imperial state nor the local communities' attitudes towards them was uniform and unvarying at all times and places. As we shall see, "Gypsy" was a heterogeneous, hybrid and mobile category (and practice) at various levels. Gypsies were heterogeneous in term of their religious identity as there were both Muslim and Christian Gypsies living in the Empire. Nevertheless, their "indifference" to "Orthodox" practices of these religions – from conversion to gender segregations – caused them to be stigmatized as nominal Muslims (and nominal Christians). In terms of their mode of living, they were not all nomadic, contrary to many representations of Gypsies especially in the nineteenth century European and Ottoman discourse. Documents make it obvious that there were settled, nomadic and semi-nomadic Gypsies up until the end of the Empire. Their economic status seems quite heterogeneous and in motion in many ways. For instance, there existed settled Gypsies making a living through farming in the sixteenth century Üsküdar.

64 To use for instance very striking words of Zoltan Barany, "The state accepted or, put differently, did not care about Gypsies' customs and religious identities." Barany, *op.cit.*,92.

Theoretical and Conceptual Considerations

a) *The Category of Marginal*

Marginality is a contested concept. It neither has a uniform definition nor a uniform usage. As one author puts it, it is a “tricky” concept to work with. It has been used ubiquitously in both modern and postmodern discourses. Critical theorist George Yudice argues that in both discourses “the concept is inflated to such proportions that it loses its critical edge, its contribution to concrete struggles against oppression and domination.”⁶⁵ In a similar vein, anthropologists Stephen Nugent argues in a very recent work that

Instead of the laying the ground for explanations that account for the dynamic relationship between powerful and underpowered social groups (categories, classes and positions), the concept [marginal / marginality] has often (typically) served to reify the excluded as objects and in doing so move them from being structurally marginal to being effectively excluded: a sector, culture, domain whose existence is acknowledged but whose affinity with “the center” is denied.⁶⁶

Many attempts have been made to *define* “marginality” and its derivatives by scholars in social sciences ranging from sociology to psychology and from economics to political science since the concept’s introduction by American

⁶⁵ George Yudice, “Marginality and Ethics of Survival,” *Social Text* 21 (1989):214-215

⁶⁶ Stephent Nugent, “Verging on the Margin: Modern Amazonian Peasantries,” in *Lilies of the Field: Marginal People who live for the moment*, ed. Sophie Day, E. Papataxiarches, and Mocheal Stewart (Boulder: Westview Press, 1999), 180-181

sociologist Robert Park in the 1920s.⁶⁷ Furthermore, margins, frontiers, peripheries, thresholds and borders are all very much discussed in the critical vocabulary of postmodernism and cultural studies. As very aptly observed by Stephen Milner in a recently edited volume on marginality, the considerable attention that social, spatial and textual margins received from cultural anthropologists – e.g. Arnold Van Gennep, Mary Douglas, Clifford Geertz and Victor Turner – and postmodern critics – e.g. Michelle Foucault, Michel de Certeau and Homi Bhabha – has indeed carried “margins” to the center of recent literary and cultural analysis.⁶⁸ What emerges from this intellectual quest is that marginality as a category of analysis transcends disciplinary borders. It has a complex genealogy and multiple forms: social, economic, cultural, political, ethnic and spatial, just to name a few. That is why there is no “right” definition but rather “usages” of marginality despite many attempts to define and redefine it in order to make it a *transparent* and *exact* category of analysis.⁶⁹

⁶⁷ Bradley T. Cullen and Michael Pretes, "The Meaning of Marginality: Interpretations and Perceptions in Social Science," *The Social Science Journal* 37. 2 (2000): 215-229.

⁶⁸ Stephen J. Milner (ed.), *At the margins: minority groups in premodern Italy* (Minneapolis: University of Minnesota Press, 2005), 3

⁶⁹ Wright and Wright opened their article by observing that marginality had been “defined, redefined, elongated, clarified, and criticized.” Roy Dean Wright and Susan N. Wright, “A Plea for a Further Refinement of the Marginal Man Theory,” *Phylon* 33. 4 (1972): 361; Cullen and Pretes in the introduction to their review of the literature wrote that “marginality continues to be an elusive concept and a clearer understanding of marginality is necessary if the concept is to be useful in social science analysis.” Cullen and Pretes, "The meaning of marginality," 215.

For cultural anthropologist Stephen Nugent, marginality, evoking the idea of the non-normative, the other, the subaltern and the excluded has been used in three ways up until recently. The first usage of “marginal” in the social science literature is very much related to advancement of modernity and colonialism, both politically and epistemically. Modernity, as it created many binary categories such as civilized and uncivilized; core and periphery; center and margin; the first world and the third world, to name the few, also conceptualized “marginal man” as a category of existential consciousness. The concept as it was coined in the mid 1920s appears to be not only gender biased but also prejudiced against the recognition of differences. Modern conception of “marginality theories” disarms the marginal and wills to erase the difference of “marginal” by suggesting numerous “civilizing projects” and assimilation and integration theories.

The concept was first introduced into social science discourse by an American sociologist, Robert Ezra Park in his seminal essay “Human Migration and the Marginal Man” published in 1928. “Marginal Man,” according to Robert Ezra Park, is a “cultural hybrid”:

...a man living and sharing intimately in the cultural life and traditions of two distinct peoples yet never quite willing to break, even if he were permitted to do so, with his past and his traditions, and not quite accepted because of racial prejudice, in the new society in which he now sought to find a place. He is a man on the

margin of two cultures and two societies which never completely interpenetrated and fused.⁷⁰

The concept was further explored in the late 1930s by one of Park's graduate students, Everett V. Stonequist. In 1937 Stonequist published a book *The Marginal Man* with a foreword by Park. Stonequist's interest was colonialism and the adjustments that native people made to European domination. Following a suggestion in Park's original essay, Stonequist went further to analyze the mental state of native populations who came under European domination. The Marginal Man personality, Stonequist says is most evidently seen in individuals who live in "two or more historic traditions, languages, political loyalties, moral codes, or religions."⁷¹ Being the American mulatto or the Asiatic mixed blood or the European Jew, marginal man lives in two cultural worlds in each of which he is a stranger. Unambiguously, he is intimately associated with both, but is at home in neither. He is on the margin of two cultures. He is "placed simultaneously between two looking-glasses, each presenting a different image of him."⁷² And when these two glasses are hostile to each other, he is most likely to exhibit "dual personality" and have a "double consciousness." As such, according to this school of thought, "marginality" is a personal trait and existential category.

⁷⁰ Robert E. Park, "Human Migration and the Marginal Man," *American Journal of Sociology* 33. 6 (1928): 891-892

⁷¹ E.V. Stonequist, *The Marginal Man: A study in Personality and Culture conflict* (Russell & Russell, 1961), 3

Secondly, ‘marginality’ as a concept was used within the discourses on “the culture of poverty” and “the informal sector.” In this usage “marginality” is not an existential category per se but a structurally constituted category in uneven capitalist development. According to Nugent, this reading of marginality would have been potentially fruitful. Nevertheless, scholars writing within this tradition, instead of identifying structural causes of this marginality, ended up identifying the “marginal” and reinforced their “otherness” through examining their life ways and “cultures.” Therefore, in this reading, “marginality” / “poverty” of those who are identified as such, is interpreted as being due to their “culture” and hence their “marginality” / “poverty” is thought be self-explaining and self-generating.⁷³

The third of usage of “marginal” / “marginality” emerged within the post-structuralist and post-modern discourses. Anthropologists, subaltern and postcolonial scholars, working from and across a variety of academic disciplines opened new ways of to consider and conceptualize marginality. Marginal / marginality in this reading is not so much an “existential” and “cultural” category but rather “it is a position within a large, contested cultural domain in which marginality is constantly negotiated and relativized.”⁷⁴

To begin with, there seems to be reluctance among post-modern scholars to use the word “marginal” because in their view the very use of this term

⁷³ Nugent, "Verging on the Margin: Modern Amazonian Peasantries," 181

⁷⁴Ibid.

perpetuates the hegemonic discourse that forged these binary oppositions for its own good. According to literary critic Norma Claire Moruzzi, these dichotomies such as ‘inside-outside’, ‘margin-center’; ‘core and periphery’ are misleading. She argues that

To speak in such terms inevitably implies that there is one fixed and stable center from which all value is determined, one original point of reference, around which all others arrange themselves in widening concentric circles, stretching out into the void. In terms of cultural and capital production, this system of ordering is played out in the referential identities of the First, Second, and Third Worlds: cultures, nations, and individuals are imagined as lining up, jostling each other for the desirable positions as near as possible to the central core of identity. This core is, of course, Europe and America, possibly including also, although problematically, Japan. The core is all that is known as the West: an identity that is mostly white, predominantly European, and traditionally Christian, although currently secular, and publicly male.⁷⁵

This brings us one of the most significant points that detach the post-modern “marginal” with its positivist modern and structural counterparts. In post-modern reading of “marginality,” it is misleading, futile and Euro-centric to talk about a single recognized and clearly demarcated center and margin. Instead, post-modern scholars attempted to show how neither centers nor margins are fixed, stable and singular and that there is a constant dialectical and symbiotic relationship between them. Indeed, the dialectical relationship between the

⁷⁵ Norma Claire Moruzzi, "Re-Placing the Margin: (Non)Representations of Colonialism in Hannah Arendt's *The Origins of Totalitarianism*," *Tulsa Studies in Women's Literature* 10.1: (1991): 109-110

margins and the center has been read even in the dictionary definitions of the word. According to Mira Engler, despite the fact that ‘margin’ on the surface suggests a condition of lesser or low value – subordinate, powerless and less desired—a closer reading reveals that it is a prospective source of novelty, risk taking, and critical standpoint.⁷⁶ In economic terms, a margin may be contemplated as principally unnecessary at the present yet worthwhile as a reserve for the future. Even in its original and literal (as well as literary) conception as the margin of a page – the space between the extreme edge and the main body of written material that is often used to insert notes, references, symbols, and the like – the margin assumes an important, dialectical role. It becomes a spatial zone that serves to reiterate the authority of central text (as a matter of fact any center) while commenting on, expounding, particularizing and ultimately subverting it. Indeed, this literal definition is also the one that most noticeably reflects the critical role of the margin as a guide to the center.⁷⁷ Thus, while probing social marginality, post modern scholars and thinkers exposed and deconstructed this problem of hierarchical relationship between the center and margins. They contended that “while in a position of relative exclusion, the margin could also be a position of power and critique. Subordinated, excluded, and subject to the

⁷⁶ M. Engler, *Designing America's Waste Landscapes* (Johns Hopkins University Press, 2004), 31. The remainder of this section is based upon Engler’s analysis of margins, see especially, 29-41.

⁷⁷ Ibid.

central power, the marginal is not necessarily of minor importance or little effect.”⁷⁸ To bell hooks, “marginality is much more than a site of deprivation. In fact, [it is] just the opposite: that it is also the site of radical possibility, a space of resistance.”⁷⁹ She does not deny that margins could also be sites of repression. Nevertheless, she argues that understanding marginality as position and place of resistance is crucial for the struggles of oppressed, exploited, and colonized people. This point brings us to another very contested yet central object of analysis in subaltern, postcolonial and critical studies: marginality and resistance.

b) Marginality and Resistance

Among many post-structuralist critical theorists, Foucault appears to be one of the most influential figures in theorizing about fringe groups. Through his discursive method of analysis and his engagement with the institutions through which authority and mainstream society categorize, normalize and act upon the individuals, he set off and inspired new fields of research in the study of mental illness, clinical medicine, the origins of prisons and sexuality. In *Madness and Civilization*, Foucault looks at how in Western Europe, madness was constructed and treated from thirteenth century to the beginning of the nineteenth century. He demonstrates that the ways in which madness have been conceptualized and mad

⁷⁸ Ibid. 31

⁷⁹ Bell hooks, “Marginality as a Site of Resistance,” in *Out There: Marginalization and Contemporary Cultures* edited by R. Ferguson, M. Gever, T. T. Minh-ha, and C. West ((New York: The New Museum of Modern Art), 341.

people treated varied considerably in Western history and the notion of madness performed an essential role in the construction of reason. This work has been criticized brutally by some practicing historians of Europe as being ahistorical since — the argument goes — Foucault generalizes on madness only looking at France. Nevertheless, Foucault's contention that madness is a variable social and cultural construct and that the conceptualization of madness as a "mental illness" was forged in the nineteenth century, is a groundbreaking contribution to our understanding of the history of madness.

One of Foucault's most influential books is *Discipline and Punish*. In a nutshell, the book is a "genealogy" of how modern Western penal system came about. Foucault challenges the idea that the prison system emerged as a result of the modern age's humanitarian concerns. To him, the idea behind moving from public spectacle of the tortured body of the criminals to their disciplining, incarceration and surveillance in the present day is "not to punish less, but to punish better."⁸⁰ How new forms of knowledge produce new forms of power and domination, how body is deployed as an object of power and how modern soul is constituted; are some of the ideas that are articulated throughout the work. One of the most influential arguments of the book is related to the way that power and conformity is conceptualized. To Foucault, power does not radiate downwards,

⁸⁰ M. Foucault, *Discipline and punish: the birth of the prison* (Knopf Doubleday Publishing Group, 1979),82.

either from one source or one place. Power relations pervade all levels of social existence and are hence to be found operating at every site of social body. Disciplinary power is not only found in prisons or penitentiaries but is also very much pervasive within the network of the military, hospitals, judiciary, factories and schools. To Foucault, these institutions invoking “hierarchical observation”, “normalizing judgment” and “examination” classify, normalize and act upon individuals. Any person's slight deviation from "norms" is met with pressure. The repressive network of power dominates social structures in such a way that those least able to “conform to norms” are kept under constant surveillance and experience punitive treatments. Foucault’s whole project is about the critique of Western / European conceptions of modernity. Therefore, the deployment of Foucault’s discourse to the analysis in the sixteenth century Ottoman society is chronologically and spatially at odds. Nevertheless, his discourse of “power” allows for certain questions to be raised in the Ottoman context. How was power distributed in the Ottoman realm and society? Did power emanate from above and assert itself through its own force or were there “micro-centers” of power as well? How were groups defined and categorized? What did laws and social norms have to do with these definitions? Were these categorizations stable and inclusive? Did the laws and social norms change to accommodate differences, or did people who were different started abiding by the laws and norms, or both? All of these questions can be validly investigated in the Ottoman context without prejudice to the fact that Foucault uses them to deconstruct the European society of a later age.

The power of Michel Foucault's work is undeniable. He unmaskes formerly hidden mechanisms of domination and discipline, and makes his incisive critique of the modern West seem at least plausible, if not compelling. *Discipline and Punish*, for example, expresses a strong sense that power is omnipresent and all-encompassing. Yet some regard this strength of his work as a weakness, contending that Foucault presents such a depressing view of disciplinary society that he eventually paralyzes, rather than promote, resistance.⁸¹ “Where there is power, there is resistance, and yet, or rather consequently, this resistance is never in a position of exteriority in relation to power”⁸² has become the *locus classicus* for assessing the possibility and conception of resistance within Foucault’s discourse. The extent to which Foucault explored the idea of resistance and especially how resistance can be conceived of through the prism of Foucault’s works is a contested object of analysis even among astute readers of Foucault.⁸³ Therefore, while this thesis draws upon and is inspired by Foucault’s analysis of power, it does seek to use more explicit theoretical arguments on resistance in social anthropology and cultural studies as these discourses have a longer history

⁸¹ See, for example, Michel Foucault and Duccio Trombadori. *Remarks on Marx: Conversations with Duccio Trombadori* (New York: Semiotext (e), 1991); Nancy Fraser, "Foucault on Modern Power: Empirical Insights and Normative Confusions," *Praxis International* 3 (1981): 272-87.

⁸² M. Foucault, *The History of Sexuality, Volume I: An Introduction* (Vintage Books, 1980), 95-96

⁸³ See, for instance, Kevin Thompson, “Forms of Resistance: Foucault on Tactical Reversal and Self-formation,” *Continental Philosophy Review* 36 (2003): 113–138.

of thoughtful attention to resistance as well as more explicit debate surrounding the issue.

Early studies on resistance, which explored massive protest movements and revolutions whose participants confront their counterparts directly and overtly, took for granted that resistance is perceptible and simply recognized without problem.⁸⁴ Social anthropologist and political scientist James Scott's works on peasant politics, however, challenged this notion by focusing on what he calls "everyday" resistance. The freshness of Scott's analysis lies in his differentiation between the "open, declared forms of resistance" and the "disguised, low-profile, undeclared resistance."⁸⁵ According to Scott, powerless people seldom have the resources or opportunity to resist openly against the various power holders, and thus large-scale protest movements are "flashes in the pan."⁸⁶ Whereas, more widespread, "everyday" forms of peasant resistance "stop[s] well short of collective outright defiance. Here I have in mind the ordinary weapons of relatively powerless groups: foot dragging, dissimulation, false compliance, pilfering, feigned ignorance, slander, arson, sabotage, and so forth."⁸⁷ Such acts are "everyday" due to their common occurrence and ordinary

⁸⁴ This discussion on resistance largely builds upon the review article by Jocelyn A. Hollander and Rachel L. Einwohner, "Conceptualizing Resistance," *Sociological Forum* 19. 4 (2004):533-554.

⁸⁵ James C. Scott, *Weapons of the weak : everyday forms of peasant resistance* (New Haven ; London: Yale University Press, 1985),198.

⁸⁶ *Ibid.*, xvi.

⁸⁷ *Ibid.*, 198.

nature; as Scott observes, "Everyday acts of resistance make no headlines."⁸⁸ Though less explicitly confrontational than, for example, an armed peasant revolt, Scott argues that "everyday" acts still qualify as resistance, to the extent that they "deny or mitigate claims made by appropriating classes"⁸⁹ These "low-profile techniques"⁹⁰ can go unnoticed by the powerful, which helps protect the powerless from repression by masking the resistant nature of their activities.

Another conceptual extension to explore myriad ways of everyday resistance is provided by Micheal de Certeau, a Jesuit theologian, trained psychoanalyst, and historian.⁹¹ Making a distinction between "place" and "space", "strategy" and "tactic", he views what is labeled as popular culture as an art of "using", "operating", or "making do with" (*bricolage*). His main argument is that subordinate groups evade labyrinths of power by innumerable ways of playing and foiling the other's game and by "escaping without leaving". "Places" constructed by the powerful `such as cities, streets, schools, workplaces, offices, shopping malls, are turned by the weak into their own "spaces" through guileful ruses, trickery, poaching, disguise, deception, and simulation. The "strategies" of the dominant are met by the clever, creative, manipulative "tactics" of the weak

⁸⁸ Ibid., xvii.

⁸⁹ Ibid., 302.

⁹⁰ Ibid., xvi

⁹¹ M. De Certeau, *The practice of everyday life: Michel de Certeau*; translated by Steven Rendall (University of California Press, 1984).

who attack the armies of the powerful at their weak points. While focusing on the ways of operating embedded in everyday practices of modern societies, he traces them back to the Chinese "Art of War" and the Arabic "Book of Tricks" as well as the ancient Greek notion of *metis*.⁹² Popular *metis* involves ways of using imposed systems, playing and foiling the other's game through guerrilla tactics, escaping without leaving. The subordinate or the weak do not declare an open war against the dominant or the powerful since it would result in an unavoidable defeat but resist by remaining within the dominant order and making do with what opportunities it provides.

Throughout this study I will argue for the theoretical relevance and pertinence of categories drawn by James Scott (especially "weapons of the weak") and de Certeau (especially *metis*) to analyze the everyday resistance seen in the court records of sixteenth century. Indeed, critical appropriation of James Scott's conceptualization of "weapons of the weak" is suggested by Stephanie Cronin as a tool to further explore the history of subaltern groups in the Middle East and North Africa in a recently edited volume.⁹³ Much earlier than Cronin, however, Necmi Erdoğan, student of cultural studies and sociology by training, considers the relevance of Michel Bakhtin's, and de Certeau's theoretical frameworks to explore the ways of representing and "making do with the state

⁹² Ibid., xix

⁹³ Stephanie Cronin (ed.), "Introduction," in *Subalterns and Social protest : History from below in the Middle East and North Africa*, (London: Routledge, 2008), 1-23.

power” in the Ottoman Turkish popular tradition of laughter in his brilliantly written works.⁹⁴ In his dissertation, focusing on folk and popular comic genres and narratives, including Keloğlan tales, Karagöz (the shadow theatre) Nasreddin Hoca anecdotes, and Şaban films, Necmi Erdoğan argues for the significance of grotesque imagery (of Bakhtin) and *metis* (of de Certeau) in searching for a topography of particular modes of representing and coping with the state power (the ruling elites, the "stately," the political power-holders) and "the high" in general. Through a critical appropriation of Bakhtin's and de Certeau's works, Erdoğan traces the historical trajectories of comic folk and popular narrative within which the power edifice is joyfully and guilefully turned inside out and rendered ambivalent, by these figures of “sublimity from below.” Erdoğan argues that

The narratives are tightly woven by a grotesque imagery as they feature the ambivalent, image of the wise-fool, the topsy-turvy world, the parodic-travesty degradation and uncrowning of the "high", the carnivalesque speech, and the material bodily principle. ... Also, they accentuate *popular metis*, -i.e. *diversionary practices of "making do", "using the imposed system" living in the other's territory and "escaping without leaving" performed by the low, powerless, subaltern in their encounter with the law, the state or the powerful, employing tactical creativity, cunning, trickery, (dis-)simulation, disguise, and vigilance.*⁹⁵

⁹⁴ Necmi Erdoğan, “Making do with State Power: Laughter, Grotesque, and Mètis in Turkish Popular Culture” (PhD diss., University of Lancaster, 1998); idem, "Devleti 'İdare Etmek': Maduniyet ve Düzenbazlık", *Toplum ve Bilim* 83 (2000): 8-31.

⁹⁵ Erdoğan, “Making do with State Power,” 337, 338. Emphasis is mine!

Those “tricks” or to use Erdoğan’s maxim “tactical creativity” are especially noticeable in the court records of Üsküdar related to the cases on the breach of public morality. For instance, in 1550, Mustafa b. Hüseyin a *müezzin* (prayer caller) in Ahur Mescidi in İstanbul (*mahrusa-i İslambol*) was brought to the court by the *subaşı* (police officer) on the charges of drinking alcohol (*şürib-i hamr*). The *subaşı* demands an interrogation of Mustafa B. Hüseyin at the court in accordance with sharia. Upon being questioned Mustafa said: “The beverage which I drank was a fresh grape juice not wine (*taze şıradır hamr değildir*).” After his questioning, the judge asks of the trustworthy Muslims (*rical-i müslimin*) to confirm whether Mustafa was telling the truth. Six trustworthy Muslims smelled Mustafa’s mouth and concluded that Mustafa had drunk alcohol and then, in order to take the smell away, he had chewed cinnamon. The case ends here with no verdict.⁹⁶ However, what emerges from many instances of drinking by Muslim men and women registered in the court records of Üsküdar is as follows: Firstly, most of these cases do not have a verdict at the end and if there is a verdict, the punishment is spelled as *tazir* rather than *hadd*.⁹⁷ Similarly women

⁹⁶ USS 15 / 80a/ 2

⁹⁷ In Sharia, *hadd* (pl. *hudud*) usually refers to the class of punishments that are fixed for certain crimes that are considered to be "claims of God." This includes illicit sexual relations and unsubstantiated allegation of illicit sexual activity, theft, highway robbery or brigandage, apostasy and drinking intoxicants. While the *hadd* punishments are severe, convictions have historically been rare. While jurists certainly upheld the penalties in theory, in practice any opportunity to avert a punishment might be taken. *Tazir*, on the other hand, refers to punishment, usually corporal that can be administered at the discretion of the judge as opposed to the *hudud*. The punishments for the *hadd* offenses are fixed by the Qur'an or Hadith, however *tazir* refers to punishments

involved in sex trade or in illicit sexual relationship demonstrate myriad ways to cope with the state, the law and the powerful.⁹⁸ One of the most common everyday “tactics” of these women, to use de Certeau’s vocabulary, appears to be disguise and simulation. In order to escape from moral as well as state surveillance, they used to dress up like men or have their clients dress up like women. For instance, in 1562, the *subaşı* of Üsküdar, Hayreddin Bey, brought Hümar bt. Abdullah to the court charging her with meeting with a Muslim man named Hafız Ali to have illicit sexual intercourse in his house (*zina kasdına bir hali eve girüb cem oldılar*). According to the *subaşı*, Hafız Ali came to the house wearing a (woman’s) mantle and then Hüma came to his house wearing a light blue mantle as well. Then some Muslims realized what was happening and raided the house. While Hafız Ali was able to escape from the “crime scene,” Hümar was caught by these Muslims and handed over to the *subaşı* Hayreddin Bey. When Hümar was questioned at the court, she denied all allegations. Nevertheless, Yeniçeri Mahmud b. Abdullah and Ferhad Bey b. Abdullah supported Hayreddin Bey’s claim as witnesses. What happened to Hafız Ali and Hümar afterwards, we cannot tell for a fact as there is no verdict recorded in this

— applied to the other offenses for which no punishment is specified in the Qur'an. These are often the equivalent of misdemeanor offenses. For further references, for instance, Kecia Ali and Leaman Oliver, *Islam: The Key Concepts* (London: Routledge, 2007), 43-45.

⁹⁸ This issue is itself constitutes an area of separate inquiry. Even though I initially planned to write a chapter on this issue within this work, due to various constraints, this has been left to the future research. Yet suffice is to say that there are various examples in the records about prostitution.

case either.⁹⁹ While these two cases highlight some of the tricks that the low, the subaltern and the marginal engaged in when encountering various power holders, they also raise certain questions: 1) Who policed these crimes and brought the accused to the court? Was it always the subaşı representing the “state” or were there alternative power structures surveilling them and bringing them to the attention of power holders employed by the “state”? 2) Why didn’t these cases related to breaching of public morality or “criminal law” in general have a verdict at the end? 3) In rare instances, cases on various transgressions of morality, however, do have a verdict. Nevertheless, why did these verdicts not follow the sanctions written in the normative teachings of the law? Answers to these questions can be very broad yet in the section to follow I will engage some of these questions implicitly while exploring what it entailed to be “marginal” in the sixteenth century Üsküdar.

c) What did being “Marginal” entail in the sixteenth century Üsküdar?

As asserted in the beginning of this chapter, exploring the lives and survival tactics of those positioned at the margins - discursively as well as materially- may help us heterogenize narratives of “history from below” as well as question the assumed uniformity and conformity of the center itself. Nevertheless, in this attempt, a workable definition of “marginal” and “margins” needs to be

⁹⁹USS 23 / 30b / 4

constructed in dialogue with the context in question. My aim here is not to provide *the* definition for “marginality” and its derivatives such as “margin,” “marginal,” “marginalized.” What I offer instead is a working definition responsive to the characteristics of the sixteenth century Ottoman transient town. In other words, I will attempt to convey the “marginal” which is encoded locally by the respectable, moral and honorable residents of Üsküdar. Marginality, whether in respect to opinions, activities, people or spaces, is commonly understood in relation to the center. Therefore, before outlining my working definition of marginality, I would like to briefly outline what I mean by the terms “center,” “power” and “state” in the sixteenth century Ottoman context.

This work largely derives from a Foucauldian notion of power but also departs from it in certain respects. I see the sixteenth century Ottoman society as consisting of different centers of power. In this sense, the “state” was only one of the actors within this Foucauldian notion of power. Following Ariel Salzmann, I see the sixteenth century “state” as “the constellation of discrete but interlocking institutions” in which various administrative, financial and coercive techniques were deployed.¹⁰⁰ State institutions, as this dissertation will demonstrate, existed

¹⁰⁰ Ariel Salzmann, “An Ancien Regime Revisited: “Privatization” and Political Economy in the Eighteenth Century Ottoman Empire,” *Politics and Society* 21 (1993): 392; For further on “state” see, for instance, T. Mitchell, “The Limits of the State: Beyond Statist Approaches and Their Critics,” *The American Political Science Review* 85 (1991): 77-96; T. Mitchell and R. Owen, “Defining the State in the Middle East: (A Report on the First of Three Workshops Organized by the Social Science Research Council’s Joint Committee on the Near and Middle East).” *Middle East Studies Association Bulletin* 24.2 (1990): 179-183.

within a web of other mechanisms of power, which they sometimes had to compete with, but which they more often accommodated and used. Such mechanisms of power were the extended family, the tribal and religious community, the village assembly, the neighborhood community, the guild and the learned elite. The heads of neighborhoods, of guilds and of villages were responsible for policing their members and were involved in informal conflict resolutions outside the court. Finally, I often use the term “early-modern” to underline the difference between the mechanisms and technologies of power in the sixteenth century and those of the “modern” power on which Foucault actually established his discourse of power and knowledge. In this regard, the terms “imperial state,” and “imperial regime” are used interchangeably alongside the “early-modern” in an attempt not to equate the forms of power in the sixteenth century with the modern forms of the (nation) state which started to become crystallized in the nineteenth century. This is because the disciplinary techniques of power which were mainly designed to produce submissive, disciplined and industrious national citizens had not yet been established in the sixteenth century Ottoman Empire. An argument can be made that the Ottoman Empire during the late fifteenth and sixteenth century had developed a very efficient centralized judicial, military and administrative bureaucracy comparable to modern “state” formations.¹⁰¹ Yet, as I will demonstrate in this dissertation, to create a

¹⁰¹ Further on this argument, see, Wael Hallaq, *Shari'a: Theory, Practice, Transformations* (Cambridge: Cambridge University Press, 2009), especially chapter 5.

homogenous population and social order which is the hallmark of modern nation state's "governmentality" was not part of the political ideology of Ottoman state. I will demonstrate this rupture in the state ideology thorough looking at the state's position vis a vis Gypsies in two different temporal zones: the sixteenth and the nineteenth centuries. My argument is that during the sixteenth century, the imperial state adopted to the residential and religious mobility of the Gypsies, albeit with certain restrictions. Yet, by the late nineteenth century, one of the most significant concerns of the Ottoman state was to "reform" (*ıslah*) the Gypsies. Constant attempts were being made to deconstruct, normalize and eliminate differences of Gypsies, for instance, appointing imams to the Gypsy neighborhoods to "correct" their faith and opening of new schools to "save" them from ignorance and poverty that they lived in.

What is "marginal", as I have argued earlier, is very much morally and socially constituted. I would like to suggest that what made an individual or group "marginal" in Üsküdar in the sixteenth century was their actions rather than their innate characteristics. "Marginal" in this reading is neither an existential category of consciousness nor a "cultural" identity but rather a relative social construct describing the position of an individual or group within a dominant cultural landscape which itself is constantly challenged and contested. Therefore, the category of "marginal" in the context of sixteenth century Üsküdar was constituted of those individuals or groups whose *repeated* 'undesirable' conduct,

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speech, opinions, lifestyles and occupations challenged social and gender hierarchies, and threatened the epistemic and political authorities in some way. As such those so-called “marginal” individuals or groups, due to their deviation from what was envisaged as normative communal behavior would have experienced marginalization from social networks and social relations as well as from various “*civic acts*” such as bearing witness in the court. These marginalizations might even have taken the form of spatial exclusions so that individuals or groups at the margins may have been banished from privileged social spaces and institutions reserved for the “respectable” Ottomans (*ehl-i ırz*) with “proper moral conduct.” Nevertheless, this marginalization, as we shall see in this dissertation, was never absolute and unchanging but, rather, very much contextual and situational. Furthermore, I do not use “marginal” in this dissertation in the pejorative sense of someone perceived as having no social use or as being of minimal value to the community. Indeed, taking Gypsies as a case study, I will demonstrate that a symbiotic relationship often existed between the so-called “marginals” and the social establishment. Those in power needed the services of those situated at the margins for various reasons; for instance, to provide “illicit” sex, to commit petty crime or to engage in major scams. As sixteenth-century writings on ethics and morality by the male learned elite (such as Kınalızade Ali Efendi (d.1571) or İmam Birgivi (d.1573) demonstrate, the exemplars of bad behavior also were very useful for setting off good behavior. Indeed, perhaps one of the best examples of this argument is provided by Deli

Birader, author of a sixteenth century “Ottoman book of erotica.” In his “apologia” written at the very end of the book, Deli Birader states that

I demand that my friends who read this compilation of bawdy stories should excuse the poor devil who composed it. ... They should not think that the purpose of this composition is to induce passion. They should start by eradicating the source of disorder from the path of righteousness that they tread upon. The purpose of such bawdy stories is this: those who read them and understand them will keep on walking down the path of truth.

It is proper for those who have had a look at this composition to repel these diabolical suggestions from their heart and prepare for the Day of Judgment at every moment. They should concentrate on each chapter and each section, they should recognize the virtues of marriage and thus should get married, they should turn their heads away from the company of young girls and boys and abstain from sodomy and adultery; they should not think of bestiality and should guard themselves against such abominable acts; they should be thankful that they are neither queer nor travesty after contemplating what such people experience; they should learn about pimps and procurers and avoid their tricks.¹⁰²

This dissertation focuses on Gypsies –Muslim and non-Muslim, settled and nomadic; men and women - who were positioned on the margins in three senses. First, they were on the margins of orthodox religious practices; secondly they were on the margins of the settled urban lifestyle; and finally, and thirdly, they were on the margins of normative notions of respectability and moral conduct. I will also argue that the concept of “mobility” is a better tool to analyze the relations between the Gypsies and the Ottoman imperial state. As I shall

¹⁰² Selim Kuru, "A Sixteenth Century Scholar Deli Birader and his Dâfi'ü 'l-gumûm ve Râfi'ü 'l-humûm" (PhD diss., Harvard University 2000), 273.

demonstrate, the way Gypsies were categorized, governed and employed in the state apparatus often paralleled the treatment of other nomadic or seminomadic groups such as Yörüks (*Yörük tayifesi* or *cemaati*), Turcomans (*Türkmens* or *Etrak*) and Kurds (*Kürd* or *Ekrad tayifesi*), Tatars (*Tatarlar* or *Tatar taifesi*), Voynuks (*Voynuks*) or Vlachs (*Eflakan*).¹⁰³ As a matter of fact, the earliest known regulations concerning Gypsies, for instance, are found in the *kanunname* on the Yörüks.¹⁰⁴ These categories seem to be drawn on the basis of the hybrid, mobile and tribal lifestyles of these communities. Despite the fact that among these categories, Gypsies and Kurds might be interpreted by a modern reader as an administrative category based on “ethnicity,” nevertheless this “ethnicity” has to be qualified. As eloquently stated by one of the most perceptive of Ottoman historians, Leslie Pierce, “...in the court’s taxonomic hierarchy ethnicity was a label only for tribal nomadic groups unassimilated to urban culture, thereby reflecting what ethnicity connoted in the premodern Middle East.”¹⁰⁵ In sixteenth-century Aintab, for instance, those tribal nomadic groups unassimilated to urban culture were Kurds, Turcomans and Arabic-speaking Bedouin tribes. In sixteenth-century Üsküdar, this category was mostly composed of Gypsies, the Blacks (*Arap*

¹⁰³ Further on these groups see Chapter IV and Chapter VII.

¹⁰⁴ This law is *Rumeli Etrakinun Koyun Adeti Hukmi* (Decree on the Number of the Sheep of the Turks in Rumelia), promulgated during the reign of Mehmed II (1451-1481). For English translation, see Faika Çelik, “Gypsies (Roma) in the orbit of Islam: the Ottoman Experience (1450-1600)” (Master’s Thesis, McGill University, 2003).

¹⁰⁵ Leslie Peirce, *Morality Tales*, 146.

– most of whom were either freed or fugitive slaves) and immigrant Tatars (especially in the 1580s). That is why I suggest that, instead of exceptionalizing and singling out the Ottoman government attitudes towards Gypsies, it would be more instructive to see this complicated, multifaceted and contested relationship between the Gypsies and the Ottoman state within the larger context of hybrid and mobile lifestyles and the ways in which such mobility was approached by the early modern Ottoman state.

CHAPTER II

AN OVERVIEW OF THE SOURCES: PROBLEMS AND PROSPECTS

Objective

The aim of this chapter is to present the main sources used in this study and discuss their strengths and weaknesses. As I argue in the beginning, one of the main challenges in writing a history of Gypsies in the early modern Ottoman period is what I call the “material” challenges. Gypsies constitute one of many social groups and communities who have been silenced and marginalized in grand narratives. As Judith Okely puts it masterfully “The Gypsies or Travellers have scarcely written their own history. Theirs is a non-literate tradition, so their history is found fragmented in documents of the dominant non-Gypsy or Gorgio society.”¹ Even those documents preserved in different court registers, as we shall see in this chapter, have certain limitations. First of all, they were written for various reasons by state officials, bureaucrats, and religious authorities, all belonging to the learned male hierarchy; hence, their agenda in recording the Gypsies varied widely while reflecting the prejudices of a particular class. Secondly, as we shall see, despite the occasional defensive or dissembling voice meticulously reproduced in the court records or *mühimme* registers, our means of access to early modern Ottoman Gypsies is often indirect. When this indirectness is added to the Gypsies’ (for the most part) “unregistered status” due to their

¹Judith Okely, *The Traveller Gypsies* (Cambridge: Cambridge University Press, 1983), 1

hybrid life styles, then the mission of writing about them is inevitably daunting. Compared to many disprivileged groups, it would not be inappropriate say that the Gypsies constitute one of the least represented in the sources. In order to come up with a workable amount of data one would have to go through various registers in an effort requiring years of research and perhaps necessitating a team of scholars. I was lucky in a sense because some of my research material had already been transcribed into Latin script and published.

Sources

I used in this study four different archival sources: 1) *Kanunnames*; 2) *Mühimme* registers; 3) *Tahrir* registers; and 4) the court recorts of Üsküdar. My main focus is on the court records as they are the primary source material. I have also supplemented these four sources by drawing on some of the major “books of morals,” such as Kınalızade’s *Ahlak-i Alai*, and earlier examples of “books of etiquette,” such as Mustafa Ali’s *Table of Delicacies*. My list should not be considered as exhaustive regarding the sources available in Ottoman archives concerning the Gypsies. Despite the fact that I used some of the fatwas of İbn Kemal, Çivizade and Ebussud, my reliance on fatwa literature is rather cursory. Furthermore, a through analysis of Ottoman literary sources, dream manuals, and visual sources, such as miniatures, are missing from this study and await future research.

a) The Kanunnames

There are four major *Kanunnames* that specifically concern the Gypsies living in Istanbul and the province of *Rumeli* in the fifteenth and sixteenth centuries. I translated and exploited these collections in some of my earlier research on Gypsies;² therefore, even though I will refer to these *Kanunnames* from time to time, they are not the primary sources of this study. The main reason for this choice is the spatial focus of this study. In this work, I will examine Gypsies living in the province of Anatolia and more specifically in the town of Üsküdar. There are only two *Kanunnames* (or better perhaps to say, imperial edicts) that regulated the everyday life and obligations of the Gypsies living in Anatolia in the sixteenth century³

However, as I also underlined in my previous research, the most important question to be addressed is how these *Kanunnames* help us reconstruct the history of the Gypsies in the Ottoman Empire. As legal codes, the regulations do not tell us much about the Gypsies themselves. Rather, they delineate the intentions and practical concerns of the Ottoman bureaucracy, such as: how to collect their taxes,

² They are as follows: 1) *Rumeli Etrakinun Koyun Adeti Hukmi* (Decree on the Number of the Sheep of the Turks in Rumelia), promulgated during the reign of Mehmed II (1451-1481); 2) *Kanunname-i Cizye-i Cingenehan* (The Law of the Poll-Tax for the Gypsies), issued in 1497 during the time of Bayezid II (1481-1512); 3) *Kanunname-i Kiptiyan-i Vilayet-i Rumeli* (The Law of the Gypsies of Rumelia), enacted in 1530; and 4) *Çingane Yazmak İçün Tayin Olunan Emine ve Katibine Hüküm* (An Order to the Steward and his Scribe Appointed to Inscribe the Gypsies), endorsed in 1537 during the reign of Süleyman I (1520-1566). For translation of these documents see Faika Çelik, "Gypsies (Roma) in the orbit of Islam: the Ottoman Experience (1450-1600)" (Master's Thesis, McGill University, 2003).

³ See chapter 7 for more on these *kanunnames*

how to benefit from the Gypsies through their professions, how to integrate the nomadic Gypsies into settled society and how to punish them for misconduct against the state as well as settled society. The *Kanuns* are indeed especially useful in evaluating how the Gypsies were referred to and categorized in the state documents and how these definitions of the Ottoman bureaucracy generated certain duties and restrictions imposed upon the Gypsies. However, it should be noted that, as historical sources, one of the shortcomings of these legal texts is the lack of available information concerning their implementation.

b) The *Mühimme* Registers

This study also relies upon the *mühimme* registers of the sixteenth century, which include drafts and copies of the decrees (*fermans*) by the Imperial Assembly.⁴ Furthermore, the registers contain summaries of petitions submitted to the sultan by various subjects and his responses to them. Overall, they deal with

⁴ The earliest *Mühimme* register that is known to the Ottomanists at this moment starts from 1544. This register was edited by H. Sahillioğlu, *Topkapı Sarayı Arşivi H. 951-952 tarihli ve E-12321 numaralı Mühimme Defteri* (İstanbul : İslam Tarih, Sanat ve Kültür Araştırma Merkezi, IRCICA, 2002.) We have also 419 *mühimme* registers housed in Başbakanlık Osmanlı Arşivi in İstanbul. These registers expand from 96 -1333 AH / 1553-1915 CE. Even though the first two registers of these series catalogued under the *mühimme* registers, they are in fact *ru'us* registers. Therefore, the first *mühimme* register is 3 Numaralı Mühimme Defteri – from now on MD—and covers the period from 966 – 968 AH / 1558 – 1560 CE. As far as the period of this study is concerned, we have more than 15 MDs expanding from 1558 – 1585. Among these registers, 3, 5, 6, 7 and 12 were published, transliterated and indexed by Başbakanlık Devlet Arşivleri Genel Müdürlüğü in Ankara. For further on this see the bibliography. For further information on *mühimme* registers in general see Suraiya Faroqhi, "Mühimme Defterleri", *Encyclopedia of Islam*, 2nd edition, VII, 470-472; Feridun M. Emecen, "Osmanlı Divanının Ana Defter Serileri: Ahkâm-ı Mîrî, Ahkâm-ı Kuyûd-ı Mühimme ve Ahkâm-ı Şikâyet", *Türkiye Araştırmaları Literatür Dergisi*, 3, 5 (2005):107-139.

many issues, including, but not limited to, law and order, organization of the military, revenues of the state, relations between the center and the provinces, relations with foreign powers and social and economic activities of the Sultan and his household.

These registers include not only the records of extraordinary circumstances but also general imperial orders. As such, they demonstrate not only the ruling elite's actual engagements with extraordinary problems but also their world views. That is why, as pointed out by Amy Singer, "they help [us] to define the expected norms."⁵ Furthermore, the petitions submitted by Ottoman subjects to the Imperial Council are also vivid and significant sources of social history. Unlike the *kanuns*, these texts, more often than not, reflect the socio-economic and moral concerns of the petitioners and the central government's responses to these complaints. Even though they were often drafted by professional petition writers translating the petitioner's request into a highly polished and rhetorical language, they constitute unique opportunities where the researcher is able to come much closer to "touching" and "hearing" the historical subject. These sources are also extremely useful in demonstrating subaltern responses to the center(s) of power and their tactics of survival.

In this study, the *mühimme* registers shall be used to explore various issues. The first of these is Üsküdar's development as a town and its relations

⁵ Amy Singer, *Palestinian Peasants and Ottoman Officials : Rural Administration around sixteenth-century Jerusalem* (Cambridge ; New York: Cambridge University Press, 1994).

with the imperial center, while another is how those who deviated from expected norms were perceived and defined by the Ottoman authorities and by the settled society. They are also extremely valuable to my analysis of the state's actions in response to problems caused by the fringe groups. Yet, as Amy Singer has pointed out, "the difficulty lies in discovering to what extent these orders were implemented. No follow up orders were made on the copy of the original order, but subsequent *fermans* may indicate where a chronic problem exists."⁶ For instance, in the case of Gypsies and Gypsy like communities (*çingane ve gurbet taifesi*), the chronic problem seems to have been their habit of itinerancy, because there are many preserved decrees, issued one after another, barring Gypsies from riding horses or carrying weapons in the second half of the sixteenth century. Through close reading of these registers, I am also hoping to discover the Ottoman ruling elite's vocabulary or discourse on "marginal" groups. It appears from the registers that the Ottoman bureaucrats used the term "ehl-i fesad" (people of corruption) to designate those who severely deviated from the expected social norms. Thousands of examples within these registers demonstrate that the Ottoman ruling elite used this expression not to denigrate certain communities but to denote certain actions. Therefore, my contention is that "ehl-i fesad" is not an absolute "legal" category but rather a very fluid one. Any subject of the Sultan including but not limited to high ranking pashas, governors, qadıs, Gypsies,

⁶ Ibid., 22.

prostitutes, etc., could be categorized under the rubric of “ehl-i fesad” depending on their actions. Therefore, the term was applicable to certain actions and not to particular identities. Moreover, these registers also promise to be invaluable sources for further examination of the functioning of the Ottoman legal system. They give us significant hints regarding the interaction between the central and provincial governments since each imperial order discloses information as to which judicial and administrative authorities in the provinces the case had been forwarded. Finally, the rich diversity of criminal disputes these sources include provides me with an analytical tool for exploring the Ottoman state’s involvement in legislating for and penalizing transgressions and offenses.

c) *Tapu Tahrir Defterleri or Tahrir Registers*

Tapu Tahrir Defterleri are tax registers which include detailed information on taxpaying subjects and taxable resources in a specific administrative area. The Ottoman government prepared such registers whenever a newly conquered province was placed under direct imperial administration. In theory, *tahrir* registers were to be renewed every thirty years, although both longer and shorter intervals seem to have existed.⁷ Comprehensive (*mufassal*) registers normally were prepared for every sub-province (*sancak*). Within each sub-province, villages were grouped by district (*kaza*) and sub-district (*nahiye*). Nevertheless,

⁷ Suraiya Faruqi, *Approaching Ottoman History : An Introduction to the Sources* (Cambridge:Cambridge University Press, 1999), 86-87.

in many registers, the division between *kaza* and *nahiye* remained rather blurred.⁸ Towns and large villages were further subdivided into quarters, in areas with non-Muslim residents; the latter were registered separately, from Muslims.⁹ if the register is comprehensive (*mufasssal*), for each town quarter, village or tribal unit, the registrars recorded names, numbers, legal status of tax payers (i.e adult males), estimates of land in use, various taxes levied, the estimated income from each plot of land, whether the revenues calculated from each source were used as an income or revenue grant for the sultan's treasury, for the timariots, for district and provincial governors, for owners of private property, or for the maintenance of a certain pious foundation.¹⁰ Even though, the *tahrir* registers are detailed tax registers, not all taxes were recorded in them.¹¹ For instance, the goods, cash payments or labour services forming the part of *avarız* tax were not listed. Furthermore, the head tax payable by non-Muslims (*cizye*) was not usually recorded. On the other hand, special emphasis was given to the tithe (*öşür*), demanded from almost all agricultural products.¹² Many of the *tahrir* registers also included a *kanunname*, a sultanic legislation on the tax rates that the

⁸ Ibid.

⁹ Ibid.

¹⁰ Singer, *Palestinian Peasants and Ottoman Officials*, 18-19.

¹¹ Faroqhi, *Approaching Ottoman history : An Introduction to the Sources*, 92.

¹² Despite its name, the tithe commonly amounted to more than one tenth of the crop, however, the share actually demanded varied from one province to the other Suraiya Faroqhi, *Approaching to Ottoman History*, 92

inhabitants of a specific province were supposed to pay. The *kanunnames* were used as a guide by the survey registrars in that they explained the rationale behind the assessment and the amount of the taxes levied. Furthermore, they also set a guideline on how the taxes were to be collected by the registrars. Each *kanunname* was an “amalgam of Islamic law (*sharia*), Ottoman decrees (*kanun*), and local customary law and practice (*örf*).”¹³

Research based on the *tahrir* registers started at the very end of the nineteenth century. Nevertheless, it was after Second World War that the value of the *tahrir* registers as a source for demographic, social and economic history of the Ottoman Empire was appreciated by the scholars. In subsequent years, *tahrirs* were seen as “the most precious possession of the Turkish archives” as Ömer Lütfi Barkan, one of the pioneers of the modern Ottoman history, declares proudly.¹⁴ Like any other source in historical studies, however, the *tahrir* registers also have certain limitations. Pitfalls of using the registers in constructing the Ottoman demographic history have long been noted by scholars. Ömer Lütfi Barkan who pioneered Ottoman demographic history argued that the *tahrir* registers can be used as a systematic census register. Nevertheless later research

¹³ Singer, *Palestinian Peasants and Ottoman officials*, 19.

¹⁴ Ömer Lütfi Barkan, "Essai sur les données statistiques des registres de recensement dans l'Empire ottoman aux XVe et XVIe siècles." *Journal of the Economic and Social History of the Orient* 1.1 (1957): 9-36; idem, "Tarihî Demografi araştırmaları ve Osmanlı Tarihi." *Türkiyat Mecmuası* 10 (1951-53): 1-26; idem, "The Price Revolution of the Sixteenth Century: A Turning Point in the Economic History of the Near East." *International Journal of Middle East Studies* 6.1 (1975): 3-28.

demonstrates that even though the registers are an indispensable source of Ottoman demographic history, they alone do not provide sufficient information on Ottoman population in that these registers primarily reflect the fiscal concerns of the Ottoman state.¹⁵ As such, goes the argument, they have to be used in conjunction with other sources.¹⁶

In the present work, *tahrir* registers will be used to supplement the court records. First of all, I will use relevant sections on Üsküdar that is found in two

¹⁵ Some of the problems inherited in the *tahrir* registers can be summarized as follows: "Part of the population may disappear from the record as they transfer from taxable to exempt status; the tax is paid collectively in some areas, thereby making it impossible to calculate the population; they are non-standard in many aspects ... and since the household (*hane*) is the fundamental unit of tax, individuals or families can rarely be identified from one survey to the next, deaths are not reported, births are not listed, and there is no regular reporting of age and sex structure for the registered population from which to infer vital rates. Occasional references to age and sex structure or marital status at present seem to be more misleading than useful for inferring changes in the age distribution." Bekir Kemal Ataman, "Ottoman Demographic History (14th-17th Centuries): Some Considerations" *Journal of the Economic and Social History of the Orient*, 35. 2 (1992): 188

¹⁶ Indeed, one of the most outspoken critics of the use of *tahrir* registers in Ottoman economic and social history is the renowned Ottomanist, Heat Lowry. Based on years of research on the *tahrir* registers, Lowry cautioned researchers against the pitfalls of using the registers in quantitative analysis. He argues that "The *tahrir defters* alone do not provide the basis for any kind of quantitative study, be it toponymy, topography, taxation, agricultural production, or population." Hence, he urges Ottomanists to use other surviving contemporary documents, especially *vakıf defters*, in conjunction with the *tahrirs* in order to have a better understanding on Ottoman social and economic history. According to him, the *tahrirs* were inherently "tax registers" and as such historians of the Ottoman Empire should give up "viewing them as censuses or population registers." Heat Lowry, "The Ottoman *Tahrir Defterleri* as a Source for Social and Economic History," 15. Yet recently, American-based Turkish economic historian Metin Coşgel, criticized Lowry's *absolutist* remarks on the possible use of the *tahrir* registers in quantitative analysis. According to Coşgel, despite the fact general premise of Heat Lowry's "dictum" – i.e. the use of multiple sources in historical research provide us with more sound results – is indeed indisputable, the absolute remark on the usage of the *tahrir* registers in "any kind of quantitative study" is rather restrictive. Metin Coşgel, "Ottoman Tax Registers (*Tahrir Defterleri*)," *Historical Methods* (2004): 87-100

tahrir registers: TT 438 (dates to 1530)¹⁷ and TT 436 (dates most likely to 1560s).¹⁸ In both of these registers, taxable population of Üsküdar was recorded under the judicial district (*kaza*) of Genivize, one of the eight major judicial districts constituted the sub-province of Kocaeli. Under the title of “nefs-i Üsküdar,” the neighborhoods that made of this particular “nefs” and taxable population with the relevant *tahrir* categories (*hane*, *nefer*, *mücerred*, *bive* ...etc) were enumerated. The relevant sections on Üsküdar in these two registers were

¹⁷TT 438 is the first volume of the two existing *icmal* (summary) registers on the province of Anatolia (*Muhasebe-i Vilayet-i Anadolu*). It dates 937 AH /1530 CE and is based on the comprehensive registrations carried out during the early years of Sultan Süleyman’s reign (1526-1566). It is 815 pages long and includes the sections on nine sub-provinces (*liva*). In the first eight pages, the general summary of the province’s physical, social and taxable landscape and the total amount of income to be sent to the Ottoman treasury is presented. According to this information, we learn, for instance, that in the nine sub-provinces concerned (Kütahya ,Kara-hisar-i Sahib, Sultan-önü ,Hamid , Ankara , Bolu , Kastamonu, Kangırı (Çankırı) and Kocaeli), there were 154 towns and cities, 37 castles, 71 bazaars, 160 qadis, 550139 taxable adult male (*nefer*), 7311 foot soldiers (timarlı sipahi) 11869 Muslim and 353 Christian household (*hane*) belonging to the subject class (*reaya*) found in the lands under the authority of pious foundations. After this general summary, there are nine sections devoted for each province. The main unit within each province was “kaza” (town). Then towns and large villages were further subdivided into quarters. TT 438 is located in BOA and recently published by BOA with an introduction by Halil İnalcık. My information on the register itself is based on this introduction by İnalcık

¹⁸ TT 436 is also located in BOA. Among many other *tahrir* registers on Kocaeli Sancağı in the sixteenth and early seventeenth centuries, it was studied by Ahmet Güneş and Suraiya Farouqi. So my description of this register builds upon their works. TT 436 is not dated but it was catalogued under Kanuni Sultan Süleyman’s reign (1520-1566) by the archivists who set up the Tapu Tahrir section of the Başbakanlık archives. Historians agree upon the assumption that TT436 was recorded around the beginning of 1560s. It does not include a *kanunname* or a separate section devoted to *vakıfs*. It is one of the oldest *mufassal* (comprehensive) registers of the Kocaeli Sancağı. Whilst the beginning of the register is lost, it is suggested that the first few pages must have included information pertaining to İznikmid (modern İzmit) area. The register includes valuable data on eight *kazas* and their hinterlands which constitute the Kocaeli Sancağı including İznikmid, Kandiri, Şili, İznik, Yoros, Yalakabad (modern Yalova), Ada and Genivize. Üsküdar again was recorded as *nefs* under the judicial district (*kaza*) of Genivize.

published by Ahmet Güneş on his studies on the social and economic development of Kocaeli sub-province, therefore, I rely on his readings while using the two registers.¹⁹ Comparing the figures in these two registers, I will be able to demonstrate growth of Üsküdar from a small transient town (*nefs or kasaba* in the discourse of *the tahrirs*) to the cosmopolitan mobile / transient city (*mahmiye* or *mahruse* in the *sicil* discourse after 1570s) with its own judge and court.

Neither of these registers points out the existence of Gypsy communities in Kocaeli sub-province in general and Üsküdar in particular. According to Enver Şerifgil, who worked on the *tahrir* registers to explore status of Gypsies in the Ottoman Empire, suggests that there exists no data in the *tahrir* registers of Anatolia in the sixteenth century pertaining to the Gypsies.²⁰ Yet both the research carried out Enver Şerifgil and those scholars follow him unearth the fact that we have six *tahrir* registers located in the BOA including data on Gypsy communities living in different parts of sixteenth century Rumelia.²¹ These

¹⁹ Ahmet Güneş, “16. ve 17. Yüzyıllarda Üsküdar’ın Mahalleleri ve Nüfusu,” *Üsküdar Sempozyumu I*, s. 42-56

²⁰ Enver Şerifgil, “XVI. yüzyılda Rumeli Eyaletindeki Çingeneler,” *Türk Dünyası Araştırmaları Dergisi* 15

(1981):117-144; For further information on these *tahrir* registers, İsmail Haşim Altınöz, “Osmanlı Toplumunda Çingeneler” (PhD diss., İstanbul Üniversitesi Sosyal Bilimler Enstitüsü Yeniçağ Tarihi Ana Bilim Dalı,, İstanbul 2005), Emine Dineç “XVI. Yüzyılda Osmanlı Ordusunda Çingeneler,” *SDÜ Fen Edebiyat Fakültesi Sosyal Bilimler Dergisi* 20: (2009):33-46.

²¹ For the sixteenth century, we have seven *tahrir* registers that provide valuable information on the tax-paying population of Gypsies, the cities and the waqf lands that they reside in, the amount

registers provide us valuable information on taxable population of Gypsies in various urban and rural settings, the taxes they entitled to pay, their religion, professions, family set up and the name of the communities that belong to (if applicable). Thorough analysis on these registers some which exclusively devoted to Gypsies living in different parts of the sixteenth century Rumelia has yet to be published. Nevertheless, we have several works based on these registers.²² So my reading of these registers will dwell upon them.

d) The Court Records (*Sicils*)

The court records of Üsküdar constitute the backbone of this dissertation. I used 22 court registers extending from the 1530s to 1585s. The first 22 registers I used consecutively (from volume 7 to 29 excluding two volumes written in Arabic) and then I looked at 2 more registers (volume 51 and 56). These 22

— of the tax they paid depending upon their religious affiliation. These registers are TT 120, TT 170, TT 191, TT 206, TT 191, TT 206, TT 299, TT 370, TT 416. Among these registers TT 370 is a comprehensive tax register of Rumelian provinces. It dates 1530. The section on Gypsies is found pages 373-378. The section starts with the Kanunname-i Kibtiyan-i Vilayet-i Rumeli. TT 370 has recently published by BOA as *370 Numarah Muhasebe-i Vilayet-i Rum-ili Defteri, (937/1530)*, cilt I (Ankara: BOA Yay., 2001); *370 Numaralı Muhasebe-i Vilayet-i Rum-ili Defteri, (937/1530)*, cilt II, (Ankara: BOA Yay.; 2002). TT 120 dates to 1523 and it is a comprehensive survey of Gypsies residing in different parts of Rumelia. TT 202 surveys the Gypsies living in the waqf and private property lands of the sixteenth century Rumelia. TT. 170, 191, 206 and 299 are registration of Gypsies employed as auxiliaries (*müsellem*) within the army. Finally, TT 416 provide us the names of Gypsy communities and their general features. Nevertheless, the close readings of these registers have yet to begin. The available studies on these registers unfortunately only present fragments of these registers and do not go beyond providing general overview regarding to their contents.

²² See ff. 21.

registers include approximately 18.000 entries (See Appendix 1: Üsküdar Court Registers Used in the Study). Close reading and analysis of all these entries would have been beyond the scope of this project; therefore, the decision was made to read very closely one of the court registers and skim through the others, reading only entries related to Gypsies. Entries on Gypsies within this data number around 235 and make up approximately 2% of the whole corpus. Sicil no.15 (here after USS 15) was chosen to be read very closely for two reasons: 1) It includes 31 entries on Gypsies, this number when compared to other registers is the highest (except 51 and 56, but I will come to them later); 2) It covers a four years (1547-1551) period and contains 2212 entries. It is one of the largest register in the court register series of Üsküdar from the sixteenth century so it gives me sizeable body of a limited data towards reconstructing what I call a “social, economic and mental map” of a particular community against which I considered the status of Gypsies. Furthermore, the court register number 51 covering the entries from 1579 to 1580 and the court register number 56 covering the entries from 1582 to 1583 was skimmed through as far as the Gypsies concerned. The reason behind inclusion of these two registers stood more than 10 years from the first series I scanned, was to examine if there were discursive as well as policy changes on the part of Ottoman state regarding Gypsies and the Gypsies’ access to court, various litigations and notarial transactions brought by them as well as cases opened against them in the court.

As we shall see in the next section to follow, the *sicils* have been used in the field primarily for quantitative analysis. However, later the pendulum shifted in the opposite direction and they have been employed primarily for discourse analysis. My aim here is to devise a methodology that would combine the two. Indeed, as we shall see in the next chapter to follow, reading *sicils* as both “text” and “document”, to use Najwa al-Qattan terms and employing both discourse and quantitative analysis has started in the field over the last decade. The valuable works of scholars such as Iris Agmon, Boğaç Ergene and Leslie Peirce constitute the landmarks in this regard and my reading of the court records methodologically is very much informed by their works.²³

Approaching *Sicils*: An Overview

The Ottoman court records have been at the disposal of historians for almost five decades now, with the result that the scholarly works in this field is written in various languages and scholarly tradition is so extensive that it is too vast to explore in any comprehensive fashion. Furthermore, the quandaries surrounding *sicils* as an historical source and the problems of *sicil* research have been the subject of several historiographical essays in recent years and my analysis here primarily rests upon these and yet adds some observations about the

²³ Iris Agmon, *Family and Court: Legal culture and Modernity in late Ottoman Palestine* (Syracuse, N.Y. : Syracuse University Press, 2006); Boğaç Ergene, *Local court, Provincial Society and Justice in the Ottoman Empire: Legal practice and Dispute resolution in Çankırı and Kastamonu, 1652-1744* (Leiden: Brill, 2003); Leslie Peirce, *Morality Tales: Law and Gender in the Ottoman Court of Aintab* (Berkeley: University of California Press, 2003).

ways in which *sicils* are used by the scholars writing primarily in Turkish²⁴ In what follows, therefore, I delineate some of this valuable scholarship in framing my own approach or rather to contextualize my readings of the *sicils* within this discourse.

The court records have been used up until now in the service of three main approaches. 1) The *Structuralist Approach* in which the vast amount of data the *sicils* contain is qualified in order to evaluate social and economic structures. In this phase, starting from the 1960s to the mid-1990s, the court records were primarily used to explore *longue durée* structural patterns in the society and economy and to write *histoire total* of the various regions, provinces and cities. 2) By the mid-1990s, however, the *sicil*-based historiography gradually took its *Cultural Turn* through considering and critically appropriating some of the questions and approaches developed within the poststructural readings. 3) By the turn of the twenty first century, while the *Cultural Turn* is still in effect, some Ottomanists started to read the court records “sociolegally.” The *Sociolegal Readings* of the court records is very much nurtured by cultural approaches and discursive analysis yet it has one marked difference: use of quantitative analysis. It offers what I call “third way analysis” reading the court records through

²⁴ These essays are Ze’evi, “The Use of Ottoman Shari’a Court Records as a Source for Middle Eastern Social History: a Reappraisal,” *Islamic Law and Society* 5.1 (1998): 35-56; Iris Agmon, “Women’s History and Ottoman *Shari’a* Court Records: Shifting Perspectives in Social History,” *Hawwa*, 2 (2004): 172-209; Iris Agmon and Ido Shahar, “Shifting Perspectives in the Study of Shari’a Courts: Methodologies and Paradigms,” *Islamic Law and Society*. 15.1 (2008): 1-19.

combining cultural analysis with empirical research. What follows next is further explanation of these approaches and consideration of certain landmarks in the field and the ways in which they shaped the present study's methodology to read the court records.

1) *Annales* Effect: Structuralist Approaches (Until the mid-1990s)

The French historians involved in the publication of the journal *Annales* were responsible for one of the most prominent as well as lamented schools of historiography of the last century.²⁵ Launched in 1929 by Marc Bloch and Lucien Febvre and closely linked with the Sixth Section of the *École Pratique des Hautes Études* after 1945, the *Annales* promoted “a new kind of history” that has rigorously sought to undermine the traditional boundaries of the study of history, historical methodology and even the conception of historical time. Despite the great variety of methodological and conceptual approaches employed over the course of eight decades, the guiding principles of the journal have remained more or less the same. First, it has firmly advocated problem-oriented analytical history instead of a traditional narration of events. Second, it has sought to grasp the “totality” of any historical time and society. Third, it has continuously encouraged the dialogue between history and other allied social sciences in order to

²⁵ Michael Bentley, *Modern Historiography : An Introduction* (London ; New York: Routledge, 1999), 103.

reconstruct “total history.”²⁶ In comparison to earlier forms of historical analysis, the *Annales* historians underline “serial, functional, and structural approaches to understanding of society as a total, inter-related organism.”²⁷ After the Second World War, the impact of the *Annales* School reached far beyond the borders of France. Particularly with the publication of Fernand Braudel’s seminal text, *The Mediterranean and the Mediterranean World in the Age of Philip II*, commonly considered the fullest and most representative expression of the *Annales* paradigm, interest in *Annales* scholarship increased tremendously.²⁸ *The*

²⁶Peter Burke, *The French Historical Revolution : The Annales School, 1929-89*, Key Contemporary Thinkers (Stanford, Calif.: Stanford University Press, 1990), 2.

²⁷ Lynn Hunt, "French History in the Last Twenty Years: The Rise and Fall of the Annales Paradigm," *Journal of Contemporary History* 21. 2 (1986): 211.

²⁸ Fernand Braudel, *The Mediterranean and the Mediterranean World in the Age of Philip II*, trans. by Sian Reynolds (New York: Collins, 1972). For the “Annales Paradigm,” and Braudel’s role in the making of this paradigm, see, for example, J. H. Hexter “Fernand Braudel and the Monde Braudellien ...,” *The Journal of Modern History* 44 (1972): 480-530 and Robert Forster, “Achievements of the Annales School,” *The Journal of Economic History* (1978): 58-76. The main objective of Braudel in *The Mediterranean* is to examine “the history of Mediterranean in its complex totality” through focusing on the reign of Philippe II. The book is divided into three parts; each part has its own time and each time corresponds to a different kind of history and requires a different kind of historical methodology. The first part, “The Role of the Environment” corresponds to “geographical time” in which historical movement was almost imperceptible and change was very slow. In this regard, the inanimate features such as mountains, hills, plains, deserts and the sea itself appear as the “constants” of the Mediterranean history. Geographical settings are presented as ever-recurrent cycles forming the long-term structures on which – according to Braudel-- the political, social and economic structures of the Mediterranean were built. The second part entitled as “Collective Destinies and General Trends” corresponds to “social time” whose pace is a little faster than that of the geographical time. However, it was still slow but with perceptible rhythms. This part is an attempt to combines the *structures* --the long term realities such as economic systems, states, societies and the civilizations -- with the *conjunctures*, the short term realities such as the changing dimensions of the states and empire, the intensity of industrial growth, the fluctuations of state financiers and the wars. Thus, it focuses on economic systems, states, societies, civilizations and the changing patterns of war in the “long” sixteenth

Mediterranean attracted great attention, especially among scholars working on the history of the Mediterranean countries, and this included Ottomanists both in Turkey and abroad.²⁹

Most of the eminent historians of the Republican period in Turkey, such as Mehmet Fuat Köprülü and Ömer Lütfi Barkan, were strongly influenced by the *Annales* School. Mehmet Fuat Köprülü, the founder of modern Turcology in Turkey in the 1930s, defined history in line with the Annaliste historians and criticized his fellow Turkish historians for continuing to write event-oriented histories. For Köprülü, “the history being written by Turks was written with a focus on events, and individuals, whereas the real historian had to describe a people, a specific geography, a physical race, a social-political entity, before focusing on specifics.”³⁰ Ömer Lütfi Barkan was also very much influenced by the *Annales* School. It was Barkan who supplied Braudel with necessary data on Ottoman history and subsequently he and his students contested and refined some

— century of the Mediterranean. The third part of the book, “Events, Politics and People,” recounts “a history of brief, rapid, nervous fluctuations.” As the title implies, this part mainly deals with the political events, diplomacy and continuous wars between the Spanish and the Ottoman Empires for gaining the upper hand in the Mediterranean from the 1550s to the 1590s. Braudel presents all these political events as the surface manifestations of the long term realities and the medium term evolutions and argues that they can be explained only in these terms. To him, “the history of events” is “surface disturbances, crests of foam that tides of history carry on their strong backs.”

²⁹ A study on the impact of the *Annales* School on modern Ottoman Historiography has yet to be written. At the present time Halil İnalcık’s article “Impact of the *Annales* School on Ottoman Studies and New Findings,” *Review I* (1978): 69-96 is to my knowledge the only such attempt devoted to this pertinent subject.

³⁰ Murat Cem Mengüç, “Historiography and Nationalism : A Study Regarding the Proceedings of the First Turkish History Congress” (Master’s Thesis, McGill University, 2002), 70.

of Braudel’s assertions, such as his conception of population increase, land tenure, urbanization and price revolution in the sixteenth-century Ottoman Empire.

Thus, in search of economic and social structures and *longue-durée* developments under the influence of the *Annales* school, the historians of the Ottoman Empire soon (re)discovered the country’s vast archives of court records.³¹ At first glance, these records, due to their empirical and serial features, provided a form of documentation that is perfectly suitable for (structural and) quantitative analysis. As such, from the 1960s until roughly the mid-1990s, scholars of Ottoman history, more often than not, used the court records mainly as a data pool. Drawing “hard facts” from these records, they portrayed the long term economic and social *structures* – including but not limited to demographic trends, price movements, the composition of the labor force, patterns of credit relations and land transfers, religious endowments, marriage and divorce practices – of the Ottoman world.³² Furthermore, through using these records, they

³¹ Local historians of early republican period were not unfamiliar with these records. They used the court records to write local, regional and institutional histories of certain groups/ tribes. These early attempts from 1940s through 1960s have been criticized by the scholars as having used the court records without attempting a systematic reconstruction of the whole and its context. Examples of these scholarships include, M. ÇAghatay Uluçay and İbrahim Gökçen *Manisa Tarihi* (İstanbul: Resimli Ay Matbaası, 1939); İbrahim Gökçen, *Sicillere Göre XVI. ve XVII. Asırlarda Saruhan Zaviye ve Yatırları* (İstanbul: Marifet Basımevi, 1946); M. Ç. Uluçay, *18 Ve 19. Yüzyıllarda Saruhan’da Eşkiyalık ve Halk Hareketleri* (İstanbul: Berksoy Basımevi, 1955); İbrahim Gökçen, *16. ve 17. Asır Sicillerine Göre Saruhan’da Yörük ve Türkmenler* (İstanbul: Marifet Basımevi, 1946); Kamil Su, *Balıkesir ve Civarında Yörük ve Türkmenler* (İstanbul: Resimli Ay Matbaası, 1938).

³² Of note is İnalçık’s work on the social and economic life of Bursa during 1486-1489 with particular focus on the silk industry and individuals who corporately participated in this industry.

explored not only the socioeconomic activities of various social groups and institutions but also the “total history” of entire towns and regions of the Ottoman Empire.³³

Despite the “linguistic turn” that shook the foundations of the discipline of history and the emergence of “new cultural history” in Western Europe and North America after the 1970s, Ottoman studies continued to be nurtured by the paradigms and concepts set in the discipline of economy and sociology up until

Halil İnalcık,” Osmanlı İdare, Sosyal, Ekonomik Tarihiyle İlgili Belgeler: Bursa Kadı Sicillerinden Seçmeler,” *Belgeler* 10 (1980-1981): 1-91 Sahillioğlu used court records of Bursa and Galata to explore price movements. Halil Sahillioğlu, “XVII. Asrın İlk Yarısında İstanbul’da Tedeüldeki Sikkelerin Raici, *Belgeler* 1, No.2 (1964):227-234; Kütükoğlu used the *narh*, or fixed market price registers, recorded in several court records as a basis for her studies on the regulation of price and availability of consumer goods in İstanbul in the seventeenth century. Mübahat Kütükoğlu, *Osmanlılarda Narh Müessesesi ve 1640 Tarihli Narh Defteri* (İstanbul: Enderun Kitabevi, 1983)

³³ See for instance Andre Raymond, *Artisans et commerçants au Caire au XVIIIe siècle*, 2 vols. (Damascus: Institut Français de Damas, 1973-4); Suraiya Faroqhi, *Men of Modest Substance: House Owners and House Property in Seventeenth-Century Ankara and Kayseri* (Cambridge: Cambridge University Press, 1987); Haim Gerber, *Economy and Society in an Ottoman City: Bursa 1600-1700* (Jerusalem: The Hebrew University, 1988); Abraham Marcus, *The Middle East on the Eve of Modernity: Aleppo in the Eighteenth Century* (New York: Columbia University Press, 1989); Bahaeddin Yediyıldız, *Ordu Kazası Sosyal Tarihi (1455-1613)*, (Ankara: Kültür Bakanlığı Yay., 1985); Feridun M. Emecen, *XVI. Asırda Manisa Kazası*, (Ankara: TTK, 1989). As for socioeconomic activities of various groups see, for example, Jennings, Ronald C. "Women in Early 17th Century Ottoman Judicial Records – the Shari'a Court of Anatolian Kayseri." *Journal of Economic and Social History of the Orient* 18 (1975): 143-199; idem, "The Society and Economy of Maçka in the Ottoman Judicial Registers of Trabzon, 1560-1640," in *Studies on Ottoman Social History in the Sixteenth and Seventeenth Centuries: Women, Zimmis and Sharia Courts in Kayseri, Cyprus and Trabzon* (İstanbul: The Isis Press, 1999), 583-612; idem, "Zimmis (Non-Muslims) in Early 17th Century Ottoman Judicial Records: The Sharia Court of Anatolian Kayseri," in *Studies on Ottoman Social History in the Sixteenth and Seventeenth Centuries: Women, Zimmis and Sharia Courts in Kayseri, Cyprus and Trabzon*, (İstanbul: The Isis Press, 1999), 347-412; Judith E. Tucker, *Women in Nineteenth-Century Egypt* (New York: Cambridge University Press, 1985).

the late 1990s. As stated by Iris Agmon, during this period, “the cultural turn” influenced Middle Eastern historiography primarily within the discourse set by Edward Said in his seminal text *Orientalism*.³⁴ The dominant Orientalist paradigms such as the decline thesis became object of study for many historians of the Middle East for many years to come. As suggested by Dana Sajdi, “In the post-*Orientalism* phase, both political economy and social history became *the* dominant approaches in the movement against the decline-thesis, and reoriented the field of Ottoman studies establishing it firmly on/in “materialist” grounds.”³⁵ Therefore, while the object of their studies was inspired by the “cultural turn,” methodologically, historians of the Ottoman Empire continued to use socio-economic concepts. As such, the court records in this period were exploited to debunk the dominant Orientalist paradigms such as the decline thesis and the Islamic city model. The resulting quantitative and neo-Marxist analyses can be deemed as extensions of structural approaches.

³⁴ Agmon Iris, "Womens History and Ottoman Sharia Court Records: Shifting Perspectives in Social History," *Hawwa* 2, no. 2 (2004): 179-180..

³⁵ Dana Sajdi, “Decline, Its Discontents and Ottoman Cultural History: By way of Introduction,” in *Ottoman Tulips, Ottoman Coffee: Leisure and Lifestyle in the Eighteenth Century*, ed. Dana Sajdi (London: Tauris Academic Studies, 2007), 25.

2) The “Cultural Turn” of the *Sicils* (1990s --)

Towards at the end of the twentieth century, the field of Ottoman studies in general and *sicil*-based studies in particular witnessed a “cultural turn” not only in terms of interest in cultural life but also in employment of cultural analysis.³⁶ The effect of the cultural approaches has been substantial in shifting the orientation of *sicil*-based studies from exploring long-term patterns of economy and society to exploring the source itself as a “cultural product,” i.e. as evidence of the logic and workings of the institution that produced this source and the complex relationships within the court and between the court and society-at-large. Furthermore, instead of focusing on long term patterns, historians started to write about individuals and multifaceted relationships between the court and society on a micro-scale of analysis.³⁷

³⁶ See Dana Sajdi, *op.cit.*, for the contours of this development.

³⁷ Microhistory is a relatively new methodology within the historiography of Ottoman social history compared to its usage in modern European historiography. One of the earliest – if not the earliest-- examples of microhistory is provided by Yvonne Seng. In her dissertation submitted to University of Chicago in 1991, Seng explored the everyday life of inhabitants of Üsküdar through looking at one court register which covers the years 1521-1524. Through reading very closely 89 estate inventories found in this particular register, Seng offered us remarkable picture of domestic and everyday arrangements of ordinary people, their agency to control their lives as well as of the main social and economic networks that kept this multicultural community together. As such, she illustrated not only the potential of micro analysis but also the use of estate inventories as a source for reconstructing the history of everyday life in the Ottoman Empire. In 1998, one of the most renowned historians of Ottoman Middle East published a stimulating microhistory dealing with a seventeenth century Egyptian merchant, Isma'il Abu Taqiyya. In this study, Nelly Hanna uses the life of Isma'il Abu Taqiyya to revise traditional historiography on the socio-economic and political history of Ottoman Egypt. Reconstructing an entire biography from the hundreds of documents which Abu Taqiyya's personal and business dealings generated at the Muslim court over a period

a) Sicils as Text

The postmodern epistemology that became dominant after the 1950s posed a challenge to the most fundamental assumptions of Western scientific knowledge. Postmodernists rejected the idea of objective truth arguing that all knowledge is profoundly political. They also opposed metanarratives arguing that these are inherently ideological and obfuscating. They are constructed to reinforce power structures and “normalize” the masses by ignoring the heterogeneity of human experiences. They are also essentially Eurocentric in that they negatively represent and/ or ignore cultures outside Western civilization. Instead of master narratives, postmodern critiques offered “decentered” histories in which relational perspectives, a multiplicity of voices and the foregrounding of otherwise “subaltern” and “marginal” individuals and communities are all present. Furthermore, the idea of progress, the modern periodization of history and the rational “self” associated with the European project of the Enlightenment were called into question by the postmodernist scholars.

— of forty years (1580s-1620s), Hanna moves from an individual case to the broader issues on the structures of Egyptian economy and society. Nelly Hanna, *Making Big Money in 1600: The Life and Times of Isma'il Abu Taqiyya, Egyptian Merchant* (Syracuse University Press, 1998).

The relationship between History/history and theory in general and postmodernism in particular is not an easy one.³⁸ As stated by Keith Jenkins, “Protected by a continued adherence to common sense empiricism and realist notions of representation and truth, most historians - and certainly most of those who might be termed “academic” or professional “proper” historians - have been resistant to that postmodernism which has affected so many of colleagues in adjacent discourses.”³⁹ Nevertheless, the methods and agendas of postmodernism have expanded in historical writing over the years. This is not the place to reiterate the details of this uneasy relationship between History/history and theory or impact of postmodernism on modern historiography. Yet I would like to underline the fact that over the last two decades, scholars approaching European and North American history have been dealing with the postmodernist challenges to History/ history in numerous ways, but particularly by emphasizing the significance of literary and cultural approaches to historical investigation. Historians of the Middle East too began to explore the relevancy of these discussions for their sources in general and the court records in particular. Zouhair Ghazzal was one of the first – if not the first – to raise the very pertinent question of the textuality of the court records. In his reviews of Establet and Pascual’s *Familles et fortunes à Damas: 450 foyers damascains en 1700*, Ghazzal

³⁸ For the very much contested discourse the distinction between History/history, see for instance, Keith Jenkins (ed.) *The Postmodern History Reader* (London; New York: Routledge, 1997).

³⁹ Keith Jenkins, "Introduction," in *The Postmodern History Reader*, 12.

stringently criticized the entire phenomenon of *sicil* based Ottoman and Middle Eastern historiography. His objections was to the *a priori* decision of scholars to approach court records using methods that are external to these documents, thus paying no attention to their inherent textuality.⁴⁰ He argued stringently against the long held, naïve assumption of the scholars working with *sicils* that *sicils* are the most transparent of sources in terms of historical reality and emphasized instead the significance of discursive practices within court records.

In the same year that Ghazzal published his first review of Establet and Pascual's study, Najwa al-Qattan completed her *sicil* based dissertation on the non-Muslims of Ottoman Damascus and materialized the objections of Ghazzal in practice.⁴¹ Even though it is not published as a book, al-Qattan's work is a landmark demonstrating the shift of orientation in *sicil*-based studies under the influence of postmodern epistemology. The main purpose of al-Qattan's work is twofold: first, to comprehend the legal status of the Jews and Christians of early modern Damascus; and secondly, to explore the court records themselves. I would like to dwell upon the second concern of this study, since it is methodologically very significant. Al-Qattan (like Ghazzal) criticizes social historians for assuming that the court records are immune to the biases prevalent in other sources for

⁴⁰Zouhair Ghazzal, "Review of Colette Establet and Jean-Paul Pascual, *Familles et fortunes à Damas* (Damascus: Institut Français de Damas, 1994)," *International Journal of Middle East Studies*, 28 (1996): 431-2.

⁴¹ Najwa Al-Qattan, "*Dhimmi* in the Muslim Court: Documenting Justice in Ottoman Damascus, 1775–1860" (PhD diss., Harvard University, 1996)

social history of the Middle East. Secondly, she (like Ghazzal) objects to the quantitative tendency of *sicil*-based historiography. According to her,

The statistical proclivity of *sijill* based historiography and its assumptions to regarding the objectivity of the record stem from a purely documentary approach which treats the *sijill* as an archival depository for empirical facts. In ignoring the text of the record and extent of its implication in distinctly legal universe, this historiography assumes that those facts represent in aggregate form, a reproduction of the objective past.⁴²

This analysis evokes the methodology drawn up by Dominique LaCapra for reading historical sources.⁴³ Indeed, al-Qattan explicitly uses LaCapra in order to suggest a new way of reading the court records. She argues that “In order to put its extensive data to sound and critical use, the *sicil* must be viewed as document as well as text.”⁴⁴ According to her,

As document, the *sijill* transcribes/ describes events at court and is one of the loci where legal theory and judicial practice intersect. As a legal document, the *sijill* also represents a source for social and economic “facts,” that is, the material which the social historian gleans from the record arrives, not in the form of raw data, but in the guise of material already significant in the universe of legal interaction. As text, on the other hand, the *sijill* represents the institutionalized record keeping and archival practice of the court. The individual documents (or *hujjajs*) that belong to the *sijill* also function as legal instruments, providing legal actors with written proof of past legal transactions.⁴⁵

⁴² Ibid., 22.

⁴³ Among many works of LaCapra on this, see for instance, Dominick LaCapra, “Rethinking Intellectual History and Reading Texts.” *History and Theory* 19, no. 3 (1980): 245-276.

⁴⁴ Najwa Al-Qattan, “*Dhimmi*s in the Muslim Court,” 89.

⁴⁵ Ibid., 32.

Clearly, the larger question at issue here is how to read the court records as texts. To resolve this question, al-Qattan revisits LaCapra. According to the latter, critical analysis of the relation between texts and institutions is so significant because “discursive practices” within any given text always have an important relation to the sociopolitical institutions. Consequently, al-Qattan suggests that the textual reading of the court records firstly calls for the study of the extent to which they are institutionally and ideologically articulated with the law, the court and the state. Once the records are placed within this institutional discourse, the issue then is to find out “the ways in which the *sijill*’s language reflects, refracts or contests the parameters of overarching politico-legal discourse.”⁴⁶ In other words, she suggests a methodology that highlights linguistic practices within the court records as well as the legal and political contexts within which they were produced.

As al-Qattan herself acknowledges, despite the fact that discourse analysis of court records delineates the stratification within which religion rather than gender constituted the main determinant of difference and power, reading court records as texts teaches us nothing about the socio-economic resources of the non-Muslim residents of Damascus. She says “these details belong not to the text, but the contents of the *sijill* as a document.”⁴⁷ Al-Qattan herself did not read the court

⁴⁶ Ibid., 35-36.

⁴⁷ Ibid., 346.

records as documents because this was not the object of her study; nevertheless, she states that historians should not abandon reading the court records as documents. According to her, “the *sijill*, as documentary source, needs to be both critically assessed and methodologically rehabilitated thorough a systematic analysis of its textuality and the relationship between its text and the “facts” that it documents.”⁴⁸ My reading of the *sicils* is very much informed by this approach. Yet it will not only consider the textuality of the records but also the information they contain will be of focus.

b) Writing “Thick Description” of the Sharia Court: Effects of Microhistory and Legal Anthropology

Cultural anthropology provides yet another methodology for researchers to deconstruct the suppositions of social science oriented history of the 1970s and 1980s in Europe and North America. It has become immeasurably influential in redirecting historians’ attention away from the public, political sphere of human actions towards private and everyday life. Rediscovering old sources, including oral history and oral tradition, and re-reading others, historians began to investigate a broad range of human activities, including but not limited to sexuality, marriage, childhood, family and kinship. One of the most significant changes that have been born out of this encounter between history and anthropology has been the use of the concept of “culture” in a plural and broader

⁴⁸ Ibid.

sense. According to Geertz, who provided perhaps the most important stimulus to the reconceptualization of culture during the 1980s, culture is an “acted document” whose meaning must be comprehended in the social context of its action and not through an anthropologist’s own presumptions. In the Geertzian reading, culture is conceptualized as a thick lens or heavy web through which we observe the world as well as ourselves. This means that “culture is not a power to which social events, behaviors, institutions, or processes can be casually attributed; it is a context, something within which they can be intellectually – that is, thickly – described.”⁴⁹ Thus, cultural analysis entails “thick description.” “Semantically rather than materially thick, the thickness of “thick description” consists in its ability to distinguish a meaningless reflex, a twitch or a blink, for example, from consciously employed communicative device, the wink.”⁵⁰

The rapprochement between history and anthropology brought about another shift in the field. Many historians, influenced by the anthropological approach, have attempted micro- histories, placing small communities, single events or even one individual under minute scrutiny.⁵¹ Although there are

⁴⁹ Clifford Geertz, “Thick description: Toward an Interpretive Theory of Culture,” *Readings in the Philosophy of Social Science* (1994): 220.

⁵⁰ Aletta Biersack, “Local Knowledge, Local History: Geertz and Beyond,” in *The New Cultural History*, ed. Lynn Hunt (Berkeley, 1989), 74.

⁵¹ The concept of “microhistory” won international attention with Carlo Ginzburg’s *The Cheese and the Worms: The Cosmos of a Sixteenth-Century Miller* (1976, English translation, 1980). Indeed, development of this approach goes back to earlier works of Ginzburg himself and other Italian historians of early modern period as well as a number of French historians, especially

significant differences (within and) between anthropologists and microhistorians, especially in terms of their understanding of “ the workings of human rationality and validity of making generalizations in social sciences,”⁵² one central tendency in both deserves to be mentioned: this is the employment of “thick description” to explore any object of study by shrinking the scale of analysis. Micro historians have stringently criticized some of the conclusions of social historians for concentrating on macro-level processes and ‘average’ behavior patterns mainly by resorting to quantitative analysis, yet failing to demonstrate what Giovanni Levi -- one of the pioneers of the practice -- has identified as “the contradictions of normative systems ... the fragmentations, contradictions and plurality of viewpoints which make all systems fluid and open.”⁵³ For microhistorians, the use of deviant cases, recovered especially from inquisitorial and other court records, permitted access to information hitherto “unobserved” by those who gave priority to quantifying, generalizing, or normalizing human experience. Therefore,

— Georges Duby and Emmanuel Le Roy Ladurie. In North America, one of the earliest and well-known examples of microhistory was produced by Natalie Zemon Davis.

⁵²Giovanni Levi, "On Microhistory," in *New Perspectives on Historical Writing*, ed. Peter. Burke and (Cambridge, 2001), 104. Iris Agmon observes the difference as such “... while being methodologically enriched by post-structuralist ideas and tools, microhistory as an approach of social history has remained loyal to the belief that past realities are tangible; otherwise there would have been no point in the claim made by microhistorians about the need to revisit grand historical narratives. Post-structuralists, on the other hand, have basically called for getting rid of grand historical narratives altogether (claiming that since narratives represent contemporary power relations rather than past realities, fragmented polyphonic multi-narrative history needs to be encouraged instead of grand narratives that by definition represent and reinforce the domination of particular interests).” “Review of Leslie Peirce’s *Morality Tales: Law and Gender in the Ottoman Court of Aintab*,” H-Turk, H-Net Reviews. September, 2007.

⁵³Giovanni Levi, "On Microhistory," 107.

through reducing the scale of observation, carrying out microscopic analysis and engaging in exhaustive reading of the documentary material, microhistorians have been able to disclose the lives of those who were positioned on the margins of their society as well as the extent of and the limits upon their agency, i.e., their ability to make meaningful choices and undertake meaningful actions in their lives.⁵⁴

Meanwhile legal anthropologists became increasingly interested in the field of law in general, and in the sharia court as an institution in particular, starting in the mid-1980s. This interest developed gradually and was reflected in the publication of several studies dealing with contemporary sharia courts.⁵⁵ As noted by Agmon and Shahar, these works have contributed considerably to our understanding of the social, political and cultural dynamics of sharia courts as

⁵⁴ Ibid.

⁵⁵ Brinkley M. Messick, *The Calligraphic State: Textual Domination and History in a Muslim Society* (Berkeley, Los Angeles, Oxford: University of California Press, 1993); Anna Wurth, *ash-Shari'a fi Bab al-Yaman: Recht, Richter und Rechtspraxis an der familienrechtlichen Kammer des Gerichtes Süd-Sanaa (Republik Jemen) 1983-1995* (Berlin: Duncker & Humblot, 2000); Rosen, *Anthropology of Justice*; idem, *The Justice of Islam: Comparative Perspectives on Islamic Law and Society* (Oxford and New York: Oxford University Press, 2000); Carolyn Fleuer-Lobban, *Islamic Law and Society in the Sudan* (London: Frank Cass, 1987); Susan F. Hirsch, *Pronouncing and Persevering: Gender and the Discourses of Disputing in an African Islamic Court* (Chicago: The University of Chicago Press, 1998); Erin E. Stiles, "When Is a Divorce a Divorce? Determining Intention in Zanzibar's Islamic Courts," *Ethnology* 42 (2003), 273-88; idem, "Broken *edda* and Marital Mistakes: Two Recent Disputes from an Islamic Court in Zanzibar," in *Dispensing Justice in Islam*, 95-116; Michael Peletz, *Islamic Modern: Religious Courts and Cultural Politics in Malaysia* (Princeton: Princeton University Press, 2002); John R. Bowen, *Islam, Law and Equality in Indonesia: An Anthropology of Public Reasoning* (Cambridge: Cambridge University Press, 2003). These studies are cited in Iris Agmon and Ido Shahar, "Shifting Perspectives in the Study of Shari 'a Courts," 14, especially ff.41.

sociolegal institutions.⁵⁶ Some Ottomanists working with the *sicils* were in turn influenced by these studies' theoretical frameworks and produced significant works of their own.

One of the fullest examples in Ottoman historiography of this “history in (legal) anthropological mode” – though it is not defined as such by its author - is Leslie Peirce's *Morality Tales*. This work has received substantial attention and has been reviewed a number of times by Ottomanists and non-Ottomanists alike.⁵⁷ Rather than discussing every aspect of the book here, I would like to highlight the ways in which this work made use of anthropological insights in examining the sharia courts, a significant methodological aspect to which none of the reviewers has given substantial attention.⁵⁸ This work was written using the concepts and methodologies produced within cultural anthropology in general and legal

⁵⁶ Iris Agmon and Ido Shahar, “Shifting Perspectives in the Study of Shari‘a Courts,” 14

⁵⁷ Liat Kozma, “Review of *Morality Tales: Law and Gender in the Ottoman Court of Aintab*,” *Mediterranean Historical Review* 19: (2004), 111-113; John J. Curry, “Review of *Morality Tales: Law and Gender in the Ottoman Court of Aintab*,” *Journal of the American Oriental Society* 125.1 (2005): 102-104; M. Zilfi, “Review of *Morality Tales: Law and Gender in the Ottoman Court of Aintab*,” *American Historical Review* 110.1 (2005): 258; J. Aieta, “Review of *Morality Tales: Law and Gender in the Ottoman Court of Aintab*,” *Sixteenth Century Journal* 35.4 (2005): 1232-1233; Patricia Skinner, “Review of *Morality Tales: A Medieval Inheritance*,” *Journal of Women's History* 18.1 (2006): 186-191; Julie Hardwick, “Looking for the Universal in the Local: *Morality Tales* from the Western End of the Mediterranean,” *Journal of Women's History* 18.1 (2006): 181-185; Indrani Chatterjee, “Between West and South: Asianist Women's History and Islam,” *Journal of Women's History* 18.1 (2006): 192-203; Boğaç Ergene, “Review of *Morality Tales: Law and Gender in the Ottoman Court of Aintab*,” *International Journal of Middle East Studies* 38.2 (2006): 309-310; Iris Agmon, “Review of *Morality Tales: Law and Gender in the Ottoman Court of Aintab*,” H-Turk, H-Net Reviews. September, 2007.

⁵⁸ Except Boğaç Ergene.

anthropology in particular. *Morality Tales*, in the words of its author, is “primarily an attempt to understand the culture of a local court: that is, the nature of dispute resolution that occurred within it and its vision of social justice.”⁵⁹ Through a very close reading of the registers produced within a single year (1540-1541) at the court of sixteenth century Aintab, Peirce concludes that “Legal codes – Islamic sharia and Ottoman Imperial law – were of course critical in shaping the legal life of communities like Aintab, but it was only through local interpretation that formal rules acquired vitality and meaning.”⁶⁰ Peirce sees the local court not as a “legally autonomous, isolated institution” but rather as a legal arena – among many arenas in the local legal network- within which various discourses of law were interpreted through the participation of judicial personnel as well as – indeed, according to Peirce, more so— the local community. To her, “the court was much more than a judge and a set of laws: It was local institution that was very much the product of its users’ actions.”⁶¹ This argument on the basis of “law as process rather than normative prescription or administrative structure” and the proposition that justice is shaped by the consumers of law via “negotiating with and through the court,” is indeed not new and owes much intellectual debt to Geertzian anthropologists working on the modern sharia courts. One such scholar is Lawrence Rosen, and Peirce explicitly makes use of his studies on the workings

⁵⁹ Peirce, *Morality Tales*, 1.

⁶⁰ Ibid.

⁶¹ Ibid., 123.

of the court in the modern Moroccan town of Sefrou.⁶² I would like to take a short detour here and give an outline of Rosen's views in order to contextualize the influence of legal anthropology on Peirce's work. One of Rosen's arguments is that law and society are permeated by the same cultural assumptions. At the basis of Moroccan society Rosen sees the individual, who bargains his / her position in life with respect to the groups he /she finds around him such as family, clan, tribe, etc. To him, the same idea of bargaining and negotiation are at work in the law implemented by the court of Sefrou. Thus he contends that the basic purpose of law in Islam is neither, as in the West, to apply a "logically consistent body of legal doctrine" nor to adjudicate a hard-and-fast meaning of the term. Rather, "the aim of the qadi is to put people back in the position of being able to negotiate their own permissible relations without predetermining just what the outcome of those negotiations ought to be."⁶³

Like Rosen, Leslie Peirce also attempts to provide a "thick description" of the Aintabian court in that she relates the court with its community as well as its cultural, political and religious milieu. She also articulates ideas put forward by Rosen about the nature of justice and the purpose of the courts in Islam. Throughout the book, she attempts to demonstrate that justice was relational and

⁶² Lawrence Rosen, *The Anthropology of Justice: Law as Culture in Islamic Society* (Cambridge: Cambridge University Press, 1989); Lawrence Rosen, *The Justice of Islam : Comparative Perspectives on Islamic Law and Society* (Oxford ; New York: Oxford University Press, 2000).

⁶³ Lawrence Rosen, *The Anthropology of Justice*, 17.

contextual in the sixteenth century Anatolian city of Aintab since it “varied according to a person’s location in the social landscape – by gender, by class, by place of residence, by religious orientation”⁶⁴ She argues in line with Rosen that the purpose of the law in Islam is to provide social equity rather than equality. She says

Most of the business of the court was straightforward – the recording of the routine transactions or the settlement of disputes that had clear winners and losers. But when it was not, the court aimed at the goal of social equity rather than “winners take all” solutions. ... The principle of separate justices, by virtue of which judges ignored what appear to be logical inconsistencies in the denouement of conflicts, enabled them both to punish and to allow the wrongdoer to recoup semblance of moral honor.⁶⁵

Peirce -- like Rosen -- argues that normative prescriptions of Islamic law represent “a statement of limits of the tolerable rather than a set of inflexible rules to be imposed regardless of circumstances.”⁶⁶ Therefore, she challenges one of the most long standing arguments of modern Islamic legal historiography about the complicated relationship between theory and practice of law in general and *şeriat* and *kanun* in particular.⁶⁷ To her, it would be essentialist to characterize

⁶⁴ Peirce, *Morality Tales*, 386.

⁶⁵ Ibid., 387

⁶⁶ Ibid., 122.

⁶⁷ Colin Imber, in his study on Ebussuud, asserts that “since it [*şeriat*] did not provide all the material necessary for a working legal system, it is inevitable that it should at all times have co-existed with secular laws which drew their authority from custom or from the will of a sovereign.” In Imber’s view, the *kanun* -- representing the “secular” laws in Ottoman parlance -- and the *şeriat* were quite different in their origin and nature. For him, since the two legal discourses were more

the relationship between theory and practice of the law as a “divorce” or “discrepancy” or “gap.” Like Rosen, Peirce holds that the goal of Islamic law in general and the Aintab court in particular was the preservation of social order and maintenance of social harmony rather than strict application of the normative rules. Therefore, she sees “the relationship between grassroots habits and normative law of *sharia* and *kanun* was less a conflict than a dialectic in which each drew from the other.”⁶⁸

Morality Tales has been praised often but rarely criticized. Among the very few criticisms, that of Boğaç Ergene deserves attention.⁶⁹ Boğaç Ergene welcomes Peirce’s contribution to the field as a refreshing attempt as “it brings together not only different kinds of historical sources but also attempts to synthesize a variety of different disciplines.”⁷⁰ Nevertheless, he criticizes Peirce as “overinterpreting” her sources. To him, “Peirce’s narrative is susceptible to similar kinds of doubts that Geertz and his followers generated in the past.”⁷¹ While attempting to provide “thick description” of the sixteenth century court of Aintab through focusing on not only the institution itself but also its clientele and

— often than not mutually exclusive, most of the time the rulings of the *kanun* were in conflict with the *şariat*. Colin Imber, *Ebu’s-suûd: The Islamic Legal Tradition* (Edinburgh: Edinburgh University Press, 1997), 40.

⁶⁸ Peirce, 389.

⁶⁹ Boğaç Ergene, “Review of *Morality Tales*.”

⁷⁰ *Ibid.*, 309

⁷¹ *Ibid.*, 310.

their interrelations, Peirce provides the reader with a very coherent and neat account. So many problems and blank spots that *sicils* pose to their readers – at least to this beginner reader – are almost absent in Peirce's account. Instead of highlighting further these blank spots and silences within the *sicil* discourse, Peirce seems to eschew them in the favour of a flowing narrative. Due to this coherent narrative, scholars such as Ergene charges Peirce of overreading her sources. Nevertheless, this study, despite certain weaknesses, constitutes extremely stimulating and thought-provoking addition to modern Ottoman historiography. It demonstrates the possibilities and limitations of microhistorical research and interpretive legal anthropological approach.

Interpretive legal anthropology and microhistorical approaches have inspired historians investigating court records not only in terms of their content but also through the institutional discursive strategies embedded therein. Furthermore, through approaching the court not as an isolated institution but rather as a local community institution, scholars gain clearer insight into the workings of the law on the ground as well as the role of local inhabitants in the making of justice.⁷² Nevertheless as pointed out by one of the most prolific and engaging writers of recent scholarship on the Ottoman court records, Iris Agmon, there are still two significant gaps in the field:

⁷²Examples include Peirce, *Morality Tales*; Boğaç A. Ergene, *Local Court, Provincial Society and Justice in the Ottoman Empire*; Iris Agmon, *Family and the Courts*.

First, a map and typology of the various collections of sharia court records are needed. Historians have substantiated their research by “the sharia court record” inadvertently obscuring the fact that the records, although showing a high level of uniformity owing to their adherence to certain textual formulae and calligraphic conventions, also reflect a wide range of differences that require historization.

Second, our knowledge about the work of sharia court system and its personnel is quite sparse. Obviously court records constitute the only remaining section of a larger number of court activities. In order to understand better how the texts of past realities both inside and outside the court room, we need to investigate the court itself, the people who worked there, and the record they produced.⁷³

One of the aims of my dissertation is to contribute to filling these lacunae by taking the court records of sixteenth century Üsküdar as an object of analysis. Iris Agmon sees the solution to these lacunae in adopting “sociolegal readings” of the court records which constitutes our object of analysis in the next section to follow.

3) “Sociolegal Readings” of the Court Records

The underlying argument from a sociolegal perspective is that “Law constitutes society in so far as it is itself, an aspect of society, a framework and an expression of understandings that enable society to exist.”⁷⁴ Thus, it refuses to draw sharp lines between “legal” and “social” as well as “law” and “society.” These categories become indistinct and blurred in sociolegal analysis. More

⁷³ Iris Agmon, *Family and Court*, 42-43.

⁷⁴ Roger Cotterrell, “Why Must Legal Ideas Be Interpreted Sociologically?,” *Journal of Law and Society* 25, no. 2 (1998): 182.

importantly, sociolegal analysis entails seeing “*law as a process and social action*” rather than as a doctrine – norms, rules, principles, concepts and the modes of their interpretation and validation. Hence, the production of law and justice is portrayed as a “dynamic process shaped by various legal sources, cultural notions, and social circumstances involving all kinds of actors-rulers, state officials, judges, court scribes, and, most important, every man and woman requiring the court services.”⁷⁵ One of the main tenets of the sociolegal perspective is empirical research. To Chatterel, one of the outstanding proponents of this approach, “such a perspective needs to be *empirically grounded* – based on observation of the diversity and detail of historical experience. Speculation about the nature of or the meaning of legal ideas which does not relate its inquiries to historical experience in this way is impractical and may lack point since it ignores the specificity of the contexts in which the meanings of legal doctrine are shaped.”⁷⁶

Thus Shahar and Agmon call for more empirical studies in the field because this will provide us with a better understanding of “similarities and dissimilarities in the operation of these courts; continuity and change in the legal fields of Muslim societies; and the institutional development of *shari‘a* courts

⁷⁵Iris Agmon, "Review of Peirce, Leslie, *Morality Tales: Law and Gender in the Ottoman Court of Aintab*," *H-Turk, H-Net Reviews* September, (2007).

⁷⁶Roger Cotterrell, "Why Must Legal Ideas Be Interpreted Sociologically?," 185.

throughout history.”⁷⁷ This last aspect especially separates the sociolegal perspective from the qualitative analyses nurtured by post-modern and post-structural readings.⁷⁸ As noted, quantitative analysis has been criticized for its naive use of the *sicil* as a data bank. Partly due to such criticisms, a growing number of social historians working on the *sicils* prefer qualitative over quantitative methods. This does not mean, however, that the quantitative analysis and empirical research of court records has exhausted its potential. As Iris Agmon and Ido Shahar point out: “By conducting empirical studies of specific *shari‘a* courts, sociolegal historians strive to unravel the localized, historically contingent interrelations between law, society, economy and culture.”⁷⁹ Thus, my reading of the Üsküdar *Şeriyye sicilleri* is informed by and partly builds upon this approach. Indeed, in their recent article published in the journal *Islamic Law and Society* charting methodological shifts in approaching the sharia court in contemporary and past Muslim societies, Shahar and Agmon rightly point to the existence of such scholarship within the field. Thus, in taking the court and its

⁷⁷ Agmon and Shahar, "Shifting Perspectives in the Study of Shari'a Courts: Methodologies and Paradigms," 15.

⁷⁸ Nevertheless, as observed by Cotterell, despite the fact that “postmodernist and post-structuralist writing has been too uninterested in the projects of empirical sociolegal research, it has nevertheless performed an important service in linking together many scattered, accumulating doubts about modern approaches to social explanation emphasizing the indeterminacy, complexity, fragmentation, and fluidity of social life.” Roger Cotterrell, "Subverting Orthodoxy, Making Law Central: A View of Sociolegal Studies," *Journal of Law and Society* 29 (2002): 636-637.

⁷⁹ Agmon and Shahar, "Shifting Perspectives in the Study of Shari'a Courts: Methodologies and Paradigms," 16.

records of sixteenth-century Ottoman Üsküdar as an object of analysis, this dissertation builds, in part, upon this recent scholarship that sees the court as a social arena and a site of encounter and negotiation between the Ottoman political authority and its subjects from various social groups.⁸⁰

⁸⁰ Most notable examples in this regard are Iris Agmon's *Family and Court*; Boğaç Ergene's *Local Court, Provincial Society and Justice in the Ottoman Empire*; Leslie Peirce's *Morality Tales*.

CHAPTER III

SITUATING GYPSIES WITHIN OTTOMAN SOCIAL ORDERING: RELIGION AND RESIDENTIAL MOBILITY

Objective

Despite the concept of spiritual equality in Islam, which entails that all men are equal before God, Islamic societies have always been marked by social and economic hierarchies. That these hierarchies were rather loose, however, and social mobility between classes always possible, was likewise a feature of Islamic sedentary societies. The latter point is perhaps best demonstrated by the several ‘slave dynasties’ that emerged in the central lands of Islamdom. In what follows I shall examine how the Ottoman elite of the sixteenth century conceptualized an ideal Ottoman socio-political order and constructed certain categories for a well-ordered, hierarchically structured society, and also how these categories were negotiated, bargained and resisted in actual life. I will demonstrate that tax status, level of wealth, occupation, religious affiliation, a mobile or sedentary lifestyle, and gender were the main categorizations that marked differences in social status, access to the political and economic loci of power, and opportunities to gain material and social capital in Ottoman society. Out of a vast number of possible examples, I shall focus here on what are probably the most notable four social structuring models outlining social distinctions, hierarchies and qualities of different social classes: 1) social structuring based on the tax-status and

professions of the Sultans' subjects (*askeri-reaya* and *erkan-ı erba'a*); 2) social structuring based on the possession of (or lack of) a government post, knowledge, wealth and morality (*hass* and *amm*); 3) social structuring based on religion; and 4) social structuring based on residential lifestyle (settled and nomadic).

It should be emphasized that these models of social structuring, hierarchies and qualities ascribed to different classes and categories were constructed by the learned male elite of the sixteenth and seventeenth centuries who belonged to various cadres of the ruling class (or *askeri* class). Hence, they primarily reflect the world view, priorities and prejudices of this narrow segment of Ottoman society.¹ More often than not, the authors of this time construe fluidity within classes, categories and hierarchies as a sign of corruption and the decline of the Sultan's "absolute" authority. Nevertheless, the social order of the sixteenth century Ottoman Empire was not so firmly set in stone as contemporary historians such as Kinalizade may have wished or even as stable as established Ottomanists of the 1970s sometimes pretended. While this envisioning of society - with the all-powerful Sultan at the top and obedient subjects at the bottom with different qualities and moral standing - might have served to legitimize hierarchies and inequalities within the society, but it certainly falls short of

¹ For critique of the late sixteenth century and early seventeenth century of the *nasihatname* literature produced by these authors see Rifa'at Ali Abou-El-Haj, *Formation of the modern state: The Ottoman Empire, sixteenth to eighteenth centuries* (Syracuse University Press, 2005).

describing social realities. Accordingly, in this chapter, while presenting these widely used social structuring models as constructed by the contemporary Ottoman intelligentsia (and as a matter of fact, by some modern Ottomanists as well), I shall also expose how these hierarchies and categories were negotiated and acted upon in actual practice. This chapter should be read as a contextual introduction designed to situate Gypsies within a hierarchically structured yet plural and mobile Ottoman social landscape. Throughout the chapter an attempt will be made, therefore; to explore questions such as the following: How were various groups defined and categorized? Where these categorizations stable and inclusive? What makes an individual or community “socially marginal” or “undesirable” in Ottoman society? Was the category “socially marginal” identified as such through their actions and deeds or (supposedly) through innate characteristics, or both? In this attempt, my work builds upon some of the valuable and critical scholarship produced in recent years on various social categories and communities that made up the Ottoman society. Anybody reading this chapter will (hopefully!) see the influences of studies produced by Leslie Pierce on gender and morality,² Reşat Kasaba on mobile groups³; Stefan Winter

² Leslie Peirce, *Morality tales: Law and gender in the Ottoman court of Aintab* (Berkeley: University of California Press, 2003)

³ Reşat Kasaba, *A Moveable Empire: Ottoman Nomads, Migrants, and Refugees* (Seattle: University of Washington Press, 2009)

on Ottoman Shi'ism,⁴ Daniel Goffman, Bruce Masters and Molly Green on Ottoman non-Muslim communities⁵ and finally Louis Marlow's very fine study on egalitarianism and hierarchy in Islamic thought,⁶ just to name a few. I will complement, substantiate and at times problematize their findings through bringing examples from the sixteenth century court records of Üsküdar, the *mühimme* registers and fatwa collections.

1) Theoretical Constructs on Horizontal Social Ordering

a) *Tabakats*

As Marinoss Sariyannis very aptly suggests, a chief element of Ottoman political discourse is the concept of *hadd*, that is, the limit of each person as expressed by his social status, which he ideally and theoretically cannot (or ought not to) transgress.⁷ From years of research we know that this conception is not

⁴ Stefan Winter, *The Shiites of Lebanon Under Ottoman Rule, 1516-1788* (Cambridge, UK: Cambridge University Press, 2010).

⁵ Bruce Alan Masters, *Christians and Jews in the Ottoman Arab World: The Roots of Sectarianism* (New York: Cambridge University Press, 2001); Molly Green, *A shared world: Christians and Muslims in the early modern Mediterranean* (Princeton University Press, 2000); Daniel Goffman, "Ottoman millets in the early seventeenth century," *New Perspectives on Turkey* 11, no. 10-11 (1994): 135-158.

⁶ Louise Marlow, *Hierarchy and egalitarianism in Islamic thought* (Cambridge University Press, 2002)

⁷Marinos Sariyanis, "Mob, Scamps and Rebels in Seventeenth Century Istanbul: Some Remarks on Ottoman Social Vocabulary," *International Journal of Turkish Studies* 11 (2005): 1-15.

applied universally in the Ottoman reality and was often violated;⁸ yet, its significance cannot be ignored as a crucial factor in how the ruling elites conceptualized social structure and social differentiation. Transgression of *hadd* was often seen as a signal of the *ihtilal-i zaman*, the "turmoil of the era", a common theme in Ottoman political writing of the late sixteenth and early seventeenth century. As early as in the middle of 16th century, Lütî Pasha warned against *reaya* surpassing the *sipahi* class,⁹ a warning often repeated in the late 16th-century *nasihat-name* literature as a sign of Ottoman "decline."¹⁰ The notion of *hadd* brings us to how the Ottoman elite conceived of a legitimate, desirable socio-political order.

⁸ For the various ways a *zimmi* could pass to the *askeri* class see Metin Kunt, "Transformation of *zimmi* into *askeri*", in *Christians and Jews in the Ottoman Empire. The Functioning of a Plural Society*, eds., B. Braude and B. Lewis (New York-London : The Central Lands, 1982), vol., I, 55-67

⁹ Rudolf Tschudi (ed.), *Das Asafnâme des Lutfî Pascha nach den Handschriften zu Wien, Dresden und Konstantinopel* (Berlin, 1910): 2 as quoted in Sariyannis, "Mob, Scamps and Rebels in Seventeenth Century Istanbul."

¹⁰ For the ideology of "decline", a notion prevalent in the works of Mustafâ 'Âlî, Koçu Beğ and other representatives of the *nasihatname* literature, and why it must not be taken at face value, see Rifa'at Ali Abou-El-Haj, *Formation of the Modern State*; "Decline Paradigm" have been deconstructed by many Ottomanists working in different areas of Ottoman history. See, for example, Ariel Salzmann, "An *Ancien Régime* Revisited: Privatization and Political Economy in the Eighteenth-Century Ottoman Empire," *Politics and Society* 21, no. 4 (1993): 393-423; Linda Darling, "Ottoman Fiscal Administration: Decline or Adaptation?" *Journal of European Economic History* 26.1 (1997): 157-179; Cemal Kafadar, "The question of Ottoman Decline," *Harvard Middle Eastern and Islamic Review* 4.1(1998): 30-75; Dana Sajdi, "Decline, Its Discontents and Ottoman Cultural History: By way of Introduction," in *Ottoman tulips, Ottoman coffee: leisure and lifestyle in the eighteenth century*, ed. Dana Sajdi (IB Tauris & Company, 2007), 1-40.

One of the main societal divisions that were articulated in the Ottoman socio-political discourse was fundamental distinction between *askeri* (the military-administrative class) and *reaya* (the tax-paying subjects). The *askeri* class included both ‘men of the pen’ (administrators) and ‘men of the sword’ (soldiers). In other words, this class was composed of state employees. In return for their service to the government, they were exempt from taxes. The second group, the subject class, was called the *reaya* (the protected flocks). They were the taxpayers although the amount of taxes they paid varied according to their religion, their place of residence and their occupation. The *reaya* were divided into Muslims and non-Muslims and were further categorized as peasants, town and city dwellers, and nomads. Each of these groups maintained a different status, as well as a set of rights and obligations. This distinction was important and discussed in most of the advice literature produced by the learned male elite. From around 1600 onwards the Ottoman “decline” literature argued persistently that the “decline” of the state (that is of ‘the destined rule of the House of Osman’) was due, among other things, to the confusion between these two classes, in particular due to the leakage of *re’aya* upwards into the *askeri* through ownership of military landholdings (*timar*) and their inclusion into the Janissary corps.

There were two other ways in which social groups and communities (*ta’ifa* or *cemaat*) were formulated in the Ottoman socio-political discourse. A fourfold social classification (*erkan-ı erba’a*) became commonplace in the

discourses of the most pre-modern interpreters of Ottoman “decline” in the late sixteenth century and throughout the seventeenth century. According to this conceptualization, Ottoman society was hierarchically structured into four mutually exclusive classes (*erkan-ı erba’a*): the military (*askeri*), the learned (*ilmiye*), the peasants, and the merchants and craftsman. This conceptualization was first introduced into Islamic intellectual discourse by the twelve century scholar and statesman Nasreddin Tusi and later appropriated with various degrees in different contexts of the Muslim rule.¹¹ In the sixteenth century Ottoman context, one of the best examples of this appropriation is seen in *Usulü’l-hikem fi nizami’l-alem* written by sixteenth century scholar, Hasan Kâfî el-Akhisârî (1544-1616). El-Akhisârî informs us that

With God’s inspiration and guidance, earlier scholars and even those who are earlier than the earlier scholars categorized mankind (*adem oğulları*) into four divisions (*bölük*). Among these four classes (*sınıf*), one of them is reserved for [the users of] sword (*kılıç*); another is for the users of pen (*kalem*); yet another for tillers and reapers (*eken ve biçen*) and the last one for those practicing crafts and commerce (*san’at ve ticaret*). Ruling over and controlling all these classes is reserved for the Sultan. In first class are rulers, sultans, their representatives and other soldiers. Their duty is to keep discipline in all classes; to protect all with righteousness and good rule, as scholars and sages tell them; to fight and ward off enemies and to carry out all affairs that belong to duty of commanders. In the second class are scholars, sages and other good and pious people. Their duty is to keep God’s commandments and prohibitions by means of writing and teaching; to expound *şerî’at* institutions to all classes; to give opinions, advices and instructions; to teach the faith and religious rituals; to urge people to piety and tolerance; to pray for common good, and

¹¹ Louise Marlow, *Hierarchy and egalitarianism in Islamic thought*, 12.

especially for the ruler to be on the right path. In the third class are agriculturalists and gardeners, who are nowadays known as *re'âyâ* and *beraya*. Their duty is to work and to care for victuals by cultivating the fields, planting the gardens, and growing the cattle to meet the needs of all classes. After studying and fighting for faith (*cihâd*), this is the best occupation. In the fourth class are traders and craftsmen.¹²

According to El-Akhisârî (d.1616), those who are healthy – mentally and physically – and yet not in one of the classes should be forced to acquire the skills of one of those classes so that they should not become a burden for other classes. He even argues that according to some (Muslim) philosophers those people who are roaming here and there without fixed abode and occupation should be executed for the wellbeing of the other classes.¹³ Nevertheless, as we shall see in the discussion below, people without any occupation or fixed abode were never collectively punished nor put to death in the long history of the Ottoman Empire.

b) The *Hass* and *Amm* or the “High” and the “Low”

The next most often articulated social distinction is in Islamic social thought was that of *hass* and *amm*—the elite and the common, the privileged and

¹² Mehmet İpşirli, "Hasan Kafi el-Akhisari ve Devlet Düzenine Ait Eseri *Usulü'l- Hikem fi Nizamü'l-Alem*," *İstanbul Üniversitesi Edebiyat Fakültesi Tarih Dergisi*, no. 10-11 (1979-80): 251

¹³ Ibid. This hierarchical structuring is most elaborately expounded by Katib Çelebi in the seventeenth century. He compared the four groups to the four bodily fluids (blood, mucus, yellow gall, black gall). The point made by Katip Çelebi and others was that the four groups must be kept in their correct balance or proportion with each other, if society was to remain stable and healthy. More on this see Antony Black, *The History of Islamic Political Thought: From the Prophet to the Present* (Edinburgh University Press, 2011), 255 -266.

the masses, the “high” and the “low.” The ruling elite were called *hass* as opposed to *amm*, common mass of people. The *hass* constituted the Sultan and his entourage and the highest ranking military and government officials. The *amm* did neither office nor knowledge nor material wealth. They were the taxpayers, trading, working and producing inhabitants of urban and rural landscapes. This distinction between of *amm* and *hass*, constructed largely by the learned male elite, attributed moral superiority to the privileged. The masses were considered to be ignorant and morally inferior, hence incapable of attaining exemplary life styles. But as Leslie Pierce and Işık Tamdoğan demonstrated in their respective studies based on the court records that the ordinary people refused to settle for the notion that they belonged to a lesser moral community.¹⁴ “Reputation was a critical social and legal asset for all, and people argued vociferously for their honor and rectitude.”¹⁵ Sixteenth century Üsküdar was no different in this regard. I shall discuss this in the second part of this chapter.

Tabakats and Its Discontents

In the Ottoman elite discourse of the late sixteenth and early seventeenth centuries, this structural ordering was to be kept fixed and fluidity within the order was regarded as a sign of corruption and decline of the Sultan’s absolute

¹⁴ Leslie Peirce, *Morality Tales* and Işık Tamdoğan, “La réputation comme richesse dans la ville ottomane d’Adana au XVIIIe siècle dans *Pauvreté et richesse dans le monde musulman méditerranéen*,” Jean-Paul Pascual éd., (Maisonneuve & Larose, 2003), 39-49.

¹⁵ Leslie Peirce, *Morality Tales*, 177.

authority. Nevertheless, the social order of the sixteenth century Ottoman Empire was not so firmly set in stone as contemporary historians such as Kinalizade may have wished, nor as stable as the established Ottomanists of the 1970s sometimes have argued. This envisioning of society with the all-powerful Sultan on top and obedient subjects at the bottom was the work of the Ottoman male elites and reflects their concept of ideal society. It should be mentioned, however, that most of these works constructed by the learned man were philosophical exercise which set an ideal to aspire and work towards rather than blue prints for social engineering. While it might have served to legitimize hierarchies and inequalities within the society; it fell short of describing social realities. In reality, while the Sultan was certainly on top, the limits of his power were always negotiated, tested and contested. Thus, while the society may have been to some extent organized by the state, there were many informal ways in which society organized itself and resisted state control and organization. Furthermore, this structural vision of society did not highlight hierarchical and gender repositioning that took place not only during the ritual moment of the “world turned upside down,” but the relationship between the center and peripheries could change also in social and geographical landscapes and over longer periods than the time spent in a procession.¹⁶ For instance, al-Budayri complains about the fact that prostitutes

¹⁶ See Richard Trencher's amazing work on this, *Public Life in Renaissance Florence* (Cornell University Press, 1980). In it, he has shown the dramatic repositioning in the times of crisis of “liminal” groups from the margins to the center.

took the center stage with the governors and respected administrators in a festival in the eighteenth century Damascus. The status of the nomads during the different periods of the Ottoman Empire also demonstrates that the notion of who was in the center and who was out could change over time. Furthermore, it does not tell us about lived experiences of disprivileged groups such as non-Muslims, women, and slaves, “mobile communities” or “communities in motion in many ways,” such as Gypsies, *Yörüks*, Kurds or heterodox Muslims such as Shiites. Finally, it tells us nothing about the social mobility both vertically and horizontally. So what follows is a discussion on how religion and residential lifestyles (settled, semi-nomadic and nomadic) affected one’s position in the society. I am aware of the fact that gender and being free and slave were also significant categories which marked differences in social status, accesses to political and economic locus of power, opportunities to material and social capital in Ottoman society. And there has been many excellent studies produced on these categories in modern Ottoman historiography. Nevertheless, in what follows, I will limit myself to discussing the role of religion and mobility in situating an individual or community within the Ottoman social/ political world. This is because these categories have more immediate relevance to this present project. Before moving into the role of religion and residential lifestyle in defining communities’ as well as individuals’ status in Ottoman society, I shall discuss the Sultan’s authority and its limits.

The Limits of Sultan's Authority

The Sultan in this stratification was positioned at the top with absolute authority to manage and control these four classes of his subjects through just rule. It was argued that the power of the Sultan, who was the ruling member of the Ottoman family, was unlimited provided he was free from any mental or physical disabilities, which, according to the sharia, would disqualify him from ruling. He was the owner of every inch of Ottoman territory and absolute master of every living being in his domain. Tursun Bey in the fifteenth century discussed necessity of absolute obedience to the Sultan with the following:

Government based on reason alone is called sultanic *yasak*; government based on principles which ensure felicity in this world and the next is called divine policy, or *şeriat*. The prophet preached *şeriat*. But only the authority of a sovereign can institute these policies. Without a sovereign, men cannot live in harmony and may perish altogether. God has granted this authority to one person only, and that person, for the perpetuation of good order, requires absolute obedience.¹⁷

One of the most important duties of the Ottoman sovereign was to provide justice and security for his subjects because without justice, states Tursun Beg, there could be no state. As Boğaç Ergene demonstrates through close reading of some important examples of post-classical Ottoman political writings, justice was recognized as one of the most important characteristics of a legitimate rule and the disappearance of justice was regarded as one of the main reasons for

¹⁷ As quoted in Halil İnalcık, *The Ottoman Empire: The Classical Age 1300—1600* (New York: Praeger, 1973), 68.

the ongoing social, political and military “decline” of this era. Accordingly, the recurrence of just rulership and the re-introduction of the principle of just government to the Ottoman administrative structure were deemed as the essential elements to restore the strength of the empire.¹⁸

The responsibility of the ruler to provide justice, to symbolize imperial benevolence, was something the Ottoman rulers shared with all pre-modern Islamic states. In Ottoman tradition of state and government, this ideology was defined through the Circle of Justice (*daire-i adliye*), which stated that “the ruler could not exist without the military, nor the military without the sword, nor the sword without money, nor money without the peasants, nor the peasants without justice.”¹⁹ In this philosophy of government, consolidating and enforcing the power and authority of the sultan necessitated attaining rich sources of income. This, in turn, depended on the conditions that made the industrious classes flourish. The omnipotence of Sultan’s authority, then, was depended on material and moral support he got from his subjects. The notion of justice (*adalet*) had particular importance in this cyclical ideology of government because only through providing justice to his subjects could the Sultan be prosperous, hence, omnipotent and powerful. “Justice” in this ideology was expressed by the Sultan as the protection of the weak and the destitute (*zuafa and fukara*) against

¹⁸ Boğaç Ergene, "On Ottoman Justice: Interpretations in Conflict (1600-1800)," *Islamic Law and Society* 8.1 (2001): 52-87.

¹⁹ Molly Greene, "The Ottoman Experience," *Daedalus* 134, no. 2 (2005): 95

excessive taxation, oppressive acts and various kinds of abuses of the military elite (*ehl-i örf*) or those who exercised power in the name of the sultan.²⁰

As one historian puts it very eloquently, “Throughout all the permutations of the imperial image, the provision of justice to the peasantry in particular, remained absolutely central to sultanic legitimacy.”²¹ Not only the Sultan himself but also his subjects from all walks of life, men as well as women, Muslim as well as non-Muslim; settled as well as nomadic, took responsibility of the ruler to provide justice seriously. A fact attesting to this — as observed by many Ottomanists up until now — is existence of thousands of petitions found in various registers of the Ottoman archives by various subjects of the sultan who demand justice in different matters.²² All these petitions were not only recorded in the imperial registers but also responded to with utmost diligence. Furthermore, as observed by Molly Greene, “The council hall in the palace where petitions were read was built with open walls to symbolize the free access of the empire’s

²⁰ Fatma Acun And Ramazan Acun., "Demand for Justice and Response of the Sultan: Decision Making in the Ottoman Empire in the Early 16th C." *Etudes balkaniques* 2 (2007): 125-148.

²¹ Molly Greene, “The Ottoman Experience,” 95

²² On this, see for instance, Suraiya Faruqi, "Political Activity among Ottoman Taxpayers and the Problem of Sultanic Legitimation (1570-1650)," *Journal of the Economic and Social History of the Orient/Journal de l'histoire économique et sociale de l'Orient* (1992): 1-39; Michael Ursinus, *Grievance Administration (Sikayet) in an Ottoman Province: The Kaymakam of Rumelia's' Record Book of Complaints' of 1781-1783* (London: Routledge, 2005); James E. Baldwin, "Petitioning the Sultan in Ottoman Egypt," *Bulletin of the School of Oriental and African Studies* 1, no. 1 (2012): 1-26.

subjects, Muslim and non-Muslim, to imperial justice.”²³ Therefore, rulers’ responsibility to provide justice to his tax-paying subjects was not an empty rhetorical device of Ottoman governance to legitimize the imperial enterprise. Üsküdar court registers also include quite a number of cases in which the sultan’s subjects – Muslim, non-Muslim, men and women; mobile and sedentary – brought their cases to the Imperial Assembly and asked for justice.²⁴ For instance, according to the imperial order addressed to the judge of Istanbul in 1540, we learn that the Jewish community of Istanbul (*mahruse-i İstanbul'da olan Yahudi taifesi*) sent their representative to the Sultan’s court and requested that they were harassed by some Muslims because they were gathered in one room and read Torah and prayed (*bir odada cem olup namaz kılup Tevrat okudukları için*) according to their religious belief (*adet-i ayinlerince*). In a response this petition, the Sultan orders the honorable judge of Istanbul that he has to inquire this case very closely and if they do not have an exalted niche indicating their religious belief and a copy of permission to practice their religion in the said room (*mezkur odada suret-i mihrabları olmayup suret ref etmeyüp*) then they should not be

²³ Molly Greene, "The Ottoman Experience," 95.

²⁴ USS 15 / 129b / 1 is written as a response to the petition submitted by the Jews community of Istanbul; USS 15/ 153 b/ 2 was written as a response to petition submitted by an Üsküdar resident Sadi asking for justice related to abduction of his wife and some of his belongings; USS 15/173b/3 was written as response to the petition submitted by a women named Ümmü Gülsüm to get her share from his father inheritance.

allowed to gather in that room to read Torah and pray. At the end, as it is not uncommon in this genre of documents, the Sultan is also very diligent to remind that this imperial edict should be shown to them and (a copy of?) it should be preserved by them. Furthermore, in this edict, we see a fatwa attached at the end of the document. Who issued this fatwa is not clear from the document. Yet it might be plausible to suggest that it might have been given an esteemed mufti of the period. In the fatwa,

Question reads: “If Zeyd (generic formula to denote male subject of the law in fatwas) who is Jewish and who do not have (neither icons nor distinctive religious architecture) (*mihrab ve suret*) in his home and he practice his religion according to his own creed and he reads Torah (*kendü ayinince ibadet idiüp Tevrat okusa*), Is anybody, according to the *şeriat*, are allowed to prevent him doing this?” Answer (of the mufti) reads: “God knows the best! Nobody is able to prevent this.”²⁵

The significance of this imperial edict can be read in many ways but here I would like to highlight three points pertinent to my discussion. First of all, the subjects of Sultan have access to the Sultan – in this case even non-Muslims – have an access to him to demand justice against any oppression.²⁶ Secondly, the sultan protected and guaranteed religious practice of his non-Muslim subjects as long as it was private. What’s more, once it was public, their place of worship has

²⁵ This imperial edict with a fatwa attached to it can be seen in USS 15 / 129b/ 1

²⁶ At the current level of the research we do not know whom among the sultan’s subjects have more access to this. This is an area needs to be explored further in the field. Fatma Acun and Ramazan Acun’s work can be considered as a starting on this territory. Fatma Acun And Ramazan Acun “Demand For Justice And Response Of The Sultan: Decision Making in the Ottoman Empire in the Early 16th Century.”

to be recognized as such by the Muslim ruling authority. There is nothing unusual in this ruling as it is within the limits of the sharia and the Sultan complied with the sharia rulings. Thirdly, even though in many Western narratives the Sultan was described as an “oriental despot” and in contemporary Ottoman political discourse of the late sixteenth century and early seventeenth century, he was endowed with “absolute” authority, he still deemed it appropriate to obtain a fatwa to support his ruling. If he had been an “absolute” master, he would not have needed to use this fatwa to bolster his authority. Recent studies, indeed, have challenged the argument that the Ottoman Sultan had “absolute” authority. Rather they demonstrate that the Sultan negotiated his authority constantly with various power holders that made up the “state”, such as high ranking *ulemas*, janissaries, vizier households and even with other members of his own household.²⁷ The power relationships among these groups, which in my view, constituted the ever shifting center were not stable and set in stone. That is to say that the center itself was very much contested, fragmented and in constant flux.

²⁷ On this see Baki Tezcan, *The Second Ottoman Empire: Political and Social Transformation in the Early Modern World* (Cambridge University Press, 2010); Oktay Özel, “Limits of the Almighty: Mehmed II's' Land Reform'Revisited,” *Journal of the Economic and Social History of the Orient/Journal de l'histoire economique et sociale de l'Orient* (1999): 226-246.

2) Categories on Vertical Division of the Society: Religion and Residential Mobility

In most modern studies of Ottoman history, Ottoman society is first divided into two dichotomous sociopolitical groups: *askeri* and *reaya*. As I mentioned earlier in the discussion, the former were the military-administrative cadre responsible for administering empire and, in return, was exempted from all taxation by the state. The *reaya*, on the other hand, included the rest of the population and usually were sub-divided in accordance with their importance as merchants, artisans and peasants. They pursued trading and production activities and paid taxes. After this dichotomous schematic categorization, a body of well-established modern scholarship further categorized the society vertically as settled and nomadic rural and urban dwellers and Muslims and non-Muslims. The boundaries between these social categories are often presented as firmly established and immobile.

a) Religion as a Category of Social Division

The role of religion in demarcating social and legal boundaries in the Ottoman Empire and the ways in which the Ottoman rulers dealt with different religious groups in their realm has been a contested area of inquiry in Ottoman historiography. While some scholars argue that religion took priority over all other status markers, defining legal and social status in Ottoman society, others hold that the role of religion in identifying status was not stable but rather shifting and many restrictions enforced upon non-Muslims in theory were not uniformly

followed in practice. There were always local and regional differences and that dividing line between Muslim and non-Muslim was not rigid rather permeable.

Up until recently, most scholars have devoted their energy to understand the institutionalized aspect of the religious divide, conceived as the “millet system” in historiographical literature. According to conventional school of thought, the millet system came about steadily as an answer to the problems of administering various religious and ethnic groups in the growing empire. The concept of “religious community” was especially promoted as the basic unit of administrative organization when large non-Turkic and non-Muslim groups were drawn into the growing empire. By the second half of the fifteenth century, the Sultan’s subjects were grouped into religiously based communities called millets. Thus, after the conquest of Constantinople, the Orthodox Christians, Jews, and Armenians were granted millet status, that is to say, they were allowed to function as autonomous but dependent communities with their own religious, educational, and legal institutions under the jurisdiction of recognized religious authorities based in Istanbul. In return, however, the leaders of these communities, or *millet başıs*, were responsible to the sultan for the actions and allegiance of their community members and the payment of taxes and other obligations to the state.

This model, very much prevalent in the discourse of Ottoman historiography up until the 1980s if not further, has come under severe criticism from the revisionist historians. The argument rests on the central question: that is whether an institutionalized policy towards the non-Muslim communities existed

before the 19th century throughout the empire. In other words, the very usage of the word “system” is put in question. That is to say that varied and unrelated policies practiced in certain parts may not constitute a “system” in themselves. The main representative of this school of thought is Benjamin Braude. In his well-known article “Foundation Myths of the Millet System,” Braude examines the founding myths of the Orthodox, Armenian and Jewish communities in the Ottoman Empire and questions their historical authenticity through a philological investigation of the term “millet.”²⁸ He contends that before the 19th century, this term was not exclusively used to denote a community of non-Muslims and thus, “The lack of a general administrative term strongly suggests that there was no over-all administrative system, structure, or set of institutions for dealing with non-Muslims.”²⁹ To him, the conventional account that came down to us was fabricated in the later centuries by the Istanbul-based non-Muslim religious authorities to defend their interests and to improve their scope of power. As such, to Braude, it is very anachronistic to talk about a “millet system” in the fifteenth and sixteenth centuries when there was no empire-wide and consistent policy towards the non-Muslims. However, Michael Ursinus severely criticizes this

²⁸ Benjamin Braude, “Foundation Myths of the Millet System” in *Christians and Jews in the Ottoman Empire: The Functioning of a Plural Society*, eds., Benjamin Braude and Bernard Lewis, Vol. I, (New York and London: The Central Lands, 1982), 69-88.

²⁹ *Ibid.*, 74

revisionist thesis.³⁰ Through looking at the archival materials provided by Ahmet Refik, he manages to trace the usage of the term ‘millet’ to denote not only the Muslim community but also ‘people of the book.’ As for the institutionalized aspect of the policy, he argues that at the local level there seem to have been variations in how individual religious communities lived. However, from the perspective of the central government these religious communities “were seen as parts of religious and juridical communities which ...ideally had an empire-wide dimension.”³¹

A very recent and erudite contribution to the organization of millets in the Ottoman Empire has been provided by Daniel Goffman.³² In a masterfully written article, Goffman offers what I call a “third way” analysis to the administration of non-Muslim communities. He views the conventional narrative of “millet system” that dominates the discourse of most Ottomanists up until now as monolithic, rigid and unchanging. In this conventional construct, argues Goffman, Ottoman Armenian, Greek Orthodox, Catholic, Coptic, Maronite, and Jewish communities have been portrayed as mutually exclusive with little or no contact with each other. Another problem with this conventional narrative, according to Goffman, is that it places almost no emphasis either on the evolution of the communities

³⁰ Micheal Ursinus’s whole article “Millet,” *Encyclopedia of Islam*, EI (2), is devoted to critique of Braude’s argument

³¹ Ibid.

³² Daniel Goffman, “Ottoman Millets in the Early Seventeenth Century.”

themselves or on the shifting attitudes of the state towards its diverse population. Thus, the stringent criticism raised by Braude of the conventional construction of the millet system and the rebuttal of some of Braude's arguments by Ursinus are found to be extremely helpful by Goffman as they caution us that there was no such a thing as "a sweeping, pristine and natural Ottoman millet system"³³ Nevertheless, for Goffman, as valid as these warnings are, they "tell us little about the evolutionary nature of Ottoman relations with non-Muslims in the fourteenth through eighteenth centuries."³⁴ Herein lies Goffman's significant contribution to the field. Through reading across the sources and taking Dubrovnik and Izmir as his case studies, Goffman very convincingly shows that Istanbul's notion of millet as well as its relationship with its various religious groups was shifting in different contexts throughout the seventeenth century. In fact, to him, "this rather amorphous sense of millet reflects a seventeenth-century Ottoman government that was marvelously versatile in its governance of its diverse population."³⁵ The reflection of this policy, to Goffman, could be best seen in the commercial sphere, in which the boundaries between Muslim and non-Muslim are rather porous and permeable.

Thanks to the revisionist works of recent years, we now know that there was no overarching, uniform and empire-wide institution(s) dealing with the non-

³³ Ibid,138

³⁴ Ibid.

³⁵ Ibid,147

Muslims. Daniele Goffman's work on Izmir, Molly Greene's work on Crete, Bruce Masters's work on Aleppo have all demonstrated very convincingly that there were local and regional variations in dealing with religious minorities and that boundaries that divide Muslims and non-Muslims were not rigid but rather flexible.³⁶

My readings of Üsküdar court records also substantiate this view. Not only non-Muslims were active in the commercial dealings within the community, but also they – in the case of Üsküdar specifically Orthodox Christians — could and did, accumulate valuable properties and played an active role in the community. Muslims and non-Muslims together came to court expecting the qadi to resolve their conflicts, especially in matters of trade, sales, and payment. They participated in business ventures with Muslims. In most circumstances, Muslims and non-Muslims interacted and intermingled relatively freely in the neighborhood, in the marketplace, and at court. In the sixteenth century Üsküdar Orthodox Christians and Muslims and lesser extent Jews and Armenians (the latter appears to be visible increasingly especially after 1580s in the court records) not only bought and sold from one another, but they also formed business associations and resolved them. However, even further than that, Muslims testified for non-Muslims and non-Muslims for Muslims. Furthermore, they served as the guarantors for each other's conducts and financial transactions. The

³⁶ See ff. 5 in this chapter.

court registers are also full of many instances in which non-Muslim males were added to the list of witnesses at the court. Non-Muslims both men and women brought their cases to the sharia court of Üsküdar, even to settle disputes with their coreligionists and issues related to family law, thus expressing confidence that they would mete out justice.³⁷

After all this exposition about the role of religious identity in defining one's status in the society and historiography of the "millet System," the question arises what is the relationship of all this discussion with Gypsies. I will take up this discussion later in the dissertation in a detailed manner. Yet what I would like to point out here is that despite many efforts to deconstruct and much valuable scholarship, the "millet system" still haunts Ottoman studies in many ways. The ways in which Gypsies are situated in Ottoman social ordering is indeed case in point.

b) Residential Mobility and Status

As Yvonne Seng perceptibly argues "mobility" was the main cornerstone of the Ottoman social/political life seen not only in the upper but also lower

³⁷ The similar view emerges, for instance, Ronald C. Jennings, "Zimmis (Non-Muslims) in Early 17th Century Ottoman Judicial Records: The Sharia Court of Anatolian Kayseri," *Journal of the Economic and Social History of the Orient/Journal de l'histoire economique et sociale de l'Orient* (1978): 225-293; idem, *Christians and Muslims in Ottoman Cyprus and the Mediterranean world, 1571-1640* (New York: New York University Press, 1993); Rossitsa Gradeva, "Orthodox Christians in the Kadi Courts: The Practice of the Sofia Sheriat Court, Seventeenth Century," *Islamic Law and Society* 4.1 (1997): 37-69.

classes. While discussing social mobility within the social order, she discusses the status of manumitted slaves and converts. Equally important is the physical movement of individuals and communities. Üsküdar, being a transient town as we discussed in Chapter 2, offers numerous examples to examine individuals and communities on the move for various reasons. Gypsies constitute the most noticeable mobile community of Üsküdar until the 1580s. In chapter five, I will analyze Gypsies in Üsküdar's social and physical landscape. Here I would like approach this physical mobility at a macro level and explore how residential mobility was represented in Ottoman parlance and the multifaceted relationship between mobile communities and the Ottoman state.

Over the last century or so, much scholarship has been and continues to be produced on various nomadic segments within Ottoman society. Origins of various nomadic groups, their internal structure, legal status, economic activities, their number within general population have all been explored by some of the pioneers in modern historiography such as Ömer Lütfi Barkan, Cengiz Orhonlu, Halil İnalcık, Enver Şerifgil, Faruk Sümer and more recently Reşat Kasaba, just to name a few.³⁸ Therefore, this historiography is so wide that I do not think I will

³⁸Ömer Lütfi Barkan , "Osmanlı İmparatorluğunda bir iskan ve kolonizasyon metodu olarak sürgünler," in three parts: *İstanbul Üniversitesi İktisat Fakültesi Mecmuası*: 11 (1949-50): 254-69; 13 (1952): 56-79; 14 (1953-4): 209-36; Cengiz Orhonlu, *Osmanlı İmparatorluğunda Aşiretlerin İskanı* (İstanbul: Eren, 1987); Halil İnalcık, "The Yürüks: Their Origins, Expansion and Economic Role," in *The Middle East and the Balkans under the Ottoman Empire* (Bloomington: Indiana University Press, 1993); Idem, "The Yürüks," in *Oriental Carpet and Textile Studies* (London, 1986); Rudi Paul Lindner, *Nomads and Ottomans in Medieval Anatolia* (Bloomington: Indiana University Press, 1983); Faruk Sümer, *Oğuzlar (Türkmenler): tarihleri, boy teşkilâtı,*

do justice in this work to all the discussions carried out within this very much explored yet still very much contested field. Yet I would like to underline two points that are relevant to my subsequent discussion on Gypsies. Firstly, I would like to look at vocabularies used in Ottoman lexicon to describe “nomads” (*konar-göçer*, *göçer-konar*) and various groups placed under this overarching category. Some of the terms placed under this overarching category of the *konar-göçer* — especially “Türk”, “Kürd,” “Çingene,” “Yörük” — poses challenges to students of history. Exploring the usage of these terms in the Ottoman archival prose, Ottomanists seem to generate two contested arguments. According to the first argument, these categories were “ethnic” categories. Implication of this is since they were ethnically categorized, they were outside of the millet system – in spite of its deconstruction in various scholars works, still haunts Ottoman studies as one of the long-lived paradigm — and hence excluded, discriminated even in administrative terms. Second argument on the other hand posits that these categories such as *Türkmen*, *Etrak*, *Yörük*, *Kürd* and *Etrak* were used to mean nomad and nomadic life style have no ethnic connotation in the Ottoman archival sources.

In a recent article on the vocabulary used in Ottoman / Turkish parlance on mobility and migration, Stephane De Tapia observes that the Ottoman-Turkish

[—] *destanları* (Istanbul: Türk Dünyası Araştırmaları Vakfı, 1992); İlhan Şahin, *Osmanlı Döneminde Konar-Göçerler / Nomads in the Ottoman Empire* (Istanbul: Eren Yayıncılık, 2006).

and Turkic lexicon to denote mobility, migration, nomadism is extremely rich, a fact that poses translation challenges in Western languages.³⁹ Nevertheless, she finds that the concept of “nomad” itself –*konar*, *göçer*, *göçer-konar*, *göçer evliler* which has appeared in Ottoman archival prose since the sixteenth century onwards, is less difficult to translate. Yet as Stephane de Tapia herself recognizes, within this overarching category of *konar-göçer* or *göçer-konar* or *göçer evliler*, we see various groups such as *Yörük*, *Türkmen*, *Kürd*, *Yaylacı*, *Tahtacı*, *Çingene*, *Cingit* and *Gurbet*, just to name a few. Though all have a migratory lifestyle, these groups were (as matter of fact still are in contemporary Turkey) different from each other in terms of their motivations to migrate, economic mode of production, religious practices and internal organizations. Therefore, lumping all these various mobile communities under the category of “nomad” poses challenges not only in exploring the history of these communities but also in regards to Ottoman state’s policy towards them.

Were the Ottomans anti-Nomadic?

Research on Ottoman demography demonstrates that by 1580s the nomads made up fully 16% of the registered population in the Ottoman Empire. Besides their numerical strength in the Ottoman population, their contribution to Ottoman economy and military was very significant. Tribes that were engaged in pastoral

³⁹ Stéphane De Tapia, "Le lexique anatolien de la mobilité et de la migration (göçebe, yörük, yaylacı, muhacir, göçmen, gurbetçi...)," *Turcica* 42 (2010): 89-140.

nomadism, generally referred to as *Yörüks* in the Ottoman archival prose, were the main suppliers of animals for military and civilian purposes.⁴⁰ Through their mobility and seasonal farming they also contributed to cultivation of a larger part of the Ottoman lands than would have been possible otherwise. They assisted in the internal transportation of goods for trade and taxation purposes, and by carrying messages and maintaining a transportation network; they provided the main lines of communication between the imperial center and its provinces. They were so significant in production, transportation and administration that Halil İnalcık sees them as “the backbone of the entire imperial organization.”⁴¹ Besides *Yörüks*, other communities who had migratory / mobile lifestyles – pastoral or otherwise - also played various roles in Ottoman Empire. Despite the fact that at the current level of our research, we know less about these groups compared to *Yörüks*, we know that, for instance, Gypsies, Vlachs (*eflakan*)⁴² and various

⁴⁰ Three main meanings are attested to *Yürük* or *Yörük* in the literature: (1) a special term with legal, administrative and fiscal implications denoting a particular class of nomads obliged to serve in the Ottoman army; (2) in modern ethnological and anthropological literature, a term for, and also a self-designation of, nomadic pastoralists, including elements in various stages of sedentarisation, used in an ethnic sense as opposed to *Türkmen*, *Kurdish* or other pastoralist tribal groups of Anatolia; and (3) in Ottoman and modern times, a general term for nomadic pastoralist Turkish tribal groups. Barbara Kellner-Heinkele, "Yörük." *Encyclopaedia of Islam, Second Edition*, Brill Online, 2013. Reference: McGill University. 08 February 2013 <http://referenceworks.brillonline.com/entries/encyclopaedia-of-islam-2/yoruk-SIM_8023>

⁴¹ Halil İnalcık, "The *Yörüks*," in *Oriental Carpet and Textile Studies*, 56.

⁴² Vlachs made up the majority of the population of the northwestern parts of Bosnia, having migrated there between about 1530 and 1570 from present-day eastern Herzegovina, western Montenegro and southwestern Serbia. They were mainly transhumant livestock breeders, organized in large families, clans and tribes. The Ottomans did not want the Vlachs to settle on the borderland, but there were no ordinary peasant colonists at the Ottoman state's disposal, so the

Bedouin and Kurdish tribes were recruited in the Ottoman military to fulfill auxiliary services and as such, were exempted from various taxes.

Nevertheless, despite their significance as herdsmen, transporters and warriors, the status and role of nomadic groups have been treated in modern historiography within the paradigm of settled and nomadic dichotomy. According to this paradigm, the first assumption is that “nomadic mode of existence” belongs to a more primitive phase of human progress. It is construed as a menace to social and spatial order. Furthermore, it is seen as a major challenge to progress and civilization as well as highly centralized and standardized bureaucracies of “modern” state formation. As Reşat Kasaba puts it:

Although they represented vastly different schools of thought, most who wrote about tribes until recently used an evolutionary perspective. By and large, they concurred that the persistence of nomadic and migratory communities and the formation of strong polities represented different stages of human development and as such were inherently incompatible with each other.⁴³

This idea that privileges the sedentary mode of existence over its nomadic counterpart gradually emerged in modern Western thought over the course of the nineteenth century and dominated the ways in which nomadism were approached

⁴³ Vlachs' occupation of the land was recognized by Istanbul in return for militia service and an annual tax. Until the late 16th century the Vlachs were mostly loyal to the Ottomans but later, when general conditions and their own status grew worse, many of them deserted to the Habsburs and Venetians, became brigands, or converted to Islam. “Vlachs (Eflak)” in *Encyclopedia of Ottoman Empire*, edited by Gabor Agoston and Bruce Masters (Infobase Publishing, 2009), 585 – 586.

⁴³Reşat Kasaba, *A Moveable Empire: Ottoman Nomads, Migrants, and Refugees*, 7.

in different disciplines up until the 1960s in western Europe and North America.⁴⁴ With the engagement of the European intellectuals and compelled by the prerequisites of administrating a modern state, Ottoman ruling elite and intellectuals of the late nineteenth and early twentieth centuries soon adopted this outlook toward the peoples of the distant peripheries in order to subvert the ever increasing influences of European powers in the Empire.⁴⁵ In other words, “the Ottoman elite adopted the mindset of their enemies, the arch imperialists, and came to conceive of its periphery as a colonial setting.”⁴⁶ Within this discourse, while Istanbul was posited as the dynamic, progressive and reforming centre of a modern Ottoman Turkish polity, the peoples of distant peripheries such as the

⁴⁴ Situating nomads and settled as binary categories and privileging settled over nomads for the sake of progress and civilization came under stringent criticism in Europe since 1960s and reached its climax in the works of French post-structuralist philosophers Gilles Deleuze and Guattari. In their critique of modern western society and scientific reasoning, Deleuze and Guattari used “nomad” as a metaphor to unfold problem within the discourse of modernity on various categorical binaries. “Nomodology” in their reading constructed as “a style of critical thinking that seeks to expose and overcome the sedentary logic of the state, science and civilization... It denounces a categorical binary of civilization whereby the dweller is positively assessed over the wanderer, seen as menace, distortion and problem. ...The privilege of fixity over mobility – of roots over routes – hinges on the issue of conventional modes of subjectivity: a dialectic of identification / alterity sustains a model of identity that constraints the self within rigid and exclusionary boundaries.” As quoted in Kevin Hannam, “The End of Tourism? Nomodology and Mobilities Paradigm,” in *Philosophical issues in tourism, edited by John Tribe* (: Channel View Publications, 2009), 105.

⁴⁵ More on this argument see, for instance, Usama Makdisi, “Ottoman Orientalism.” *American Historical Review*, 107.3 (2002): 768-796; Selim Deringil, “They Live in a State of Nomadism and Savagery”: The Late Ottoman Empire and the Post-Colonial Debate,” *Comparative Studies in Society and History*, 45 (2003): 311-342. Recent studies on this, see, Edip Gölbaşı, ““Heretik’ aşiretler ve II. Abdülhamid rejimi: Zorunlu askerlik meselesi ve ihtida siyaseti odağında Yezidiler ve Osmanlı idaresi.” *Tarih ve Toplum: Yeni Yaklaşımlar* 9 (2009): 87-156

⁴⁶ Selim Deringil, “They Live in a State of Nomadism and Savagery,” 311.

Bedouins of Arab provinces and nomadic tribes of Eastern regions were construed as backward, uncivilized and “savage” in dire need of a “civilizing mission.”⁴⁷ The juxtaposition of settlement with “civilisation” and nomadism with “backwardness” has been employed as a major justification for repressing, settling or “re-educating” (especially on the principles of Muslim faith) nomadic communities after the late nineteenth century in the Ottoman context. Nevertheless, it seems that this late nineteenth century attitude of “modern” imperial state’s position vis a vis nomadic groups have been attributed to all times and contexts in contemporary Ottoman historiography. With very few exceptions, the Ottomanists’ argument can be summed up in the words of İlhan Şahin– “...the administration of the Ottoman Empire was highly centralized. For this reason, the settlement of nomadic peoples was a priority for the state.”⁴⁸ Nevertheless, this argument is challenged by several scholars. In an article published in 1984, Rhoads Murphey problematized not only the insufficiency of the conceptual framework that we have been using to study nomadic groups in the Ottoman Empire but also the Ottoman state’s position regarding its pastoral nomads in Aleppo in the eighteenth century.⁴⁹ The latter distinction is important because as I

⁴⁷ On objectification of Gypsies in the late Ottoman discourse and the ways in which the modern state positioned itself toward them see Chapter VII.

⁴⁸ İlhan Şahin, “Review of the Recent Studies on Nomads (*Yörüks*),” in *Osmanlı Döneminde Konar-Göçerler / Nomads in the Ottoman Empire* (Istanbul: Eren Yayıncılık, 2006), 42.

⁴⁹ Rhoads Murphey, “Some features of nomadism in the Ottoman Empire.” *Journal of Turkish Studies* 8 (1984): 189-197.

mentioned above, the nomadic population of the empire is often portrayed as if it were homogenous so the state's position to various nomadic groups were assumed to be uniform and unchanging in different spatial and temporal contexts. Through looking at *icmal defters* of the areas where the nomads were ample in number, Murphey first demonstrates that:

... quite in contradiction to our predisposition to imagine a scene of unmitigated pastoral poverty, in terms of potential sources of taxable wealth the herdsmen of some regions were considered by the surveyors as more fortunate than their brethren who were tillers of the soil. ... Thus, in the estimation of these surveyors of 1583 even the poorest herdsman could be placed in the same category as a peasant cultivating a full *çift* of 60-100 dönüms or 15-25 acres of land.⁵⁰

Another significant finding of Murphey is related to the Ottoman state's attitudes towards the pastoral nomads during the eighteenth century. Through examining the court records of Aleppo from 1690 to 1790, he unearths various documents exposing complaints of both the nomads against the settled population and the settled population against the nomads. Through bringing various examples in which the imperial state is involved in resolving the issues raised between the nomadic communities and settled peasants, he concludes that “... the government tried to maintain a nonpartisan stance, examining each case on its

⁵⁰ Ibid,192.

own merits. There seems to be nothing to suggest an anti-tribal bias, at least so far as we can tell from the evidence from Aleppo.”⁵¹

More recently, Reşat Kasaba take the status of nomadic groups and their relationship with the imperial state as an object of analysis. The main purpose his project, Kasaba writes is to “question the assumption of a sharp divide between stasis and mobility as markers of civilization and barbarism, respectively.”⁵² By taking Ottoman history as a case to dwell upon, he attempts to demonstrate “how tribal interests were incorporated first into Ottoman institutions and then into the reformed institutions, and ultimately into early republican structures.”⁵³ According to Kasaba, “Ottoman state policies toward mobility changed from being supportive and protective of nomads, migrants, and refugees to being restrictive and even antagonistic. ... On a general level, the move from empire to modern state involved a shift from a society that was highly mobile and open, to one that was sedentary, increasingly fragmented, and closed.”⁵⁴ Nevertheless, for Kasaba, it is still not accurate to draw sharp lines in analyzing this shift from a mobile to an immobile society. Kasaba’s major argument is that sedentary and nomadic communities simultaneously existed in the Ottoman Empire during its long history despite the fact that certain periods and regions appear to have been

⁵¹ Ibid, 195.

⁵² Kasaba, *A Moveable Empire*, 7.

⁵³ Ibid, 7-8

⁵⁴ Ibid, 123.

more restrictive than hospitable to the latter. Yet “rather than existing in pure form, the two types constituted parts of a continuum, and in many instances they overlapped with and complemented each other.”⁵⁵ This argument is unfolded in the narrative by approaching the Ottoman history at a macro level. Through the prism of published and unpublished archival materials — petitions for Sultanic redress of grievance, court records, and imperial edicts dispatched to regional leaders and officials – and re-reading of the secondary literature produced on Ottoman nomads and population movements thus far, Kasaba claims that there existed shifts but not “radical break” in the ways in which the Ottoman imperial state dealt with its nomadic groups.⁵⁶

Through looking at various laws, regulations and practices on nomadism from the inception of the Ottoman principality to the dissolution of the Empire, Kasaba argues that “... during the early part of their history, the Ottomans expanded the scope of migrations rather than bringing about a general sedentarization of populations in the areas they ruled.”⁵⁷ He exposes numerous laws and regulations were set in practice in order to establish special migratory routes for nomads and designated areas that they could use to herd their animals. These policies aimed to not only protect the security and livelihood of the nomads but also to prevent possible clashes between the nomads and peasants. Besides

⁵⁵ Ibid, 19.

⁵⁶ Ibid, 70.

⁵⁷ Ibid, 19.

these spatial organizations, what emerges from Kasaba's readings of various state-generated documents is that the imperial state also recognized each confederation of tribes — to use his term — as a “legally constituted administrative category” by appointing high-ranking officers to administer the affairs of the nomadic communities and to assess and collect their taxes.⁵⁸ More often than not the Ottoman administration relied on the tribes themselves to identify their leaders, whom the central government then recognized and appointed with appropriate titles. For instance, in a decree issued in 1574, Sultan Selim II ordered the Gypsies to identify a *cemaat başı* for each group of 50 and ordered that these leaders were to be accepted as the main intermediaries between the central government and the Gypsy communities.⁵⁹ Furthermore, “Like other administrative units in the empire, each confederation of tribes was also assigned a *kadi*, who served as the direct representative of the central government and adjudicated in intra and intertribal matters.”⁶⁰ According to Kasaba, “a further indication of the government's willingness to accommodate these communities,”⁶¹ can be seen in the ways in which these government-appointed officers worked with the tribes. Not only the *kadis* but also the tax-collectors accompanied the tribes through their seasonal cycles of migration.

⁵⁸ Ibid, 30.

⁵⁹ Ibid, 24

⁶⁰ Ibid, 23

⁶¹ Ibid, 24

By the late seventeenth century, however, we see a turning point in the empire's relations with nomadic tribes and other newly arrived mobile groups. From this time onwards, according to Kasaba, the Ottoman government began to see "mobility not as an asset to be manipulated and taken advantage of but as a potential source of weakness to be contained."⁶² The ruling authorities implemented three policies in order to manage "nomadic tribes and other migratory groups." Beginning in 1689, detailed plans for removal and relocation of the tribal communities were drawn up. The *derbend* system, a network of guards and couriers, was instituted by recruiting tribal communities, fleeing peasants, immigrants and even brigands to protect and secure military and trade routes, mountain passes, and frontiers, as well as the roads leading to villages. It appears that many nomadic tribes from different parts of Anatolia were relocated and settled in Southeastern Anatolia as *derbends*. By contrast, in the Balkans, the administrative category of *evlad-i fatihan* (literally children of the conquerors) was constituted as a response to deteriorating internal conditions there and external pressures. Many Yörük communities from Anatolia was relocated and registered as *evlad-ı fatihan* and integrated into the Ottoman army with some privileges and obligations. For Kasaba, despite the fact that we see some new elements in these measures, they should not be read as a complete rupture with the empire's earlier policies.

⁶² Ibid, 54.

By the nineteenth century, according to Kasaba, we witness yet another shift in the way in which Ottoman state dealt with the nomadic communities. In the course of the nineteenth and early twentieth centuries, it “combined coercive and consent based practices, including land grants, tax exemptions, and guarantees of access to water, as well as military campaigns whereby tribes were broken, their animals confiscated, and their people forcefully resettled across long distances.”⁶³ These policies were accompanied by discursive shifts as well. By this period “many Ottoman officials had become convinced that tribalism and nomadism had no place in the modern state structures. They began to describe many of the tribes as untamed, wild, and animal-like.”⁶⁴

One of the main arguments of Kasaba is that “despite the concerted efforts of the Ottoman and subsequently the Turkish state, tribes and other migrant groups survived over such a long period of history”⁶⁵ In order to explain this continued tribal existence in the Ottoman Empire, he first resorts to the idea of resistance on the part of nomadic communities. Nevertheless, he concludes this discussion by claiming that

Although resistance was important, the bigger part of the explanation for the persistence of tribes lies in the peculiar relationship that evolved between tribes and the Ottoman state in the eighteenth and nineteenth centuries. The growing power of the state in the nineteenth century was neither premised upon nor

⁶³ Ibid, 10.

⁶⁴ Ibid.

⁶⁵ Ibid,4.

followed from the complete marginalization of tribes in the Ottoman Empire. Having little in the way of alternatives, the Ottoman government continued to rely on existing power relations in various regions as it implemented its reform policies, including its sedentarization program, while setting up an increasingly elaborate set of institutions. Some tribes even benefited from the expanded power of the Ottoman state by agreeing to enforce the policies of reform and settlement in their areas. In addition to contributing to the effectiveness of the central state, this opened new venues of power and influence to the chiefs, which they found useful in dealing with their rivals. Consequently, it became possible for tribes and the Ottoman state to grow simultaneously.⁶⁶

Kasaba's work is significant for this project. Despite the fact that Gypsies are discussed only in passing and on the basis of very limited secondary literature available on the subject – only natural in a macro-analysis such as this — situating Gypsies within the context of mobile communities in the Ottoman Empire can, I think, offer much more than the “marginality” paradigm is able to, especially as far as the Ottoman state's position vis a vis Gypsies are concerned. As I shall demonstrate in Chapter seven, many laws and regulations of the sixteenth century demonstrate a similarly accommodative attitude towards the Gypsies. My only reservation regarding Kasaba's work is that certain categories are too neatly worked out. As one of the reviewers of the book puts it “since Kasaba does not discuss the differences between nomads, migrants, and refugees in the Ottoman context, it can be difficult for non-Ottomanists [indeed, for Ottomanists too, at least in the case of this novice reader of Ottoman history] to assign particularities to subgroups of the migrating Ottoman population over the

⁶⁶ Ibid, 84.

centuries.”⁶⁷ For instance, more often than not, it seems that Kasaba uses “tribal” and “nomadic” communities interchangeably. This creates confusion in the mind of the reader because it implies that “tribal” communities *de facto* were /are “nomadic” or vice-verso. Furthermore, as I discussed in the very beginning of this section and as Kasaba himself demonstrates –albeit not necessarily engaging with the issue in an overarching argument – the category of “nomad” was not uniform either as a category or in practice. Therefore, as Rhodes Murphey pointed out almost two decades ago — though it still seems unresolved—we need a finer conceptual framework to analyze the relationship between the Ottoman state and its nomadic elements, which in Ottoman archival parlance is collectively described as “konar-göçer.” Nevertheless, this criticism should not detract from the value of Kasaba’s work. It is a very ambitious undertaking considering the temporal and spatial areas that the work covers. And Kasaba is able to make a very convincing argument on the mutual relationship between the mobile communities and the Ottoman state over the course of some five centuries. As he demonstrates very incisively, there was always a symbiotic relationship between the political authority and various mobile communities. Due to this symbiotic and interdependent relationship, Kasaba contends, both the state and tribal / nomadic communities grew together. Now it is up to future researchers to further explore

⁶⁷ Erdem Kabadayı, “Review of *A Moveable Empire: Ottoman Nomads, Migrants, and Refugees*,” *International Review of Social History* 55, no. 02 (2010): 327-328.

the nature of this relationship at a micro level. This present research may be read as one such attempt. It argues that from the Ottoman ruling authorities' perspective, Gypsies were one of many mobile communities of the empire, despite their being a "community in motion" in many ways. Unfolding this argument will be the task of Chapter VI.

CHAPTER IV

HONOR AS CAPITAL: NEGOTIATING “MARGINAL” POSITIONING IN OTTOMAN SOCIAL LANDSCAPE

Objective

In a seminal work on the social structure and political processes of several Muslim cities under Mamluk rule (1250 -1517), Ira Lapidus states that the term *amm* also embraced “a still lower class of the population, in the eyes of the middle classes a morally and socially despised mass possessing little or none of Muslim attributes in family life, occupation, or religious behavior, and often holding heretical religious beliefs.”¹ While Ira Lapidus defines this stratum of the society with the Marxist term “lumpenproletariat,” I prefer to use here “marginal” since I believe the latter term encompasses the meaning that Lapidus assigns to the former but without certain of its connotations. While an in-depth analysis of Marxist – classical as well as neo- – understanding of class structure and the ways in which ‘lumpenproletariat’ was used by Marx and his commentators and critics in the nineteenth and twentieth centuries is beyond the scope of the present work,² suffice it to say that my working definition of “marginal” partly builds upon Lapidus’s application of the term to the later middle ages. Nevertheless, as I do not use Marxist class analysis in this study, I abstain from using strict Marxist

¹ Ira Lapidus, *Muslim Cities in the later Middle Ages* (Cambridge: Cambridge University Press, 1984), 84-85.

² See, for instance, Nicholas Thoburn, *Deleuze, Marx and Politics* (London: Routledge, 2003), especially chapter 5.

terminology. Furthermore, as many critics of Marx have suggested, even though “lumpenproletariat” as an overarching concept describes the position of these people within the social division of labor, it does not construe them as capable of conceiving or embodying an alternative social order.³ Therefore, by using the category of “marginal” I hope to expose the “everyday resistance’ and survival “tactics” of those positioned on the margins. Also, it would be inapt to suggest that these marginal elements embodied “a social and cultural world far removed from the rest of the society.”⁴ Furthermore, by using the category of “marginal,” an attempt is being made to demonstrate that what made these people “marginal” in the eyes of their contemporaries was their social and moral standing rather than their wealth and their position within the economic system of production. As shown by Işık Tamdoğan in her recent study based on the eighteenth century Ottoman court records of Adana, good reputation and moral standing functioned as “capital” (*réputation comme richesse*) -- not necessarily material but rather

³ According to Robert Stuart “Whether Marxists have employed the concept analytically, labeling a distinct non-working and non-property owning class, or polemically, labeling the marginal and the deviants, they have agreed that the lumpenproletariat possess no independent historical role equivalent to that of the bourgeois or the proletariat. At the most, according to long Marxist tradition, lumpenproletarians would serve those who bribed them most lavishly ... Indeed, according to the Parti Ouvrier, the lumpenproletarians in general lacked organizational potential and collective identity. French Marxists saw no opportunity to recruit among the destitute, the dependent, and the criminal. The mere existence of paupers and prostitutes indicted bourgeois society, but beggars and whores supposedly lacked both the inclination and capacity to alter the social order which impoverished and brutalized them.” Robert Stuart, *Marxism at Work: Ideology, Class and French Socialism during the Third Republic* (Cambridge: Cambridge University Press), 148 -151.

⁴ Ira Lapidus, *Muslim cities in the later Middle Ages*, 84

social -- in various spheres, allowing people to attain good social standing and success in Ottoman society.⁵ As Tamdoğan demonstrates, reputation was a “capital” which could be used and mobilized by anybody in the legal arena, either as witnesses or to obtain the best possible outcome at the end of the litigation process. Furthermore, it was a means of access to and mobilizing support in various social networks, such as neighborhoods, confessional communities, guilds and extended family.⁶ As we shall see, sixteenth century Üsküdar was not so different in this regard. Therefore, I suggest that poverty in itself was not necessarily something to be looked down upon in early modern Muslim societies. As epitomized in the maxim of an anonymous author of seventeenth-century advice literature, the general belief was that “the rich would be destroyed without the poor, so that the former were in a sense dependent on them (*eğer fakirler olmasa cümle ganiler helak olurdu... fukara eğniyaya gayetle gerekli tâ'ife imiş*).”⁷

In this study, then, “marginal” is regarded as a very much morally and socially constituted category. I would like to suggest that what made an individual or a group “marginal” in Üsküdar in the sixteenth century was their actions rather

⁵İşık Tamdoğan, “La réputation comme richesse dans la ville ottomane d’Adana au XVIII^e siècle,” in *Pauvreté et richesse dans le monde musulman méditerranéen*, ed. Jean-Paul Pascual (Paris: Maisonneuve & Larose, 2003), p. 39-49.

⁶ Ibid.

⁷ *Kıtabu mesâlihi'l-müslimîn ve menâfi'i'l-mü'minîn*, in *Osmanlı Devlet Teşkilâtına dair Kaynaklar*, ed. Y. YÜCEL (Ankara, 1988), 128.

than the innate characteristics or their position in the division of labor or their material wealth. “Marginal” in this reading is neither an existential category nor a cultural identity but rather a relative social construct describing the position of an individual, a group or a community within a dominant cultural landscape, a position that is constantly challenged and contested by those so-called marginals. Therefore, the category of “marginal” in the context of sixteenth-century Üsküdar was constituted of those individuals or groups whose *repeated* undesirable conduct, speech, opinions, lifestyles and occupations challenged social and gender hierarchies and threatened epistemic and political authorities. As such, these “marginal” individuals or groups, due to their deviation from what was envisaged to be normative communal behavior, might have experienced marginalization from social networks and relations. These marginalizations might even have taken the form of spatial exclusions from the privileged social spaces and institutions reserved for “respectable” Ottomans (*ehl-i irz* or *ehl-i namus*) with proper moral conduct. Nevertheless these exclusions, as we shall see in this dissertation, were never absolute and unchanging, but were rather very much contextual and situational. Furthermore, I do not use “marginal” in this dissertation in a pejorative sense that is “marginal” is someone with no social use or minimum value.

Ottoman/ Turkish Vocabularies for “Marginal”

“Marginal” as a word does not exist in the Ottoman/Turkish languages. However, there are various terms in different genres of sources that could be loosely translated as “marginal.” According to Lapidus, this despised “underworld” or collection of “lumpenproleterian elements” was usually denoted by terms such as: *aradhil al-‘amma* (lowest of the common people), *al-‘awbash* or *‘awbash al-‘amma* (riff raff of the common people), *al-ghawgha’* (trouble makers), *al-harafish* (beggars); or *aradhil al-suqa* (the lowest of people professionally engaged in the market such as scavengers, street vendors, porters, itinerant entertainers, funeral workers, public criers, water carriers, prostitutes ...etc);⁸ Thus, for Lapidus, “below the productive *al-amma* of the medieval towns we find, a lumpenproletariat gravitating into the interstices of cohesive city life, forming an underworld of social and moral life.”⁹ This “lumpenproletariat”, according to Lapidus, was constituted by those who were “outside the established kinship, occupational and religious nexus ...”¹⁰ Furthermore, according to Lapidus, what emerges from the narrative sources of

⁸ Ira Lapidus, *Muslim cities in the later Middle Ages*, 82-85.

⁹ Ibid.,84-85.

¹⁰ Ibid., 84.

the late Middle Ages in Arab Middle East is that those lowest people or the menial seem to have been associated with the world of crime.¹¹

A recent study on the vocabularies used to denote the lower-classes and socially marginal groups of Istanbul in the late sixteenth century and seventeenth century demonstrates that some of these terms were still in circulation then, albeit with some changes and new additions.¹² In the study carried out by Marinos Sariyannis, we find that the learned elite of the period often used “descriptive” and “pejorative” terms to describe “urban lower-class” and “socially (or ideologically) marginal groups.”¹³ In the first category, we see terms such as *alçak* (low), *avam* or *'avam-i nas* (the low); *haşarat* (small beast, vermine but also mob, rabble); *sefil* / pl. *süfela* (low, mean; poor, destitute) or *esafil-i nas* (the scum of mankind) and *evbaş* (low fellows, the rabble and also a scamp).¹⁴ Besides these rather “descriptive” terms underlying the notions of “common”, “unimportant” and “poor,” “wretched,” according to Sariyannis, the ruling elite of the period also employed “pejorative” terms indicating notions such as “ignorant”, “vile, bad”, or “infamous”. Among these pejorative terms, *rezil* / pl. *erazil* (bad,

¹¹ Ibid.

¹²Marinos Sariyannis, “‘Mob’, ‘Scamps’ and Rebels in 17th Century Istanbul: Some Remarks on Ottoman Social Vocabulary,” *International Journal of Turkish Studies* 11/1 - 2 (2005): 1 - 15.

¹³ Ibid., 2

¹⁴ Unless otherwise is indicated, translation of these terms is based on Sariyannis’s work. “‘Mob’, ‘Scamps’ and Rebels in 17th Century Istanbul.”

disreputable, despicable or infamous), *cahil* / pl. *cühela* (ignorant, untaught, unsophisticated, uneducated); *ednas* or *edani* (filthy, dirty and also vile, infamous and wretches, villains) and *sefih* / pl. *süfefa* (light-minded, ignorantly foolish and also prodigal, dissolute). While these terms were used to represent the lower classes, there were also pejorative terms used for individuals who did not conform to moral and social standards. Among them, for Sariyannis, *derbeder* (vagrant and beggar) and *maryol* (rouge) an *levend*, *levend dayı* or *şah levend* were most noticeable.¹⁵ In Sariyannis's reading, all these categories are represented as the "mob" or "rabble" of the urban context of the seventeenth century Istanbul. Unfortunately, Sariyannis does not provide further explanation on why he appropriated "mob" or "rabble" to embody these various terms signifying "socially (or ideologically) marginal" groups or individuals.¹⁶ Yet, he argues that

¹⁵ Ibid., 3. The term, *levend*, had multiple usages in Ottoman context. It does not have one single meaning. It was used in various genres of sources archival and narrative sources. In her short survey of the term, Leslie Peirce lists following meanings: 1) "Licentious male;" 2) "Voluntary and mercenary soldier;" 3) "free, who goes where he wants, capable, voluntary adventurer, soldier" (in fact, this is the definition provided by Meninski's late seventeenth century lexicon). Leslie Peirce, "Seniority, sexuality, and social order: the vocabulary of gender in early modern Ottoman society." *Women in the Ottoman Empire* (1997): 169-196; especially 179-181. Sariyannis adopts the definition provided by Meninski and hence sees *levend* as "a handsome, strong youth, a free and easy rough who frequents coffeehouses, taverns and other shady environments." For an extensive survey on the subject, see Mustafa Cezar, *Osmanlı Tarihinde Levendler* (Istanbul: Güzel Sanatlar Akademisi Yay. 1965). For dictionary definitions of the term see, for instance, Mütercim Âsım Efendi, *Burhân-ı Kâatı* (Istanbul: Matbaa-i Âmire, 1287), vol.2, 160; Mehmed Zeki Pakalin, *Osmanlı Tarih Deyimleri ve Terimleri Sözlüğü* (Istanbul: MEB Yay., 1983), vol. 2, 358 – 359.

¹⁶ Arguably, it might have been the case that the contemporaries defines all these categories under the overarching category of "mob" or "rabble". Nevertheless, Sariyannis does not explicitly make such as statement. Therefore in his reading, these categories shift from "socially and ideologically marginal" to "lower class;" from "mob" to "rabble." All these confusion in the appropriation of terms makes very difficult to follow his argument. Yet another problem with Sariyannis's

“the notion of "rabble", as used by the ottoman elite, embodies sometimes a larger portion of urban society than wretched, illiterate people.”¹⁷ Then he sets to explore some terms that refer to various groups yet needs to be included in the overarching category of “mob”. According to him, the former peasants who had left their lands in Anatolia seeking for niches in the big cities -- often named Turks (*Etrak*) or "common Turks" (*Etrak-i 'avam*) or *manav* -- and "city boys" or "city lads" (*şehir oğlanları*) should also be contained in this overarching category”¹⁸ For Sariyannis, despite the fact that all these terms represent behaviors not in conformity with moral and social standards, such behaviors were

— exposition is that while some terms are defined as “descriptive” yet others deem to be “pejorative.” So one wonders what makes, for instance, *haşarat* “descriptive” yet *rezil* or *erazil* “pejorative.” It should be mentioned, however, Sariyannis’s exposition is well-grounded in terms of covering all the relevant narratives of the period. On the critical analysis of “mob” for the early modern Europe, see for instance, George Rudé, *The Crowd in History, 1730-1848: A Study of Popular Disturbances in France and England* (New York, London, and Sydney: John Wiley & Sons, 1964); George Rudé, “The London ‘Mob’ of the Eighteenth Century,” *The Historical Journal* 2, no. 1 (1959): 1-18.; E.P. Thompson, “The moral economy of the English crowd in the eighteenth century,” *Past & present* 50 (1971): 76-136; Natalie Zemon Davis, “The Rites of Violence,” in *Society and Culture in Early Modern France* (Stanford, Calif.: Stanford University Press, 1965), 152-188. For early modern Ottoman context, see for instance, James Grehan, “Street Violence and Social Imagination in Late-Mamluk and Ottoman Damascus (ca. 1500-1800),” *International Journal of Middle East Studies* 35, no. 2 (2003): 215-236; Cemal Kafadar, “Janissaries and Other Riffraff of Ottoman Istanbul: Rebels without a Cause?” in Baki Tezcan and Karl K. Barbir eds., *Identity and Identity Formation in the Ottoman World: A Volume of Essays in Honor of Norman Izkowitz* (Madison, Wisconsin: The University of Wisconsin Press, 2007), 113-134.

¹⁷ Sariyannis, “‘Mob,’ ‘Scamps’ and Rebels in 17th Century Istanbul,” 4.

¹⁸ Ibid., 4- 8. Here, especially “city boys” or “city lads” (*şehir oğlanları*) gets extensive treatment. According to Sariyannis, “City boys” constituted ... a distinct group, filling the gap between the illiterate mob and quasi-antinomian members of the lower military and judicial elite. ... Although they were of low-class origin, they had received some education and maintained connections among the lower ranks of the military and the bullies, as well as with poets of the lower *‘ilmiye* class.”

not openly “antinomian.”¹⁹ Nevertheless, “when the above-described groups pass into illegal activities, like burglaries, murders and other violations of the laws, relevant vocabulary is enriched with a large collection of vituperative words and compounds.”²⁰ Of significance for this project is those expressions compounded with *ehl* (people). These compounds used by the learned elite and underlined by Sariyyannis are

... *ehl-i fisk*, "people of immorality, sinners"; the second word can be replaced by (or combined with) *fücur*, "lewdness, dissoluteness; wickedness; unbelief" (*fisk u fücur* meaning "indulgence of the fleshly lusts, debauchery"); *fesad*, "badness, fraud, depravity; intrigue, riot, disorder"; *fitne*, "temptation; disorder, intrigue"; or *şürur*, "evils, disputes, disturbances"²¹

Most of these terms appear also in the *mühimme* registers in the sixteenth century and to lesser extent in the court records of Üsküdar to label those who transgressed the boundaries of law and morality. The ways in which these terms were used in different genres of the sources in itself constitutes an area of fascinating inquiry which is beyond the limits of this research. Nevertheless, I would like comment very briefly on the category of *ehl-i fesad* (people of disorder or corruption). It is with this term that those Gypsies who were involved in illicit

¹⁹ Ibid., 9

²⁰ Ibid.

²¹ Ibid. As noted by Sariyyannis, this list can be extended by adding the Arabic derivatives of some of these words, such as *feseka*, *mufsid* or *fasid*.

activities were often marked out in the *mühimme* registers.²² It should be underlined; however, that term was not reserved for Gypsies or a specific ethnic or religious community. Anybody who destabilized social peace and posed a threat to political and epistemic authorities through his actions and views was deemed as *ehl-i fesad* including but not limited to members of the ruling class from various cadres and indeed even members of the Sultan's own household.²³ For instance, in various imperial decrees sent to the governors of the different provinces in Anatolia regarding to the revolt of Şehzade Beyazid in the middle of the sixteenth century, Sultan Süleyman describes his own son Beyazid as the leader of the *ehl-i fesad* and commands that he be found dead or alive. In the Sultan's description, Beyazid apparently excluded himself from the circle of obedience and submission (*haliya daire-i itaatden huruc iden oglum Bayezid*) and gathered around him many *ehl-i fesad* and waged a war against his brother Şehzade Selim who was leading the Sultan's ever victorious soldiers who were the symbol of glory and illustrious acts (*asakir-i nusret measirüm*).²⁴

²² Further on this see my "Exploring Marginality in the Ottoman Empire: Gypsies or People of Malice (*Ehl-i Fesad*) as Viewed by the Ottomans." *European University Institute Working Papers*. No. 2004 / 39.

²³ See, for instance, MD 3, no.1; MD 3, no.2; MD 3, no.22; MD 3, no.31; MD 3, no.104; MD 3, no.127; MD 3, no. 1382; MD 3, no. 1511; MD 3, no.1522; MD 3, no. 1555; MD 3, no.1559; MD 3, no. 1578.

²⁴ MD 3, no.57.

Unfolding the category of “Marginal”

a) Practitioners of “Base” Occupations

As in other places and times, “occupation was among the most significant principles of social differentiation in Muslim societies ...”²⁵ Occupations were often associated with or considered to be reflections of moral and intellectual ability of those who practiced them. Hence, while some occupations were valued and honored and considered valid means to attain upward social mobility; others were construed to be socially, morally and intellectually base. Even though occupations being categorized as “noble” and “base” were far from uniform and could change in the enumerations of various authors writing in different disciplines of Islamic written traditions, in the views of various modern scholars, categorizations of occupations often reflect notions of social hierarchy that we saw in the literature on the *tabakats*. Usually, while those professions that contributed to the stability of the political and social order were deemed “noble,” many of manual occupations were often looked down upon and despised and a large number among them were considered as “base,” “menial,” and “low.”²⁶

²⁵ Louise Marlow, *Hierarchy and Egalitarianism in Islamic Thought* (Cambridge: Cambridge University Press, 1997), 156.

²⁶ For instance, “Nasireddin Tusi divides occupations into three ranked categories: noble, base and intermediate. The highest category is that of the 'occupations of noble and manly persons' who are themselves of three kinds: The first subcategory consists of occupations that depend on the substance of the intellect, these are the occupations of ministers. The second group

Building upon the scholarship produced on “infamous,” “low and illicit” and “defiled” trades, I suggest that this view of these occupations cannot be understood without resorting to notions of morality, honor, purity, magic, ritual and taboo in various temporal and spatial contexts.²⁷ As in many other places, we have a large number of professional groups (and guilds) in Muslim societies including but not limited to prostitutes, entertainers, musicians, dancers etc. who were despised on moral grounds; executioners, professional mourners, gravediggers, butchers, skinner, leather workers and tanners, barbers, tooth pullers, bath attendants whose work centered around disposing of and removing

— consists of occupations that depend on cultivation and learning, such as writing, rhetoric, astrology, medicine, accountancy and surveying; these are the occupations of men of culture and learning. The third subcategory comprises occupations that depend on strength and courage such as horsemanship, military command, the control of the frontiers and defense against enemies; these are the occupations of chivalry. Tusi also subdivides the base occupations into three kinds: The first group includes activities repugnant to the general welfare such as practicing a monopoly and sorcery; these are the occupations of the wicked. The second group comprises activities repugnant to virtue, such as tomfoolery, minstrelsy and gambling; these are the occupations of fools. The third subcategory consists of activities repugnant to human nature, such as cupping, tanning and street-sweeping; these are the occupations of the abject. Tusi notes that such base occupations, though repugnant to human nature, are not abhorrent to the intelligence since it is after all necessary that some men perform these tasks. Any occupation that belongs neither to the noble or to the base group or categories is of intermediate status. This rank of professions includes necessary occupations such as agriculture and unnecessary ones such as dying, simple occupations such as carpentry and blacksmithery and compound ones such as scale making and the cutler's trade.” Ibid., 161-162.

²⁷ See for instance Jacques LeGoff, “Licit and Illicit Trades in the Medieval West,” in *Time, Work, and Culture in the Middle Ages*, trans. Arthur Goldhammer (Chicago: University of Chicago Press, 1980), 58-70; Bronislaw Geremek, “The Marginal Man,” in *The Medieval World*, ed., Jacques LeGoff, trans. L. G. Cochrane (London: Collins and Brown, 1990), 347-373; Anton Blok, “Infamous Occupations,” in *Honor and Violence* (Cambridge: Cambridge University Press, 2001), 44-68.

bodily dirt were also considered lowly probably because their profession destabilized categories of pure and impure or clean and unclean.²⁸

This list of these “infamous occupations” can further be heterogenized by addition of money lenders (*ribahor*) grain speculators (*martabaz*) and goldsmiths (*sarraf*). Despite their marked economic wealth; practitioners of these professions were often treated with social and political contempt. It appears from sources that their professions were not only socially and morally disabling but also illicit. Charging interest was / is forbidden by law in Islam. Nevertheless, we now know that in the second half of the sixteenth century, in Ottoman realms— despite of many counter arguments within the literature — charging “interest” of up to fifteen percent seems to have been considered lawful.²⁹ For instance, in an imperial decree dispatched in 1609 to the judge of Akhisar (a small town in Western Anatolia) during the second half of the sixteenth century, the Sultan

²⁸On this kind of jobs in an Islamic context: R. Brunschwig, “Métiers vils en Islam,” *Studia Islamica* 16 (1962): 41–60; Louise Marlow, *Hierarchy and Egalitarianism in Islamic Thought*, especially chapter 7.

²⁹ Literature in “interest” or “usury” (*riba*) in Islam is a contested one. The practice of *riba*, is sharply denounced in a number of passages in the Qur'an and in all subsequent Islamic religious writings. For a recent discussion of the classical Islamic views on interest, see Nabil A. Saleh, *Unlawful Gain and Legitimate Profit in Islamic Law: Riba, Gharar and Islamic Banking* (New York, 1988), 9-32. For the discussion in Ottoman context, see for instance, 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; Ronald C. Jennings, “Loans and Credit in Early 17th Century Ottoman Judicial Re-cords,” *Journal of the Economic and Social History of the Orient* 16 (1973): 168-216. Murat Çizakça, *A comparative evolution of business partnerships: the Islamic world and Europe, with specific reference to the Ottoman Archives* (Leiden: Brill, 1996); Tahsin Özcan, *Osmanlı para vakıfları: Kanunî dönemi Üsküdar örneği* (Ankara: Türk Tarih Kurumu Basımevi, 2003)

informs the judge that charging more than fifteenth percent was not allowed (*onu bir bucukdan ziyade muameleye ruhsat verilmemistir*).³⁰ Nevertheless, we have evidences from the *mühimme* registers and the court records of sixteenth century Üsküdar that money lenders at times charged as high as fifty percent. Nevertheless, once informed by the communities or local officials, the imperial state punished offenders through various means.³¹ The status of money lenders and grain speculators in the sixteenth century Ottoman society (and elsewhere in other Muslim societies) offers us a window of opportunity to see how indeed margins were broad and plural. Further research on these occupations could arguably demonstrate that good moral standing and reputation was much more important than wealth in early modern Muslim societies.

It should be underlined, however, that this list of “base” occupations were constructed by the learned elite. The question as to whether these views were shared or acted upon by the practitioners of those occupations themselves requires further research in the field. Yet, although the “base” occupations were frequently belittled and vilified in various genres of literature produced by the Muslim elite

³⁰ Mustafa ÇAghatay Ulusoy, *Saruhan'da Eşkiyalık ve Halk Hareketleri* (Istanbul: Manisa Halkevi Yayınları, İstanbul 1944), 212-213. Also quoted in Tahsin Özcan, *Osmanlı Para Vakıfları: Kanuni Dönemi Üsküdar Örneği*, 65.

³¹ Usually these punishments were either took the form of prison, banishment, enlisted as butcher (kassap) in Istanbul and life-term galley servitude. For money launderers see, for instance, Tahsin Özcan, *Osmanlı Para Vakıfları: Kanuni Dönemi Üsküdar Örneği*, 64-69.

in various contexts of Muslim rule, they were also regarded necessary for the functioning of the society. Mustafa Ali, a sixteenth century historian and (fallen) bureaucrat expresses this necessity with the following entry in his celebrated book, *Tables of Delicacies Concerning the Rules of Social Gathering*,

Almighty and exalted God made members of the human race dependent upon one another through diversity of crafts and abilities. He created a demand for the itinerant cobblers who, with respect to the practitioners of other crafts, are more vile and despicable than anyone else. ... The same demand applies to the practitioner of every craft, as every person, great or small, has a need for them. The sultans of the world, who are the monarchs of nations and peoples, the issuers of edict, the possessors of attendants and retainers, absolutely need every single men of trade and must have recourse to them. Neither can the shoemaker do the work of the wheat merchant, nor can the goldsmith do the work of the tanner.³²

b) The “Other Nomads,” “Vagrants” and Unassimilated Migrants

In addition to these practitioners of base occupations, the category of marginal as I define it, constitutes those “itinerant” or “peripatetic” communities as well as wanderers who, because of various reasons, did not embrace a settled mode of existence. As I mentioned above, the category of “nomad” in the early modern Ottoman Empire appears to be quite mobile not only in terms of the vocabularies used to designate them but also their economic and religious practices. My discussion here will include those who are construed as “other nomads” or “peripatetics” “peripatetic nomads” or “itinerant” communities in the

³² Mustafa Ali, *Tables of Delicacies Concerning the Rules of Social Gatherings*, Annotated English Translation by Douglas S. Brookes, 37.

recent anthropological research. Unlike pastoral nomads that we saw, for instance, in the research carried out by Halil İnalcık and Rhoads Murphey, these “other nomads” were not food producers. By embracing the concept coined by Joseph Berland and Rao Aparna and critically adopting it in the Ottoman context, the “other nomads” that I talk about here include itinerant communities of entertainers, craftsman, cobblers, peddlers, camel drivers, muleteers, horse groomers who offered a wide range of services and products which were often marked socially and/or morally inappropriate and yet were indispensable.³³ It appears that these communities were on the move as family units and they demonstrated some proto-ethnic features. Nevertheless, I suggest that as in the case of pastoral nomads, these “other nomads” too were not classified according to “ethnic” categories that we know of today but rather according to their way of life and economic mode of existence. As we shall see in the next chapter in detail, among these professions, the itinerant entertainment activities were often practiced and organized by two groups designated as the *gurbet ve çingan tayifesi*

³³ Observation of Berland on peripatetic communities is based on his filed research he carried out in Pakistan’s Qalandar and Kanjar communities during the 1970s. Aparna Rao conducted about two years of fieldwork among peripatetic peoples in Afghanistan in the late 1970s. There she studied the peripatetic Ghorbat, a mobile, endogamous minority community that offers various services to other communities. For their major publications see, for instance, Aparna Rao, *Les Ghorbat d'Afghanistan. Aspects économiques d'un groupe itinérant 'jat'* (Paris: Editions ADPF. Institut français d'Iranologie de Téhéran, 1982); idem, "The concept of peripatetics: An introduction" in *The Other Nomads: Peripatetic Minorities in Cross-Cultural Perspective* (1987): 1-32; idem, "Strangers and liminal beings: Some thoughts on peripatetics, insiders, and outsiders in Southwest Asia," in *Customary Strangers. New Perspectives on peripatetic peoples in the Middle East Africa, and Asia*, edited by Joseph C. Berland and Rao Aparna (Greenwood Publishing Group, 2004); 269-298.

(the community of Gypsies and travelers) in the *mühimme* registers.³⁴ These entertainment activities carried out by the *gurbet* and *çingan tayifesi* seem to be very diverse. It appears that sometimes these communities were moving from town by town as musicians (*sazendes*). For instance, a group of *gurbet* and *çingan*, when examined and questioned by the local ruling authorities of Malatya about their activities in 1564, stated that “We are musicians travelling between cities and towns and our livelihood comes from this activity (*bilad ü memalik [geşt]ider sazendelerüz, maaşımız bu vech iledür*).³⁵ The moral and social standing of the same group which consisted of fifteen men and women related through kinship, was determined by asking the locals and some trust-worthy Muslims, who stated that “the mentioned group were bandits (*kutta-ı tarîk*) nevertheless, we have not seen or heard that they gave harm to anybody’s’ property. Yet they and their wives with their musical instruments are involved in immoral behaviors (*fisk u fücur*).³⁶

³⁴ The concept of *ghorba/ gurbet*—literally being away from home; foreign travel; exile — is found in various Middle Eastern and Balkan languages. It is for instance used for designating the Roma of Bulgaria and Romania. In Afganistan, there is a peripatetic community identified as *Gorbat*. Further on this, see, Aparna Rao, *Les Gorbat d'Afghanistan*. In a recent article published on the vocabularies used for Gypsies in Ottoman/ Turkish lexicon and their etymologies, *gurbet* is mentioned one of the names attributed Gypsies. Hüseyin Yıldız, “Türkçede Çingeneler İçin Kullanılan Kelimeler ve Bunların Etimolojileri,” *Dil Araştırmaları Dergisi*, 1.1 (2007): 61-82. Similarly, in Ottoman archival prose from the second half of the sixteenth century we see terms such as *gurbet tayfesi* or *cemaat-i gurbetan* (community of *gurbets*). And this community is almost exclusively mentioned together with the Gypsies.

³⁵ MD 3, no. 657.

³⁶ Ibid.

It is not uncommon to see various imperial decrees from the sixteenth century, however, the *gurbet* and *çingane taifesi* (community of *gurbets* and Gypsies) are not only represented as transgressors of moral boundaries but also as habitual criminals. Usually, in these decrees, these groups appear to be on the move in the countryside and are associated with immoral and criminal activities such as robbery, murder, begging, organizing entertainment activities which apparently not only included music and dance but also prostitution. An imperial decree dated 1564 and dispatched to all Ottoman provincial and sub-provincial governors and judges of the respective sub-provinces exemplifies how *gurbet* and *çingan tayifesi* often appear in the imperial documents. The document notes that in the year 1564 in various parts of the empire

some groups of *gurbet* and *çingane* have emerged and have been engaging in various unlawful activities (*enva-ı muharremat ve esnaf-ı münkerat*) and behaving immorally (*fisk [u] fücür*). They have been wandering in the cities, towns and villages. With their prostitutes and their entertainment and musical instruments, they have been going to social gatherings and bazaars where there are huge crowds, misleading whoever they meet and disturbing the public peace. While passing through neighboring cities, in scarcely populated areas, they have been murdering and plundering those upon whom they can prevail and travelers, and they have been constantly causing disorder and not refraining from such abominable acts [*dayıma fesad ü şenatden hali olmayub*]³⁷

Another significant issue that has to be underlined is usually these groups appear to be often mixed and travelled with what I call here other “vagrants” /

37 MD 6, no. 206.

“wanderers” such as young unattached males roaming within the cities and countryside and involved in various criminal activities such as the *şehir oğlans* (city boys), *levends* (disruptive young man) and *suhtes* (*medrese* students). One of the observable differences between these wanderers and other nomads is that while the first group often consisted of single young man, the others were often on the move with their families and were engaged not only in criminal but also some professional activities.

Nevertheless, it appears from the documents that not all *gurbet* communities engaged in deviant acts and criminal activities that situates them on the margins and made the ruling authorities issue certain regulations to punish them with banishment or imprisonment or sending them to the galleys as oarsman.³⁸ For instance, in an imperial decree written in 1568 addressed to the judges in the province of Karaman, we learned that some individuals from the *gurbet taifesi* had been settled in Adana for the last 40 to 50 years (*kırk-elli yıldan berü Adana’da sakin olup*). Within this period, they were not known to be involved in any mischievous and abominable acts (*hiç bir anda mezkurlardan fesad ü şenaat zahir olmamışdur*). Therefore, the Sultan ordered the judges of Karaman that once these individuals from the *gurbet taifesi* come to (summer) pastures in their dominions, it was against the law (*şer u kanun*) to interfere and

³⁸ The latter being the come practice after 1570s once the Ottoman Navy needed substantial amount of human labor due to some major naval campaigns in the Mediterranean. The most well-known conquest of Cyprus and the battle of Leponta.

assault them unless they became involved in mischievous and abominable acts and started causing disorder.³⁹

Finally, during the second half of sixteenth century, we have various kinds of immigrants leaving the country side to find jobs in the imperial capital Istanbul. Üsküdar, as being a growing transient town situated in close proximity to capital seems to have housed many immigrants. Indeed, as I mentioned, in the very beginning of this work, there appears to be a new neighborhood emerging in 1580s called the “Mahalle-i Ma’mure.” Among the Üsküdar *sicils* of the sixteenth century, volume 56 and 57 is devoted to the various affairs that arose in this neighborhood.⁴⁰ From these registers, we learn that the neighborhood had its own court under the authority of judge of Üsküdar, Abdür-rauf Efendi. The affairs of this court appear to have been run by a court *naib* (deputy) named Mustafa b. Şeyh Sinan. The residents of the neighborhood appear to be quite heterogeneous and included Gypsies, Armenians, Jews, Tatars, as well as fugitive and freed slaves and transients or newly immigrated residents from Cyprus. The court, most probably in order to underline their status as new immigrants to the city meticulously recorded many of its clients through their “ethnic” identities even though some of them are clearly Muslims. Nevertheless, Muslim residents – men and women – were recorded through omission of their religious affiliation. As a

³⁹ MD 6, no.2622

⁴⁰ I have not included USS 57 in this research. Nevertheless, I shall include it in my future publications on the subject.

new neighborhood constituted by various new immigrants – Muslim and non-Muslims — the “Mahalle-i Ma’mure” appears to be quite litigious. Among 497 entries registered in USS 56 (which covers the period from 1582 to 1583), more than a hundred of litigations are related to the transgression of moral boundaries such as theft, murder, physical and verbal assault, prostitution, drinking, market infringements etc.. This ratio (5 % of all the entries recorded in the register are on breaches of morality) in itself does not say much. Nevertheless, when it is compared, for instance, with transgressions recorded in USS 15 (which covers the period from 1547 - 1551), it appears to be higher and urges the reader to question further the relationship between crime and margins. Even though this is a very significant area of inquiry, it is beyond the parameters of the present work and further exploration of the subject has to be left to future research.

c) Acts that caused Marginalization

Up until now, while attempting to unfold who constitutes the category of marginal, my focus has been on the communities were positioned on the margins symbolically in various discourses of the learned elite. These communities were constructed based on their occupations and / or residential lifestyles. Nevertheless, as the *mühimme* registers demonstrate, as long as they were not involved in criminal activities (*fesaad* and *şenaat*) and disturbing public peace, they were accommodated by the state. Equally important in unfolding the category of marginal as I define it, are those conducts and public utterances which were construed to be deviant from what was conceived to be normative or morally

appropriate communal conduct. Indeed, an argument can be made that in the daily workings of the communities in the sixteenth century Üsküdar, people whom I posit as marginal were brought to the court and faced with various forms of social exclusions not necessarily on the basis of practicing “base” occupations or having residential mobile life. They were often brought the court by the members of their own “micro communities” because they were involved in improper moral practices or for disturbing the public peace. Of course, we cannot deny the significance of occupations, material wealth, settled life, reputable lineage and gender in an urban milieu to access power and social opportunities. Nevertheless, while these privileges were owned and mobilized by relatively small minority, good reputation and honor - if required—were mobilized by everybody: Muslim and non-Muslim; men and women; rich and poor.

Morality and Honor as Capital

Morality, reputation and honor functioned as a “capital” in various social networks and legal arena to get communal support not only in the sixteenth century Aintab as demonstrated by Pierce or the eighteenth century Adana as exposed by Işık Tamdoğan but also in the sixteenth century Üsküdar. We see many cases in the court records of the sixteenth century Üsküdar in which the court asked the community members about a particular person’s reputation. For instance, in May 1551 (mid Cemaziyelevvel 958 AH), the people of village of Orhanlı were asked (for an unknown reason as it is not indicated in the record)

whether a Muslim man named Habib b. İbrahim Fakih from the said village was a good person (*iyi midir?*), they replied in negative because apparently Habib b. İbrahim Fakih was keeping company with the *haramzades* (villain or rogue), even though he was many times warned by the community members not to become involved with them and they refused to be guarantors (*kefil*) of his good conduct.⁴¹ Similarly, in July / August 1563 (mid Zilhicce in 970 AH), the chief policeman (*subaşı*) of Haslar (today's Eyüb) Abdurrahman Çelebi came to the court (or rather was sent to the court by the honorable Ali Bey) to demand an inquiry about the moral standing or reputation (*keyfiyyet-i ahval*) of Hanife bt. Hasan Bey and other women living with her in the same household.⁴² What is interesting about this case is that apparently Hanife bt. Hasan Bey, who happened to be the wife of certain Cafer bin Hasan, came from a wealthy family. The record makes clear that Abdurrahman Çelebi demanded not only the moral standing of the Hanife bt. Hasan Bey to be verified but also that of her paternal uncle's slave, Hüma bt. Abdullah, who happened to be mother of her owners child (*ümmü'l-veled*), and his other female slaves, Kamile, Müyesser and Rana. Once the examination was carried out in the neighborhood, five trustworthy male Muslims including the imam Taceddin Halife b. Ali informed the court that the above mentioned women had been living in the neighborhood for the previous four years

⁴¹ USS 17/ 67a/ 2

⁴² USS 26 / 4a /1

and that they were modest and virtuous (*mesture*) and they had not heard or seen them involved in any mischievous acts.

Beside the court's investigation of people's reputation, we see people from all religious backgrounds and residential statuses (transients and new immigrants) as both man and women came to the court to save their honor. For instance, in October 1550 (mid Şevval 957 AH), a woman named Lalezar bt. Abdullah from the town of Üsküdar came to the court and stated that "Mehmed Subaşı divorced me from my husband because he accused me of being a prostitute (*kahpe*).” After listening to Lalezar's complaint, the court ordered that the (moral) status of Lalezar (*Lalezar'un ahvali*) should be investigated closely within her neighborhood. What emerges from the close investigation is that both the imam and the muezzin as well as others from the neighborhood confirmed Lalezar's reputable moral standing. Thus the court gave its verdict and confirmed Lalezar's good moral standing (*Lalezar'un eyülüğüne hüküm olunup*).⁴³ As the court records ends here, we do not know what happened to Mehmed Subaşı who had accused Lalezar of being a prostitute. Though it is not explicitly laid out in the record, it might be plausible to suggest that Lalezar was able to save her marriage once her reputation as being good (woman) was confirmed.⁴⁴ What needs to be underlines

⁴³ USS 15/ 84a/3.

⁴⁴ Lalezar appears to be a very active user of the court. After almost a month later from this case, we see her again at the court filing a suit against her ex-husband, Cafer b. Ramazan. On when exactly this divorce took place we do not know. In spite of the fact that Lalezar was able to prove

here, more than the incompleteness of the record, however, is how a woman, most likely a freed slave or a recent convert, come to the court against the chief police officer in the town and obtained the best possible outcome in her legal action. Here Lalezar's reputation in the community functioned as, to use Bourdieu's off-quoted maxim, a "social capital" in the legal process. Nevertheless, not everybody – even those as we shall see with economic capital or a position in the ruling cadres – was able to use 'honor' as a social capital.

While the practice of *kefalet* (standing suretyship) and confirmation of good moral standing at the court (*şehadet*) provided some people social capital

— that she was a good person, we might assume that the divorce initiated by the subasi might have to been carried out. Yet, Lalezar's several suits against her ex-husband possess challenges to this argument. In one of the suits, Lalezar claims that her ex-husband Cafer b. Ramazan gave her a *hull* divorce and so she gave up all claims on dowry (*mihr*) and her other belongings. Nevertheless, before this *hull* divorce took place, apparently two parties made an agreement. Cafer bin Ramazan promised Lalezar that he is going to remarry her after the *hull* divorce. Nevertheless, apparently, he did not keep his promise so Lalezar came to the court and revealed this promise and asked for her dowry and her other belongings. Yet Cafer b. Ramazan denied this claim. Once the court asked from Lalezar to provide proof (*beyyine*) for her litigation, she was able to bring three Muslim males from the just and trustworthy Muslims (*udul-ı müslimin*) to support her claim. Again the case ends with no verdict. Yet in another case, recorded about almost five days after the above mentioned case, we see Lalezar again at the court against her-ex-husband, this time around with different charges. Apparently, according to Lalezar's account, her ex-husband asked a certain women impersonate Lalezar and state in front of some Muslims in Cafer's house that "I am Lalezar and I took my *certificate of manumission* and I gave up all my rights including the dowry (*mihr-i mueccel*), maintenance and all others and from now on, I have no conflict with Cafer bin Ramazan and if I ever sue him again, this should not be considered valid." Cafer bin Ramazan denies these charges against him. This time the case ends here. The court, as much as it is reflected in the entry does not ask any evidence from Lalezar to substantiate her claim. It is just states at the end that Cafer bin Ramazan's denial of the above mentioned claim is recorded by a demand brought to the court by Lalezar. Lalezar's and her husband's various strategies to use the court and to get best possible outcome from their cases is interesting and begs further analysis. Nevertheless, I shall leave this quest in another research. Here I just want to underline, how reputation and honor functioned in the legal process and how indeed both parties attempted to use it to win their litigations. The entries on Lalezar can be found in USS 15/ 88a/6 and USS 15/ 90a/5.

which could be mobilized when needed, as we saw in Lalezar's case, it also functioned as means of further social marginalization including spatial exclusions for others, with or without economic wealth and social position. Before moving onto how being devoid of *kefalet* could influence people's position in the community or in a legal action, I would like to offer rather cursory remarks on this very widely used practice in Ottoman society in different spatial and temporal contexts.

Despite the fact that the practice of *kefalet* was widely used in Ottoman society for different reasons, there exist very few studies in the field highlighting its diversity and its various functions at communal and political level.⁴⁵ It should be underlined that there appear to be multiple forms of *kefalet* operating in Ottoman society. In the court records, the most common form of *kefalet* was the appointment of a guarantor for a person's location (*kefil bi'l-nefs*) articulated in the court records as "delegated to guarantee the presence of the individual whenever it might be requested." Another form of *kefalet* was the appointment of a fiscal guarantor or bail agent (*kefil bi'l-mal*). Yet, another one form of *kefalet* appears to be collectively asserted. This type of *kefalet* appears to have been used by guild members and neighborhoods or any communal groups as a

⁴⁵ On the practice of *kefalet* see Tahsin Özcan., "Osmanlı Mahallesi, Sosyal Kontrol and Kefalet Sistemi," *Marife*, vol.1. (2001): 129-151; Nalan Turna deals with the same issue yet in a different temporal context. Nalan Turna, "Pandemonium and Order: Suretysip, Surveillance and Taxation in early nineteenth century Istanbul," *New Perspectives on Turkey*, 39 (2008):166-189

whole whether it was based on kinship, religion or proto-ethnicity. Its usage was also very much encouraged, facilitated and at times imposed by the state. Leslie Pierce calls this type of *kefalet*, “mutual guarantorship” and sees it as “a valuable communal resource in challenging the inroads of the imperializing power.”⁴⁶ While this widely used practice of mutual guarantorship can be read as “as an assertion of legitimacy as a legally, economically, and morally constituted site of authority and administrative autonomy”⁴⁷ on the part various communities, its significance as social control for the Ottoman states should also be addressed in the context of the sixteenth century Üsküdar or indeed in greater Istanbul. It appears that the “mutual guarantorship” was used by the state as a means of social control and community surveillance. According to Cengiz Kırılı, “The principal purpose of this system was to create a unifying system of incorporation where individuals were linked to larger groups through the placement of *kefalet* so that the actions of an individual would implicate to the whole.”⁴⁸ In the court records of Üsküdar, there are few telling examples how the ruling authorities fostered the practice of *kefalet*.⁴⁹ Here I would like to dwell upon one example to highlight my discussion on how the practice of *kefalet* administrated by the ruling authorities in

⁴⁶ Leslie Peirce, *Morality Tales*, 301

⁴⁷ Ibid.

⁴⁸ Cengiz Kırılı, “The struggle over space: coffeehouses of Ottoman Istanbul, 1780-1845” (PhD diss., State University of New York at Binghamton, History Department, 2000), 73.

⁴⁹ For further example see, Tahsin Özcan “Osmanlı Mahallesi, Sosyal Kontrol and Kefalet Sistemi.”

a neighborhood level and how it could be used either as an advantage or disadvantage by the individuals in a legal action at the court.

The Case of Şaban Reis b. Hamza

On 12 October 1550 (the first day of the month of Şevval 957 AH), a Muslim named Şaban Reis b. Hamza from the neighborhood of the late Mehmed Pasha, came to the court and filed a complaint against a sergeant of the imperial court named Ali. Şaban Reis b. Hamza filed this suit in the presence of several esteemed figures including the head police officer of Üsküdar, the imam and the muezzin and “people” of the neighborhood. The claim of Şaban Reis b. Hamza was that the above mentioned sergeant had publicly humiliated him by calling him a ‘pimp’ (*gidi*) and his wife a prostitute (*ruspi*). Therefore, he asked from the court that justice be rendered to him according to the sharia. Up until here there is nothing unusual about this case neither the court procedure because the court registers of Üsküdar are filled with the litigations of people from all walks of life coming to the court and seeking justice according to the sharia against those people who humiliated them publicly by uttering indecent words (*şetm*) jeopardizing their moral integrity and social position in the community. What is interesting in this case, Şaban Reis b. Hamza’s past which most likely hinders possibility of getting favorable outcome. Let us explore this past further as far as the court records permit us. We learn from the same entry that once there had been a random investigation (*habersüz teftiş*) at the end of the month Şaban in the

neighborhood of Mehmet Pasha, nobody from the neighborhood including the imam and muezzin extended their suretyship (*kefalet*) this Şaban Reis b. Hamza, his wife and daughters. After this investigation, Şaban Reis and his family were recorded as being devoid of guarantors (*kefil*).⁵⁰ Luckily, the court records permit us to unfold this case further because there exists two – almost identical – entries regarding this random investigation.⁵¹ This random investigation was carried out by a sergeant of the imperial court (*dergah-ı mualla çavuşu*) named Mustafa a month previously. Sergeant Mustafa had come to the court and called the community of the mosque Mehmed Pasha to be present at the court all together including its imam and muezzin. He then asked them to identify “good and evil” (*hayırludan ve hayırsuzdan*) individuals in their neighborhood. In their response, the neighborhood people stated that “they are guarantors to each other except the women who is known as Çerkeş Hatunu and her daughter as well as Şaban Reis’s wife and his daughter because they had been seen conversing with unrelated man (*namahrem ile kelimat iderler*).” Then the imam and muezzin of the neighborhood were asked whether they could be guarantors of these people, they stated that “we did not see their wrongdoings but they are not known as good hence we cannot become guarantor for them either.” The case closes with the

⁵⁰ USS 15/ 84a/4

⁵¹ USS 15/ 135a/1 and USS 15/ 137b /3.

registration that these above mentioned individuals did not have suretyship (*adem-i kefalet*). By presenting these cases on Şaban Reis, I hope to expose what it means to have no guarantor in the community and in the legal process. Yet if people with no guarantors often lost the litigations they brought to the court, why did Şaban Reis came to the court against an imperial servant and sought justice according to the sharia? Was not he aware of the fact that without a guarantor from his neighborhood, he would most likely lose the case? What was the advantage of coming to the court and presenting his case? Here, following Leslie Pierce, I would suggest that “Such individuals used the court as a public stage to seek the community’s sympathy and perhaps its absolution by asserting the morality of their own intentions and the immorality of their antagonists. Their hope was to gain honor, rather than a favorable judgment, and to lay a foundation for suspicious conduct (*tö Ahmet*) that might haunt their antagonists in the future.”⁵²

These cases raise certain interrelated questions that needs to be addressed:

1) If morality was so important in the community that even the wealthy who owned “luxurious” property likes slaves could not escape from having their reputation questioned – what kind of morality are we talking about here? To put it in another way, how was morality understood by the contemporaries? What behaviors were considered “moral” and which were considered “undesirable” and “immoral”?

2) By whom were those who were “off the straight path” policed and

⁵² Leslie Peirce, *Morality Tales*, 386.

were brought to the court? 3) What happened to those people who were identified as being “off the straight”?

Contemporaries’ Contemplations on Morality

Exposition of appropriate moral behavior can be seen in various genres of Muslim literature such as “Mirror for Princess,” (*siyasetname*); “Books of Morals” (*ahlak kitabı*) and “Books of Etiquettes” (*adab-ı mubaşeret kitabı*); the latter term was used especially after the Tanzimat.⁵³ Here what interests me the most are the “Books of Morals” and “Books of Etiquettes” because these works embody counsels not only for the rulers but also for the masses. These works, while discussing the normative behaviors relied on the most part the Qur’an and the prophetic *hadith* in that the words, deeds, and habitual practices of the Prophet Muhammad and other Muslims of the first generations and well-known saints were also often cited to guide Muslims to the straight path.

Among these “Books of Morals,” the most well-known in the sixteenth century Ottoman context is the *Ahlak-ı Alai* (The Aliean Ethics) by Kınalızade Ali Efendi (d. 1571).⁵⁴ The book has been regarded as one of the most influential

⁵³ Expositions of these “Books of Morals” as far as the neighbor relations are concerned, see, Işık Tamdoğan, “Les relations de voisinage d’après les livres de morale ottomans (XVe-XVIIIe siècles), dans *Anatolia Moderna* no X, 2004, 167-177; For more extensive survey on these genre of sources see, Marinos Sariyannis, “The Princely Virtues as Presented in Ottoman Political and Moral Literature,” *Turcica* 43 (2011): 121-144.

⁵⁴ Kınalızade Ali Efendi, *Ahlâk-ı alâî*, transcribed by Mustafa Koç (İstanbul: Klasik, 2007).

“Book of Morals” in the Ottoman context. It was widely circulated in different parts of the Empire up until the end of the nineteenth century. Furthermore, by the late nineteenth century we see it being published in Cairo. Kınalızade uses many books of morals written before him in different parts of Muslim world such as *Ahlak-ı Nasiri* by Nasiriddün Tusi (d. 1274), *Ahlak-i Celali* by Celaledin Devvani (d. 1502) and *İhya-u Ulumiddin* by İmam Gazali (d. 1111). Among these, one of the most influential on Kınalızade appears to be Tusi’s work. He even organizes his book following the organization established by Tusi in *Ahlak-i Nasiri*. The work is written in three volumes: the first volume is concerned with the science of ethic (*ilm-i ahlak*) and personal ethic; the second volume is on the ethic of family and communal life; third is on the ethic of government and just rule. As in many other works written before the *Ahlak-i Alai*, the book first discusses the four great virtues (*fazilet*) that a human being could possess: wisdom (*hikmet*), justice (*adalet*), temperance (*iffet*) and courage (*şecaat*). Among these virtues, according to Kınalızade, the paramount one is justice because it embodies all three virtues. Then it moves into demonstrating varieties of the vices (*rezilet*) corresponding to (in the opposite direction) to these virtues either in indulging them excessively or deficiently or perversely and offer cure (*ilaç*) for each of them. Among these vices, we see, for instance, jealousy, avarice, mocking, deceitfulness, hypocrisy, lust, laziness, melancholy, excessive self-admiration and self-boasting, back biting, slander and revealing one’s secret. In very general terms, what appears from the *Ahlak-i Alai* and many of its

contemporaries is a morality which suggests spiritual commitment together with modesty in material means as well as modesty in behaviors and conducts.⁵⁵

Exposition of proper or improper moral conducts can also be seen within the fatwa literature. Jurists, especially giving legal opinion as to the qualifications of the judges and court personnel and witnesses offer us invaluable expositions of what constituted the normative behavior. For instance, a fatwa issued by İbn Kemal, the chief mufti from 1525 to his death in 1534 on who was eligible to be a witness at the court on behalf of Muslims and non-Muslims illustrates in countless ways who were deemed “low” in the society and which conducts were considered deviations from the normative behavior. The following questions were asked to İbn Kemal on who could be eligible to give testimony (*şehadet*) at the court:

Query: The one who performs *namaz* in a speckled (*alaca*) way and the one who does not know the *dua Kunut*⁵⁶ and its significance, the one who does not know the *teşehhüd*⁵⁷ and its

⁵⁵ This conclusion partly builds upon Leslie Peirce, *Morality Tales* and Işık Tamdoğan, “Les relations de voisinage d’après les livres de morale ottomans (XVe-XVIIIe siècles).”

⁵⁶ *Du‘au’l-Qunut* is also called *Qunut al-Witr*, or “the prayer performed standing,” is a form of prayer after reciting the verses from the Qur’an in the night and morning prayers. Najam Haider explains that “[t]he Hanafis categorically reject the *qunut* for all the obligatory prayers but consider it a required element of the *witr* prayer.” On the tension between the *Hanafi* and other Islamic legal schools’ stance on the *qunut* prayer, see Najam Haider’s recent work *The Origins of the Shi‘a: Identity, Ritual and Sacred Space in Eighth-Century Kufa* (Cambridge: Cambridge University Press, 2011), pp. 95-137.

⁵⁷ *Tashahhud*, literally testimony, is declaration of Islamic faith towards the end of the prayers after the reciting the *tahiyyah* prayers.

significance and the one who works as a collector of revenues (*amil*) and the one who serves under the collector of revenues and the night-watchman (*ases*) and the one who urinates in public, the one who eats in the market place, the one whose drunkenness is confirmed (*müdmîn-i hamr olanın*), the slave-dealer and the one who is impious (*fasık*)⁵⁸ and the one who shows off his private parts (*keşf-i avret*) in a bath house and other places and the one who engages with women who are not close relatives, the one who cheats in selling and the one who is known as liar and engages in willful misrepresentations; the falconer (*kuşbaz*) and the gambler and the (grain) speculator (*madrabaz*) and the one who plays *tavla* (backgammon) and the one who involved in illicit sexual discourse (*zani*) and the pederast (*luti*) and the one who leaves the Friday prayer and the one who leaves (prayer) community without an excuse and the one who hides wine in his domicile to sell and the gypsy and the fool and the wanderers (*garabat*)⁵⁹ and the crier and

⁵⁸ *Fasık*, the Turkish pronunciation of the Arabic term *Fasiq*, a highly debated term which has had legal and theological connotations, refers to someone guilty of openly violating Islamic law and to someone departed from the way of truth (Islam) by disobeying to God and His commands in the Qur'an. On the use of the term *fasiq*, see Toshihiko Izutsu, *Ethico-Religious Concepts in the Qur'an* (Montreal: McGill-Queen's University Press, 2002), pp. 156-161.

⁵⁹ A respected ethnologist Aparna Rao who has done a thorough study on the term *gurbet* or *garabat*, Turkish spelling of Arabic *ghurbat* or *ghorbat*, explains it in the following: "[t]he term *Ghorbat* (and its variant *Ghurbat*, *Qurbat*, *Qurbet*, etc.) are encountered throughout West and Central Asia, the Balkans, Greece, and Morocco. Everywhere, except in Iran, it is usually equated and assimilated with a large number of other terms and the simple assumption is that the people it designates are "Gypsies." Bloch (1960:18-19), for example, writes of the "Kurbat-Gypsies," and in the *Encyclopedia of Islam* (new ed.: 40) one finds the following under the entry Èingâne: "Other names commonly used are Nawar in Syria, Ghurbat or Kurbat in Syria, Persia, Egypt and elsewhere. In Egypt the name Ghadjar is also in use" (for more details, see Rao 1983). In Central Asia *yurvat* are considered to be members of a "Jugi" Group (Oranskij 1964:270). Gilliat Smith (1960:78-81) noted the use of the term *Gurbet* in former Yugoslavia and Greece, where sedentarized "Gypsies" referred to nomadic "Gypsies" as *Korbédja* (Arnold 1962:125). Similarly, the Ludari-Gypsies in the United States refer to all non-Gypsy Travellers as Gurbat (Salo 1979). Following Hasluck, who mentioned the use of the term *Kurbet* in Albania, Arnold (1962) derives *Korbédia* (sing. *Korbédis*) from *Kurbet*. The Beni Bacchar in Morocco's Atlas region, who have also often been termed "Gypsies," refer to the Kabyle as *Kurbat* (Bacchar 1890)." On the details of the above-mentioned sources, see Aparna Rao, "Strangers and Liminal Beings: Some thoughts on Peripatetics, Insiders, and Outsiders in Southwest Asia" in Berland, J & Rao, A, eds, *Customary Strangers: New Perspectives on Peripatetic Peoples in the Middle East, Africa, and Asia* (London: Praeger, 2004), pp. 270-298.

the one who rubs his face upon anything and the astrologers, the redhead (*kızılbaş*)⁶⁰ and the one who says the dance is permissible and the musician and the juggler and the one who does know not his creed (*mezheb*)⁶¹ and the one who creates mischief in a gathering and the one who keeps company with impious (*fasık*) and the one who is known as giving false testimony (*şahid-i zur*) and the market inspector (*muhtesib*) and the one who swears at religion and mouth (using f word: *cima*) and the one who does not prevent his wife contacting with those who are not close relatives and the one who states “devil is better than the remembrance of the face of earth” (*yad-ı ferşten şeytan yegdir*) and the one who says the food of the wedding ceremony with music is not permissible / forbidden and the tyrant stewards and those who are close to enemies of the world (*meşhudu aleyh ile adavet-i dünya veli olanların*) and those who plays *saz*⁶² to people. Are testimonies (*şehadet*) of those [who are listed above] valid on the issue of blood and others on behalf of infidels (*kâfir*), Muslims and those who do not perform the obligatory daily worship (*beynamaz*).

Answer: No. ⁶³

The relation between the fatwas and legal practice constitutes one of the most contested objects of analysis in the historiography of Islamic legal

⁶⁰ The *Kızılbaş*, literally “redheads,” had become a generic name to identify the religious and political movement who belonged to the Twelver branch of Shi‘i Islam, known as Alevi, in the Ottoman Empire due to the red turbans they wore during their protests and campaigns. On the *Kızılbaş* sect in the Ottoman Empire, see Huricihan İslamoğlu Ghaznavi, “The *Kızılbaş* Sect and its Relationship to the Ottoman Central Government,” (Unpublished Ph.D. dissertation, University of Wisconsin-Madison, 1972) and Reşat Kasaba, *A Movable Empire: Ottoman Nomads, Migrants, and Refugees* (Seattle: University of Washington Press, 2009), pp. 29-36.

⁶¹ *Mezhep* in this context refers to a sense of religious sect with its own creed.

⁶² *Saz* is a stringed Turkish instrument.

⁶³ This *fatwa* is quoted and translated partly in Leslie Peirce’s *Morality Tales* (2003). Its transcribed version in modern Turkish alphabet can also be found in Ahmet İnandır, “İbn Kemal’in Fetvaları Işığında Osmanlı’da İslâm Hukuku” (Master’s Thesis, İstanbul Üniversitesi, 2008), 142.

traditions.⁶⁴ Here is not place to reiterate the contours of this historiography. Furthermore, as we shall see in chapter five that some Gypsies sat at the court as witnesses concerning any litigation that took place within their own communities. Though very few in number some of them even sat as a witness for the cases not necessarily related to their own community. Nevertheless, as we shall see, those Gypsies were settled and well-grounded in the community. Therefore, their moral status in the community seems to be overrode their gypsiness.

What is more interesting, however, is that so many terms or descriptions of behaviors described in this fatwa can also be used in the court records as well, a fact that could suggest a dialectical relationship between the fatwa and the legal practice. For instance, in 1550, Mehmed b. Yahya brought Şirmerd b. Abdullah to the court and claimed that he was drunk (*mest*) because he had partaken of alcoholic beverages. When Şirmerd b. Abdullah was questioned, he replied that he was offered some wine and he did not decline the offer and had four or five glasses of wine. Later Şirmerd b. Abdullah's (moral) standing was checked with the residenst of his neighborhood. They altogether (*cemi cümle halk*) stated that the above mentioned Şirmerd "is a *fasık* and that he even does *fisk* in his own

⁶⁴ More on this, see for instance, Wael B Hallaq, "From fatwas to furu: Growth and change in Islamic substantive Law," *Islamic Law and Society* 1, no. 1 (1994): 29-65, idem, "Usūl al-Fiqh: Beyond Tradition," *Journal of Islamic Studies* 3, no. 2 (1992): 172-202.

home so we cannot be guarantors for him.”⁶⁵ *Fasık*, like *the beynamaz*, another concept which was used in various genres of Islamic sources extensively and appears to embody several meanings extending from ill-mannered, lacking in moral integrity and corrupt.⁶⁶ But what happened once people were tagged as “*fasık*” or as with various other terms that implied that they had strayed from the right path? In the case of Şirmerd b. Abdullah, for instance, the case is concluded with a statement that “it is registered that Şirmerd b. Abdullah has no guarantor in his neighborhood.” What did it mean to have no guarantor in the sixteenth century Anatolian town like Üsküdar? As I already underlined in the case of Lalezar, for instance, having a good reputation and communal support influenced the rulings at the court. Furthermore, it appears that the qadis usually took into consideration in their verdicts whether the individuals who were brought to the court had committed this crime for the first time or were habitual criminals (*saib’ul fesad*) or if they had had any *töhma* (a former occurrence of publicly voiced suspicion of, or conviction of transgression) known and registered before.⁶⁷ What other

⁶⁵ USS 15 / 82 a / 2-3.

⁶⁶ See footnote on *fasık* above (footnote 91). Indeed, in a poem which is attributed to the seventeenth century Bektashi poet and scholar Aşık Hasan Dede, these two terms are used together. In a poem, Aşık Hasan Dede advises his followers that they should not salute three kinds of people: One of them is *hain* (literally traitor), the other one is *fasık* and yet the other is *beynamaz*. For Aşık Hasan Dede, see Tahir Kutsi Makal, *Aşık Hasan Dede (İstanbul: Toker Yayınevi, 1995)*. Individuals engaging in disapproved acts were also termed *fasık* in the context of the sixteenth century Aintab. Leslie Peirce, *Morality Tales*, 182.

⁶⁷ Fikret Yılmaz, “Boş Vaktiniz Var mı? Veya 16. yüzyılda şarap, suç ve eğlence,” *Tarih ve Yeni Yaklaşımlar Dergisi* 1 (2005): 11-49. And Leslie Peirce, *Morality Tales*, especially chapter 5.

disabilities or punishments these so-called marginal people might have experienced, besides not being able to provide a guarantor for their actions and words? What was the role of neighborhoods in punishing those who were construed to be off the straight path? Where did neighborhoods get this legitimacy to punish those were causing disorders within their vicinities?

Policing the Margins: The Role of Communities and the “State”

In the very beginning of this work, I stated that it largely derives from a Foucauldian notion of power but also departs from it in certain respects. I see the sixteenth century Ottoman society as consisting of different centers of power. In this sense, the “state” was only one of the actors within this Foucauldian notion of power. State institutions, existed within a web of other mechanisms of power, which they sometimes had to compete with, but which they more often accommodated and used. Such mechanisms of power, for instance, were the extended family, the tribal and religious community, the village assembly, the neighborhood community, the guild and the various religious orders (*tarikats*). The neighborhoods, guilds and of villages were largely responsible for managing their own affairs both financially and administratively. They were involved in policing their members and solved various conflicts internally without bringing them to the local court or to the attention of local imperial ruling agencies (*ehl-i örf*). Among these various mechanisms of power, I shall dwell here upon the neighborhoods as the court records of Üsküdar include many cases to demonstrate their multiple functions.

How neighborhoods were formed has been touched upon by many scholars. Up until recently, general tendency has been that more often than not, neighborhoods were formed along religious lines. Hence, it has been argued that we had Muslim, Orthodox Christians, Armenians and Jewish neighborhoods isolated and separated from each other along the religious divide. Nevertheless thanks to more and more new research on Ottoman urban history based on court records, we now know that the inhabitants of neighborhoods were not as homogenous as we had assumed them to be. There are many instances in the court records of Muslims and non-Muslims living side by side in the same neighborhoods. This is not to argue against the fact that some neighborhoods were formed by mostly by people who were related to each other in terms of religious identity, professional affiliation and kinship relations. Freed slaves might also have chosen to live in the same neighborhoods with their former masters. Furthermore, some neighborhoods could be inhabited by those recent immigrants to the town from the same village or city in origin. For instance, my preliminary examination of the “Mahalle-i Ma’mure” in Üsküdar, which I mentioned earlier, shows that it appears to have been populated mostly by new immigrants to the town. The people of the neighborhood are very diverse, we see Gypsies, Tatars, Armenians, Jews, Orthodox Christians, not to mention Muslims and possibly many freed slaves living side by side. While the Mahalle-i Ma’mure was so diverse, a recent micro historical research on the Mahalle-i Gülfem Hatun,

another neighborhood of Üsküdar which was apparently emerged in 1540s, seems to have been inhabited mostly by Muslims.⁶⁸

Neighborhoods' Surveillance of Margins

One of ways of managing diversity in the Ottoman statecraft was a degree of reliance on communities' self-rule. These communal units as we saw throughout this dissertation could be religious, tribal or professional or spatially designated. Hence, the neighborhoods (*mahalles*) are yet another example of these communal units which the Ottoman state relied on for collecting imperial taxes, raising funds for communal expenses and maintaining law and order. Neighborhoods' legitimacy to act collectively in different matters derived from various sources institutionalized in the Ottoman law and legal culture. As years of research on Ottoman urban history demonstrates, there existed various manifestations of collective identity at the neighborhood level. As we shall see, as spatially recognized communal units, neighborhoods played significant roles and acted collectively in managing their internal affairs fiscally and administratively as well as in monitoring criminal and immoral acts destabilizing law and order. Among these various instances of legal action in which neighborhoods acted collectively, I shall dwell here upon legal actions taken against those transgressing the limits of public morality. This is not to suggest, however, that other forms of

⁶⁸ On the development of Mahalle-i Gülfem Hatun from its emergence to the beginning of the seventeenth century, see Nuray Güler, "16. Yüzyılda Üsküdar'da Gülfem Hatun Mahallesi (1540-1600)" (Master's Thesis, Marmara Üniversitesi Türkiyat Araştırmaları Enstitüsü, 2008)

collective action are not seen in the court records of Üsküdar. Neighborhoods appeared to be managing many of their economic affairs from helping the destitute members of their community to fixing communal spaces such as the mosques, public fountains or roads. The financial means of these expenditures were met either through small contributions collected from the inhabitants themselves or through the *waqfs* that were founded by the wealthy members of the community.⁶⁹ Similarly, there are instances in which neighborhoods act together to find murderers or thieves in their vicinities. Nevertheless, as the aim of exercise is here to understand the relationship between respectability and marginality and the ways in which those construed to be marginal were treated in the neighborhoods and at the court, I will dwell upon cases in which a neighborhood acted collectively against those – both with social status and not—transgressors of normative behavior.

⁶⁹ For a telling example of how people acted collectively to repair of a mosque in the village of Samandıra in Üsküdar, see USS 15/ 81a /1. For the functions of cash waqfs and others in Üsküdar, see excellent work by Tahsin Özcan, *Osmanlı Para Vakıfları Kanuni Dönemi Üsküdar Örneği*. We even see in the eighteenth century formation of those waqfs called, the *avarız vakıfları* (neighborhood waqfs) which among many other things functioned as social resources to help those members who were not able to pay their required taxes imposed on them by the imperial state taking a neighborhood as a fiscal and taxation unit collectively. Işık Tamdoğan suggest that the eighteenth century court records of Adana are full of cases on the members who were escaping from this responsibility and hence they were brought to the court by the people of the neighborhoods. See her “Le quartier (*mahalle*) de l’époque ottomane à la Turquie contemporaine,” dans *Anatolia Moderna* n°X, 2004, 123-135. Charles L. Wilkins also deals with the neighborhoods responses and collective actions on *avarız* in the eighteenth century Aleppo in his *Forging Urban Solidarities: Ottoman Aleppo 1640–1700* (Leiden: Brill, 2010).

The people of the neighborhoods were very much involved not only in the appointment of major officials in their communities such as imam, muezzin and *kethüda* but also in their removal if they were not satisfied with the service they provided or once they deviated from normative behaviors expected of those officials. For instance, in March / April 1550 (mid Rebiülevvel 957 AH), almost a dozen Muslim males and others from the community of Hamza Fakîh Mescidi in the town of Üsküdar came to the court and complained that the people of the neighborhood were not able to use the public well / fountain which had been built by the late Hamza Fakih. It appears that this well was used by the people of neighborhood to fetch water to their homes. Now, however, the well was no longer in use because of “inappropriate” life style of Cafer Fakih, the imam of the above mentioned masjid. Apparently, Cafer Fakih was living a “single man’s lifestyle” in a waqf house which was located in very close proximity to the public well. In the representation of neighborhood, Cafer Fakih had divorced his wife and had not remarried and he kept company with various unattached males including young boys (*emred*), bachelors (*mücerred*) and others. Apparently his house was full of visitors and travelers (*ayende ve ravende*) who engaged in playing *tavla* (backgammon) and chess all day long. Therefore, the people of the neighborhood were not able to send their female slaves and servants to fetch water from the well. That is why, they came to the court and stated that “The above mentioned imam is single and rejected (*mücerred ve mecruh olup*) so we cannot pray behind him because our traditions do not allow practicing *namaz* after

him (*tabiatımız iktiza eylemez*). If Cafer to be the imam of the neighborhood, it is certain that we are going to leave our abode (*cilay-ı vatan etmemüz mukarrerdir*). Now, we need an imam who is able to serve us during our occasions of birth and death by reading the Quran and we cannot bring this single person to our homes. We all accept and demand that Hasan Fakih should be appointed as our imam.”⁷⁰

Similarly, the residents of the neighborhoods were very much influential in removing those men and women who were involved in immoral and criminal acts. There are various examples in the court registers from different parts of the Empire to exemplify the role of the neighborhoods in this regard. The cases involving illicit gender relations, consuming alcohol habitually, uttering indecent words against an individual publicly to destabilize person’s honor in the community, constituted the best documented reasons in the records to bring those people to the court and ask from their spatial exclusions from the neighborhoods.⁷¹ For instance, in a series of entries recorded in USS 25, we see how five women from the neighborhood of Sultan were eventually asked to leave the neighborhood locality by the court as a result of the collective action taken

⁷⁰ USS 15/ 22a/ 2. There are further examples of removal of imams from their positions by the demands and collective actions of the neighborhoods and villages. Sometimes, it appears that being aware of the communities’ dissatisfaction with them; imams themselves resign their posts by themselves. For further examples, see Tahsin Özcan, “Osmanlı Mahallesi, Sosyal Kontrol and Kefalet Sistemi,” 136-140.

⁷¹ Examples in the court records of Üsküdar includes: USS 15/55a/ 8; USS 15 /95b/ 3-4 on Hüma Hatun who keeps company with unrelated man and whose husband were asked to divorce her or leave the neighborhood.

against them by other inhabitants.⁷² The ways in which these women are registered in the court records suggest that three of them were married with Muslims who – through looking at their titles — happened to have certain professional status in the community.⁷³ Yet marital and residential status of the remaining two is rather ambiguous. Yet they were recorded as being Gypsy women (*çingane avrat*).⁷⁴ Apparently, Rabia, wife of Tüccar (trader) Mustafa b. Abdullah, Ayni Hatun, wife of *Hammal* (porter) Mahmud and a women whose names is not recorded but who is identified as wife of *Sipahi* (soldier) Ali Bey were seen many times (*nice defa*) involved in indecent contacts with unrelated men usually from the lower ranks of the military institution. In the maxim of the residents “they became prostitutes (*fahişe*) due to the two Gypsy women named Ayni (?) and Feyrini (?)”⁷⁵ The husbands of these women were called to the court by the inhabitants of the neighborhood and charges against (them and) their wives were laid out separately in three different entries. Among them however, the case of Tüccar Mustafa and his wife Rabia appears to be recorded differently. It is because the litigation brought to court by the neighborhood was not directed against Rabia per se but rather, against her husband. While the entries on wives

⁷²These entires are USS 25/ 15b/ 1; USS 25/16a/1; USS 25/ 16a/2;USS25/16a/3; USS25/16b/1.

⁷³ 25/ 15b/ 1 on Rabia, wife of Tüccar Mustafa b. Abdullah; 25/ 16a/1 on Hamal Mahmud and his wife Ayni Hatun; USS 25/ 16a/2 on Sipahi Ali Bey and his wife.

⁷⁴ USS 25 / 16 a/ 3 is a litigatation against these two Gypsy women.

⁷⁵ USS 25 / 16 a/ 3

of Hammal Mahmud and Sipahi Ali Bey appears to be rather formulaic including mere identification of whom the women were involved with, Rabia's case gives us a rare opportunity to see how, where and when was Rabia doing her "business." It should be underlined that the court is very careful in not labeling Rabia or as matter of fact, any other women that I refer to as "prostitutes" (*fahişe*) but rather in the maxims of neighborhood representative Rabia was considered to be a prostitute (*fahişe*). Furthermore, in the words of the witnesses, we see Rabia herself acknowledges the fact that she was involved in immoral and illegal sexual contact. Once Tüccar Mustafa was sued by the neighborhood community, the charges against him included not only that his wife kept company with unrelated man but also that Tüccar Mustafa was aware of this yet did not prevent it. As we saw in the fatwa of grand mufti İbn Kemal, this act itself constituted one of the reasons to limit a Muslim male to sit in the court as a witness. Tüccar Mustafa, however, did not accept these charges directed against him. Nevertheless, some people from among "the trustworthy and just Muslims" (*udul-i müslimin*) testified that "we saw the above mentioned Rabia many times conversing with the *pasha kuls*⁷⁶ and the *acemi oğlans*⁷⁷ at the gate of her garden as well as accepting many *levends*⁷⁸ from rural regions in her house. Indeed, we even heard that the husband

⁷⁶ Slave soldiers of the ruling elite.

⁷⁷ A novice in the page-school of the Palace; a conscript later to join the Janissary corps

⁷⁸ Disruptive young man. Yet further on *levend* see my earlier discussion in this chapter, especially ff.13.

of above mentioned Rabia told her that “you spent a lot of time in deserted areas (*yaban*) and you do not come home.” Then Rabia replied that “you are [such] an infidel pimp! Don’t you know that I engage in indigent act (*fi’l-i şeni’*)”⁷⁹ with the *levend*? Why do you speak [like that]?”⁸⁰ After hearing this and description of other witnesses on Rabia’s activities, Tüccar Mustafa states at the end of the court hearing that he accepts the testimonies of these witnesses and he declares in public that he divorces his wife Rabia and everybody should be witness to this act.⁸¹ While Tüccar Mustafa divorced his wife, Hammal Mahmud and Sipahi Ali Bey declared at the court that if the allegations against their wives were confirmed, they were ready to leave the neighborhood. As for the two Gypsy women, they were called to the court by the demands of the community and accused of being “procurers” of prostitutes. The inhabitants of the neighborhood asked the court that they be banished from Üsküdar (*Üsküdar’dan ref olunması lazımdır*). The women denied these allegations against them. Nevertheless, some people from “just and trustworthy Muslims” testified against them and annulled their denial. Unfortunately, the record ends here and does not include the court’s decision against these Gypsy women. Luckily, however, there exists another

⁷⁹ More on this term see Mehmet Erdoğan, "Fi'l-i Şeni'," in *Fıkıh ve Hukuk Terimleri Sözlüğü*, 114. İstanbul: Rağbet Yayınları, 1998; on the usage of this term on the Ottoman legal praxis see Başak Tuğ, “Politics of honor: The Institutional and Social frontiers of "Illicit" Sex in mid-eighteenth-century Ottoman Anatolia” (PhD diss., New York University, 2009).

⁸⁰ This is the translation of the conversation that took place between Rabia and her husband as reported by the witnesses in 25/ 15b/ 1.

⁸¹ USS 25/15b/1

record demonstrating the trajectories of these three women and their husbands once their engagements with immoral acts are confirmed by the court. Even though, this entry is recorded just after these three entries and registered at the same date, I consider it as a follow up entry or litigation against these women.⁸² In 1562, the neighborhood of the Sultan (both men and most likely women, too) come to the court and brought their allegations against Hammal Mahmud, Tüccar Mustafa and Sipahi Ali once again arguing that the wives of the above mentioned man did not refrain from involvement with unrelated men (*namahrem kimesneler*) and this fact was even confirmed at the court (*meclis-i şerde sabit ve zahir olmuştur*) and so their removal from the neighborhood had been decided earlier. Nevertheless, according to the residents, they were still living in the neighborhood so they demanded once again from the court that they should be removed from the neighborhood. Hamal Mahmud, Tüccar Mustafa and Sipahi Ali accepted those allegations against them once again and stated that within the limits of the time given to them by the court, they would leave the neighborhood.⁸³

This case serves an introduction to the last point I would like to highlight here. That is, is it possible to know whether these decisions of the court were carried out and what happened to the people once they were removed from their neighborhoods. It is very hard to get whether these decisions were carried out in

⁸² See chapter 5 on representation of time, chronology and sequentially in the court registers. All these five entries are recorded at the same time: evâhir-i Cemaziyelahir sene 970.

⁸³ USS 25 / 16b/1

the court records unless there is a follow up litigation like the one we saw above. Most of these cases ended up being just registrations of the litigations against those people who were positioned on the margins for various reasons. In most cases, we do not even see the decision of the qadi. Nevertheless, once court records are amplified with other sources, we can get further insights as to whether these decisions were carried out and what happened to those people that faced spatial exclusions from their neighborhood or villages. For instance, in an imperial decree recorded in the *mühimme* registers and addressing the governor of Kocaili and the judge of İznikmid as result of their petition to the Sultan, we are informed about the trajectory of certain individual known as Üsküdarlu Hamza (Hamza from Üsküdar) who happened to experience several spatial exclusions. In his petition to the Sultan, the judge of İznikmid informed the Sultan that Üsküdarlu Hamza was a person who did not practice the basics of the religion (*tarikü's-salat*). Furthermore, he was from the “people of corruption / malice” (*ehl-i fesad*) in that he was always engaged in gossip, malicious misrepresentation and deceiving. Because of these inappropriate acts, he had formerly been banished from Üsküdar, Beşiktaş and Eyüb before he ended up residing in İznikmid (a small town located in close proximity to the greater Istanbul area). Nevertheless, according to the esteemed members of the town, he was not refraining from these abominable acts in İznikmid either. That is why; the esteemed members of İznikmid came to the court and informed the judge that “if Üsküdarlu Hamza does not leave, we shall leave the town.” The Sultan as his

response to the petition orders and commands the judge and the governor of Kocaili that upon the arrival of his imperial decree the above mentioned Hamza should be sent to the island of Cyprus as a symbol of lesson and advice to the others who engage in those acts. Moreover, the sultan commands that Hamza be sent to the island in the company of the responsible individuals. In order to ensure Hamza's exile to the island, these individuals should also be advised that once they bring Hamza to the island, they should receive a certificate from the governor and the judge of Cyprus demonstrating that they had handed Hamza over in his dominions.⁸⁴ This case can be read in various ways. Yet, here, I would like to highlight its significance as demonstrating the fluidity of marginal condition in Ottoman society. As it vividly described in the text, Üsküdarlu Hamza was banished from several towns yet was able to find a niche in each and every one of them despite his previous offences. Although he must have been under close community watch due to his *tö Ahmet* (a former occurrence of publicly voiced suspicion of, or conviction of transgression), he nevertheless, was able to survive within these communities. Furthermore, we now know that the neighborhoods not only held the power to apprehend and expel undesirables in their midst but also were given authority by law to suspend banishment should the culprit repent and lead a more righteous life. As suggested by Semerdjian,

⁸⁴ MD 12, no. 1046.

“removal from city quarters was not viewed as a permanent action, but could be overturned in the future, should the resident show signs of improvement.”⁸⁵

Moreover, those who were positioned on the margins in their communities, once they understood that they might in the future experience these banishments; they themselves employed certain “tricks” to face this likelihood. For instance, in June 1583 (mid Cemaziyelevvel 991 AH), Mirza b. İbrahim Pazarbaşı, Sefer b. Hasan, el-Hac Mustafa b. Seyyid, Mehmed and Hamza b. Ali from the “Mahalle-i Ma’mure” come to the court to accuse Fatima bt. Mustafa. They said that “there is always indulgence in the fleshly lusts and wickedness (*fisk u fücur*) and prostitution (*kahbevat*) and [people who come to the house] always drink alcohol (*dağimü’ d-dehr şürb-ü hamr ederler*) and so we demand that she be removed from the neighborhood (*mahalleden ihrac*). Once Fatima bt. Mustafa was asked about these allegations, she said that “I sold my house to my daughter’s son Ahmed so it is no longer my property.” The case ends here without providing further information about what happened to Fatima bt. Mustafa or indeed her daughter’s son Ahmed as an owner of the said property.⁸⁶ Yet by claiming that she had sold her house, it seems that she was able to, at least this time around, escape from further trial or possible decision of the judge confirming the will of the community.

⁸⁵Elyse Semerdjian, *"Off the Straight Path": Illicit Sex, Law, and Community in Ottoman Aleppo* (Syracuse, N.Y.: Syracuse University Press, 2008), 84.

⁸⁶ USS 56 / 36 a/ 1

Once they realized however that the game was up, these tricksters often resigned their positions or voluntarily left a neighborhood. For instance, in 1562, the imam, the muezzin and many other Muslims (*daha nice müslümanlar*) appeared before the court against a woman whose name is left blank in the text. They complained that “we are so sick and tired of the above mentioned women’s mischievous (*yaramazlık*) acts.” In response to these allegations, apparently, the woman replied “by her own choice that even if you do not demand [my expulsion from the neighborhood], I [shall] rent a house in Istanbul and leave [this neighbourhood].”⁸⁷ Whether this woman whose name is not registered actually followed through on her promise is not revealed to us as there is no subsequent entry in the register. The question then is: Why would she voluntarily choose to leave the neighborhood (if indeed she ever did)? Most likely, leaving neighborhood voluntarily did not impose as heavy a *töhm* as being evicted from the neighborhood would have done.

Conclusions

Almost all the cases that I discuss in this chapter demonstrate that people were brought to court for not conforming to communal normative behavior – which I try to define on the basis of contemporary ethical writings, fatwas and the court records themselves. Reputation and honor, which were confirmed through

⁸⁷ USS 22/ 167 a / 6 as cited in Tahsin Özcan, “Osmanlı Mahallesi, Sosyal Kontrol and Kefalet Sistemi,” 138.

the practice of *kefalet* and communal witnessing in the legal process, functioned as social capital to get the best outcome in various litigations. Nevertheless, the court functioned as an open arena even for those whose honor was seriously attained.

Neighborhoods acted as groups of witnesses in several types of court cases, including business transactions, requests to release debtors from prison, criminal cases, and cases involving breaches of public morality. In policing the people suspected of moral turpitude, the entire neighborhood acted together. The court also underlined this communal agency by using various rhetorical strategies. Particularly in cases of public morality where en masse testimony was common, witnesses were documented by listing the names of the esteemed members of the community including their titles. Nevertheless, to demonstrate involvement of the rest of the community (whether real or symbolic), the court always used terms such as “ the people of the neighborhood collectively came to the sharia court (*mahalle-i mezbur halkı ceman meclis-i şerde*)” or “all the community of Muslims was present at the noble and exalted court of the sharia (*cümle cemaat-ı müslimine meclis-i şer-i şerif ve mahfil-i din-i münifde ha[zır] olup*)” to underline the numerical strength of the communal support behind the expulsion of those who did not subscribe to the normative behavior envisioned by the community. Nevertheless, this community which is construed as *all*, in reality, appears to have been constituted in many instances of only the male members – whether boasting distinguished social rank or not -- of the community.

Almost without exception, the court always sided with the community's will. Communal policing efforts also served an important legal strategy in court. Boğaç Ergene reads this phenomenon as "one of the most convincing indicators of the collective competency of the community in the use of the judicial process to advance its own interests."⁸⁸ He posits that this type of witnessing en masse was the only way to ensure conviction, especially when the defendant was a titled, elite member of the society. He argues that when community members appeared en masse, they always won their cases. An important aspect of Ergene's argument is the way in which strict evidentiary requirements for most court cases were bypassed in what he calls a "strategy of substitution," especially when the usual evidence was not available. This tactic ensured the community's ability to punish undesirables with weak evidence.⁸⁹

In all these cases, people who did not conform to the normative behavior experienced social marginalization in the form of public humiliation, exclusion from certain civic acts and spaces reserved for people of virtue or honor and finally even expulsion. Nevertheless these acts of marginalization and indeed even spatial exclusions were not absolute in that people with *töhma* were usually

⁸⁸ Boğaç Ergene , *Local Court, Provincial Society, and Justice in the Ottoman Empire: Legal Practice and Dispute Resolution in Çankırı and Kastamonu (1652-1744)* (Leiden; Boston, Mass.: Brill, 2003), 151

⁸⁹ Ibid., 152-162.

able to find niches not only in other neighborhoods or towns but even in their own neighborhoods if they showed signs of repentance.

CHAPTER V

GYPSIES SEEKING JUSTICE AT THE SHARIA COURT OF ÜSKÜDAR (1530s – 1580s)

Objective

This chapter has a number of objectives. The first is to introduce the reader to the court of Üsküdar and its records, to achieve which I shall attempt to identify the court officials to the extent that the court registers allow, to define their roles and functions, and to delineate the role played by the qadi, his court and the local community in this process. After this introduction, an effort is made to situate the Gypsies' presence within these records, both quantitatively and qualitatively. As we shall see, compared to other under-privileged groups such as non-Muslims, women and even slaves, the Gypsies' visibility within the court registers of sixteenth-century Üsküdar is rather limited. The reason behind this limited presence is one of the questions I shall try to answer here. Next, an attempt shall be made to map out the reasons which made the Gypsies come to the court to seek justice. The chapter ends with the presentation of some court cases initiated by Gypsies either for settlement or for registration. The reason behind this exercise is not only to exemplify what made the Gypsies use the court and how they were defined in the court lexicon but also to represent some of the problems posed by a reading of the the court records.

This chapter can also be read as a contribution to the newly emerging literature on variations in the sharia courts in the Ottoman Empire in terms of their operations. As Boğaç Ergene perceptively observes, almost every study based

upon the sharia court records, in its very beginning, reiterates more or less the same list of judicial and administrative functions of a sharia court in a given historical context. Yet as Ergene warns “if we wish to attain a deeper insight of the role of the court in a provincial context, we need to be aware that this tendency eliminates as yet unrecognized distinctions in the function of different courts and, therefore, obscures the variations in their ‘characters.’¹

Before moving on, a reminder is in order. In exploring the court of Üsküdar and the records it produced, I limit myself to reading closely and entirely a single register, namely, USS 15 (Üsküdar 15 no’lu Şeriyye Sicili). The reason behind setting this limit is twofold. First, USS 15 is one of the largest registers found in the sixteenth century court record series of Üsküdar. It includes 2,212 entries recorded from 954 to 958 AH / 1547-1551 CE. Although this number does not reflect every single issue that came before the court within this four year period, it still includes most of them, thus providing me with a sizeable body of data to work on.² And second, it includes 29 entries on Gypsies; the most of any register in this series (see Appendix 1– The Court Register Used in the Study for a

¹ Boğaç Ergene, *Local Court, Provincial Society, and Justice in the Ottoman Empire: Legal Practice and Dispute Resolution in Çankırı and Kastamonu (1652-1744)* (Leiden; Boston, Mass.: Brill, 2003), 32

²For the total number of socio –economic concerns that were brought to the court either registration or settlement within this four years period, two other registers, namely USS 14 (including cases from 953-955 AH / 1546 – 1548 CE) and USS 17 (including cases from 955 to 963 AH / 1548 – 1556 CE), from the Üsküdar’s court register series has to be examined and those cases fell within the period has to be retrieved and added to the data I present here. In this study, nonetheless, I restrict myself only with one register as this register provides me sufficient data to work on. Nevertheless, in my future publications on the subject, I shall include the whole data.

comparison, as well as Appendix 2- Table Analysis of Entries Located in USS 15).

PART I: Introducing the Court of Üsküdar and Its Records (1547-1551)

The Text: USS 15

There are many different variations of court registers at our disposal. Some registers include only transactions of a particular waqf, such as USS 40, which only includes transactions related to the waqf of Hayrettin Çavuş. Some include estate inventories and nothing else, while others can be of mixed content as in the case of USS 15, which includes but is not limited to litigations and notarial attestations related to moveable and immoveable property, loans and credits, marriage and divorce, estates, bequests and successions, transgressions and offences, as well as imperial orders issued by the central government. This section will introduce USS 15 both as “text” and “document.”

The register consists of 178 folio leaves (i.e., 356 pages) inside the covers, each measuring 31 x 18 cm. A record was numbered on the basis of an “entry” rather than a “case” because several entries could pertain to single case. For example, the entry for a litigation against a women engaged in illegal sexual relationship (usually brought by the *subaşı* or the neighborhood representatives to the court) may be followed by an entry on the denial of the women or her husband and yet another on the several bonds of surety posted by both the claimant and the

defendant.³ Identification of what constituted an entry was decided on the basis of the presence of a formalized introduction at the beginning of a record.⁴ Therefore, the entries related to fugitive slaves or stray animals which usually have two parts – part one usually includes registration of a fugitive slave or stray animal and part two usually includes handing over the slave or the animal in question to their owners if they could be located or their sale in cases in which the owner was not found – is considered as one entry. The incomplete, cancelled and entries damaged due to the physical conditions in the Archives were included as discrete entries. Although the register follows a certain chronological and thematic order in general; this practice is neither uniform nor absolute. In other words, the entries in the register neither follow a strict chronological order nor a thematic one. There are number of entries related to the same case which were recorded apart from each other. What is more interesting and significant, however, is that these same entries are written down at the exact same date. To make the point more clear, let us consider two entries on Mihri Hatun, wife of a certain janissary, who was brought to the court by Sinan b. Abdullah who happened to be employed as *sıracı* (?) in the mosque of Sultan Cami in Üsküdar. Mihri Hatun was brought to the court on the charges of (public) defamation (*şetm*). The first entry on this case is found on *varak* 15b, the second entry is on

³For instance women named Lalezar from a certain neighborhood of Üsküdar appeared in the register three times to save her honor. For further on Lalezar see Chapter 4.

⁴ The most common formula used is *vech-i tahrir-i sicil budur ki* for the introduction of an entry.

varak 106 a and the third on 155a.⁵ All these three entries carry the same date (mid of Muharrem 957 AH or January / February 1550 CE) even though they were apart from each other in the bounded register. Furthermore, there are only minor differences between these three accounts in terms of details of the dispute and the legal categories used. Such examples, and there are many of them, confirm the assumptions of scholars problematizing the record keeping practices of the courts that “these accounts did not have an immediate relationship with the actual court proceedings.”⁶ Indeed, the loose chronological order seen in the court registers suggests that “the drafts prepared by the scribes were probably not transferred to the court registers immediately, but accumulated for some time until they were recorded in the registers in no particular order.”⁷ In those cases where we find only slight differences between the accounts of a specific trial, as it is seen in the entries related to Mihri Hatun’s hearing, the draft of the proceedings must have been passed on to the court register multiple times due to a scribe’s negligence.

However, there are certain blocks in the register starting with a title which include cases related to a series of loans given by a particular waqf.⁸

⁵ USS 15/15b /7; 106b/1 – 2; 155a/5

⁶ Ergene, *Local Court, Provincial Society, and Justice in the Ottoman Empire*, 127.

⁷ Ibid, 129.

⁸ Indeed there are 15 headings within the register. Among these 12 of them introduces the financial transactions of pious endowments. For instance, page 117 b starts with a title “[The following entries] are the copy of the financial / cash transactions of the endowments that Beşir Halife

Similarly, the registration of fugitive slaves usually (but not always) starts with a title such as “Fugitive Slaves in Üsküdar (*‘abd-ı abık-ı der Üskiüdar*).”⁹ Furthermore, the estate inventories were usually recorded at the end of the register.¹⁰ Therefore, it won’t be odd to suggest that there were constant attempts on the part of the court personnel at orderly record keeping and the emergence of “headings” in the very beginning of the second half of the sixteenth century can be seen as a step forward in this direction. Among the Üsküdar court records corpus of the sixteenth century, it is also possible to see the existence of special registers for certain special issues. For instance, among the recently transcribed and published court registers of the Üsküdar in the sixteenth century, the volume 56 which includes cases from 1580 to 1581 might also be considered a special register because a majority of the cases recorded in it are related to different communities living in the newly established neighborhood called “Mahalle-i Ma’mure.” All these examples suggest that there were constant attempts to establish “an order within disorder” on the part of the court personnel to make these registers readily accessible.

— resided as a trustee (*Beşir Halife’nin müteveli olduğu vakıf akçelerinin muamelesi suretidir*).” These titles can be seen on page 40 a, 45 a; 102a; 117 b; 120b; 134a; 137b; 160a; 161b; 169b.

⁹ The headings after which the cases related to the fugitive slaves recorded can be seen on pages 102 b; 130; 154 a; 155b; 166b.

¹⁰ Among 35 estate inventories recorded at the register 33 of them is recorded after folio 100.

Recording in Arabic and Turkish

When I started reading the entries in USS 15, I realized that not all the entries are written in Turkish and Arabic is used quite extensively throughout the register. Furthermore, at least one, if not more, of the scribes were bilingual. The same scribe wrote some cases in Turkish yet others in Arabic.¹¹ There are 738 entries written in Arabic in USS 15, which makes approximately one third of the total number of entries. Leslie Pierce studying the two registers from the court records of Aintab in the sixteenth century also notes that the registers that she worked on included entries in Arabic. Indeed, she states that although “Turkish was the principal language of the court records of Aintab ...about one-fifth of the cases [are] recorded in Arabic.”¹² She observes that “disputes and voluntary statements of fact are always recorded in Turkish, while the use of Arabic is confined to routine notarial business—for example, purchases and sales, debt negotiations, and appointment of bail agents.”¹³ But why did the scribes, both at the court of sixteenth century Aintab and the sixteenth century Üsküdar, use Arabic in addition to Turkish? According to Leslie Pierce, the usage of Arabic cannot be explained through resorting to the native language of the speaker at the

¹¹ Examples can be seen 36 A, 40 B, 42a. For instance, in 36 A, there are 6 entries written on this page. 5 of them is Arabic and one of them in Turkish. The writing is produced by the same scribe.

¹² Leslie Peirce, *Morality Tales: Law and Gender in the Ottoman Court of Aintab* (Berkeley: University of California Press, 2003), 88.

¹³ Ibid.

court. Nevertheless, she does not push this argument further. I suggest that a plausible answer to this usage of Arabic language in some cases might be found in the genealogy of what I call gradual “Ottomanization” of legal discourse.

Najwa al-Qattan argues that the institutionalization of recordkeeping as a court practice led to an appropriation of many of the legal categories and linguistic formulas established within the *shurūt* literature. While registering any document at the court, the court personal used these categories and formularies established within the genre and so attempted to produce uniformed and standardized discourse both in theory and practice. That is why, for instance sale and purchase deeds, loan and credit contracts, acknowledgments of any legal responsibilities, marriage contracts, guaranty and surety-ship documents, endowment deeds and law-suits are remarkably formulaic in structure and repetitive in legal terminology. The *sicil* as text, therefore, according al-Qattan provides a window into detailed socio-economic transactions of everyday life against a framework of legal categories and linguistic conventions of the *shurūt* literature, privileging specific terminologies, values, and meanings and remaining silent on others.¹⁴

¹⁴ Najwa Al-Qattan, "Dhimmi in the Muslim Court: Documenting Justice in Ottoman Damascus 1775-1860" (Ph.D. Diss., Harvard University, 1996), 142-145. One of the best examples of this privileging and silencing may be seen, for instance, in the documentary attempts to impartially identify the litigants at the court as well as describe the property which has been sold or purchased, not to mention the physical qualities and defects of (fugitive) slaves and (found) animals.

The relationship between the *shurūt* literature and the judicial practice in the Ottoman Empire at different times and in different locales is yet to be thoroughly investigated. Despite the fact that we have at our disposition many *sakk mecmuası* – a technical term used by the Ottomans for “how-to-do manuals” intended for the court whose function was the same as that of the *shurūt* manuals – a thorough analysis of these *mecmuas* like the one offered by Wael Hallaq has not been undertaken either in Turkey or abroad.¹⁵ Nevertheless, we have some introductory descriptive works providing summaries of these manuals.¹⁶ My

¹⁵The relationship between the *shurūt* and judicial practice has been one of the most contested terrains in the modern historiography of Islamic legal studies. More often than not, this relationship is constructed by resorting to one of the most widely held arguments of modern Western historiography on the Sharia: that there is a “gap,” “discrepancy” or “divorce” between theory and practice in so called Islamic law. Here is not the place to reiterate this discourse. Suffice is to say that this long held assumption has been attacked by many revisionist historians of Islamic legal theory in the last two decades. We know now, through the well-documented and well-argued works of Wael Hallaq, that “a complex dialectical relationship did exist between model *shurūt* works and legal documents in judicial practice.” Hallaq also underlines the fluidity and heterogeneity of the *shurūt* literature by demonstrating synchronic and diachronic differences within this juristic discourse. Indeed, he argues that these differences in Western academia have led to the positing of an imagined discrepancy between doctrine and practice in the so-called Islamic law. Nevertheless, Hallaq does not believe that we should see these differences as a gap. According to him, this heterogeneity within *shurūt* literature should be sought within the nature of Sharia. He says “As a distinguished example of a jurists' law that was not subject to codification, the Shari'a was centrifugal and regional in character. It was not only the case that the four legal schools succeeded in creating four versions of the law dominating different regions or parts thereof, but also that each school was subject to differing regional developments.” This analysis is based on the *shurūt* manuals written in the “core” regions of Muslim world (Andalusia, western North Africa, Egypt, the Fertile Crescent, the Hijaz, and the Iranian world) during the early and medieval Islam and -- as Hallaq himself rightly points out -- may not hold for other regions and periods of Islam. Wael B. Hallaq, “Model shurut works and the dialectic of doctrine and practice,” *Islamic Law and Society* 2, no. 2 (1995): 109-134.

¹⁶ Halit Ünal, “Şurut-Sukuk: İslam Hukukunda Belge Tanzimi”, *Diyanet Dergisi* 26, no. 3 (1986); Süleyman Kaya, “Mahkeme Kayıtlarının Kılavuzu: *Sakk Mecmuaları*”, *Türkiye Araştırmaları Literatür Dergisi*, 3, no. 5 (2005): 379-416; Ümit Ekin, “Bir Sakk Mecmuasına Göre 17. Yüzyılda

analysis here mostly relies on these works; hence my conclusions should be read tentatively. Within this scholarship, a recent article produced by Süleyman Kaya, an advanced graduate student of Islamic legal theory from Turkey, deserves attention because it presents the *sakk mecmuas* available to scholars from the sixteenth century to the end of the nineteenth century, giving summaries of each manual in terms of form, content and the language(s) in which it was written.¹⁷ What appears from Kaya's study is that (as in the early and medieval periods) these manuals were prepared by qualified court personnel, including qadis who had worked in the courts over many years or jurists who had produced works on different branches of the sharia. The author of each manual almost inevitably writes an introduction to their work explaining why and how he authored the text and his education in legal studies as well as his work experience in the courts of law. The authors often explicitly state that their manuals contain real cases in which they were personally involved in the sharia courts. While in the beginning, the authors of these manuals chose to write exclusively in Arabic, gradually they incorporated Ottoman Turkish (with some Arabic) and finally at the beginning of the eighteenth century they began producing most *mecmuas* exclusively in Ottoman Turkish. In addition to the gradual shift from Arabic to Ottoman Turkish, there appears to have been considerable extensions and modifications in

¹⁷ Tokat", *Karadeniz Araştırmaları*, Sayı: 20, Kış 2009, s.59-71; idem, *Kadı buyurdu kâtip yazdı: Tokat'a dâir bir sakk mecmuası* (İstanbul: Bilge Kültür Sanat, 2010).

¹⁷ Süleyman Kaya, "Mahkeme Kayıtlarının Kılavuzu: *Sakk Mecmuaları*."

the content and form of the *sakk mecmuas*. While formerly the manuals contained exemplary cases only on particular topics, later, topics of concern were extended so as to embrace a wider selection of topics discussed in *fiqh* books. A substantial though gradual shift is also observed in the form of the exemplary cases appropriated into the manuals. While in the beginning, exemplary cases were written in the form of summaries (*hüccets*), gradually, longer court cases were appropriated (in the form of *ilam* and *maruz*) in which detailed descriptions of the case at hand as well as legal processes and decision of the qadi, may be seen.

The first *sakk* (not *şurut*) mecmua, *Bidaatü'l-kadî*, was written by one of the most famous Ottoman jurists of the sixteenth century, Ebussuud Efendi.¹⁸ Since all the judges and court personnel knew Arabic, Ebussuud says, he chose to write his manual in Arabic. Furthermore, he emphasizes the fact that he has written many legal works in the past; thus, his aim in this work is to demonstrate to judicial personnel how to register certain transactions at the court using concise legal terminology. Nevertheless, his manual, organized into ten chapters, does not cover all the categories explored in the *fiqh* manuals. Why did Ebussuud Efendi position his work within the *sakk* genre and did not call it *şurut* and why did he choose to dwell upon only ten chapters of classical *fiqh* manuals are questions that

¹⁸ Ebussuud, *Bidaatü'l-kâdî*, Süleymaniye, Laleli 3711 as quoted in Kaya, “Mahkeme Kayıtlarının Kılavuzu: *Sakk Mecmualari*,” 384-385. It appears that the first *şurut* manual, *Ravzatü'l-kâdîn*, was written in the fifteenth century by Mehmed b. İshak, and dedicated to Sultan Mehmed the Conqueror. The author writes in Arabic and situates his work within the genre of *şurut* (not *sakk*) and covers all the categories within the *fikih* manuals except the rituals.

require close reading of his text, which is beyond the scope of this dissertation. Nevertheless, what I want to underline here is that, up until the beginning of seventeenth century, judicial personnel at the sharia court seemed very comfortable with reading and writing in Arabic and using classical and medieval sources, including but not limited to the employment of *şurut* manuals as a guide to adjudicating and registering everyday transactions in the court.¹⁹ This, I suggest, also explains why almost 740 out of 2, 212 entries in USS 15 are written in Arabic rather than in Ottoman Turkish. It must have been much easier (and perhaps even safer) to write certain cases in Arabic.

Nevertheless, this reliance on classical and medieval *şurut* works seems gradually to have disappeared as the legal scholars from the Ottoman lands started to write *sakk mecmuas* in Ottoman Turkish. This seems to have happened sometime around the beginning of the eighteenth century. From the *Bedayiu's-sukuk* written by Mehmed Sadık b.Mustafa Şanizade, we understand that an Ottoman scholar was able to produce in Ottoman Turkish a *sakk mecmua* very similar to its medieval counterparts as described by Hallaq.²⁰ This particular work – and those written and published later – covers not only all the chapters

¹⁹ For the main *fıqh* texts that were studied as a part of the curriculum at madrasas by the Ottoman scholars/*fâqihs* up until the beginning of seventeenth century and the books that these scholars produced see Recep Cici, "Osmanlı Klâsik Dönemi Fıkıh Kitapları," *Türkiye Arastırmaları Literatür Dergisi* 3, no. 5 (2005) 215-248; idem, *Osmanlı Dönemi İslam Hukuku Çalışmaları Kuruluşun Fatih Devrinin Sonuna Kadar* (Bursa: Aras Yayınları, 2001)

²⁰ For various examples see Hallaq, "Model Shurūṭ Works and the Dialectic of Doctrine and Practice."

(including the chapters on rituals) of the renowned *fiqh* and *fatwa* manuals of medieval period but also appropriates various cases written in the form of *hüccet*, *ilam* and *maruz*. However, the “Ottomanization” of *fiqh* language in general and *şurut* literature in particular – epitomized in *sakk mecmuas* – seems to have been a long process so that the extent of this “Ottomanization” in terms of form, content and discourse can only be understood once these manuals are thoroughly explored.

The Court Personnel

The court records, more often than not, resist disclosing direct information about the identities and functions of the court officials, including the judge himself. As Leslie Pierce observes, “the judge, situated at the nexus of religion, state, and community, is, as an individual, virtually nameless and textually silent”²¹ in the thousands of entries recoded in the court registers. In the 356 single pages of the USS 15 the judge is named only three times. Unlike court registers from some other places and times, including Üsküdar’s court registers from almost a decade later, the register that I examine does not include an explicit and direct introduction in its beginning that identifies the name of the judge and the date of his appointment. Nevertheless, in the folia numbered 51a, there is a very faint line between the two entries that reads “it is the beginning of the tenure of honorable (*mevlana*) Fakihi Efendi, the time of registration [is] the 12th day of

²¹ Leslie Peirce, *Morality Tales*, 91-92.

the month of holy Ramazan in 956 AH (4 October 1549 C.E.).”²² Who was this Fakihi Efendi? Was he the judge of Üsküdar or was he the deputy judge (*naib*) functioning under the authority of Gekbuze’s judge – the town Üsküdar appears to have been administered from under until the 1540s if not longer. Unfortunately neither the biographical dictionaries of the period nor the register itself allows me to disclose further information on Fakihi Efendi and the position he held at the court. First of all, there is no entry on Fakihi Efendi serving as a judge of Üsküdar in the biographical dictionaries I consulted.²³ Added to this, we have only two instances (!) in the thousands of entries in which the judge of Üsküdar’s court is referred to by name, not solely with his title.²⁴ In the first instance, the dire quality of the handwriting makes it almost impossible to identify the name of the judge.²⁵ Yet in the second instance, which was registered in February 1551 (mid Safer 958 AH), Fakih b. Kasım, who was identified as the noble previous judge of Üsküdar (*Üsküdar’ın sabık kadısı mevlana Fakih b. Kasım*) came to the court to make an

²² USS 15 / 51 a

²³ In the famous *Sicil-i Osmani*, for instance, there is no entry on Mevlana Fakihi Efendi. Yet there is an entry on certain judge named Haşım Çelebi from Üsküdar who at the same time known as *fakihzade* (literally the son of Fakih). Apparently, Haşım Çelebi died in 1008 AH (1599 -1600 CE). Considering his death, it seems unlikely that this Haşım Çelebi is the Fakihi Efendi that served the judge of Üsküdar starting from 956 AH / 1549 CE. Nevertheless, considering his identification *fakihzade*, most likely he was coming from the same family. See *Sicil-i Osmani*, vol 2, 651.

²⁴ These two entries can be seen in USS 15 / 62a/5; USS 15/ 134b/5

²⁵ USS 15 / 62a/5

acknowledgment.²⁶ He came to the court along with Süleyman b. Davud who happened to be the previous scribe of the late Davud Pasha İmareti. In Süleyman's presence, he made an acknowledgement that while he was serving as a judge in Üsküdar, he had asked Süleyman b. Davud to quit (?) his position due to the complaint from the one of the trustees of the *imaret*. Nevertheless, according to, Fakih b. Kasım, Süleyman appeared to have been innocent and he [by his action] had caused injustice to him (*hayf ve zulm*) and that is why, he asked the current judge to facilitate / ease (*sühulet*) his situation.

Compared to the judge, who is almost absent, nameless and voiceless in the thousand of entries I read throughout this study, the other functionaries of the court such as deputy judges (*naibü's-şer*), summons officers (*muhzır*) and scribes (*katibü'l-huruf* or *muharrirü'l-huruf*) are more visible in the text, at least they were not solely identified with their titles. For instance, the entry above on the previous judge of Üsküdar provides an opportunity to at least partially identify the other court personnel present at the court once this acknowledgment took place by listing them among witnesses (*şuhudu'l-hal*). So from this list of the witnesses, we learn for instance that during the time of this acknowledgment, Beşir Fakih b. Hüsam— about whom I will talk more — was a scribe and Abdullah Halife b. Eyice was a deputy judge. Indeed, considering the names inscribed among the rank of

²⁶ USS 15/ 134b/5

witnesses, it appears that neither Beşir Fakih b. Hüsam was the only scribe nor Abdullah Halife b. Eyice was the only deputy judge serving in Üsküdar during the four years period covered in USS 15. It seems that there was more than one scribe and a deputy judge serving at the court simultaneously, and certainly larger number of other officials such as court summons officers²⁷

Despite the fact that it is almost impossible to get any idea of the formal training of these court personnel and extent of their roles and functions in the legal process from the court registers, it is possible to provide bits and pieces of information on various roles they assumed in the community as well as other tasks they fulfilled at the court. We know that by the second half of the nineteenth century as result of series of legal reforms, there are substantial shifts in how a court case is recorded. For instance, compared to the earlier centuries, the court entries are not only more detailed, explaining the legal reasoning of the judge and the stance of the parties involved but also each entry starts with a heading containing the identity of the registrar (*katib*) and type of the case. This practice had not been in place in the earlier centuries. We get bits and pieces of information about the scribes by reading very carefully between the lines. As I

²⁷ Among the deputy judges, I was able to locate Mevlana Muslihiddin, Beşir Fakih b. Hüsam, İsa Fakih. Among the scribes, we see individuals such as Abdi Halife b. Ece Halife, Mehmed b. Sinan, Süleyman Çelebi b. Davud, Mevlana Gaybi, Beşir Fakih b. Hüsam, İsa Fakih. Among the court summoners, we see certain Ramazân b. Hüseyin, Mustafa b. Mehmed

mentioned already, we often see them among the witnesses (*şuhudu'l-hal*). Among the witnesses they were often registered as *katibü'l-huruf* or *muharrirü'l-huruf* but sometimes their name is also attached to their title. Then it is easy to identify their trajectory at least partially through looking at other transactions that they were involved in. Let me highlight, for instance, the trajectory of a scribe registered variably as Mevlana Beşir b. Hüsam or Beşir Fakih b. Hüsam or Beşir Halife b. Hüsam. It should be underlined that the existence of several handwritings in the court register suggests that besides Beşir Fakih b. Hüsam at least two if not more scribes were involved in registering the cases contained in the USS 15. Furthermore, at least one, if not more, of the scribes was bilingual. The same scribe wrote some case in Turkish yet others in Arabic.²⁸ As for Beşir Fakih b. Hüsam, he appears to have served as a court scribe for at least ten years if not more.²⁹ Starting from 1550, we see him serving at the court as a deputy judge.³⁰ He was also very much involved in waqf administration. At one point, he was identified among the “*erbab-ı vukuf*.”³¹ Yet another function that he

²⁸ Examples can be seen 36 A, 40 B, 42a. For instance, in 36 A, there are 6 entries written on this page. 5 of them is Arabic and one of them in Turkish. The writing is produced by the same scribe.

²⁹ He appears to be a court scribe as early as 946 AH / 1539 CE if not earlier. See, for instance, USS 11 / 48 /1; USS 11 / 50/11

³⁰ USS 15/ 59b/1; USS 15 / 73b/2; USS 15/ 78b/5; USS15/ 131a/5

³¹ USS 15 /16a/4; USS 15 /159a/3

assumed at the court pertained to bearing witness, an issue that I want to dwell upon next.

Any student who works with the court records can observe from the very start that every case in a court register contains, at its very end, the names of the *şuhudu'l- hal* (witnesses) often three or four in number. Different cases had different witnesses, even though some individuals carried out in this role quite often; these included, for example, Beşir Fakih b. Hüsam, whom I talked about above and İnehan b. Osman, trustee of various waqfs in Üsküdar and active user of the court relating to various credit and property transactions. Witnesses ranged across the social population of the city from local representatives of the imperial state to the established and respected personalities of the community with no personal connection to the case, to parties with a personal connection to the one of the litigants including but not limited to the parents, other relatives and neighbors. Furthermore some individuals appear to have been drafted into acting as case witness because they happened to be present in the court that day on some other account. Also, as we saw in the case of Beşir b. Hüsam, there are hundreds of instances in which officials of the court themselves were drafted as witnesses.

In general terms, despite the fact that witnesses were drafted usually from the higher social classes - some of them being well-known jurists, locally appointed state officials or members of locally well-established families - other witnesses who accompanied the litigants clearly represented the entire spectrum of social classes in the larger community, even those who were positioned in the

lower strata including Gypsies (an issue that I will take up in detail in the following chapter). As Hallaq notes “As an aggregate act, their attestation at the end of each record summing up the case amounted not only to a communal approval of, and a check on, court proceedings in each and every case dispensed by the court, but also to a depository of communal memory that guaranteed present and future public access to the history of the case.”³²

The Business of the Court (1547-1551)

Analysis of the court records in terms of what I call “form” (types of the documents) demonstrates a multifunctional role of the sharia court in the Ottoman context. Categorization of the entries in terms of their form is related to the fact that not all the entries were written in the same way using the same legal categories and formularies, nor did they serve the same purpose or were all produced by the same institution. My analysis of what I term as “form” includes administrative documents sent from the imperial court (such as *ferman*, *berat*) to the sharia court or from the sharia court to the imperial court (such as *arz*), price lists (*narh*), estate inventories (*tereke*s), legal opinions (*fatwas*), registration documents that indicate withdrawal from litigation through peaceful settlement (*sulh*) as well as many records in the form of notarial attestations and law suits

³² Wael Hallaq, *Shari'a: theory, practice, transformations* (Cambridge: Cambridge University Press, 2009), 170.

(See Table 1 below). The category of “notarial attestations”³³ includes registration of purchase or sale of real estate and moveable property, the endowment of properties, acknowledgments of debts and repayments, renouncement of claims to certain properties, business partnerships, guild arrangements, manumissions, registration of fugitive slaves and animals, bonds of surety, marriage contracts, terms of divorce and child support, inheritance divisions, transfer of tax farms and offices. Similarly, a verbal or physical assault would at times wind up in the court register without this event bringing about any claim, suit or punishment prescribed by the judge. The victimized would simply stipulate that the assault be recorded and recognized by the court, and an attested copy of the entry be submitted to him for possible use in the future. The category of “law suits”³⁴, on the other hand, includes all sorts of complaints and disputes brought to the court to be resolved and settled. Once the entries found in USS 15 both Arabic and Turkish are analyzed in terms of their form, the following table emerges:

³³ In the register, notarial attestations are recorded through the using of certain formulas. The most common formulas used at the beginning of each case are: “[X person] with his own will confessed and admitted that...” (*bi't-tav ve rıza ikrar ve itiraf idüp didi ki...*) or just simply “[X person] at the court of Shari’a admitted that ...” (*meclis-i şerde ikrar idüp ...*). The cases often close with one of the following formulas: “At the request of [X person], this is registered” (*talebi ile tescil olundu*); “At X’s request, this is registered” (*talebi ile kayd-ı sicil olundu*); “with X’s request, it is recorded in the register” (*bi't-taleb kayd-ı defter olundu*).

³⁴ The most common formulas for the law suits are: “X person filed a complaint -- against Y-- to demand his right” (*hakkım taleb ederum deyu dava ettikde*); “X person filed a complaint and stated that...” (*takrir-i dava kılup dedi kim...*) and “X person filed a complaint against them ...” (*üzerlerine takrir-i dava kılup*).

<u>FORM</u>	<u>Number</u>	<u>Percentage (%)</u>
Administrative	48	2.17
Estates	38	1.72
Fatwa	1	0.05
Litigation	403	18.22
OTHER(Damaged/Unclassified)	3	0.14
Price Lists	7	0.32
Registration	1,658	74.95
Waqf Deeds	5	0.23
Withdrawal from Litigation	49	2.22
TOTAL	2,212	100

Table I: Categorization of Entries in terms of “FORM” based upon USS 15.

What emerges from this table is that the court’s notarial and administrative duties overrode its role in settling the litigations. This finding is indeed not surprising (!). As many scholars have already underlined, and as stated by one of the prolific writers of Islamic legal history, Wael Hallaq, “the role of the court as a judicial registry was as important as, if not more important than, that of conflict manager.”³⁵ For instance, in survey of mid-eighteenth-century court business in Aleppo, Abraham Marcus demonstrates that no more than fourteenth percent of all cases were lawsuits, whereas the rest were mostly notarial attestations.³⁶ It should be underlined, however, that representing the Ottoman sharia court as being primarily a “public registry” ignores the findings of recent literature

³⁵Wael Hallaq, *Shari‘a: theory, practice, transformations*,35

³⁶ Abraham Marcus, *The Middle East on the Eve of Modernity: Aleppo in the Eighteenth Century* (New York: Columbia University Press, 1989),130

pertaining to the various functions of the court in other times and places. For instance, one of the main findings of Ergene in his work on the courts of Çankırı and Kastamonu in the eighteenth century is that “Whereas notarial and administrative services occupied nearly all the time of the former, judicial services constituted the greater part of the latter’s operations.”³⁷ That is to say that the “administrative and notarial activities of the court of Çankırı overshadowed its judicial operations.”³⁸

Like the mid-eighteenth century court of Aleppo and the eighteenth century court of Çankırı, the sixteenth century court of Üsküdar primarily functioned as a “public registry”. Why were the sharia courts not primarily used to resolve disputes compared to industrial societies in which the great majority of conflict resolution is carried out by the state court of law or settlement process controlled by state law? We now know that one of the significant reasons behind this is the existence of informal conflict resolution sites in Muslim societies. The extended family, the clan, religious communities, neighborhoods and the guilds all provided extensive social networks for informal conflict resolution. More often than not, the courts were considered to be the last resort to settle a conflict. Meditation constituted a preferred mode of settling the dispute. The reason behind this is summed by Hallaq in four points:

³⁷ Ergene, *Local Court, Provincial Society, and Justice in the Ottoman Empire*, 32.

³⁸ Ibid.

First and historically speaking, extended households (large families, clans, tribes), with ramified authority structures, were almost typical feature of early societies, be they Arab, Berber, Persian or central Asian. Hailing from what anthropologists term "simple societies," these households provided the internal dynamics and processes to resolve disputes within them in a context where the ruling power and its proxies were either weak or non-existent. ... Second, and until the dawn of modernity, Islamic rulers not only depended on this tradition of micro-self regulation, but indeed encouraged it, for it facilitated efficient and low cost governance that simultaneously ensured public order. Third, in a society that viewed as sacrosanct all family relations and affairs, disputes involving intimate and private matters were kept away from the public eye and scrutiny. ... Fourth, and in some cases this was a decisive factor, informal mediation was indispensable for avoiding the escalation of conflict.³⁹

Besides recording of various transactions and settling the disputes, the court also functioned as a site of mediation and communication between the “center” and the “province.” This is shown, for example by the fact that, the court registers including USS 15 often include documents that were not originally composed in the local court but were dispatched from the imperial government or the provincial governor for fiscal, military, and administrative reasons. Once received, the court personnel recorded these orders for notarial purposes and transmitted them to the public or relevant parties. At times, the court also composed documents either as a response to these orders coming from the higher authorities or asking for the imperial government’s guidance or approval in certain problems in the local context. These, what I call “administrative documents” which include imperial edicts, copies of warrants (*berat*) and

³⁹ Wael Hallaq, *Shari‘a: theory, practice, transformations*, 163.

documents composed at the court to be sent to the higher authorities (*arz*), are related to the mobilization and provisioning of the troops , the collection of various (regular and irregular) taxes and at times, directions about how these taxes were to be spent. Furthermore, there are also edicts that were sent as a response to an individual's petition to the imperial court. Entries of this nature constitute 2 % of the USS 15's total content (indeed three of them are related to collection of taxes from Gypsies living in the province of Anatolia). This number seems to be low compared to other places and times. This might be because of the propinquity of the court to the seat of imperial centre of power and the eases of communication between the court personnel and their nearby higher authorities.⁴⁰

Analysis of Entries in terms of “Content”

While analysis of the entries in terms of “form” demonstrates multifunctionality of the sharia court in a given context, it falls short of disclosing varieties of socio-economic concerns brought to the court either for notarial attestation or for conflict resolution. That is why; I categorized the entries in terms of their content. Thus, the category “content” includes varieties of socio-economic

40 For instance in her work on *sulh* (amicable agreement) that are registered in the records of two Ottoman courts—one in Üsküdar , the other in Adana—in the second half of the 18th century, Işık Tamdoğan makes the following observation: “The Adana registers include a relatively small number of cases of various legal types. Numerous administrative appointments and similar issues reflect the variety of non-legal functions performed by the court of a relatively remote province. The Üsküdar registers, by contrast, contain a large number of court cases of the same legal nature and only a few documents pertaining to administrative issues.” Işık Tamdoğan “*Sulh* and the 18th Century Ottoman Courts of Üsküdar and Adana” *Islamic Law and Society* 15 : (2008): 60

concerns and transactions concerning everyday life in the community and brought to the court either for registration or legal settlement.

CONTENT	Numbers	Percentage (%)
Estates and Claims on Estates	143	6.46
Fugitive Slaves and Astray Animals	151	6.83
Loans (Credit Transactions)	210	9.49
Market Control and Infringements	75	3.39
Marriage, Divorce or any related claims	47	2.12
Officials (Administrative Documents drafted at the court or sent by the imperial state)	38	1.72
Pious Foundations - Other	244	11.03
Pious Foundations – Loans	523	23.64
Property Transfers, Rent and Related Claims	299	13.52
Proxy and Guardianship	29	1.31
Slaves	38	1.72
Surety	163	7.37
Tax-farming	48	2.17
Transgressions (Assault, Murder, Adultery, Cursing, Trespass, Theft, ...etc)	188	8.5
Damaged, Incomplete, Unclassified within this list	16	0.73
TOTAL	2,212	100

TABLE II: Categorization of Entries in terms of “Content” based upon USS 15.

Before providing a very brief reading of this table, two cautions are in order. Firstly, the categories drawn in the above table should not be read as rigid and inflexible. There are various entries that could be listed under more than one category. For instance, consider the following entry:

The reason of writing this registration is the following:

Hacı b. Yusuf and his mother named Sultan from the village of İstavros asked Reyhan the black slave of Ahmed Sipahi from the above mentioned village to come to the honorable sharia court. [The mother, Sultan initiated litigation against him claiming that] “ this above-mentioned black [slave] took my six year old son named Hızır as well as other little boys (*oğlancıklar*) named Hasan, Hüseyin and Mustafa and put them in a carriage and brought them to the field. Then [apparently] he sent the other boys away and he performed an abominable act upon him (*fi'l-i kabih*). [After that] drenched in blood under his belly, my son [was found] unconscious (*belinden aşağısına kan revan olup akıl gitmiş*). Now I demand that this [event/ situation] be examined.” Upon inquiry the above-mentioned black acknowledged of his own will and without any pressure that “I put Hızır, Hasan, Hüseyin and Mustafa into a carriage and took them to a field. After sending the other boys away, I was overwhelmed by my ego (*nefs*) (or I submitted myself to my ego) and I committed an abominable act.” This acknowledgment of the said person is registered in the month of Cumade'l-ula [Cemaziyyelevvel] in the year 957 AH [May / June 1550 CE]

Witnesses:⁴¹

I put this litigation case pertaining to rape committed against the six year old boy Hızır under the category of “Transgressions.” Nevertheless, this case is also very much related to slavery because the act was committed by Ahmed’s black slave, Reyhan. Therefore, due to the overlapping nature of the contents of some of the entries, these frequencies should be read as approximates. Secondly, a detailed analysis of each of these categories is beyond the scope of this research. What I can provide here is an attempt at a delineation of what socio-economic and moral concerns made people resort to the court, hence offering insight into the role of the court in the local setting. Entries under each category could be approached

⁴¹ USS 15/ 62a/1

both as a text and document thus providing us with details, not only of the development of the court's recording practices and legal lexicon but also of the socio-economic resources of various communities and their interrelations. Furthermore, as I have discussed in Chapter 4, some of these entries provide a hallmark of negotiations and survival tactics once the issue at stake is individual's honor.

What emerges from this table is that among the 2,212 entries registered in USS 15 covering the period from 1547-1551, 767 are related to administration of various waqfs' moveable and immoveable property. This number makes up almost 35% percent of the court's business within this period.⁴² These documents disclose that waqfs supplied funds to support mosques, educational institutions, public baths, soup kitchens, and hospitals. Furthermore, they supplied funds to build urban infrastructure such as buildings, bridges, roads and fountains. These waqfs largely drew their funds from the endowed commercial and agricultural property such as shops, workshops, farms, orchards, watermills, bazars or caravanserais usually built nearby.⁴³ It is also essential to underline that many of

⁴² It should be underlined once again that USS 15 does not cover all the transactions registered in the court within this period. Nevertheless, it does include most of it. Further on this see ff.2 in this chapter.

⁴³ For instance, Nurbanu Sultan endowed the followings for her mosque complex in Üsküdar: In the surrounding district of the complex(Yeni Mahalle), a *han* with 22 rooms, 14 shops, a double public bath, 16 shops facing that public bath, a small house along with three shops, a house to be used as the *şemhane* to produce candles, 17 shops each with a *room* and a backyard, a caravanserai, a slaughterhouse, 6 houses to be used as tannery and *rooms* to be rented out to families. Besides these properties endowed in Üsküdar, Nurban Sultan also endowed large

the better endowed waqfs used some of their revenue to generate capital, and in the process they functioned as financial institutions. Their role as main creditors to the inhabitants of Üsküdar is so pervasive that the loan transactions of, for instance, the well-endowed waqf of Selman Agha⁴⁴ and İbrahim Agha⁴⁵ can be seen in every court register in the sixteenth century Üsküdar. As a matter of fact, some of the registers exclusively were allocated for registration of credit transactions of these two very powerful waqfs.⁴⁶

Besides these waqfs which were constituted through endowment of immovable property, there were also those “cash waqfs” that were institutionalized through endowing of a sum of money, the principal of which would be lent out to creditors. The interest paid on the loans would go to support

— number of immoveable properties such as shops and public baths in İstanbul. Furthermore, other properties in and outside İstanbul include farms, fields, vineyards, pastures and bread ovens. The *cizye* tax collected from the non-Muslim inhabitants of the Yeni Mahalle would also be transferred to the waqf. The waqf also owned and accumulated income from over 10,000 sheep annually. The milk and the wool of these sheep were endowed. Sinem Arcaç, “Üsküdar as the Site for the Mosque Complexes of Royal Women in the Sixteenth Century” (Master’s thesis, Sabancı University, 2004).

⁴⁴ Selman Agha Zaviyesi was completed in 1506. It was located in the center of Üsküdar. An analysis on the transactions of the zaviye and its immoveable properties in the period of Sultan Süleyman can be seen in Tahsin Özcan, *Osmanlı Para Vakıfları: Kanuni Dönemi Üsküdar Örneği* (Ankara: TTK Basımevi, 2003), 187-194.

⁴⁵ The completion date of this *zaviye* is not known. Nevertheless, İbrahim Ağa was one of the chief officials of Sultan Beyazid II. And he endowed one caravanserai, fourteen shops and one house for this zaviye. Tahsin Özcan, *Osmanlı Para Vakıfları*, 165-186

⁴⁶ USS 21 and USS 28

all sorts of social and pious cause.⁴⁷ In his well-documented work on “cash waqfs” in Üsküdar during the reign of Sultan Süleyman (r. 1522-1566), Tahsin Özcan finds 150 “cash waqfs” functioning in Üsküdar during that time.⁴⁸ All in all, among various social and pious causes, these waqfs also provided significant amount of credit to the inhabitants of Üsküdar from all walk of life. In USS 15, the waqfs’ share in providing credit makes up almost 24 % of the total entries, - much higher than individuals in giving and taking loans among themselves which accounts for almost 10 % of the entries (See the Table 2 – Credit Transactions).

To state the obvious, notarial attestations and settlements of disputes pertaining to credit, either given by the major waqfs or by individuals, constitutes the main reason why inhabitants of Üsküdar frequented the court. As was the case noticed by Seng, in the early 1520s, so was the case in the 1550s: “The community of Üsküdar was linked by an underlying web of credit transactions.”⁴⁹ Muslim and non-Muslim, male and female residents, poor and prosperous, ruling and subject classes entered into mutual credit transactions. Substantial number of

⁴⁷ Whether the “cash waqfs” should be permitted or not created great controversy in the sixteenth among some jurists and exploring this discourse beyond the purpose of this dissertation. Most Arab jurists saw this as allowing usury and rejected it as un-Islamic. Ottoman jurists in Istanbul, however, saw nothing wrong with the practice as long as the interest did not exceed 10 percent a year and the recipients of the charity were truly needy. More on this see chapter 4, especially the discussion on money launderers.

⁴⁸ Tahsin Özcan, *Osmanli Para Vakıfları*.

⁴⁹ Yvonne J. Seng, “The Üsküdar Estates (*Tereke*) as Records of Everyday Life in an Ottoman Town, 1521–1524” (PhD diss., University of Chicago, 1991), 295

loans were given as *karz-ı hasen* with the holding of collateral (in the case of Gypsies, this usually would be an expensive silver cup) as security.

The register also contains disputes, claims, and registration of transfer of property. Of the 2,212 entries registered, 299 of them (almost 14 % of the total) are related to moveable and immoveable property transfers among the inhabitants of Üsküdar. This number does not include any dealings with the waqf properties. For instance, there are various instances in which the immovable properties of the significant waqfs such as shops, rooms, mills and lands were rented out or sold (in rare instances) to the inhabitants of Üsküdar. Nevertheless, I included these transactions on waqf property under the “Pious Foundations- Other” heading which includes everything except the loan transactions related to the waqfs (See Table II above – Pious Foundations – Other).⁵⁰ All in all, credit transactions and property transfers among the inhabitants and travelers of Üsküdar (excluding the functions of waqfs in these two spheres) constitute the main reason for their frequenting the court. Of the 2,212 entries, 509 are related to credit transactions and property transfers either in the form of notarial attestations or law suits. As argued by Seng, credit transactions and property transfers provided a nexus that made various social groups and communities communicate at the local level.

⁵⁰ This category in fact include anything on the repair of the waqf buildings, administration of the waqf personnel as well as management of waqfs immoveable property. This category itself makes almost 11 % of the entries.

The court also registered and at times settled any claims regarding the “family law.” Marriage contracts and divorce settlements found their way in the court register although fewer people in mid-sixteenth century Üsküdar seem to have used the court as a legal resource for this purpose. There are only 47 entries regarding this out of a total of 2,212. Furthermore, registrations of the estates of the deceased as well as settlement of any claims regarding these estates constituted yet another chore for the court. Compared to marriage acts and divorce settlements, people seem to have sought the legal guidance of the court once the issue was related to inheritance.

And finally a word or two needs to be said on the category of “Transgressions” which included 188 entries that might be somewhat anachronistically categorized under the rubric of “criminal law.” These entries contain various litigations and registrations regarding murder, assault, theft, drinking alcohol, adultery, public cursing and trespass. While some of these cases were brought to the court by the town’s police (*subaşı*), the others were brought to the attention of the authorities either by neighborhood representatives or private individual themselves. Incompleteness of the court records for serial analysis of criminal activities in a given context has already been noted by several scholars. Nevertheless, the *registered* cases that I categorize under the rubric of “transgression” offer us a wealth of information on the world of crime in a transient growing city and help us answer questions such as the following: Who was involved with crime in Üsküdar? Were criminal acts prevalent only among

the marginal classes? What types of crimes were committed in the city? Were criminal acts commonly seen in public spaces or in domestic spheres or both? Who informed the law enforcement authorities about these transgressions? What were the tricks that criminals resorted to get away from the attention of authorities or to get the least punishment once they were caught? And finally, how was criminal justice administered in Üsküdar?

I cannot answer all these questions in this work; they themselves deserve a separate study.⁵¹ Nevertheless, a cursory reading of these entries suggests that criminal activities were not limited to the lower classes. It is not uncommon to see *imams* procuring prostitutes or janissaries being the clients of the prostitutes. Indeed, if we want to mention some groups that were often associated with sex crimes, the most common culprits would be members of the lower military class and independent mercenaries (*levendat*). As for the spaces of crime, inns,

⁵¹ On the literature on crime and administration of criminal justice in the Ottoman context, see for instance, administration of criminal justice see, Eyal Ginio, "The Administration of Criminal Justice in Ottoman Selanik (Salonica) during the Eighteenth Century," *Turcica* 31 (1999): 185-209; see Işık Tamdoğan, "Atı alan Üsküdar'ı geçti," in *Osmanlı İmparatorluğu'nda Asayiş, suç ve ceza*, edited by N. Lévy and A. Toumarkine (Istanbul, Tarih Vakfı Yurt Yayınları, 2007), 80-95; Suraiya Faruqi, *Coping with the State: Political Conflict and Crime in the Ottoman Empire, 1550-1720*, 145-161. İstanbul: Isis Press, 1995; idem, "Crime, Women, and Wealth in the Eighteenth-Century Anatolian Countryside." In *Women in the Ottoman Empire, Middle Eastern Women in the Early Modern Era*, edited by M. C. Zilfi (Leiden: Brill, 1997); 6-27; Rudolph Peters, *Crime and punishment in Islamic Law: Theory and practice from the Sixteenth to the Twenty-First Century* (Vol. 2. Cambridge University Press, 2005); Fariba Zarinebaf. *Crime and Punishment in Istanbul 1700/1800* (Berkeley: University of California Press, 2010); Marinos Sariyannis, "'Neglected Trades': Glimpses into the 17th Century Istanbul Underworld," *Turcica* 38 (2006): 155-179.

caravansaries, rooms either free or available for cheap rent housed around the port appear to have been the public and semi-public spaces that housed the various transgressions committed against the property and public morality. These spaces while providing food and shelter to the travellers as well as the paupers of the community appear to have been less strictly controlled compared to, for instance, neighborhoods in which everybody knew each other and held collective responsibility to each others' acts. As such, they appear to have been more prone to occurrences of criminal activities. Among the various criminal activities, theft, murder, physical assault and prostitution appear to be the most common transgressions took place in these spaces.⁵²

Before finishing up this section, it should be mentioned that the court constituted one of the legal sites that people resorted for settling disputes. As Leslie Pierce notes

We do not see the many transactions, disputes, and settlements that occurred outside the compass of the court. The fact that private claims could be settled independently of the court meant that the judge was required to hold aloof even in cases of serious abuse. Sultanic law books ordered judges and deputy judges not to investigate matters that they were not invited to adjudicate; rather, according to the law book of Selim I, "those who are judges should station themselves in the traditional location of the court and not go out on rounds." Moreover, the financial burden of coming to court was not negligible, since Selim's law book authorized Ottoman judges to charge petitioners for hearing and recording their cases and to exact fairly steep fees for documents they issued and for copies of court proceedings. The existence of other, perhaps cheaper, venues for dispute resolution and other authorities to whom one might appeal for decisions or for legal

⁵²See for example, USS 15/ 76b/1 USS 15 / 78a / 4; USS 15/ 85b/2

guidance in problematic moments meant that a good deal of the legal life of the province took place outside the court.⁵³

Part II: Gypsies at the Sharia court of Üsküdar

Entry 1

The reason of writing this *sicil* is the following ((*Vech-i tahrir-i sicil budur ki*) :

Piyade b. Musa acknowledged and confessed at the noble court of sharia [in the presence of adult female Gypsy named Hasna] that “I had four hundred *akçe* in the possession of Gypsy woman Hasna but [as of now] I have received them all back.” This acknowledgement of above mentioned [Piyade Musa] is corroborated by the above mentioned Hasna. And what has happened is registered. [No date is given]

Witnesses: ...⁵⁴

Entry 2

The reason of recording this registration is the following:

Todora b. Dimitri from the village of Kadı came to the court and initiated litigation (*takrir-i dava kılup*) against Koçi the Gypsy (*çingene*) from the same village and claimed that “I sold half a house to you yet you had taken from from my share to install two *merteks* [squared balk of timber, beam, post] and now I demand that part back.” Upon interrogation, Koçi answered that “I had bought the house from you yet later that part was necessary so I had paid you one gold coin to get that part.” Nevertheless, the aforementioned Todoro denied this and after his denial, Koçi was asked to provide witnesses to his claim. Mustafa b. Mehmed and Ramazan b. Hüseyin and carpenter Yani b. Torna said that “we are witnesses and we bear witness to the fact that in order to install two *merteks* at the mentioned part, Koçi had paid one gold coin to Todoro.” Then the mentioned part was given to Koçi. Registered in the month of Şevval in the year 953 AH [November / December 1546 CE]

⁵³ Peirce, *Morality Tales*, 91-92

⁵⁴ USS 9/ 5a /5

Witnesses: ...⁵⁵

Entry 3

The reason of writing this registration is the following:

Ali b. Mestan from the community of Gypsies (*Çingeneler zümresinden*) came to the sharia court with his mother in law Alafine bt. (?). He stated that “I had given [lent] seven hundred *akçe* to Alafine and now I demand it back. [Once it was asked of Alafine], she said that “I had taken four hundred *akçe* from him as bride money (*ağırlık*) and I used this money to give dowry [to my daughter]. This acknowledgement (*ikrar*) at the request of [Ali bin Mestan] is recorded in early Şevval in the year 956 AH [October / November 1549 CE]

Witnesses: ...⁵⁶

Entry 5

That (*Oldur ki*):

Mustafa b. İlyas named Gypsy at the court of sharia in the presence of his wife Fatma bt. Musa of his own will and consent acknowledged that “We do not have a joyous life (*zindegane idemeyüp*) with the above-mentioned Fatma. [Furthermore] she has accepted to take care of my little son named Derviş for seven years from the date of this registration and she has renounced her alimony (*nafaka*) as well as all other issues concerning marriage and she has demanded *hul* (literally divorce by a husband of his wife at her request). I accepted the *hul*.” Validity and soundness of this *hul* is approved by the court and what has happened is registered with the request in late Receb in the year 966 AH [April / May 1559 CE]

Witnesses: ...⁵⁷

Entry 6

The reason of writing this registration is the following:

⁵⁵USS 14/ 23b / 1

⁵⁶ USS 15/ 28 b /3

⁵⁷ USS 20 / 95 b/ 3

Aişe bt. Abdullah, a Gypsy (*çingane*) came to the sharia court and initiated litigation against Mustafa. She stated that “My husband Nazlı b. Mustafa had died and this afore mentioned Mustafa now claims that I am his slave (*cariye*) and does not allow me to marry with someone else.” Upon interrogation, Mustafa stated that “My son [Mustafa b. Nazlı] had abducted this above mentioned Aişe (*oğlum Nazlı mezbûr Aişe’yi dutmuş idi*).” [Nevertheless] Mahmud b. Abdullah Suphi and Veli b. Ali and Ali b. Abdullah named Janissary from the righteous Muslims (*udul-i müslimin*) stated that “in our presence this afore mentioned Mustafa acknowledged the fact that “this girl is my daughter in law and the little boy that she has is my grandchild. I took this girl from her former master in order to marry her to my son.” This testimony of the witnesses is registered with the request / demand of afore mentioned Aişe. Registered on the 20th of Receb in the year 971 AH [March 3, 1564 CE]

Witnesses: ...⁵⁸

Entry 7

The reason of writing this registration is the following:

Gypsy (*Çingane*) Durmuş bin Bazarlu resident of Üsküdar, provided surety (*nefsine kefil*) for a Gypsy nicknamed as Poyraz residing (*sakin*) in the village of Istavros attached to the town of Üsküdar. He also became a guarantor for bringing Poyraz to the court of sharia whenever he is summoned. This fact is registered at the request of [...] in mid Cemaziyelahir in the year of 972 AH [January 1565 CE]

Witnesses: ...⁵⁹

Entry 8

The reason of writing this is the following:

Ahmed Bey b. Abdullah, a *zaim* [holder of a large military fief] from the town of Üsküdar brought Ayni bt. Beşe from the community of Gypsies to the court and said that “this above mentioned women’s mouth smells of wine (*rayiha-i hamr*) and I would like her to be seen / examined.” [After this demand], Mehmed b. Şaban and Süleyman b. Pir smelled the above mentioned woman’s mouth and

⁵⁸ USS 26 / 72b/5

⁵⁹ USS 27 / 97 / the last entry

testified that there was a smell of wine from her mouth. This is registered in the month of Receb in the year of 973 AH [January / February 1566 CE]

Witnesses: ...⁶⁰

Entry 9

The reason of writing this is the following:

Once a guarantor was asked (*kefil taleb olundukda*) from Fatima bt. Abdullah and Ayşe bt. Abdullah [both] from the community of Gypsies, Ahmed b. Kara Hasan and Ahmed b. Abdullah named Gypsies become personal guarantors (*kefil-i bi'l-nefs*) for the above mentioned women and this is registered with request in the month of Şevval in the year of 973 AH [May / June 1566 CE]

Witnesses: ...⁶¹

Entry 10

The reason of writing this registration is the following:

Hristo and Komanto and Senelato and Kirmova and Yani and [another] Hristo named Gypsies who are now in the village of Pendik are actually Gypsies from Istanbul and they have moved to Anatolia in order to work as day laborers in the farms (*rençberlik*). And this document is written to register the fact that they have paid their poll –tax (*cizye*) for the year of 975 AH. [This document] is registered in mid Cemaziyelahir in the year of 975 AH [December 1567 / January 1568 CE]

Witnesses: ...⁶²

Entry 11

That (*Oldur ki*):

Sefer b. Karaca from the neighborhood of Ma'mure made an acknowledgement (*ikrar*) at the noble / exalted court of sharia that “I had given a five hundred forty *akçe* loan (*karzdan*) to Ayni bt. Mahmud [from the community of Gypsies]. I

⁶⁰ USS 29/ 6b/3

⁶¹ USS 29/80a/3

⁶² USS 31 / 311

have now received the above mentioned sum of money in total.” This acknowledgement of above mentioned Sefer b. Karaca is also approved by the above mentioned Ayni *hatun*. What is acknowledged is registered at [the parties’] request on 23rd of month of Şevval in the year 987 AH [December 13, 1579 CE]

Witnesses: ...⁶³

Entry 12

That (*Oldur ki*):

Ayni *hatun* bt. Mahmud from the community of Gypsies made an acknowledgement at the noble court of sharia that “I appointed Eynesi b. İsmail as a proxy to marry me to Yunus b. İbrahim [from the community of Gypsies] once my waiting period (*idde*) is over.” The above mentioned Eynesi accepted being a representative [of Ayni *hatun* bt. Mahmud] and what has been acknowledged is written down at request on the same date.

Witnesses: ...⁶⁴

Entry 14

The reason of this registration is the following:

Sultan bt ... named Gypsy (*kiptiyye*) came to the court and stated in the presence of Hasan b. Abdullah from the community of *acemioğlans* (a Janissary recruit) that “I received two loans (*karz-ı hasen*) at two different times with from Hasan b. Abdullah, the *acemioğlu*. Now I declare and confirm that I owe him one thousand two hundred thirty *akçe* as a loan to be paid back.” This acknowledgment (*ikrar*) at the request of [Hasan b. Abdullah] is recorded on 9th of Rebiülahir in the year 988 AH [May 24, 1580 CE]

Witnesses: ...⁶⁵

Entry 15

The reason of this registration is the following:

⁶³ USS 51/11a/3

⁶⁴ USS 51/ 11a /5

⁶⁵ USS 51 / 80b /2

Altun bt. Hüseyin, a Gypsy residing (*sakine*) in the neighborhood of Ma'mure injured Kalender [bin Huseyin from the same community living in the same neighborhood] on his arm with a knife. After that she paid one hundred *akçe* for medical expenses (*merhem bahası*) to the above mentioned Kalender and so both sides agreed upon an amicable settlement (*sulh*) and this document is registered with the agreement and at the request of both parties in early Cemaziyelevvel in the year 991 AH [May / June 1583 CE]

Witnesses: ...⁶⁶

These samples taken from the court records of sixteenth century Üsküdar can be read in many ways. Among many others things, these entries represent some of the reasons that made Gypsies appear in the court. Gypsies – though at a smaller scale compared to other inhabitants of Üsküdar – came to the court for a variety of reasons including but not limited to registering credit and property transactions as well as defending themselves against any litigation. Secondly, these entries embody the variety of ways in which Gypsies are identified in the court records. The scribe made sure to add either *çingane* or *kıbtı* (in the case of females, *kıbtiyye*) before the given names of Gypsies to identify them as court clients. Thirdly, this sample shows how legal discourse and everyday vernacular played out in the textual world of the court records. Finally, this sample discloses that Gypsies living in Üsküdar were not a monolithic community, neither in terms of mode of living nor religious affiliation. This is a significant concern that I shall examine in detail in the chapter to follow. What follows is an examination of the

⁶⁶ USS 56 / 33a / 2

first three points. I will first start with what made Gypsies come to the court in the first place.

Why did Gypsies come to the Court?

Like other inhabitants of Üsküdar, though on a smaller scale, local Gypsies were clients of the *şeriat* court. They came to the court to submit claims against others, or were obliged to appear in the court to defend themselves against allegations; they registered all kinds of agreements and they also appeared as taxpayers. The Gypsies who appeared in the court of Üsküdar during the sixteenth century were both Muslims and Christians, settled as well as nomadic. Furthermore, we find the Gypsies mentioned in the imperial edicts that were recorded in the court registers. As is known, imperial edicts were often registered in the court registers. These administrative documents that were sent from the center to the local state officials can shed light on the strategies of Gypsies who attempted to negotiate and, where possible, to improve their social position.¹ I will discuss these documents in Chapter VII as they are particularly significant for demonstrating the ways in which Gypsies negotiated their marginal status with the representatives of the state.

As I have mentioned earlier, my data on Gypsies contains 234 entries. This number is obtained through scanning more than 17,000 entries. The visibility of Gypsies in the court records, compared to for instance Orthodox Christians, Jews, women of Muslim and non-Muslim communities and indeed even slaves is very small. But why are mentions of Gypsies in the court records of Üsküdar so

few in number? There might have been several reasons behind that. First of all, despite the fact that we are not in a position to establish the population of Gypsies living in Üsküdar at that time, it seems that compared to other under-privileged communities, Gypsies residing in Üsküdar either as settled or semi-nomadic were very few in number. As the entry about Hristo and his friends in the sample above demonstrates (see Entry 10), certain registrations in the court records especially those related to taxation make it obvious that there were some Gypsies who were originally registered in the district of Istanbul in the imperial *tahrir* surveys but later came to Üsküdar to look for economic opportunities.⁶⁷ But these registrations help offer insights only into the number of Gypsies who had recently came to Üsküdar and most likely were living a semi-nomadic mode of life. Yet the court records also suggest that there were settled Gypsies living in Üsküdar at that time as the case of Koçi b. Çingane in the above sample reveals (See Entry 2).

Based on the *tahrir* registers of the sixteenth century Rumelia extending from 1520 – 1535, Ömer Lütfi Barkan, the pioneer of Ottoman *tahrir* studies, suggests that there were 1,031,799 households (*hane*) in the province of Rumelia. In terms of their religious breakdown, these households appear to have been as follows: 194, 958 Muslims, 832,707 Christians and 4,134 Jewish. In the same *tahrir* registers, Gypsies, both Muslim and non-Muslim, were categorized under

⁶⁷ For similar entries see USS 17,

the umbrella term “Kıbtî.” According to Barkan, the number of Gypsy households during the same period in Rumelia is calculated as 14,997. While 4,203 of those Gypsy households were Muslims, the other 10,294 were non-Muslims. Based on these numbers, he suggests that the Gypsies living in the various districts of Rumelia were around 1 % of the population.⁶⁸ Unlike the *tahrir* registers of Rumelia, the *tahrir* registers of Anatolia during the same time are silent about the population of Gypsies. Besides their seemingly “insignificant” population, other factors might have also contributed to Gypsies’ less visible status in the court records. Their hybrid mode of living, the court fees, as well as existence of alternative sites of dispute resolution within their own community might have also influenced their fewer visits to the court of sharia. The following table lists socioeconomic concerns that brought Gypsies to the local court of Üsküdar:

⁶⁸ Ömer Lütü Barkan, *XV. ve XVI. Asırlarda Osmanlı İmparatorluğunda Ziraî Ekonominin Hukukî ve Mali Esasları, Kanunlar*, Cilt I, İstanbul (İ.Ü. Edebiyat Fak. Türkiyat Enstitüsü Yay., 1943), 237.

Categories	Number
Estates and Claims on Estates	14
Fugitive Slaves and Livestock	2
Loans (Credit Transactions)	41
(Registration of)Amicable Settlements	8
Market Control and Infringements	1
Marriage, Divorce or any related claims	19
Administrative Documents (especially of Taxation and Claims against “unfair” taxation)	20
Pious Foundations	3
Property Transfers, Rent and Related Claims	29
Proxy and Guardianship	10
Surety	32
Transgressions (Assault, Murder, Adultery, Procuring Prostitution, Defamation, Trespass, Theft, etc)	55
Incomplete or Damaged or not categorized within the list	2
TOTAL	234

As can be seen in the above table, one of the main reasons that made Gypsies come to the court is related to credit and property transactions. Claims and registrations on inheritance, marriage, divorce, guardianship, and surety seem to be other significant reasons that made Gypsies visit the local court. Yet not less significant is what in Western legal parlance is categorized under the rubric of “criminal” law. Among 234 entries that involve at least one Gypsy in the court records 55 are related to “criminal” transgressions, in which Gypsies appeared at the court either as defendants or litigants. These 55 entries contain issues that arose among the Gypsies themselves such as causing of bodily harm (*darb*), defamation (*şetm*) and murder (*katl*). In the cases related to intoxication (*şüurb-ü*

hamr), Gypsies both men and women were often brought to the court by either the *subaşı* or other local state officials. For instance, in 1583, a Gypsy named Şati from the neighborhood Ali Agha, near the neighborhood of the Ma'mure, was found organizing a drinking party (*hamr meclisi*) in his house by the *subaşı* named Ahmed. Şati and his wife along with other Muslim males named Babacan, İbrahim, Kalender, Mustafa, Hüseyin and Ahmed accepted the fact that they drank alcoholic beverages and that they were drunk.⁶⁹

On the basis of this rather limited data, however, it is very difficult to suggest that Gypsies were more involved in criminal activities than other communities. The reason behind this are at least two fold. First of all, we are not in a position to make meaningful comparisons between Gypsies and other communities as we do not have proper population figures. Let us assume for a moment that we did have such figures, our conclusions would still be incomplete as years of research on the court records demonstrate that the court records do not contain all the crimes committed in diverse communities. There were many spheres in which various conflicts were settled without even reaching to the court.

Inscribing Gypsies into the Court Register

Regardless of religious identity and gender, every single individual mentioned in the court records had a patronym. In addition to this, identification of court clients might have been identified by one or more of the following identity

⁶⁹ USS 56/ 25a / 1

categories: religion, gender, residence, contemporary whereabouts, titles (suggesting professions and higher status), tribal and “ethnic” affiliation. As argued by several scholars in the field, in the textual world of court records Muslim freeborn settled adult males appear to have been the “default” identity against which identity of all others was defined.⁷⁰ His identification includes his name along with a patronymic (for example, Hasan bin Timur, or Hasan son of Timur). Often -but not always – his place of residence, his profession and his honorific title (if any) suggesting his social status were attached to his name. So we see entries such as the following:

Veli b. Dede Bali named individual (*kimesne*) came to the honorable court of sharia and in the presence of Hakvirdi b. Durahan and Şahkulı b. Mustafa, of his own will made an acknowledgment (*ikrar u itiraf*) ...⁷¹

Hüseyin b. Hızır from the neighborhood of Gülfem came to the court of sharia with Ahmed b. Kerimüddin from the same neighborhood and said that “I gave him 100 akçe loan (*karz-ı hasen*) and I demand that it be paid back. ...⁷²

Our Master (mevlana) Dervîş Çelebi b. late Molla Çelebi, pride of honorable scholars (*fahru'l-ulema-i'l-kiram*) came to the court and said that I had opened a litigation against this Musallî b. Mehmed ...⁷³

As Leslie Pierce puts it “Others, however, were additionally labeled by whatever attributes differed from this standard: sex, religion, status as slave, status as freed person, nomadic tribal affiliation, and, if the litigant had not reached legal

⁷⁰ Peirce, *Morality Tales*, 144-145.

⁷¹ USS 15/ 6a /1

⁷² USS 15/ 15b/5

⁷³ USS 15 / 113a/4

majority, status as a minor.”⁷⁴ Among those who deviated from this norm in terms of their identification in the court registers, women constituted the most perceptible category. Though compared to their male counterparts, they are fewer in number in the thousand entries I read, nevertheless, their visibility cannot be overlooked and underestimated. Indeed, as Leslie Pierce observes in the sixteenth century Aintab, and the sixteenth century Üsküdar seems no different, women (Muslim women more than non-Muslim ones) were quite populous compared to other disprivileged groups such as Jews, Gypsies, freedmen, slaves and minors. They were identified with their name including their father’s name— *bint*, “daughter of” (e.g., Fatma bt. Ahmed, or Fatma daughter of Ahmed) affiliation. Often, though not universally, their femaleness was further underlined through adding labels such as *hatun*, *avrat*, *gelin* and *kız* (each referring to different cycles in the life a female) after their names. According to Pierce, this diversity of vocabulary used for identifying females at the court, proposes that “gender identity continually transformed itself over the course of one’s life span, as different normative behaviors were associated with each phase in the life cycle. To be female or male was therefore to be characterized by a gender identity that was neither monolithic nor static.”⁷⁵ Together with patronym embedded in their names and / or the terms used to denote different stages in women’s life, it is also not uncommon to see women identified through their place of residence.

⁷⁴ Leslie Peirce, *Morality Tales*, 134 – 135.

⁷⁵ Leslie Peirce, *Morality Tales*, 149.

Though less common compared to their male counterparts, we also see some women identified through honorific titles suggesting their high status in the society. In that case, they were identified as “the most eminent of secluded women” (*fahru'n-nisa ve'I-muhaddere*).⁷⁶ More significantly, religious denomination (only in the case of non-Muslims) as well as “ethnic” or tribal affiliation would also be added to women’s identification to signify their rural past or mobile modes of living – either in the past or in the case of Gypsies even at the present – in an urban context. Hence we see women from various religious denominations or modes of living were identified such as the followings:

An adult female named Sitti (*hatun*) bt. Yusuf came to the sharia court and stated that ...⁷⁷

Sevadinos b. Aleksi from the village of Çenger came to the exalted sharia court and opened a litigation (*takrir-i dava kılup*) and claimed that “I lent four hundred *akçe* to Markarika bt. Yuvan and now I demand it back ...”⁷⁸

Marula (?) and Eleni, daughters of Yani, non-Muslim females (*zimmiye*) made an acknowledgement that our brother Papani (?) had one thousand and two hundreds *akçe* in the possession of Ali b. Eymir ...⁷⁹

Kurşo bt. Salman, Jewish female (*yahudiyye*) from the Dimetoka neighborhood from the city of Istanbul came to the sharia court and opened a litigation against Marula bt. Todora from the village of Çenger ...⁸⁰

⁷⁶ USS 15/ 61b/3

⁷⁷ USS 15 / 114a/3

⁷⁸ USS 15 / 38a/7

⁷⁹ USS 15/ 11b / 6

⁸⁰ USS 15/ 93 a / 3

As the above sample retrieved from the USS 15 demonstrates, there is no uniform formula identifying women of Üsküdar except identification through their name and patronym. Especially the variety employed in identifying non-Muslim women deserves further explanation. In order to do that, I shall first start with how non-Muslims in general were marked in the register:

Jews were simply identified with the terms *yahudi* for the males and *yahudiyye* for the females. When Jews and Orthodox Christians (male as well as female) came to the court together (as in the case of Kurşo bt. Salman and Marula bt. Todora above) while Jewish clients of the sharia court were simply identified with either *yahudi* or *yahudiyye*, this was not the case for (Greek) Orthodox Christians- both men and women. In the register that I am reading here, there are various instances in which the terms commonly used for the identification of (Greek) Orthodox Christians are for example: *zimmi* / *zimmiye*, *nasrani* / *nasraniyye* or *isavi* / *isaviyye* are *not* used at all (as in the case of Sevadinos b. Aleksi from the village of Çenger and Markarika bt. Yuvan in the above example). This is not to suggest, however, that their identity was recorded that of the Muslims. There are also various examples in which the court scribes of Üsküdar used *zimmi* in the case of male or *zimmiye* in the case of female to mark their religious affiliation (as in the case of Marula (?) and Eleni, daughters of Yani, in the above sample). However, in contrast to findings of Najwa al-Qattan on the eighteenth century Damascus, for instance, omission of explicit identification used

for the Orthodox Christians was not a rare practice.⁸¹ To put it another way, as far as the registering practice of the Üsküdar court was concerned, the practice of using consistent terminology distinguishing Muslims and Orthodox Greek Christians in the map of the *sicil* appears to have been a fluid rather than consistent and uniform practice. Furthermore, unlike the court registers of the eighteenth century Damascus, the scribes of Üsküdar up until the middle of the sixteenth century(if not later) did not use *veled* in place of *ibn* in the construct "son of" consistently and uniformly to mark the difference between non-Muslim (both Jews and Greek Orthodox Christians) and Muslim male clients of the court.⁸²

All in all, as Najwa Qattan herself acknowledges the usage of *veled* in place of *ibn* does not appear to have been a uniform practice in all Ottoman times and places. While, for instance, it was used in the seventeenth century Kayseri, Cyprus, Ankara and the eighteenth century Damascus, it was not used in Jerusalem, Tripoli, or Sidon⁸³ Besides this contextual difference, as also noted by Najwa al-Qattan, there were also institutional differences in the ways in which *ibn* and *veled* was used in the Ottoman lexicon. Surpassingly enough, for instance, Ottoman fiscal

⁸¹According to al-Qattan, direct zimmi identification in the eighteenth century court of Damascus was omitted only in rare occasions. Al-Qattan, "*Dhimmi* in the Muslim Court," 217.

⁸² According to al-Qattan, in the court registers of Damascus up until the 1850s, "the terms employed to refer to the patrilineal were *ibn* for Muslim men and *walad* for *dhimmis*."

⁸³ While making this argument Al-Qattan partly draws upon the works of Jennings. *Studies on Ottoman Social History in the Sixteenth and Seventeenth Centuries: Women, Zimmis and Sharia Courts in Kayseri, Cyprus and Trabzon*, (İstanbul: The Isis Press, 1999)

registers for the sixteenth century Palestine employ *veled* for both non-Muslims and Muslims.⁸⁴ Faroqhi also notes that *veled* was attached to non-Muslim names in the seventeenth century court records of Kayseri and Ankara but not in the tax registers.⁸⁵ In the case of the sixteenth century Üsküdar, this institutional difference regarding to use of *veled* and *bin* can be seen in how adult Gypsy males were recorded in the tax documents copied by the court and how they were represented by the documents produced by the court itself. While in the former they were identified using *veled*, in the latter, the same individuals – as we shall more on this at Chapter 6 – were almost exclusively registered through the usage of *bin*.

In addition to this “bin” and “veled” construct, Najwa al-Qattan exhaustively documents that in the eighteenth century “misspellings” for non-Muslim names also became standard if those names could be shared with Muslims: Ishak, for instance, would be spelled, consistently, with correct spellings for a Muslim but incorrect ones for a Jew. More recently, Cemal

⁸⁴ Amnon Cohen and Bernard Lewis, *Population and Revenue in the Towns of Palestine in the Sixteenth Century* (Princeton: Princeton University Press, 1978), 16 and page 10 of the Appendix. As quoted in Najwa al-Qattan.

⁸⁵ Suraiya Faroqhi, *Men of modest substance: House owners and house property in seventeenth-century Ankara and Kayseri* (Cambridge University Press, 2002), 151. As quoted in Najwa al-Qattan.

Kafadar shares his observations on the issue based upon years of research in the Ottoman court records. According to him,

... in the court records, where thousands of Muslims and non-Muslims appear regularly, a Muslim would "pass away," but a non-Muslim would "perish"; that was standard, based on assumed inequalities between Islam and other faiths. ... Muslims were always *sakin* (resident, but the word also has connotations of being peaceful) of a neighborhood, non-Muslims sometimes *mütemekkin* (established). ... A second (or further) reference to a Muslim involved in a case would mention him or her as *mezkure* (the above-mentioned); if a non-Muslim were involved, the second reference would use *mesfure* (the foregoing), not necessarily denigration, but a differentiation.⁸⁶

As in the case of “bin” and “veled” construction, these scribal means observed by Kafadar to mark non-Muslims were not a uniform practice in the register that I am reading closely here. Nevertheless, a cursory reading of the Üsküdar court registers starting from the 1570s suggests that at least some of them –if not all—seem to be used by the court scribes of Üsküdar to differentiate between a Muslim and a non-Muslim. Thorough analysis and documentation of this pertinent object of analysis has to be left to later research. Nevertheless, what I want to underline, is that these markers of differentiation especially as far as the Orthodox Christians are concerned were not in the depository of scribal practice up until the middle of the sixteenth century in the context of Üsküdar. However, as Najwa al-Qattan, Jennings and others demonstrate, “Over time - rather

⁸⁶ Cemal Kafadar, "A Rome of One's Own: Reflections on Cultural Geography and Identity in the Lands of Rum," *Muqarnas* 24 (2007): 12-13.

gradually over centuries - there is an unmistakable trend in official documents toward improving the scribal means of making distinctions among subjects of different sorts.”⁸⁷

Despite the heterogonous practice demonstrated in the articulation of the Orthodox (Greek) Christians, Gypsy clients of the court – men and women, nomadic, semi-nomadic or (recently) settled – were always labeled through their communal affiliation drawn on the basis of their “ethnicity” rather than their religious affiliation. Therefore from the 1540s to 1580s, we observe individual Gypsies coming to the court being identified as follows:

Piyade b. Musa acknowledged and confessed at the noble court of sharia [in the presence of Hasna named Gypsy adult female] that ...⁸⁸

Todora b. Dimitri from the village of Kadı came to the court and filed a law suit (*takrir-i dava kılup*) against Koçi the Gypsy (*çingene*) from the same village and claimed that...⁸⁹

Ali b. Mestan from the community of Gypsies (*Çingeneler zümresinden*) came to the sharia court with his mother in law Alafine bt. (?). He stated that...⁹⁰

Mustafa b. İlyas, a Gypsy at the court of sharia in the presence of his wife Fatma bt. Musa of his own will and consent acknowledged that “We do not have a joyous life (*zindegane idemeyüp*) with the above-mentioned Fatma.”...⁹¹

⁸⁷ Ibid, 12

⁸⁸ USS 9/ 5a /5

⁸⁹ USS 14/ 23b / 1

⁹⁰ USS 15/ 28 b /3

⁹¹ USS 20 / 95 b/ 3

Aişe bt. Abdullah, a Gypsy (*çingane*) came to the sharia court and initiated litigation against Mustafa. She stated that...⁹²

Gypsy (*Çingane*) Durmuş bin Bazarlu from the center of the town of Üsküdar (*nefs-i Üsküdar*) provided surety (*nefsine kefil*) for a Gypsy nicknamed as Poyraz residing (*sakin*) in the village of Istavros attached to the town of Üsküdar. ...⁹³

Altun bt. Hüseyin, a Gypsy [female] residing (*sakine*) in the neighborhood of Ma'mure injured Kalender [b. Hüseyin from the same community living in the same neighborhood] on his arm with a knife. ...⁹⁴

As the above excerpts from the sixteenth century Üsküdar court registers demonstrate, the scribe meticulously tagged individual Gypsies coming to the court by two means: In the first case, after the name of the individual, male or female, that includes the standard patronymic marker, they made sure to add either *çingane* or *kıbtı* (in the case female *kıbtıyye*) hence emphasizing the difference among various Muslim and Non-Muslim communities settled in an urban context. Secondly, as the above sample demonstrates, instead of marking the individual simply as either “çingane” or “kıbtı / kıbtıyye,” the scribes would also identify them through the name of the community that they were attached to. In this case, the formula appears such as the following: so and so, son or daughter of so and so, from the community of Gypsies came to the court. The terms that could be translated as “community of Gypsies” were various including but not limited to *taife-i çingane*, *çingane zümresi*; *taife-i kıbtıyan* or *kıbtıyan zümresi*

⁹² USS 26 / 72b/5

⁹³ USS 27 / 97 / the last entry

⁹⁴ USS 56 / 33a / 2

How should we conceptualize the category “çingene” or “kıbtî”? It seems that the authorities’ conception of who or what a Gypsy was for most of the early modern period seem to have been determined much more by the socially and economically hybrid mode of living with occupations temporary and at times morally “low” in nature than any narrowly interpreted linear understanding of common ancestry, language, religion or shared past experiences. Indeed an argument can be made that the sheer abundance of terms used in the Ottoman/Turkish lexicon to denote a “Gypsy” or “Gypsy-like communities” makes it almost impossible to suggest that the Ottomans had a clear-cut category for who was “Gypsy” and who was not.⁹⁵ Modern conception of Gypsies as constituting an ethnic group whose origin goes back to the India had not been there. As we shall see in Chapter 6 and Chapter 7, Ottomans in different times constructed different origin stories for Gypsies yet up until the late nineteenth century these origin stories has nothing to do with India. These, very few, yet significant origin stories were constructed on the basis of perceived morality of Gypsies rather than any specific place of origin. In this regard, a word or two needs to be said on the Ottoman adoption of *kıbtî* to denote a “Gypsy.” In Arabic “kıbtî” denotes native

⁹⁵ In the documents that I consulted for this study, the common terms were *Kıbtî*, *Kıbtîyan*, *Çingene*, *Çingane*, *Cingene*, *Çingeniyan*. Moreover, in contemporary Turkey; they are known as *Roman*, *Mitrip*, *Mutrib*, *Guyende*, *Güvende*, *Karaçi*, *Kareçi*, *Mutruf*, *Bala*, *Posa*, *Elekçi*, *Gurbet*, *Kurbat*, *Gurbat*, *Çingit*, *Çingane*, *Cıngan*, *Cıngan*, *Cingit*, *Abdal*, *Esmer Vatandas*, *KaraKuvvelleri*, *Dom*, *Kıptî*, *Roman*, *Mango*, *Romni*, *Rumlu*, *Cono*, *Davulcu*, *Sepetçi*, *Pırpırtı*, *Arabacı*, *Köçer*, and *Karaoglan*. Hüseyin Yıldız, “Türkçede Çingeneler İçin Kullanılan Kelimeler ve Bunların Etimolojileri,” *Dil Araştırmaları Dergisi*, 1.1 (2007): 61-82

Egyptians. Yet “Gypsy” in Arabic (at least in Egyptian dialect) is identified with the terms such as *Ghagar*, *Nawar* and *Halebi*.⁹⁶ So why did the Ottomans adopt the term “kıbtı” instead of *Ghagar*, *Nawar* and *Halebi*? According to Eyal Ginio, adoption of this terminology is one of a Byzantine inheritance. “The Gypsies were named by the Ottoman administration as *kıptî*, ‘an Egyptian,’ a reflection of the common myth that existed in Europe that the Gypsies originated in Egypt.”⁹⁷

Finally, a further explanation is needed as to how “ethnicity” was understood by the Ottomans. The reason for this exercise is related to my argument that the ways in which the Ottomans categorized the Gypsies is related to their perceived “ethnicity” rather than their “religion” which appears to have been the more common marker used for the categorization of various communities. Nevertheless, this reference to “ethnicity” has to be qualified. Unfortunately, current research on Ottoman understandings of “ethnicity” as far as the early modern period is concerned, is very limited despite the existence of various genres of sources that include minute details pertaining to the ‘qualities’ ascribed to certain “ethnic” groups including but not limited to Turks, Kurds, Arabs, Persians and Albanians.⁹⁸ Leslie Peirce suggests that the ways in which

⁹⁶ Nabil Sobhi Hanna, “Ghagar of sett guiranha: A study of a Gypsy community in Egypt,” *Cairo Papers in Social Science* 5 (1982).

⁹⁷ Eyal Ginio, “Neither Muslims nor *Zimmis*: The Gypsies (Roma) in the Ottoman Empire,” *Romani Studies* 5 14 (2004): 131

⁹⁸ My query on these yielded following studies: Metin Kunt, “Ethnic-Regional (Cins) Solidarity in the Seventeenth-Century Ottoman Establishment,” *International Journal of Middle East Studies* 5, no. 3 (1974): 233-239; Bernard Lewis, *Race and Slavery in the Middle East: A Historical Enquiry*.

“ethnic” designations were used within the discourse of court registers can teach us about the Ottomans’ understanding of “ethnicity.” According to her, in the sixteenth century Aintab’s court lexicon, “ethnic” designations were used as a marker of differentiation for those nomadic and tribal communities unassimilated in to urban culture. In the case of the sixteenth century Aintab, these groups were Kurds, Turcomans and Arabic speaking Bedouins.⁹⁹ Yet in the sixteenth century Üsküdar, these groups included the Gypsies, the Blacks (*arap* – most of whom were either freed or fugitive slaves) and recent immigrant communities such as Tatars and Albanians (these recent immigrants are increasingly visible in the records dating 1580s and after). In the eighteenth century Salonico, Ginio observes those groups who were labeled through their “ethnicity” included the Gypsies, the Blacks, the migrant Albanians (*Arnavut*).¹⁰⁰

Could Gypsies “Speak” at the Court?

As the sample that I presented at the beginning of Part II of this chapter demonstrates, one interesting characteristic of the court records is the fact that “The testimony of plaintiffs, defendants, witnesses, and officials is more often than not represented in the written record as direct speech (i.e., speech that can be

Oxford University Press, 1992; Baki Tezcan, "Dispelling the Darkness: The Politics of 'Race' in the Early Seventeenth-Century Ottoman Empire in the Light of the Life and Work of Mullah Ali." *International Journal of Turkish Studies* 13 (2007): 73-95; Giancarlo Casale, "The Ethnic Composition of Ottoman Ship Crews and the Rumi Challenge" to Portuguese Identity," *Medieval Encounters* 13, no. 1 (2007): 122; Cemal Kafadar, "A Rome of One's Own."

⁹⁹ Peirce, *Morality Tales*, 146.

¹⁰⁰ Eyal Ginio, "Neither Muslims nor *Zimmis*."

framed by quotation marks). Similarly, the many voluntary statements people made at court—those bits and pieces of information that they wanted registered—are most often represented as direct speech...”¹⁰¹ Nevertheless, as has been underlined by several scholars already, the institutionalization of recordkeeping as a court practice led to an appropriation of many of the legal categories and linguistic formulas established within the *shurūt* literature.¹⁰² While registering any document at the court, the court personal used these categories and formularies established within the genre and so attempted to produce uniformed and standardized discourse both in theory and practice. That is why, as is exemplified in the above sample, loan and credit contracts, acknowledgments of any legal responsibilities, marriage contracts, guaranty and surety-ship documents and even most of the law-suits are remarkably formulaic in structure and repetitive in legal terminology. The *sicil* as text, therefore, provides a window into detailed socio-economic transactions of everyday life against a framework of legal categories and linguistic conventions of the *shurūt* literature, privileging specific terminologies, values, and meanings and remaining silent on others.¹⁰³ One of the best examples of this privileging and silencing may be seen, for instance, in the documentary attempts to impartially identify the litigants at the court as well as describe the property which has been sold or purchased, not to

¹⁰¹ Peirce, *Morality Tales*, 103.

¹⁰² See the section above “Recording in Arabic and Turkish” for further on this.

¹⁰³ Al-Qattan, “*Dhimmi* in the Muslim Court,” 142-145

mention the physical qualities and defects of (fugitive) slaves and (found) animals. Furthermore, as it is aptly suggested by Boğaç Ergene, the court records “severely discriminate against nonverbal acts, body language or facial expressions of the performers and privilege the spoken word against other acts of communication. Therefore, argues Ergene “no confessions (*itiraf*) or acknowledgements (*ikrar*) could be assumed as inherently sincere in the court records.”¹⁰⁴

However, as has already been observed by several scholars, we occasionally notice in the court records that certain remarks were left “untranslated.”¹⁰⁵ The sixteenth century court records provide myriad of examples in which self-representative expressions rather than the the legal formularies captures the attention of the reader. Nevertheless, here I shall limit myself only to those cases concerning Gypsies. Unfortunately, I have only very few cases in which the scribes whether willingly (as argued by Leslie Pierce – more on this argument below) or unwillingly (due to the limitations put forward by legal discourse to express emotions that came out due to anger, grief, disappointment and repentance) reported words and expressions of Gypsies rather faithfully. Let us consider the following example:

¹⁰⁴ Ergene, *Local Court, Provincial Society, and Justice in the Ottoman Empire*, 103

¹⁰⁵ This expression, *yabana gitmek* (literally going to wilderness) seem to be used among Gypsies. It must have been employed to indicate travelling with a Gypsy band and leaving the settled mode of life.

Entry 1

The reason for writing of these letters is the following (*Vech-i tahrir-i huruf oldur ki*)

Mehmed b. Abdullah and his wife Fatima bt. Balaban came to the court. And the above-mentioned Fatima [claimed][said to her husband] that “you had promised to give me an irrevocable divorce (*talak-ı selase*) if you ever beat me and go to wilderness (*yaban*).”¹⁰⁶ Upon inquiry, the above mentioned Mehmed, replied to this with denial. Then proof was asked from Fatma *hatun*. Accordingly, she said that “today is Wednesday, if I do not bring a witness up until this evening, I shall remain his wife and I shall withdraw my litigation.” And the above mentioned Mehmed also said that “If I get lost until the evening, the afore-mentioned Fatima shall get divorced from me.” What is said is registered with the request in the late Rebiülevvel in the year 958 AH [March / April 1551 CE]

Witnesses:...¹⁰⁷

According to Tamdoğan, the traces of a more personal discourse are noticeable in the court records of eighteenth-century Adana, when the documentation in question concerned the bodies, particularly in the depositions of the females as well as the children of the litigants.¹⁰⁸ The same argument can be made in the case of Fatma bt. Balaban who brought her husband to the court to make him give her a irrevocable divorce because according to her, he had broken his promise to never hit her. Whether Fatma bt. Balaban’s husband had indeed

¹⁰⁶ More on this see, for instance, Ergene, *Local court, provincial society and justice in the Ottoman empire*, 170-88; Leslie Peirce, *Morality tales*; Işık Tamdoğan-Abel, “L’écrit comme échec de l’oral? L’oralité des engagements et des règlements à travers les registres de cadis d’Adana au XVIIIe siècle,” *Revue du monde musulman et de la Méditerranée* 75-76 (1995):155-65; James Grehan, “The mysterious power of words: language, law and power in Ottoman Damascus, 17th-18th centuries,” *Journal of Social History* 37 (2004): 991-1015.

¹⁰⁷ USS 15/ 133b/4.

¹⁰⁸ Tamdoğan, “L’écrit comme échec de l’oral?,”

made such a promise to not beat her is unknown as we do not have a following entry to indicate if indeed Fatima bt. Abdullah was able to bring witnesses to the court to prove her claim. Nevertheless, what needs to be stressed is that the reasons that made her come to the sharia court against her husband were shared by many women in the sixteenth century Üsküdar.

Years of research on the court records have demonstrated that women from various religious and social backgrounds approached the court for diverse reasons including but not limited to resolving any issues regarding inheritance, to make donations, to administer their property, to engage in artisanal, financial and mercantile transactions and even to negotiate terms of their marriage contract and divorce settlements. Looking through the prism of the sixteenth century court records of Üsküdar, domestic violence including sexual brutality in its variety seems to be one of the significant concerns that made women frequent the court. For instance, in 1550, Gülbahar bt. Abdullah from the neighborhood of Salacak in Üsküdar brought her husband to the court and initiated litigation against him. At the court, she states that “[my husband] swears at me calling me a “Prostitute” (*kahpe*) and he does not give my daily sustenance (*nafaka*).” But her husband, Musa b. Bekir from the village of Kadı denied these allegations. Then Gülbahar continues and adds that “my husband tells me “if you leave me, I will burn your house down and kill you” (“*beni koyup gitmeye evini yakarım seni kati iderim*”). Accordingly, she and some people from Gülbahar’s neighborhood asked for guarantor from the defendant. Nevertheless, Musa b. Bekir was unable to bring

any guarantor to support him. This issue between a wife and her husband appears to have been settled by the involvement of the *muslihun* (mediators). After Gülbahar accepted to decline her right of receiving her daily sustenance, her *kisve* and her 400 akçe *mihir*, her husband gave her an irrevocable divorce and pledged that if he ever sues Gülbahar on this issue in the future, it should be considered null.¹⁰⁹ Similarly, again in 1550, Selver bt. Abdullah from the neighborhood of Kepçe brought her husband, Şeydi b. Abdullah, to the court. She alleged that her husband was having a relationship with his ex-wife, Kumun (?) and kept meeting her in a house. According to Selver's account, just one night before her appearance at the court, Şeydi b. Abdullah, brought his ex-wife to his current house which he shared with Selver. Nevertheless, Selver did not allow the ex-wife in. After that, Selver claimed that "he beat me so badly, then I screamed and forty six (?) men from the neighborhood came and saw me. Now I demand my right." Accordingly, the court questioned Seydi. In his reply, he declared that "she is my wife and [last night] I beat her. [In fact] I both beat her and swear at her [as she is my wife]." ¹¹⁰ Yet in another entry, we witness screams of another woman who in her turn accuses her husband of pushing her to have "improper" sexual intercourse. In 1551, Nisa bt. Turabi sent her father as a proxy to represent her at the court. According to father's claim, his son in law, Mehmed b. Mustafa,

¹⁰⁹ USS 15 / 75a / 2

¹¹⁰ USS 15/ 155b/2

wanted to have anal sexual intercourse with her daughter (*dübüriinden davet etdi*). Upon being interrogated Mehmed denied the accusation. Accordingly, the court asked Turabi to bring proof for his claim. Accordingly, Hızır b. Ahmed and Mustafa b. Turabi bore witness that “[This above mentioned Mustafa] confessed [in our presence] that “I use both sides of Nisa.” Furthermore, in the next entry, Şahkulu b. Hacı İvaz ve Ahmed b. Pir Dede named individuals, most likely neighbors of the couple, declared at the court that the above mentioned Mustafa beat Nisa bt. Turabi and that “we heard her scream.”¹¹¹

All these women who sued their husbands at the court argued that the violence that they experienced was against the law. Unfortunately, except in the case of Gülbahar bt. Abdullah, how the plight of these women was settled by the court is not explicitly stated in the records. Nevertheless, through using very personal rhetorical script while narrating their version of the violence that they faced, these women made sure that their voice was heard and registered.

Of course, not all women, who appeared at the court, came of their own will and without any pressure. As I already underlined, there exist many women – either from the community of Gypsies or otherwise including Muslim, non-Muslim, female slaves and freed women – who were brought to the court by either individuals, local state representatives or various “civic” institutions,

¹¹¹ USS 15/ 150a/ 7-8.

notably, neighbors for crossing the limits of legal moral boundaries. How did these women who were made to come to the court speak at the court? It seems that they used a different rhetorical tone than those women who raised their voice against abusive marital relationship. Their way of expressing their cause is indeed different from the men who were also called upon to the court to defend themselves against various charges. Let us consider the following three examples pertaining to the Gypsies.

Entry 1

The reason of this registration is the following:

Abdi b. Hasan from the city of Üsküdar (*mahmiye-yi Üsküdar*) came to the noble sharia court and the court of exalted religion and said in the presence of Gypsy (Çingane) Fatima bt. Abdullah that “this afore-mentioned Fatima stole my money which I was carrying with me in a purse (*yanımdan kese ile akçemi sirka etti*). Then when [I] demanded it back, she gave my money back yet said that “Please, I beg you! Do not allow me to be humiliated (*Kerem eyle! Beni kimseye rencide ettirme*).” Yet I demand that she be punished.” Then once asked of the above mentioned [by the court personnel] Fatima, she answered this [allegation against her] with denial. Then, evidence was asked from the above mentioned Abdi. Then [he brought to the court] from the righteous Muslims (*udul-i muslimin*) Cafer b. Idris and Mehmed b. Mustafa as well as [other] Mehmed b. Mustafa and Koçi b. Çakır named individuals. Once they were asked to testify, [they stated that] “ we are witnesses and bear witness that this above mentioned [Fatima bt. Abdullah] gave above mentioned Abdi’s money back and at the same time she said that “Please, I beg you! Do not allow me to be humiliated.”” [The court] accepted the validity and soundness of these testimonies and registered it at the request of [Abdi b. Hasan] in the month of ... in the year of ...

Witnesses:

...¹¹²

¹¹² USS 29 / 80a/4.

Entry 2

The reason of writing this registration is the following:

From the community of Gypsies (*tayife-i kiptiden*) Sati b. Ornos and his mother Fatma bt. İbrahim brought Yunus b. Kuse who is also from the above mentioned community to the court and initiated litigation against him. And he said that: “[Yunus b. Kuse] killed my half-brother named Mustafa [who is known as] a believer (*mümin*) and Muslim (*muvaahhid*) and I want this to be examined according to sharia.” When it was asked of Yunus, he confessed by his own will and without any pressure that “I killed Sati’s brother six months ago just after Easter (*kafirlerim kızıl yumurdasın ertesi*). I shot him with an arrow near the village of Karıköy (?) in the distirct of Yenişehir. He did not have any fault or sin. [His death] happened because of my fault.” This confession is found acceptable according to sharia and is sound. What happened is registered in the month of Şaban in the year of 957 AH [August / September 1550 CE]

Witnesses ...¹¹³

Entry 3

That (*Oldur ki*)

Late Küpeli b. Musa’s half sisters Mara (?) and Farzana (?) named Gypsies and his wife Katana bt. Mustafa from the community of Gypsies (*Çingane taifesinden*) and from the community of Orunlu (*Orunlu cemaatinden*) settled (*mütemekkin*) in the city of Istanbul at Tavuk Pazarı brought Kurd b. İlyas the Gypsy to the court of sharia and initiated litigation. In his presence, they said that “Kurd b. İlyas killed the above mentioned Küpeli b. Musa with no right and therefore we ask for his blood money (*zimmetini*) (?)” After being questioned, Kurd b. İlyas declared that “I did not kill him but my father, İlyas and my brother in law, Osman, both Gypsies, did. Once my father, İlyas, my brother in law, Osman and I went to burn coal (*kömür yakm*Agha *giddük idi*) to the mountain close to the village of İmrahor (?) in the judgeship of Haslar. Once we arrived at the mountain, my father, İlyas and my brother in law Osman killed the above mentioned Küpeli using an axe. While Osman was holding his hands, my father hit his head with axe. After, they took [his body] and threw it into the lake known as Sinekli Göl.” These words of [Kurd b. İlyas], which is similar to his earlier

¹¹³ USS 15 / 77a /2.

words at the court were registered at the request of [the above-mentioned women] in the 10th of Receb in the year 968 AH [March 3, 1561 CE]

Witnesses ...¹¹⁴

Fatima bt. Abdullah's position, given that she was accused of pick-pocketing, was different from those women who initiated legal action against their husbands to protect themselves from an abusive marital relationship. First of all, she was brought to the court unwillingly, and from the way that scribe reported the case, it is not difficult to see that she tried hard to not to come to the court to protect her honor in the community by pleading "Please, I beg you! Do not allow me to be humiliated (*Kerem eyle! Beni kimseye rencide ettirme*)."

Once at the court, she denied all the allegations against her. What happened to Fatima bt. Abdullah once theft was confirmed by the witnesses is not known, as there is no further information on the case. Nevertheless, even though according to the litigant's claim she was guilty of theft, she pleaded not to be taken to the court and thus earn a bad repute. Once at the court she completely denied the allegation to avoid any possible punishment. As I discussed earlier in this work in connection with Işık Tamdoğan's eloquent phrase "honor functioned as wealth" and how it applied to this world, it is not surprising that Fatima bt. Abdullah would have pleaded that her case not be made general knowledge, since she stood

¹¹⁴ USS 22 / 51 a /1 This case is very much similar to USS 22 / 50 b /1 in which Kurd b. Ilyas makes his first acknowledgement of the event.

to lose her honor, i.e., her “wealth” in the community. Furthermore, once Fatima’s case is read in comparison with the other entries that I cited above, yet another layer is added to the “voice” employed in the court records. While Fatima uses a rhetorical tone in demanding pardon, Kurd b. İlyas employs a more natural tone in denying the murder charges against him. Kuse b. Musa on the other hand acknowledges murdering Mustafa without resorting to any technologies of rhetorical speech. Of significance in the entry pertaining to the murder of Mustafa is the deployment of *mümin* and *muvahhid* by his brother and mother to mark his religious identity.

Before closing this section, the pertinent question should be restated: Why were expressions of local vernacular used by the court’s clients inserted within legal formularies? Is this shift from the legal language to the local vernacular a sign of the inability of legal discourse to encapsulate the emotional outbursts of these clients? Even if this were the case, why did the scribes feel a need to insert such emotionally moving expressions uttered by clients in reporting the case? According to Leslie Pierce, this is a tactical act by the court personnel. She states that

[The] judge and scribe employed a variety of representational practices as they translated words spoken at court into the written record. To put it another way, the court employed a “grammar of representation” as it mapped legal rules for presenting testimony and evidence onto the local vernacular for speaking about oneself and one’s relation to others. That the less powerful spoke in emotionally or rhetorically inflected voices more often than did established members of the community suggests that this was a way of compensating for disparities of power within the provincial

community—between women and men, peasants and city dwellers, commoners and elite.¹¹⁵

¹¹⁵ Peirce, *Morality Tales*, 106.

CHAPTER VI
UNFOLDING “COMMUNITY IN MOTION”: FACETS OF BEING
ÇİNGENE/ KİBTİ IN ÜSKÜDAR (1530s -1585s)

Objective

Once the entries on Gypsies in the court registers of the sixteenth century Üsküdar (from 1535s to 1580s) are approached both as text and document, they demonstrate that “Gypsy” was a heterogeneous, hybrid and mobile category that represented individuals at various levels of the society. The Gypsies in sixteenth century Üsküdar were heterogeneous in terms of their religious identity as there were both Muslim and Christian subjects of the Empire. Nevertheless, their indifference to the “Orthodox” practices of these religions – ranging from conversion to gender segregation – often caused them to be stigmatized as “nominal” Muslims and Christians. In terms of their mode of living, they were not all nomadic – contrary to many representations of Gypsies, especially in nineteenth-century European and Ottoman discourses. Their economic status too seems to have been quite heterogeneous in many ways. For instance, there existed settled Gypsies making a living through farming or working as metal smiths. As we shall see, it was in this capacity (and particularly during the sixteenth century) that they were mostly employed in the Ottoman army as *müsellems* or auxiliaries in the Balkans. Yet their engagement in professions perceived as morally deficient -- such as music and dancing -- rendered them suspect in the eyes of many Ottomans. One of the main objectives of this chapter, then, is to demonstrate this mobility, hybridity and diversity within the

community of Gypsies (referred to in the court records almost invariably as *taife-i çingane*, *çingane zümresi*, *taife-i kibtıyan* or *kibtıyan zümresi*).

This chapter builds upon several genres of sources. The court records constitute the main reference, yet where the court records are silent on certain issues, for example the fluidity of Gypsies' religious belief or their occupations or numbers, I supplemented them with the *tahrir* and *mühimme* registers, fatwas and other narrative sources. For while the court records as a text provide us the ways in which Gypsies were identified, categorized and perceived by those who held power at the local or imperial level, they fall short of demonstrating their socio-economic resources and various responsibilities that Gypsies undertook to manage their communities, not to mention some of the roles they assumed in the adjudication process as witnesses (*şuhudu'l- hal* or *udul-u muslimin*). That is why in this chapter I read court records both as texts and documents.

Gypsies as Settled, Nomadic and Semi-Nomadic

Once I started to read entries on Gypsies in the court records, I was surprised by the fact that while most of the people – residents or transients, men or women, Muslim or non-Muslim -- that came to court were identified by markers of personal identification, that is by their names, cities of origin or neighborhoods, religious affiliations (in the case of Jews and Orthodox Christians) or professions, the identification of Gypsies in the court records did not follow this formula. In the textual world of the court records up until the 1580s, Gypsy men and women who came to court were identified as either “such

and such person from *the community of Gypsies* came to the court” or “so and so named Gypsy came to the court.” Sometimes, we also see the designation Gypsy *cemaat* (band) added to this identification formula.

Nevertheless, by the 1580s, we see a shift in the way that the Gypsy community is identified in the Üsküdar court records. This coincides with the emergence of a new neighborhood called the Mahalle-i Ma’mure. Apparently, Gypsies started to settle in this neighborhood, along with many new immigrants – Muslim and non-Muslim—to the town. This new settlement pattern is reflected in the way that the scribes registered them in the court records. Now Gypsy clients of the court begin to be identified not as “Gypsy” only but rather as “such and such Gypsy from the neighborhood Ma’mure.” Again, in this neighborhood, we start to see some Gypsies recorded as Muslim and yet others as non-Muslim.

What would be the implications of this shift in denoting the Gypsies’ identity and whereabouts? I would suggest that up until the emergence of this new neighborhood, most of the Gypsies living in the town were semi-nomadic with the exception of a few.¹ We possess some insight about the economic and social status of a Gypsy named Koçi. First of all, he had a home in the village of Kadı. He also had a vineyard which he sold for 1,500 akçes. He also rented some shops for three years from the waqf of Mehmed Pasha İmareti. Nevertheless, what

¹ It seems that there was either semi-nomadic or settled Gypsy community in the village of İstavros. See USS 17/46a / 1

he did with these shops is unclear in the records.² Furthermore, he appears often among the ranks of “witnesses” in the court in matters related to the Gypsy community. He seems to be the only Gypsy engaged in credit transactions with one of the waqfs functioning in Üsküdar.³

There exist some cases that were brought to the court either by individual Gypsies or their community leaders to obtain a certificate of exemption (*temessük*) from the judge of Üsküdar to show that they had already paid the obligatory taxes imposed on them in the region where they had been originally registered in the imperial fiscal surveys (*defter-i hakani*).⁴ What emerges from these registration entries -- as seen in the case of Cito and his friends (mentioned in chapter 5), and as we shall see in the case of Durmuş b. Pazarlı or Durmuş v. Pazarlı in the section to follow — is that most of these Gypsies were originally registered in Istanbul but had moved to Üsküdar by the time they resorted to the local court to confirm their status of taxation. It seems that there must have been a camping area reserved for Gypsies in Üsküdar. This insight comes from several descriptions that the court clients used in their respective registration or litigations that they brought to the court.⁵

² USS 15 / 163 b / 3

³ USS 25 / 4a / 2

⁴ Examples include USS 17 / 79 b / 2; USS 17 / 87a / 7

⁵ See for instance USS 51 / 58b / 1

As I argued in the beginning of this work, following Leslie Pierce, that even though now settled, the Gypsies' nomadic past was reinforced by the court through the regular addition of the label "Gypsy" to their identification. Even though for a modern reader this label may appear to be a marker of "ethnic" identification, it should not be construed as the politically constructed "ethnicity" of modernity. For so many other communities – e.g. Arabs, Armenians, Tatars, Albanians, Georgians, Gypsies, Turcomans, Kurds ...etc. -- "ethnicity" that we see here refers to Gypsies' hybrid life style and once they were settled in an urban landscape, their nomadic past was still mentioned; hence their "as yet unassimilated" position in this "civilized" settings are highlighted in the textual world of the court records by adding "Gypsy" in their identification.

Gypsies as Muslims and Christians or "Neither Muslims nor Christians"

Gypsies were heterogeneous in terms of their religious identity as there were both Muslim and Christian Gypsies living in the Empire. Nevertheless, their perceived indifference to the "Orthodox" practices of these religions – from conversion to gender segregation to consumption of alcohol, engagement with music and dance in public spaces – led them to be stigmatized as "nominal Muslims" (and as a matter fact nominal Christians). There are various examples in different genres of sources to show the fluidity of the Gypsies' religious identity. For instance, the given names of the Gypsies in the Rumelian tax register of 1522-23 were examined by Marushiakova and Popov in order to cast some light upon their religious beliefs. They noticed that Gypsies who were

registered as Muslims often had Christian names while those who were registered as Christians often had Muslim names. Consequently, they argue that the way Gypsies were recorded in the registers might suggest “the syncretic character of their beliefs, often changing with circumstances.”⁶ Similarly, Alan Hertz, in his work on sixteenth century Belgrade based on tahrir registers reveals that

97 [out of 192 adult-male] of the Gypsies surveyed were Muslim and the remainder probably Christian. Nonetheless, the line between the two faiths could not have been sharp, for in several instances members of the same family bore names normally associated with the two different religions. Thus Yovan and Ali were both sons of Grade, and İstepan the brother of Kurt. Similarly, Bolko, Gazanfer and Kurt were all sons of Pıryak (Priyak).⁷

Other genres of sources such as travelers’ accounts also uphold this belief that the Gypsies’ attachment to any religion was nominal at best.⁸ In this regard, the rather “hostile” accounts of the celebrated seventeenth century traveler Evliya Çelebi (1611-1679) are illustrative. In his report of the Gypsies living in Gümülcine, Evliya gives the following description of their promiscuous ritual life:

⁶ Elena Marushiakova and Vesselin Popov, *Gypsies in the Ottoman Empire: A Contribution to the History of the Balkans*, ed. Donald Kenrick, trans. Olga Apostolova (Hertfordshire: University of Hertfordshire Press; Paris : Centre de recherche tsiganes, 2000),49

⁷ Alan Hertz, “Muslims, Christians and Jews in 16th Century Ottoman Belgrade” in *The Mutual Effects of the Islamic and Judeo-Christian Worlds: The East European Pattern*, edited by Abraham Ascher, Tibor Halasi-Kun and Béla K. Király (New York:Colombia University Press, 1979),149-164. Also accessible at <http://www.allenzhertz.com/2010/08/muslims-christians-and-jews-in-16th.html> (Accessed July 26 , 2013)

⁸ G. L. Lewis and Ch. Quelquejay, “Çingâne,” in *The Encyclopaedia of Islam*, 2:40-41.

The Rumelian Gypsies celebrated Easter with the Christians, the festival of Sacrifice with the Muslims and Passover with the Jews. They did not accept any one religion and therefore our Imams refused to conduct funeral services for them but gave them a special cemetery outside Egri Qapu. It is because they are such renegades that they were ordered to pay an additional tax for non-Muslims (xarāc). That is why a double xarāc is exacted from the Gypsies. In fact, according to Sultan Mehmet's census stipulation (*tahrir*) xarāc is even exacted from the dead souls of the Gypsies, until the live ones are found to replace them.⁹

The court registers of Üsküdar does not offer much regarding to religious identify of Gypsies. Let me start with a *tahrir* register compiled by the imperial authorities and copied and confirmed at the local court of Üsküdar. This record dates to 960 AH and enumerates the name of the Gypsies and the *cemaats* (literally communal unit) that they were attached to. I will quote this document *in extenso* below.

The reason of writing this *sicil* [register] is the following (*Vech-i tahrir-i sicil budur ki*):

It is to register (defter) Gypsies of Istanbul living in Üsküdar (*Defter-i fi beyan-ı kiptiyan-ı İstanbul der Üsküdar*)

From the community (*cemaa'at*) of Yolcu attached to the *imaret* waqf of the late Sultan Bayezid (God's mercy and blessings be upon him)

Durmuş veled-i Pazarlı, Fotini veled-i (?), Koçi veled-i Çakır, Çavuş veled-i Abdullah

From the community of Şirmerd veled-i Abdullah: Gürce Bali

From the community of the Karahasan: Yunus Karvero?, Veled-i Mustafa Gökçe, Veled-i Azer Budak Pazarlı, Veled-i Musa Karvero?

From the community of Davud: veled-i Karaca Karagöz

⁹ Robert Dankoff and Victor A. Friedman, "The Earliest Known Text in Balkan (Rumelian) Romani: A Passage from Evliya Çelebi's *Seyahat-name*," *Journal of the Gypsy Lore Society*, Series V, no. 1 (1991), 14.

From the community of Turhan in Üsküdar: Sarı veled-i Divane
From the community of Sarı [that was from] the town of Edirne: Istolgor?
Karvero?
From the community of Tatar [that was from the town] of Harman: Sahi veled-i
Piri
This is the copy of the new Imperial Register (*Suret-i defter-i cedit-i Sultani*) that
records the names of the Gypsies in Üsküdar.
Total: 13

Recorded on the 1st of Cemaziyelevvel 960 AH [April 15, 1553 CE]
Witnesses ...¹⁰

This entry is important for several reasons. First, it demonstrates that there were several Gypsy communities from different regions of the Empire, camping in Üsküdar and the Ottoman ruling agencies registered them not simply as individuals but rather as individuals attached to certain communities. This does not mean that these individuals could not approach the local or imperial court for any injustices they might have experienced. As our sources indicate, they indeed sought justice both at the local court of sharia and imperial court of the Sultan. Nevertheless, as in many communities in the Empire, the Ottoman state dealt with them on a communal basis and they were held responsible for managing their own affairs and for any misdemeanors within their own communities. Secondly, once this entry is examined in terms of its textual characteristics, we might get the impression that the way in which individual Gypsies are identified by scribes tells us that without exception, most of them were non-Muslims because the scribes registered their paternity using the term *veled* rather than *bin* a common formula

¹⁰ USS 17/ 79b / 2; for a similar type of registration see also USS 17/ 87a / 7

used for identifying non-Muslims in court records. Nevertheless, a comparison of the way that these individuals were recorded in other entries in USS 15 extending from 954-958 AH / 1547 – 1551 CE, demonstrates that these same Gypsies were also recorded as Muslims because the formula used for identifying them as not *veled* but rather *bin*. How do we read this discrepancy? Would this discrepancy tell us anything about the perceived fluid religious identity of Gypsies? As I have discussed in detailed manner in Chapter 5, this inconsistency with regard to use of *veled* and *bin* to identify the court clients was not limited to the Gypsy clients of the court. There were many Orthodox Christians who were identified through *bin* formula rather than *veled* in the court records of Üsküdar in the middle of the sixteenth century. As Cemal Kafadar perceptively suggests this technology of textual differentiation between a Muslim and non-Muslim through using *bin* and *veled* was not a uniform and homogenous practice in all times and places.¹¹ It seems that it was developed gradually and firmly established in some places as in the case of, for instance, the eighteenth century Damascus but not in others.¹² Thus, on the basis of rather inconsistent practice as far as the sixteenth century Üsküdar, we cannot make certain assumptions about the religious identity of

¹¹ Cemal Kafadar, "A Rome of One's Own: Reflections on Cultural Geography and Identity in the Lands of Rum," *Muqarnas* 24 (2007): 7-25.

¹² More on this see chapter 5, especially the section "Inscribing Gypsies into the Court Record," 262-272. Textual characteristics of eighteenth century Damascus *sicils* has examined by Najwa al-Qattan, "Dhimmi in the Muslim Court: Documenting Justice in Ottoman Damascus 1775-1860" (Ph.D. Dissertation, Harvard University, 1996)

Gypsies. Nevertheless, their names offer clues regarding to their religious identity. While most of the names appeared in the court records are clearly Muslim names, some of them are Christian. Furthermore, there are also cases in which father has a Muslim name but son, Christian or other way around.

There are very few examples of conversion from Christianity to Islam and Islam to Christianity in the court records pertaining to the Gypsies. In 1580, Neccar Halil b. Veli and Gypsy (*kıbtî*) Pazarlı b. Ali and Hasan b. Mustafa, Pazarlı v. Mustafa and Evranos v. Gazi and Paşalı v. Gaybi, males all from the community of Gypsies residing in the neighborhood of Ma'mure came to the court and stated in the presence of Fatma bt. Abdullah that "this person, Fatma bt. Abdullah had said earlier in our presence that she was a Muslim and thus refused to accept the proposal when we wanted her to marry a non-Muslim (*kafir*) and now she has become apostate (*mürted*)."¹³ The case ends here with no decision on the part of the judge regarding Fatma bt. Abdullah's status. In fact we cannot even definitely ascertain that she was a Gypsy. Nevertheless, as these males from the community of Gypsies brought her to the court and said that "we wanted her to marry with a non-Muslim" an assumption could be made that she is from the community of Gypsies or perhaps related to them with kinship ties which is why they would have had a say in her marriage. Most likely, in order to get away from this unwanted marriage proposal, Fatma bt. Abdullah had claimed

¹³ USS 56 / 25a/1

that she was a Muslim. We do not have further information in the case to how these Gypsy males had concluded that Fatma bt. Abdullah had become an apostate. As in the other cases of apostasy, it might be possible that she herself may have proclaimed it publicly so these males on the basis of this public proclamation were accusing her becoming “apostate.” Equally, it might be on the basis of her behavior which did not conform to normative Muslim way of life, they might have accused her becoming “apostate.” As we cannot “restore” Fatima bt. Abdullah’s voice about her trial, these are construed to be the only plausible readings. Nevertheless, if we read Fatima bt. Abdullah’s case in concert with other genres of sources, we might perhaps see not only her case in a better light but also authorities’ construction of Gypsies’ religious identity. Let me start with a fatwa from the sixteenth century.

The Ottoman Grand Mufti İbn Kemal (d. 1535) was asked “if a Gypsy becomes Muslim but still dresses like an infidel, what is to be done? In his reply, İbn Kemal states that he / she has to reaffirm his faith and change his clothing (*tagyir-i libas*).¹⁴ Indeed, this fatwa is line with the stipulations registered in the *kanunnames* of the period restricting Muslim Gypsies’ contacts with non-Muslim Gypsies and expecting them to “normalize” and live like Muslims. In The Decree on the Number of Sheep of the Turks in Rumelia (*Rumeli Etrakinun Koyun Adeti*

¹⁴ *Feteva*, İstanbul Üniversitesi Merkez Kütüphanesi T6253, 20 b as quoted in Ertuğrul Ökten, "Ottoman Society and State in the Light of the Fatwas of İbn Kemal," (Master's Thesis, Bilkent University, 1996)

Hukmi) of Mehmet the Conqueror, we see an article commanding that “[a] Muslim Gypsy should not reside with an infidel Gypsy, but should intermingle with other Muslim Gypsies. However, if he continues to reside [with infidel Gypsies] and does not intermingle with the Muslims, then he is to be detained and the poll tax collected from him.”¹⁵ Indeed, this article was repeated with slight changes in the subsequent *Kanunnames* on the Gypsies issued over the course of the sixteenth century.¹⁶ What emerges from these *Kanunnames* and other evidence cited above is that some Gypsies were converting to Islam. Motivations behind this could be various as we saw in the case of Fatma bt. Abdullah. Yet the most appealing one would be an exemption from poll-tax once which was granted upon conversion to Islam. Consequently, the state was expecting them to “normalize” into Muslim way of life and follow “Islamic rules”. This meant that Muslim Gypsies were to socialize with their co-religionists and follow Islamic practices including gender segregation. For instance, from the imperial decree issued in 1532 we learn that despite the fact that “some (Muslim) Gypsy groups migrate together with their women with no infidel Gypsy among them (*bazı cingan taifesi hatunı ile göçüb konarlar; aralarında kafır Çinganesi bulunmaz*), they were not still constured to be followers of Islamic path (*şerait-i İslami*.) Here

¹⁵Akgündüz, *Osmanlı Kanunnâmeleri ve Hukuki Tahlilleri*, vol. 1, 398.

¹⁶ See my MA thesis for the English translation of some of these kanunnames. Faika Çelik, “Gypsies in the Orbit of Islam: The Ottoman Experience, 1450-1600,” (Master’s Thesis, McGill University, 2003).

I see that “Migrating with their wives” may constitute one of the reasons why they were not perhaps thought of as not strict Muslims as they appeared to be not strict followers of gender segregation practices.

Making a Living: Gypsies in “Moral” and “Immoral” Professions

One of the long-held assumptions about the Gypsies in different temporal and spatial contexts is related to their poverty. Gypsies are constructed as poor and uncivilized, moving here and there, engaging in immoral trades and very much connected to criminal and underworld activities. Nevertheless, the sources that I read for this study suggest that all Gypsies were neither poor nor did all of them engage in “illicit” trades. This is not to suggest, however, that we see no Gypsies in any of these domains. Nevertheless, we also see them practicing other crafts like any other Ottoman subjects. Before moving onto discuss the economic status of Gypsies and extent of their poverty, I shall discuss the professions held by Gypsies.

I should start with emphasizing the fact that in the sixteenth century court records of Üsküdar, Gypsies were *not* identified according to their professions. In the textual world of the *sicils*, one of the ways of establishing individuals’ identification is through inserting their professional affiliation before their names. Yet, Gypsies who visited the court were not identified as such. In their case, their identification is established through affixing community affiliation before or after their name. Nevertheless, some of the entries related to, for instance, taxation, credit transactions and property transfers offer glimpses of the professions held by

Gypsies living in the vicinity of Üsküdar.¹⁷ Within these very limited and sporadic data (not more than a dozen entries altogether over the period of four decades), we see some Gypsies working as sievers, servants, metal smiths, farmers and entertainers. For instance, in a registration case in which Durmuş b. Pazarlu from the community of Gypsies was appointed as a proxy (*vekil*) and helper (*nayib-i menab*) to Mesih b. Beytullah to collect the various taxes that a certain Gypsy community living in Üsküdar was supposed to pay,¹⁸ we learn that this community of Gypsies in Üsküdar was infact from Rumelia and that they were sievers / sifter makers (*elekçi*). Looking at the taxes they were supposed to pay, they were most likely Christians and Durmuş b. Pazarlu was appointed as a proxy to collect their taxes for the imperial treasury.

In addition to this case which demonstrates professional affiliation of certain Gypsy community camping in Üsküdar in the middle of the sixteenth century, there are several cases which were brought to the court by individual Gypsies for various transactions and from these transactions, we get glimpses of their professional affiliations. For instance, in a registration case recorded in 1548, we see that Karagöz b. Mustafa from the community of Gypsies came to the court to register that he rented his labour by his own will (*hüsn-ü ihtiyarım la nefsimi*

¹⁷ These entries are USS 14/ 74b/5 (Servant); USS 17/ 7b/1 (farming); USS 20/ 105b/ 4 (sifters – elekci); USS 51/ 78b / 2 (metal-smithing); USS 56 / 25a/1 (entertainment).

¹⁸ USS 20/ 105b/ 4

icareye virdüm) for a year's term to İlyas b. Abdullah.¹⁹ For this one year term, Karagöz b. Mustafa was to receive 300 *akçe* in cash before the contract terms started. However, if he were to run away before the end of the contract, he promised to pay 1,000 *akçe* as a penalty to İlyas b. Abdullah. Furthermore, if he caused any damage to İlyas b. Abdullah's property or worked improperly, İlyas b. Abdullah was entitled to ask for compensation from his mother, Hasna bt. Abdullah who was recorded as his guarantor (*kefil bi'l-mal*) in the case. This type of contractual employment appears to have been one of the ways through which Gypsies made a living in the sixteenth century Üsküdar.²⁰ Instead of buying a slave which must have been expensive, some individuals (like, İlyas b. Abdullah mostly likely a recent convert with modest means of wealth) preferred to rent the services of other individuals, usually males, to work for them for a limited term.²¹

¹⁹ USS 14/ 74b/5.

²⁰Altınöz argues that the tahrir registers TT 170, TT 191, TT 202, TT 206 offers extensive examples on Gypsies working in the farms in the sixteenth century Rumelia. In what capacity, they were working in these farms is a question that needs further research and close reading of these registers. İsmail Haşim Altınöz, "Osmanlı Toplumunda Çingeneler" (PhD diss., İstanbul Üniversitesi, 2005).

²¹ Eyal Ginio looking through the prism of the eighteenth century court records demonstrates that in the eighteenth century Ottoman Salonika hiring a servant was cheaper than buying a slave. Furthermore, he unearths the fact that some families gave their children to the affluent members of society. In return for food, accommodation and proper clothing, these children expected to work for them for a period set by the hiring parties. Eyal Ginio, "Living on the Margins of Charity: Coping with Poverty in an Ottoman Provincial City," in *Poverty and Charity in Middle Eastern Contexts*, edited by Michael Bonner, Mine Ener, Amy Singer (State University of New York Press, Albany, 2003), 173-176. For how servants represented in different genres of sources of Ottoman history, see Gülçin Tunalı Koç, "'Sözüm bu iki gözüm el-vefâ ve tam vefâ': Müneccim Sadullah el-Ankarâvî'nin kaleminden 19. yy Ankarası'ndaki hizmetkârlar," *Tarih ve Toplum: Yeni Yaklaşımlar*, 5 (2007): 41-66.

Yet another occupation that some Gypsies living in the vicinities of Üsküdar engaged in was agricultural production and farming. For instance, in a property registration case that was recorded in 1540, we see Koçi b. Solak, a Gypsy, was asked to come to the court by Kassab Karaca b. Saruca to register a property sale. Apparently, Koçi b. Solak was the owner of a vineyard in the village of Kadı and had sold it to Karaca bin Saruca for 1,500 *akçe*.²² Though Koçi b. Solak is not identified thorough his profession in the record, we can assume that he was engaged in agricultural production. Another indication of some Gypsies' engagement in farming and agricultural production is also seen in some cases related to taxation. When we read these cases, we see some Gypsies paying *öşür* (literally tithe - a tax directly applied to agricultural production) indicating that they were engaged in farming.²³

Another niche that some Gypsies living in Üsküdar fulfilled is related to metal smiting. For instance, in a litigation case related to an inheritance claim, we see (late) İlyas b. Karagöz and Toşoz v. Yasef both from the community of Gypsies had made a business deal when İlyas b. Karagöz was alive.²⁴ However, İlyas b. Karagöz had passed away before this deal was realized. According to the litigant, Mehmed b. Hacı, who was the son in law of the late İlyas b. Karagöz, his father in law, before his death, had given 8,500 *akçe* to Toşoz v. Yasef to make

²² USS 17/7b/1

²³ USS 51 / 78b / 2. Further on this, see for instance, USS 15/ 65a/ 7; BOA, MAD-10851/17165.

²⁴ USS 51 /78b / 2

or to collect spikes (*enserî devşirmek*). Whether Toşoz v. Yasef himself was a producer of spikes or he was just a dealer and why İlyas b. Karagöz needed spikes worth 8,500 akçe is not mentioned in the record. But this case does offer us an insight in to the late İlyas b. Karagöz and Toşoz v. Yasef's professional engagements especially when it is read in communication with other sources. In the context of the sixteenth century, these sources are the *tahrir* and *mühimme* registers. Therefore, in the remainder of this section, I will supplement court records with other sources to have a better understanding on the professions of Gypsies. As mentioned in Chapter I, we have a large number of *tahrir* registers that contain invaluable information on Gypsies living in the Balkan provinces in the sixteenth century. Some of these registers have already been examined by several scholars and my analysis here benefits from their readings.²⁵

The *tahrir* registers of the sixteenth century Rumelia reveals that Gypsies engaged in a broad range of professional activities. In this register we see some Gypsy individuals and at times communities —both settled and nomadic, both Muslim and Christian – recorded as musicians (*sazende*), violinists (*kemançî*),

²⁵ These *tahrir* registers are TT 120 and TT370. TT 120 dates to 1523. It is a comprehensive (*mufassal*) register that includes data on Gypsies living in the sixteenth century Rumelia. TT 370 dates to 1530. It is a comprehensive tax register of Rumelian provinces. Unlike TT 120 which is a comprehensive survey of Gypsy communities living in Rumleia, TT 370 includes a section on Gypsies living in the Rumelia. This register has recently published by BOA. These registers have been examined by Mariushkova and Popov, *Gypsies in the Ottoman Empire*; Enver Şerifgil, "XVI. yüzyılda Rumeli Eyaletindeki Çingeneler," *Türk Dünyası Araştırmaları Dergisi* 15 (1981):117-144; İsmail Haşim Altınöz, "Osmanlı Toplumunda Çingeneler," Emine Dingaç "XVI. Yüzyılda Osmanlı Ordusunda Çingeneler," *SDÜ Fen Edebiyat Fakültesi Sosyal Bilimler Dergisi* 20:(2009):33-46.

blacksmiths (*haddad*), ironmongers (*demirci*), sifters (*kalburcu*), goldsmiths (*kuyumcu*), farriers (*nalbant*) saddle makers (*saraç /eyerci*), dyers (*boyacı*), weavers (*culah*), cotton fluffers (*hallac*), carpenters (*dülger*), veterenerians (*baytar*), monkey breeders (*ayici*), drovers (*sığirtmaç*), shepherds (*çoban*), camel drivers and muleteers (*deveci ve katırcı*), couriers (*arabacı*), peddlers / merchants (*bezirgan*), candle makers (*mumcu*), millers (*degirmenci*), threshers (*döğenci*), butchers (*kasab*), corn producers / sellers (*darıcı*), millet makers / sellers (*bozacı*), kebab cooks (*kebabcı*), sweetmeat-makers (*helvacı*), cheese-makers (*peynirci*), guards (*korucu*) and many others²⁶ Yet among these various professions, the entertainment sector, metal processing and animal breeding were by far the most prevalent. This is confirmed not only by the *tahrirs* but also *mühimme* registers and *kanunnames* of the period. That is why, what follows is an examination of Gypsies' presence within these three sectors. As the following discussion demonstrates, while these skills provided Gypsy communities with a means of livelihood and opened further avenues to better their social and economic status, the same skills once used in a way to transgress the limits of moral and legal boundaries became the very reason of their social marginalization. As a result of these “illicit” and “immoral” acts, some Gypsies faced various punishments including public humiliation, corporal punishments, banishments and compulsory work in the imperial galleys.

²⁶ See Altinoz and Marushiakvo for further information on these professions.

Entertainers

Both the *tahrir* and *mühimme* registers reveal that the most common professions held by the Gypsies were in the entertainment sector. As “entertainers” they formed a quite heterogeneous category in which they functioned as musicians (*sazende*), boy and girl dancers (*köçek and çengi*) as well as animal trainers.²⁷ In the *mühimme* registers, they were often portrayed as itinerant entertainers serving the public through organizing parties as well as taking part in the wedding processions with women dancers and instrumental music (*çengi ve çalgı*).²⁸ During these parties, they were involved in singing and dancing. At times, they were also charged with providing female slaves (*cariye*) for “prostitution”²⁹ during these parties. Marushiakova and Popov also note that in the *tahrir* registers of the sixteenth century Rumelia “there were even whole tax

²⁷ According to the tax register that was drawn 1522-23, the most common occupation of the Gypsies of Rumelia pertained to music. They were often recorded as *sazende*, or musicians. Elena Mariushkova and Vesselin Popov. *Gypsies in the Ottoman Empire*, 41. A contribution to the history of the Balkans, edited by Donald Kenrick, translated by Olga Apostolova. (Hatfield, Hertfordshire: University of Hertfordshire Press; Paris: Centre de Recherches Tsiganes, 2000), 41.

²⁸ See, for instance, MD 7, no. 2135; MD 5, no. 186; MD 6, no. 206; MD 7, no. 100.

²⁹ The legal terminology used in these instances more often than not is *fi'l-i şenî* (literally indecent act) rather than *fuhuş* (prostitution) or *zina* (illicit sexual intercourse or fornication). This I would say “selective” usage of terms pertaining to illicit sex in the legal discourse raises questions. There are several recent attempts in the field to unfold this question. See, for instance, Elyse Semerdjian, *“Off the Straight Path”: Illicit Sex, Law, and Community in Ottoman Aleppo* (Syracuse, N.Y.: Syracuse University Press, 2008); Başak Tuğ, “Politics of honor: The Institutional and Social frontiers of “Illicit” Sex in mid-eighteenth-century Ottoman Anatolia”(PhD diss., New York University, 2009); James E. Baldwin, “Prostitution, Islamic law and Ottoman societies,” *Journal of the Economic and Social History of the Orient* 55, no. 1 (2012): 117-152.

communities registered for fiscal purposes as gaining their income from this trade [prostitution],”³⁰ The wording of *The Law of the Gypsies of Rumelia*, promulgated in 1530, is worth noting in this regard. In it, the sultan commands that “the Gypsies of Rumelia, Istanbul, Edirne, Filibe and Sofya to pay one hundred *akçes* as a fixed tax (*kesim*) every month for their wives who are involved in an unlawful sexual acts (*na meşru fiile mübaşeret iden*).”³¹ The *mühimme* registers also provide information on the state’s attitude towards “prostitution” in some Gypsy communities. For instance, in a decree issued in 1570, some Gypsies are accused of “prostitution” and retaining the profits this generated without giving the state its due.³²

Apart from itinerant Gypsy entertainers in Anatolia and Rumelia, our sources indicate that in Istanbul there were professional Gypsy musicians as well as girl and boy dancers who were a part of the guilds pertaining to the entertainment business.³³ According to the celebrated traveler of the seventeenth

³⁰ Marushiakova and Popov, *Gypsies in the Ottoman Empire*, 45. Unfortunately, Marushiakova and Popov do not disclose the source of this argument. It would have been useful to see the specific terminology used in the documents to identify those Gypsy communities engaged in prostitution for living.

³¹ Akgündüz, *Osmanlı Kanunnameleri ve Hukuki Tahlilleri*, Vol. 2, 512.

³² MD 12, no. 344. Please note that here the terminology used for procuring prostitution is not *pezevenlik* which can be seen in several kanunnames of the sixteenth century. Rather, these Gypsies were accused of abducting some girls and women and forcing them to engage in “indecent act.”

³³ Evliya Çelebi, *Seyahatname*, vol. 1 (İstanbul: İkdam Matbaası, 1314/1896-97), 646-649. Reşat Ekrem Koçu, *Tarihte İstanbul Esnafı* (İstanbul: Doğan Kitap, 2002), 39-46.

century Evliya Çelebi (1611-1679), these professional entertainers' guilds (*kols*) numbered almost three hundred during his time and were an indispensable part of wedding processions of the palace and the governing elite as well as of the public festivals.³⁴ Among these professional entertainers, dancing girls (*çengi*) and dancing boys (*köçek*) are worth noting for the purpose of this study. Our evidence indicates that the majority of these dancing girls were Gypsies.³⁵ After being selected carefully by the head of the guild (*kolbaşı*), these girls were trained extensively and then allowed to perform under the supervision of the *kolbaşı*. They usually performed before women such as in the harem or in the *hamams*.³⁶ As for the dancing boys, they were also usually Gypsies as well as Armenians and Jews.³⁷ They were also selected and trained with the same vigilance. Like dancing girls, dancing boys were associated with homosexuality as well. They were so beloved of their audiences that their lovers praised their beauty and dancing skills in poems.³⁸

34 Evliya Çelebi, *Seyahatname*, vol. 1, 645.

35 Reşat Ekrem Koçu, *Tarihte İstanbul Esnafı*, 39.

36 Ibid., 40.

37 Ahmet Refik Sevim, *İstanbul Nasıl Eğleniyordu? (1453-1927)*, edited by Sami Önal. (İstanbul: İletişim Yayınları, 1985), 86.

38 Reşat Ekrem Koçu, *Eski İstanbul'da Meyhane Köçekleri* (İstanbul: Tan Matbaası, 1947), 17-24.

Another well-known category of Gypsy entertainers was bear-breeders. According to Evliya Çelebi, they also formed a guild in Istanbul.³⁹ Gypsies with their dancing bears seemed to have been integral to the most populated areas of the imperial capital. Indeed, it was the most common and simple entertainment occasion for ordinary people.⁴⁰ Though Gypsies exercised this profession until recently in Turkey, their engagement with this profession caused tension from time to time. For instance, according to the imperial decree that was sent to the judge of Istanbul in 1761, we are informed that the Gypsies had begun to live among the Muslims residents of the Hoca Ali quarter of Edirne Kapı. However, the residents of the quarter were disturbed by Gypsies' unsanitary animals which they used for entertainment; their possession of flammable material which they used to make brooms, as well as their engagement in different lewd activities (*enva-i fuhşîyyat*). Thus the residents petitioned the authorities to expel the Gypsies from their quarter. Accordingly, the Sultan ordered the judge of Istanbul to remove the Gypsies from the said quarter where there had been historically a Muslim neighborhood.⁴¹

Gypsies as Renowned Metalsmiths

39 Evliya Çelebi, *Seyahatname*, vol. 1, 561.

40 Robert Mantran, *La Vie Quotidienne à Istanbul au Siècle de Soliman Magnifique* (Paris: Hachette, 1990), 283.

41 Ahmed Kal'a, *İstanbul Ahkâm Defterleri: İstanbul'da Sosyal Hayat* (İstanbul: İstanbul Araştırmaları Merkezi, 1997), vol2, 238-239.

Metalsmithing was another trade in which Gypsies commonly engaged. As metalsmiths, they also formed quite a heterogeneous category. In the sixteenth century tahrir registers, they were recorded as blacksmiths (*demirci / haddad*), screwers (*burgucu*), cauldron-makers (*kazancı*), locksmiths (*çilingir*), goldsmith (*kuyumcu*), bladesmiths (*bıçakçı, nacakçı*), weaponsmith (*tüfenkçi*), tinsmith (*kalaycı*) and many others. It appears that those Gypsies who were skilled in metal processing were mostly hired by the state to serve as auxiliaries in the Ottoman Army and were granted tax exempt status in the different regions of the Ottoman Balkans up until the second half the seventeenth century if not later. Maruishokova and Popov through reading a sixteenth century tahrir register that includes a section on the Gypsies living in the *liva-i Çingane* (sub-provinces of the Gypsies) reveal that only a handful of Gypsies were registered as metalsmiths serving the population at large. According to them, this relatively insignificant presence of Gypsies in metal work can be explained by considering Gypsies' employment as auxiliary units in the army. Their claim indeed can be substantiated through reading some micro historical studies on different Balkan cities. For instance, Alan Hertz, in his research on the sixteenth century Ottoman Belgrade reveals that fifty two out of the 191 adult-male Gypsies registered in the tahrir survey of the *liva-i Semendire* had been granted a document recognizing them as a community of tax-exempt state servants (*cemaat-i müselleman*). In return for their labor as *blacksmiths* on the vessels of the Ottoman fleet, docked in the harbor of the lower fortress, this “administrative community” of Gypsies was

free from paying *haraç*, *ispence* and other extraordinary taxes and customary dues.⁴² Indeed, according to the recent study carried out by Emine Dingec on the functions of Gypsies in the Ottoman Army in the Balkans, more than fifty percent of the *Muslim* Gypsies living in Rumelia were registered as *müsellems* (tax-exempt auxiliaries). I will dwell upon *müsellimlik* as a “military-administrative” institution and Gypsies’ employment within this institution in various capacities including blacksmithing later in the dissertation. Here I would like to underline the fact that due to their competitive skills in metal working; some Gypsies were not only hired by the state in various capacities but also by the society at large. For instance, in the very early seventeenth century (1613), the commander of the imperial guards (*bostancıbaşı*) Hasan Agha’s legal agent Mustafa b. Abdullah named *acemioğlan* (Janissary recruit) came to the court with Mustafa b. Miran and Hamza b. Şaban both from the community of Gypsies and settled in the Mustafa Pasha from the neighborhoods of Istanbul. Mustaba b. Abdullah named *acemioğlan* stated that the honorable Hasan Agha had appointed the two Gypsies as blacksmiths (*haddad*) for the palace garden and given them an official certificate (*tezkire*). He now requested that the court issue them promissory notes (*temessük*) so that they wouldn’t be harassed by the tax agents.⁴³

⁴² Alan Hertz, “Muslims, Christians and Jews in 16th Century Ottoman Belgrade,” 149-164.

⁴³ Timur Kuran (ed.), *Social and economic life in seventeenth-century Istanbul: glimpses from court records, State-subject relations* (1661-1697) (İstanbul: İş Bankası Yayınları, 2011), Volume 3, 352.

However, not all Gypsy metal smiths were hired by the state and received tax reduction grant. Evidence suggests that there were other Gypsy metal workers serving the society at large in various capacities. It appears that some of those Gypsy metal workers were not sedentary but rather semi-mobile, moving from one place to another and functioning outside the guild organization. Since these Gypsies competed with the established tradesmen and paid no taxes, complaints were brought against them at the local courts. For instance, in 1618, we see the leaders of Istanbul's tinsmiths (*kalaycı*) guild, their steward İbrahim b. Hızır and guild regulator Abdi b. Hasan sue Solak b. Ramazan, Timur b. Arab and Şaban b. Abdullah, all from the community of Gypsies (*kıbtî taifesinden*). The tinsmiths alleged that tinsmiths customarily (*kadimü'l eyyamda*) work in their stores. The Gypsies in question, they complain, have been working on the streets, moving from one neighborhood to another. In addition, they have been avoiding taxes on the ground that they do not have stores. The tinsmiths' guild presented to the court an imperial order commanding Istanbul's tinsmiths to work in stores. Examining the document, the court determined that their testimonies were consistent with the royal decree. The court then asked the Gypsy tinsmiths for their side of the story. They claimed that they had been in Istanbul for only three months which is why they were working on the streets and not paying taxes. The court in its judgement confirmed the validity of the imperial order and decreed that every tinsmith had to work in a store.⁴⁴

⁴⁴ Ibid., 441-443. Of a minor note: There is a translation error in English summary. "Kıbtî" is

Gypsies' expertise in this field proved to be a boon for them; not only were they much sought after by military officials for their skill in metal processing, but they also drew on this expertise to counterfeit coins, thus drawing the attention of another branch of the state. At the end of the sixteenth century and the beginning of the seventeenth, unstable market conditions unleashed a flood of various substandard coins onto the Ottoman market which in turn created ideal conditions for counterfeiting.⁴⁵ It appears that some Gypsies used this market instability to their own advantage and indulged in this illicit trade.⁴⁶ For instance, according to an imperial decree sent to the chief judge of Aydın in 1596, the sultan noted that most of the Gypsies living in this sub-province practiced counterfeiting as a profession. Therefore, he ordered that the wrongdoers be sent to the sultan's court (*südde-i saâdet*) with their instruments of counterfeiting.⁴⁷ What happened to these culprits (if, of course, they were even sent) in the sultan's court remains unknown as the sources fall silent at this point. However, as Suraiya Faroqhi suggests, we can guess what might have happened to them by

— translated as “Copt” instead of Gypsy. The reason behind this confusion is understandable because the Ottomans identify both communities as Kibtî. Nevertheless, in this document, Kibtîs are indeed Gypsies not the Coptic population of the Egypt.

⁴⁵ More on counterfeiting see Suraiya Faroqhi, “Counterfeiting in Ankara,” in *Coping with the State: Political Conflict and Crime in the Ottoman Empire 1550–1720* (Istanbul: The Isis Press, 1995), 133–43.

⁴⁶ See, for instance, MD 5, no. 208; MD 5, no. 311; MD 5, no. 715; MD 7, no. 216; MD 41, no. 309; MD 74, no. 312, Suraiya Faroqhi presents a similar case in which a Gypsy was accused of being a counterfeiter in her “Counterfeiting in Ankara,” in *Coping with the State*, 133–43.

⁴⁷ MD 74, no.229.

referring to the Ottoman criminal law codified in the sixteenth century.⁴⁸ According to the penal kanunname of Sultan Süleyman the Lawgiver, the punishments to be meted out to the counterfeiters ranged from death (*siyaset*) to stigmatizing corporal punishment, or penal servitude in the galleys (*kürek*).⁴⁹ These punishments might vary according to the number of offences and the status of the criminal. For instance, out of respect for their position, members of the *ulema* could not be sentenced to death even if they were guilty of counterfeiting. Instead, they were more likely to face stigmatizing corporal punishments such as amputation of the hand. Thus, if these Gypsy counterfeiters of Aydın ever made to the Sultan's court, they were probably not so fortunate.

Gypsies between Poverty and Modest Means of Wealth

The few estate inventories belonging to the Gypsies and the credit and property transactions that the Gypsies brought to the court offer insights in to their economic status and the items they mostly valued and transacted at the court as well as their network of borrowing and lending. Unfortunately, compared to other disadvantaged groups such as women, non-Muslims or slaves (manumitted or otherwise), we have a very few estate inventories on Gypsies. In the corpus of Üsküdar court records extending from 1530 – 1585, I was able to locate only five

⁴⁸ Faroqi, "Counterfeiting in Ankara," 135–7.

⁴⁹ Uriel Heyd, *Studies in Old Ottoman Criminal Law*, ed. V.L. Menage (Oxford: Clarendon Press, 1973), 261, 270, 305.

estate inventories pertaining to Gypsies (See Appendix – The English Translations of Estate Inventories). While the number of estates concerning Gypsies is very limited, we have a number of entries related to credit and property transactions. As I have mentioned above, concerns related to credit and property transactions constitute one of the main reasons that made Gypsies frequent the court (See Appendix - Credit and Property Transactions for the full list of entries). Before moving into what these documents reveal about the Gypsies' economic status and the nature of wealth they accumulated, I would like to raise a pertinent question as to why we have such limited number of estate inventories related to the Gypsies.

The reason why we have only five estate inventories might be related to the population of Gypsies. As I mentioned in the beginning of the chapter, compared to other groups, the *recorded* Gypsy community living in Üsküdar in the sixteenth century seems to be very small. Another plausible reason could be due to the “selective” nature of court records in general and estate inventories in particular. Not all the deceased members of the society and their inheritance found its way to the court record. From years of research on the court records and administration of justice in the Ottoman Empire, we now know that the estates registered at the court either belonged to those inheritance cases which were not settled among the family members of the deceased peacefully or the heirs of the deceased were unknown or the creditors of the deceased were not content with the

heirs' suggestion of settlement.⁵⁰ From 1530s to 1585s, we see more than a dozen Gypsy deaths registered at the court.⁵¹ While in some cases we can identify the reasons of death, most notably in the case of murder, in other cases the records are simply silent. Another reason might have had to do with court fees which, according to Seng, often amounted to a week's wages for a worker.⁵² And finally, due to their mobile lifestyle, most of the Gypsies who passed away must have died in transition so their death may have gone unregistered in most cases.

The value of the estates pertaining to Gypsies registered in Üsküdar ranged from 400 *akçe* belonging to a woman Nahife, wife of a Gypsy named Receb, to 4,290 *akçe* to the late Hasan b. Koca Çingane who left behind 30 units of gold, small and grand anvils, a silver drinking cup and some clothing (See his estate below). These numbers by themselves do not mean much in order to offer insights in to the socioeconomic position of those Gypsies whose estates are recorded at the court. Thus they need to be situated and compared with other estate inventories registered at the court either in Üsküdar or elsewhere in the same period. In this regard, I will use Yvonne Seng's findings as a base. She offers the following breakdown to determine the socio-economic position of those

⁵⁰ Yvonne J. Seng, "The Üsküdar Estates (*Tereke*) as Records of Everyday Life in an Ottoman Town, 1521–1524" (PhD diss., University of Chicago, 1991). 5

⁵¹ Those Gypsies who died without leaving an estate inventory in the records can be seen, for instance, USS 15/ 77 a / 2 (cause of death murder); USS 22 / 50b / 1 (cause of death murder); USS 26 / 30 a / 5 ; USS 27 / 13 / 3; USS 27 / 21 / 9 (cause of death is murder); USS 27 / 25 / 4; USS 27 / 53 / 2; USS 51/ 78b / 2; USS 56 / 40 a / 3; USS 56 / 40 a / 4

⁵² Seng, "The Üsküdar Estates (*Tereke*),"10

individuals who left estate inventories in Üsküdar in the early years of Sultan Suleiman's reign. She defines "less than 1,000 *akçe* as "low," more than 1,000 but less than 10,000 *akçe* as "middle" level, and more than 10,000 *akçe* as "high" economic level and above 50, 000 *akçe* as "extremely wealthy."⁵³ As the economy remained relatively stable up until the last decades of the sixteenth century and inflation was low, I will use the same economic breakdowns provided by Seng to situate Gypsies' gross levels of wealth in Üsküdar. In the light of Seng's findings, the following table positions value of Gypsies' estates within the overall gross level of wealth in Üsküdar.

⁵³ Seng, ???

TABLE: VALUE OF GYPSIES' ESTATE INVENTORIES					
Socio-Economic Breakdowns	Identification of those Gypsies whose estate inventory is registered.				
	Yunus b. Abdullah named Gypsy (<i>kıbtı</i>) died in the neighborhood of late Mehmed Pasa in Üsküdar in 950 AH / 1543 CE	Hasan b. Koca Çingane from the town of Üsküdar died in 968 AH/ 1560 CE	Mehmed b. Abdullah named Gypsy (<i>kıbtı</i>) died without heir in 971 AH / 1563 CE	Ayni from the community of Gypsies (<i>taife-i kıbtiyan</i>) died in the neighborhood of Ma'mure in 990 AH / 1582 CE	Nahife, wife of Receb named Gypsy (<i>kıbtı</i>) died in the neighborhood of Ma'mure in 991 AH / 1583 CE
Poverty level 0-499	NA	NA	431 <i>akçe</i>	NA	400 <i>akçe</i>
Low level 500 - 999	NA	NA	NA	715 <i>akçe</i>	NA
Low-middle level 1.000-4.999	1,126 <i>akçe</i>	4,290 <i>akçe</i>	NA	NA	NA
High middle Level 5.000-10.000	NA	NA	NA	NA	NA
High Level 10.000-15.999	NA	NA	NA	NA	NA

What emerges from this table is that the economic position of those Gypsies whose estates are recorded ranged from poverty to modest means of

wealth. Yet when this conclusion is compared with Yvonne Seng's findings an insightful phenomenon emerges pertaining to the Gypsies' economic wealth compared to that of the other inhabitants and transients of Üsküdar. Seng observes that the value of the estates that she examined "ranged from 51 akçe belonging to an unknown inmate who died in an asylum to 56,239 akçe of Hızır, ... the military courier, who left behind him fields of grain, a mill and farm land, a large house and its furnishings."⁵⁴ Among 89 nine estates that belonged to the both travelers and residents of Üsküdar, Seng finds that approximately 35% of those whose estates were listed in Üsküdar were considered poor, with approximately half of these below the poverty level of 500 *akçe*. 48% of the population was defined as middle income level, with estates valued between 1,000 and 10,000 *akçe*. In the category of middle income level, 84 % (adjusted by removing travelers) were valued between 1,000 and 3,000 *akçe* suggesting existence of strong lower middle income group among the inhabitants of Üsküdar in the early years of Sultan Suleiman's reign. Only 5.5 % belonged to the high socio-economic level, established as above ten thousand *akçe*. 1.1 % are considered as "extremely wealthy" whose estate was valued in excess of 50,000 *akçe*.⁵⁵ Thus, considering the value of their estates, the economic position of these

⁵⁴ Ibid., 60.

⁵⁵ Ibid.

five Gypsies (two women and three men) were among many whose wealth ranged from poverty to low level middle income.

Items in the Estates: Socio-Economic Implications

Estate Inventory I

Estate inventory of the late Hasan b. Koca Çingane from the town of Üsküdar and share of his wife Şahmaran (?) and his father Koca and his son Yusuf and his daughter Malina (?), registered in early Zilkade in the year of 968 AH [July 1561 CE]

[Effects of the deceased]	Value (<i>kıymet</i>) [in <i>akçe</i>]
Purple wool broadcloth kaftan (<i>mor dolama çuka kaftan</i>)	300
Purple broadcloth cloak (<i>mor çuka ferace</i>)	1010
Purple Wide- legged trousers (<i>mor tuman çamasir</i>)	100
Turban (<i>dülbend</i>)	100
Silver Dirinking Cup (<i>gümüş maşraba</i>)	500
?	300
Cash Gold (<i>nakit altun</i>) 30 Unit	(<i>meblağ</i>) 1800
Big / Large / Wide Anvil (<i>örs kebir</i>)	50
Small / Narrow Anvil (<i>örs küçük</i>)	30
?	?
Remainder (<i>el-baki</i>)	3963

Source: USS 22 / 148 a/ 2

Estate Inventory II

Estate inventory of Yunus b. Abdullah el-Kıbtı who died in the neighborhood of late Mehmet Pasa in Üsküdar and here is what he left to his wife, and his three sons Mustafa ve Ali ve Koaıcı (?) and his daughter Hüsniye . Registered in late Rebiülevvel in the year 950 AH [June / July 1543]

[Effects of the Deceased]	[Value of the effects in <i>akçe</i>]
Copper round tray with pedals / legs (<i>ayaklı bakır sini</i>)	150
Silver Drinking Cup (<i>gümüş maşraba</i>)	450
Purple wool broadcloth (<i>mor çuka</i>)	236
Small Carpet (<i>kaliçe</i>)	60
Zilye (?)	100
Saucepan (<i>tencere</i>)	20
Four trays (<i>dört tepsi</i>)	30
Two large cooking pot (<i>iki herein</i>)	30
Tools ... (alet ...)	50
Yarn (<i>iplik</i>)	20
Total (<i>yekun</i>)	1126
Debits	
Burial preparations and burial	200
And Court Fees (<i>resm-i kadi</i>)	22
Remainder to the inheritors (<i>el-baki beyne'l-verese</i>)	924
Share of the wife(<i>hissetü'z-zevce</i>)	100(?)
Share of the daughter (<i>hissetü'l-bint</i>)	100
Share of the sons (<i>hissetü'l-benîn li-küllü vahidin</i>) minhüm)	200
Remainder (<i>baki</i>)	124
...(<i>el-mütevvefa el-mezbûr</i>)	?

Source: USS 13/ 8a/ 3

As can be seen above in the estate inventory of the late Hasan b. Koca Çingane and of Yunus b. Abdullah el-Kıbtı (literally, the Gypsy), in an estate inventory after identifying the person and his /her heirs, we often see possessions of an individual were listed along with their relative market value. As a result, by examining the estate inventories, we can gain insights into the following

categories: marital status of the deceased, size of his /her family, items used in the everyday life and their relative market value and the court fees charged from the inheritors. Among many other things, the estates often provide information on the profession and about the creditors of the deceased, even though the estates cited above make no explicit remark on these two categories. Nevertheless, the items owned by Hasan b. Koca Çingane suggests that he was most likely a metal-smith considering that he owned two anvils. Furthermore, from his wardrobe which includes relatively expensive items, an assumption can be made that he was likely had an established status in the community and probably held an administrative position. His purple broadcloth cloak alone is valued at 1,010 *akçe*. As we shall see later in the chapter, this amount was enough to purchase a small house and an orchard in the town or to feed someone for more than two years. His investment in gold which equals to 1,800 *akçe* is also noteworthy. Whether he was involved in any credit transactions with this wealth such as giving loans is unknown to us as there is no mention of creditors in his estate. Nevertheless, as we shall see later, investment in gold was significant for Gypsies both man and women. For instance, in the very modest estate of a daughter of Ayni, we see bracelets worth 300 *akçe* along with some household items commonly seen in the estates belonging to the women of Üsküdar. (See Appendix – English Translation of the Estate Inventories). Furthermore, with gold (coins), they were often involved in credit transactions by giving or taking loans (*karz-ı hasen*).

Unlike Hasan b. Koca Çingane, who owned no household items and primarily invested in moveable property, Yunus b. Abdullah who died in the neighborhood of late Mehmet Pasha owned a variety of household items that can be seen in various estates registered in the court records of Üsküdar. From his estate, it is not possible to offer insights into his professional affiliation. His household items comprising largely of kitchen utensils were of good quality. His clothing item, namely purple wool broadcloth (*morçuka*), was relatively expensive. The most expensive household item that Yunus b. Abdullah owned was a silver drinking cup. Like gold, silver drinking cup was valued among the Gypsies. There are various instances in which silver drinking cups were used as collateral (*emanet*) in order to get loans.⁵⁶

The items listed in the estates also offer insights in to the relative market values of various items that were used in the everyday life – that a purple wool broadcloth kaftan costs between 236 *akçe* to 300 *akçe*, for instance, whereas, silver drinking cup cost between 450 *akçe* to 500 *akçe* or a copper round tray with pedals / legs was valued 150 *akçe* or 30 unit of gold coins, 1800 *akçe*. These amounts do not mean much unless we are informed, for instance, on the value of *akçe* or the minimum cost of living or determined prices (*narh*) of essential foodstuffs or relative wages paid to different professionals. Even though the court records provide answers to most of these queries once they read closely, in this

⁵⁶ See, for instance, USS 7/ 31b/ 3; USS 7/ 33a/1; USS 7/ 33a / 2

present study, I shall limit myself to discussing the value of *akçe* or minimum cost of living during the course of the sixteenth century.

Relying on accounts for foodstuff and kitchen expenses of the *imarets*, or soup-kitchens, of Fatih Camii in 1489/90 and Süleymaniye Cami in 1555/56, Barkan found only a 42.26 percent increase in cost in *akçe* and 35.41 percent increase when adjusted against the real value of a gram of silver during this sixty-six-year period.⁵⁷ Between 1491 and 1566, 420 *akçe* were cut from 100 *dirhem* of silver, each *akçe* weighing up 0.731 grams. During the same period, the gold-silver value ratio increased only slightly: between 1491 and 1515, 52 *akçe* equaled one gold Ottoman *altun*; from 1517-1549, 55 *akçe* equaled one *altun*, rising to 60 *akçe* to one *altun* between 1550 and 1566. Thus thirty unit of gold belonging to the late Hasan b. Koca Çingane were rightly calculated as worth 1,600 *akçe* by the court scribes.

As Seng suggests, the daily allowance assigned by the court for the upkeep and maintenance of fugitive slaves was most informative in establishing the cost of minimum daily subsistence. After each slave was registered with the court and his physical attributes and “ethnic” origin described, he was turned over to police custody until he was either claimed by his owner within one hundred days or, if unclaimed, he was sold at public auction and the proceeds delivered to

⁵⁷ Ömer Lütfi Barkan, "The Price Revolution of the Sixteenth Century: A Tuning Preint in the Economic History of the Near East," *International Journal of Middle Eastern Studies* 6 (1975):11, table 222

the local agents of the state treasury. The slave was usually kept in the local jail for which the custodian was given two akçe daily (*naḫakası ve hıfzı için, yevmi ikişer akçe verildi*).⁵⁸ It would not be inappropriate to assume that “it was in the best interests of the custodian and the court that all (or most) of this two *akçe* was used to feed and keep the slave, that is, to maintain him in a reasonable condition since it was desirable that the highest price possible be paid for the slave at auction, if unclaimed, for this amount became property of the state treasury.”⁵⁹ Furthermore, the court records make clear that the capturer of a fugitive slave was paid a bounty of 50 *akçe* (from the owner, or from the state treasury upon auction), that is, nearly one month's basic subsistence, a considerable incentive to the inhabitants to become actively involved in the maintenance of law and order and a bonus for those whose job it was to enforce it.⁶⁰

Using 2 *akçe* per day as a basis for comparison, the values assigned to items listed within the estates can now become clearer. For instance, the value of purple broadcloth (*mor çuka ferace*) belonging to Hasan b. Koca Çingane was equivalent to the minimum daily allowance for almost seventeen months. Furthermore, its value is more than the value of the piece of land which included a one story house built of timber in the neighborhood of Ma'mure that Kıbtı Kaş v.

⁵⁸ Indeed, this amount remains stable quite some time in that not only during the forty month period in the 1520s studied by Seng but also four years period (i.e 1547-1551) examined in this study demonstrates assignment of two akçe for the minimum daily subsistence of fugitive slaves.

⁵⁹ Seng, “The Üsküdar Estates (*Tereke*),” 62.

⁶⁰ Ibid.

Pazarlı sold for eight hundred akçe.⁶¹ Looking through the prism of property and credit transactions conducted by Gypsies and registered at the court of Üsküdar (See Appendix – Property and Credit Transactions), the value of purple broadcloth cloak of Hasan bin Koca Çingane also equal two horses (if not more) or 6 cows whose value ranged from 100 *akçe* to 150 *akçe*.

Why did Gypsies divest themselves of immoveable property?

Once this estates register is read together with the property and credit transactions that a given community or social group brought to the court either for registration or settlement, it is possible to provide information on ways of accumulating wealth, types of property (such as moveable or immoveable) that a given community or group willing to invest in, as well as networks of interaction through medium of credit and property. As the table on Credit and Property Transactions in the Appendices demonstrates, transactions involving a sale, purchase, loan, or investment often brought Gypsies to the court as did disputes relating to such transactions. What emerges from these transactions is that Gypsies hardly ever invested in real estate. Rather, their transactions at the court mainly included registrations or litigations related to moveable property such as animals or to lending or borrowing. In such transaction, Gypsies mainly used cash in the form of *akçe* or gold coins. (See Appendix – Credit and Property Transactions). There are only a few cases in which individual Gypsies came to the

⁶¹ USS 51 / 34 b/ 2

court to buy or sell houses and vineyards. We do not see Gypsies as being owners of shops, mills, orchards, and vegetable plots etc...⁶² Yet they owned animals, primarily horses but not cows, goats or sheep.⁶³ Furthermore, Gypsies engaged in networks of borrowing and lending. Even though these transactions were often among the Gypsies themselves, there are also various cases in which one of the parties was not from the community of Gypsies.

Why did Gypsies tend to divest themselves of real estate? What Gypsies wanted to have, it seems, was cash (either in *akçe* or gold) and property that can be easily mobilized. Cases in point are investments in horses.⁶⁴ Gypsies seem to

⁶² USS 14/ 23 b/ 1; USS 17/ 7b/1; USS 51/ 34b/ 2; USS 56/ 71b/ 2 See the details of these cases in Appendix – Credit and Property Transactions.

⁶³ Indeed, Gypsies relationship with horses also seen in other sources from the same period. It seems that horse trading was one of the occupations through which some Gypsies earned their living. Despite the fact that horses seem to be one of the live stocks that were transacted among Gypsies often, the court records of Üsküdar hardly offer any indication suggesting Gypsies being horse dealers within the guild structure. Nevertheless, in the *mühimme* registers, we see some Gypsies as horse dealers at At Pazarı (Horse Market) in Istanbul. However, in 1570, they were not allowed to sell horses in the said horse market for a reason unknown to us. MD 7, no. 1010. Nevertheless, in a price (*narh*) register from the seventeenth century Istanbul, we see some Gypsies registered in the guild of horse dealers which include seventy four members and fourteen of those members were identified as “Gypsy.” Mübahat Kütükoğlu, *Osmanlılarda Narh Müessesesi ve 1640 Tarihli Narh Defteri* (İstanbul: 1983), 264-265. Yet another confirmation of Gypsies as horse dealers came from the seventeenth century traveler Evliya Çelebi. According to him, the guild the horse-traders (*canbaz*) had three hundred members and as Evliya Çelebi wrote: “The horse-traders are wealthy traders, each one of them having stables of 40-50 Arab horses; most of them are Gypsies although there are some who belong to other people.” Evliya Çelebi, *Seyahatname*, edited by Orhan Şaik Gökyay (İstanbul: Yapı-Kredi Yayınları, 1996), vol. I, 260.

⁶⁴ Examples include USS 15 / 55b/ 5 (Transaction of a young horse (*tay*) worth of 400 *akçe*); USS 15/ 56b/ 3(200 *akçe* from the sale of a young horse); USS 17/14a/6 (Sale of a horse for 350 *akçe*) . For further examples see Appendix: Credit and Property Transactions.

have invested in cash, material objects and animals mainly used for transportation at the expense of holding immovable property because this type of wealth must have given them greater flexibility in their hybrid mode of living.

Gypsy Women at the Sharia Court of Üsküdar

Gypsy women also frequented the court of Üsküdar, though on a smaller scale compared to their male counterparts. Among 233 entries on the community of Gypsies for this study, 54 include at least one Gypsy woman either as a litigant or a defendant. While registering them, the scribe attached either “Çingane” or “kıbtıyye” before their names in addition to the usual female marker *bint* (‘daughter of’) used to identify women in general in the court records. Gypsy women usually attended the court themselves and rarely used a proxy to represent them.⁶⁵ There are however, records of several matters related to marriage arrangements in which Gypsy women are represented by their legal guardians. These cases seem to be related to minors whose name and age is identified yet their voice is absent within the discourse of court registration practice. For instance, we learn that at one point in the late sixteenth century, a seven years old Gypsy girl named Şamdan was married off by her father Yunus b. Baki to Kurd b. Yunus from the community of Gypsies. In his statement at the court in the presence of his father in law, Kurd b. Yunus made it known that he had agreed to pay two thousand akçes as *mihr-i mü’eccel* (deferred dower, payable upon

⁶⁵ We have only two women who appointed a proxy to represent them at the court. See USS 51 /11a/ 5; USS 56/67b/3

divorce or death) to Şamdan's father. Furthermore, as a part of the marriage contract, he was required to work for three years for his father in law. In return, however, he demanded from his father in law that once his three years were over, he should hold a wedding ceremony for them and submit his daughter to him (*hizmetim tamam oldukda ol dahi düğünün edip kızını bana teslim ede*) for the consummation of the marriage. Şamdan's father accepted this condition. Nevertheless, he made further demands from his (future) son in law asking that if he did not work hard over the next three years and if he took Şamdan somewhere else, then he would have to give her a divorce. These further conditions were also accepted by the future groom and the contract registered at the request of both parties.⁶⁶

While I have seen marriage contracts registered at the court by adult Gypsy women in different parts of the Empire, this was not a common practice among the Gypsy women in Üsküdar. For instance, in a register from the seventeenth century, we see that Mehter Kıbtı Ali agreed to pay Sofia 200 *akçe* as *mihir-i mü'eccel*.⁶⁷ Kıbtı Arslan, on the other hand, agreed to pay 400 *akçe* as *mihir-i mü'eccel* to Marulya in case of divorce or death.⁶⁸ Similarly, in the seventeenth century Manisa, Fatima b. Cingen Hüseyin, a virgin adult girl (*bikr-i*

⁶⁶ USS 56/ 73 b/ 1

⁶⁷ Mustafa Oğuz, "Girit (Resmo) Şer'îye Sicil Defterleri (1061-1067)" (PhD diss., Marmara Üniversitesi, 2002), entry number 520.

⁶⁸ Ibid., entry Number 526.

baliga) from the residents of the neighborhood of Bektaş in the city of Manisa came to the court with Ahmed b. Hüseyin, a young male (*şabb ve emred*) from the community of Gypsies. In his presence at the court, she acknowledged and confessed that she had agreed to marry him. And her *mihr-i mü'eccel* amounted to ten thousand *akçe* as well as various luxurious household items.⁶⁹ This rather high amount of *mihr-i mü'eccel* offered to Fatima seems to have been related to her social status in the community. First of all, the ways in which she was identified at the court gives the impression she was a settled adult Muslim women from the community of Gypsies. Other entry in the same register indicates that her father was trustworthy enough to sit as a witness at the court.⁷⁰ As I shall discuss below in detail, some of the male Gypsies in Üsküdar sat as witnesses in the court in cases related to the community of Gypsies. Nevertheless, the case in which Çingen Hüseyin is registered as witness is a *hul* divorce agreement between Neslihan bt. Mehmed Çelebi from the Bölücek-i Cedid neighborhood in Manisa and her (ex) husband Musa b. Ahmed. The way in which both parties were identified in the court documents indicates that neither of them was from the community of Gypsies.

⁶⁹ MSS/ 124/ 113 b / 4 and 114 b / 1 . This register is transcribed by Ferdi Gökbuğa, “124 H.1075–1076/M.1665–1666 Tarihli 124 No’lu Manisa Şer‘İyye Sicili Transkripsiyonu ve Değerlendirilmesi” (Master’s Thesis, Celal Bayar Üniversitesi,2008).

⁷⁰ MSS 124/ 105 b/ 3. Witnesses (*Şuhudu’l-hal*) in the case include Umdetü’l-müderresin El- Hâc Mahmud Efendi ibn-i zade Ahmed Efendi, Mustafa b. Musa, Hüsam b. Abdullah, Cingen Hüseyin, Osman b. Satılmış, Hüseyin b. Mustafa, Osman b. Ömer, Mehmet Çelebi b. Şükrullah, Mehmet b. Hamza, Nalbant Ahmed and others.

This discussion on marriage contracts brings us to the question as to why Gypsy adult women came to the court in Üsküdar. Gypsy women in Üsküdar primarily frequented the court related to matters categorized in Western legal discourse under the rubric of the “family law.” Among the 54 entries that involve at least one Gypsy woman whether minor or adult, 22 are related to marriage contracts, divorce settlements and inheritance. While in most cases Gypsy women were given irrevocable divorce (*talak-ı selase*) by their husbands, there were also cases in which Gypsy women came to the court to get *hul* divorce. In that case they renounced all their rights as a result of breaking off the marriage contract by their own will. For instance, Sefer bt. Serce not only gave up her and *mihir-i mü’eccel* and *nafaka-i iddet* but also gave her two year old son to her (ex) husband in order to get a *hul* divorce.⁷¹ There are also several instances in which Gypsy women argue that their husbands were required to grant them irrevocable divorce because they had broken their pre-nuptial promises. For instance, in her account at the court, Fatma bt. Balaban argued that her husband Mehmed b. Abdullah had promised her give irrevocable divorce if he ever beat her or left her to go roaming in the country side (*yabana gitmek*). Nevertheless her husband denied this claim. The case ends with giving extra time to Fatma bt. Balan to bring proof to substantiate her claim.⁷² What emerge from these entries is that

⁷¹ USS 51/31b/2

⁷² USS 15/ 133b / 4

Gypsy women got married within their own community. Monogomy seems to have been a common practice yet there is one entry that indicates that a Gypsy named Poyraz had two wives.⁷³

Yet another significant sphere in which we see Gypsy women at the court is related to various transgressions which include cases related to assault, murder, adultery, prostitution, defamation, trespass and theft. In the overall number of entries on Gypsy women, the entries related to transgressions are 22 in total. Among these 22 entries, in 10 of them Gypsy women were brought to court by others – often people from the same community – to defend themselves against criminal charges.⁷⁴ Yet in others, they initiated the legal process either by themselves or through their proxies for any transgressions committed against them or their family. It is significant to underline, for instance, that most of the murder cases among the Gypsy community in Üsküdar were brought to the attention of the court by women whose husbands, fathers or brothers had been killed.⁷⁵ For instance, in 1550, Fatma bt. İbrahim from the community of Gypsies and her son Sati b. Ornos brought Yunus b. Kuse from the same community to the court and accused him of murdering his son Mustafa who according to them was a good believer (*mümin*) and Muslim (*muvahhid*). Upon inquiry Yunus confessed

⁷³ USS 27/38 / 7

⁷⁴ Examples include USS 25 / 16a / 3; USS 29/ 6b / 3; USS 29/ 80a/4; USS 51/ 5a/ 5, USS 56/ 3b/3; USS 56/32b/3; USS 56/33a/3; USS 56/35a/2.

⁷⁵ Examples include USS 15/ 77a /2; USS 22/ 50b/ 1 -3, 51 a /1; 52 a / 3; 52b/1; USS 27/ 21 a/b/9.

that Mustafa's death had happened because of his fault and he had killed him by shooting him with arrow six months just after the Easter (*kafirlerin kızıl yumurdasın ertesi*). The court agreed to the soundfulness of this confession and registered it.⁷⁶ What happened to Yunus b. Kuse after his confession is not known as there is no following entry on the case. Similarly, in 1560, late Küpeli b. Musa's half sisters Mara (?) and Fersana (?) and his wife Katana bt. Mustafa, all from the community of Gypsies, brought Kurd b. İlyas named Gypsy to the court of sharia and accused him of murdering Küpeli b. Musa and demanded that his blood money (*diyet or zimmet*) be paid to them. However, Kurd b. İlyas upon being questioned by the court denied this allegation and argued that it was his father, İlyas v. Musa and his brother in law, Osman b. Köçek who had murdered Küpeli b. Musa.⁷⁷ Then late Küpeli b. Musa's half sisters Mara (?) and Fersana (?) and his wife Katana bt. Mustafa initiated litigation against İlyas v. Musa and Osman b. Köçek but they denied this allegation. Then the court asked of the women to provide a proof (*beyyine*) to their claim. As a result, Mara (?) ve Fersana (?) asked extra time from the court to bring proof for their claim. This request was accepted by the court and four extra days were granted to them.⁷⁸ Meanwhile, again with the request of these three women, Durmuş b. Pazarlı, Mustafa Karagöz and Dede b. İskender and Koçi b. Çakır named Gypsies (more

⁷⁶ USS 15 / 77a /2.

⁷⁷ USS 22 / 50 b/ 1 and USS 22 / 51 a /1.

⁷⁸ USS 22/ 50b/2

on this personalities is found on the discussion on witnessing below) became guarantor for İlyas b. Musa⁷⁹ and Osman b. Köçek and accepted to bring them to the court once they were called upon by the litigants at the end of four days grace period.⁸⁰ Furthermore, again upon the request of these three women, the guarantors promised to pay the blood money for the late Küpeli b. Musa if they were not able to bring İlyas b. Musa and Osman b. Köçek to the court when called upon.⁸¹ From yet another entry in the register, we surmise that these guarantors were indeed able to bring the defendants to the court once they were called upon by the litigants. Accordingly, after fulfilling their mission, they requested from the court that their agreement on providing surety for the defendants be dissolved.⁸² As there is no following entry regarding this murder case, we do not know whether indeed the defendants paid the blood money that was demanded by three Gypsy women. Furthermore, we are not in a position to suggest if indeed Mara (?) and Fersana (?) and Katana were able to bring witnesses to the court to support their claim. Despite these lacunas, this murder case demonstrates Gypsy women's involvement in the legal process and how they proceeded with the case once their initial suspect, Kurd b. İlyas, denied the allegations against him. Yet another

⁷⁹ In this case he is registered as Muslim using “ bin” or “ son of “ yet in a following entry he is registered as İlyas veled-i Musa. See USS 22 / 52a/3

⁸⁰ USS 22/50b /3

⁸¹ USS 22/52b/1

⁸² USS 22/ 52b/2

significance of this case is showing the ways in which the local sharia court and some established personalities from the community of Gypsies worked together to settle a murder within their community. They not only brought the suspects to the court by becoming guarantors but also as we shall see later in the chapter they also acted as court witnesses.

Unlike their male counter parts, Gypsy women rarely come to the court to register or settle issues related to credit and property transaction. We have only a handful of entries in which we see women engage in credit and property transactions.⁸³ The records are also silent on whether Gypsy women engaged in any professional activities. When we look at two estates entries belonging to the women, their value is below the poverty line (See Appendix – English Translation of Estate Entries).⁸⁴ This is not to suggest however, that Gypsy women were poorer than other women whose estates were registered at the court of Üsküdar, there are also various instances in which the value of estates belonging to other women below the poverty line.

Representing Gypsies as “Evil Doers”

As related by his biographer, when the chief imperial architect, Sedefkar Mehmed Agha (d. 1617 ?) first arrived at the imperial gardens as a young janissary recruit to be trained for the imperial service, he was mesmerized by a

⁸³ These entries are USS 14/ Inside cover; USS 22/47a/2; USS 51/ 5a/31; USS 51/80b/2.

⁸⁴ Estate Entries belonging two Gypsy women are found USS 56/5a/2; USS 56/75b/4.

musician performing in the garden. He was so captivated by the art of music that he wanted to excel at it. Lo and behold, he asked the musician to help him master it. Under the musician's guidance, he progressed rapidly and applied himself to his studies with such passion that he deprived himself of sleep for many nights in order to rehearse. Finally, one night, he was overcome by sleep and dreamed that

A group of musicians rise up and appear in the form of a band of gypsies. In their hands, some of them held tambourines, some harps and zithers, some violins and some pandpre, some organs, some panpipes, some lutes, some castanets, some dulcimers. In short, when the men and musicians, preparing all the instruments which they had among them, began to play in union, all the saz [instruments] which they had in their hands, the sound of the party threw the universe in tumult and resulted in trembling of the earth and the heavens. And saying to the above mentioned Aga, "if you have liking for our art, if you want to learn it, God bless you,!" all treated him with respect and showed deference to him in a variety of ways.⁸⁵

Awakening from the dream, he went to his teacher to ask explanation for its meaning. The musician said

In truth this art is a gypsy art. But they are an ignorant tribe. What is a note? What is time? What is harmony? What is dissonance? What is melody? What is interval? What is tone? What is song? They know not.⁸⁶

⁸⁵ Cafer Efendi, *Risāle-i mi'māriyye: an early-seventeenth-century Ottoman treatise on architecture: facsimile with translation and notes*, edited by Howard Crane (Leiden: E.J. Brill, 1987), 26. Please note that this quotation is a modified version provided by Crane. I deleted Ottoman –Turkish terms given to these various musical instruments which Crane indicated in brackets. I would like to thank my colleague Gül Kale for bringing this source to my attention.

⁸⁶ Ibid. As in the above quote, here too I did not include original Ottoman – Turkish terms given to these concepts in musical discourse. These are however provided in Crane's text within brackets.

Then the musician explained in detail what these rules are and taught him the twelve basic notes and asked him to practice what he had taught him. Nevertheless, the Aga did not practice and found a pretext to go back to his residence. When he arrived and went inside, he plunged again into the sea of thought. In short, the musicians' advice and words, far from putting his heart to rest, caused him distress, and addressing himself, he said,

O unfortunate wretch! As soon as you saw that art you immediately turned and ran toward it like water. Had that art been acceptable and desirable and esteemed and beloved in the sight of the Lord God the all-bounteous, that abject tribe and loathsome [band of gypsies] which I saw in my dream would not have shown interest in the aforementioned art. They would have turned away from it as Satan – curses upon him – turned away from Adam's form. The best, most necessary, excellent and appropriate [thing to do] is this: not to act on the musician's words but to go to one of the righteous ulema and advice-giving shaikhs and have him interpret the dream. Whatever he says, it will be necessary to act in accord with his noble command. Let the musician's great happiness, eminence and good fortune be entirely his own! I do not need them.⁸⁷

The Agha turned for an advice to the great Halveti sheikh of the period of Sultan Murad III (r. 1574-1595), Vişne Mehmed Efendi who told him:

My son, it is necessary for you to renounce that art. If that art was good, it would be practiced by the righteous and virtuous people. It would not have fallen like this into the hands of the tribe of Satan, who are evil men. Since your desire is art, the appropriate thing to do this: tarry a few days. If your nature inclines toward another art, consult with us again. If one is encountered which is useful in this world and the other world, let us give you blessing and permission [to follow it]. Then, with our blessing and permission, may you

⁸⁷ Ibid, 27.

master that art! To see gypsies in a dream is just like the seeing the tribe of spirits and demons. And [the word] gypsy [*cinkan*] means jinn [*cinler*] because the suffix *kan* is a plural [ending]. Originally [the world jinn] was *cinne*, like *zinne*. When the plural form was used in the Persian language, it became *cinnegan*, like *zindegan*. Later, lightening and softening the *nun*, they said *cingan*. From the point of view of words, *cin* is *cinne* in exactly the same way. And in the Arabic language, *jinn* is a common noun. It refers to both of these groups [gypsies and jinns]. When both types are being referred to, the plural is used. And one of these two types can be seen, the other is invisible. In short, it necessary that you turn back from this art and ask God's forgiveness and repent to the fullest degree.⁸⁸

As a result of this advice, Cafer tells us that Mehmed Agha turned away from music with sorrow and regret. As recent research on dreams demonstrates, this dream of Mehmed Agha is but one among many can be found in the biographical dictionaries written especially after the second half the sixteenth century to explain significant junctures in the lives of their subjects.⁸⁹ My aim here is not get into complexities as well as multiplicities of the dream stories found in different genres of sources in the Ottoman world. Nor I can provide detailed analysis of the questions that this text may arise in readers' mind such as whether this dream was in fact dreamt; why Mehmed Agha's biographer narrated

⁸⁸ Ibid.,28.

⁸⁹ Further on dreams in the early modern context, see Asli Niyazioğlu, "How to Read an Ottoman Poet's Dream? Friends, Patrons and the Execution of Fiğānī (d. 938/1532)," *Middle Eastern Literatures* ahead-of-print (2013): 1-12; idem, "Dreams, Ottoman Biography Writing, and the Halveti-Sünbūli Sheikhs of Sixteenth Century Istanbul" in *Many Ways of Speaking About the Self, Middle Eastern Ego-Documents in Arabic, Persian and Turkish (14th-20th Century)*, edited by Ralph Elger and Yavuz Erköse (Harrassowitz, Wiesbaden: 2010): 171-185; idem, "Dreams of the Very Special Dead: Nevizade Atai's (d.1635) Reasons for Composing His Mesnevis" *Archivum Ottomanicum* 25 (2008): 221-33.

this dream while describing the “career path” of Mehmed Agha or why did Mehmed Agha want to take the opinion of one of the most influential Halveti Sheikh of the sixteenth century Istanbul to make his professional choice?⁹⁰ My engagement with this dream story is to read the image of “Gypsy” constructed in the text by three males, all belonging to different strata of the learned hierarchy and question whether the image that they drew corresponds to or diverge from the image found in the court records and the *mühimme* registers. Another significance of this dream story is that it is perhaps one of the oldest – if not the oldest – that we have in the narrative and literary sources on the representation of the “Gypsy.” While we have many accounts – either as memories or travelogues or later novels or short stories – produced not only by European travelers and consuls but also by the Ottoman themselves concerning Gypsy lifestyles in the nineteenth and early twentieth centuries of the Ottoman realm, the available literary and narrative sources are rather limited as far as the early modern period is concerned.⁹¹

Therefore, this dissertation calls for further research on representations of Gypsies

⁹⁰ These questions and many other are elaborated in Niyazioglu’s various articles. See above ff.

⁹¹ The sources for early modern period known to the historians at this level of research are Evliya Çelebi’s rather “hostile” description, derogatory images found in the anonymous author of the seventeenth century *risale* which is transcribed by Hayati Develi as well as Fazıl Bey’s rather “romantic” description of a Gypsy wedding as well as the famous Gypsy boy dancers of the eighteenth century İstanbul. For further on these sources, see Robert Dankoff and Victor Friedman. “The Earliest Text in Balkan (Rumelian) Romani: A Passage from Evliya Çelebi’s Seyahat nameh,” *Journal of the Gypsy Lore Society* (1991): 1-20; Hayati Develi (ed.), *XVIII. yüzyıl İstanbul Hayatına dair Risale-i Garibe* (İstanbul: Kitabevi, 1998); Selim S. Kuru “Biçimin Kısılcında Bir ‘Tarih-i Nev-icad’: Enderunlu Fazıl Bey ve Defter-i Aşk Adlı Mesnevisi,” in *Şinasi Tekin Anısına: Uygurludan Osmanlıya*, edited by Günay Kut and Fatma Büyükkarcı Yılmaz (İstanbul: Simurg, 2005), 476-506.

in Ottoman literary culture such as in Ottoman “classical” poetry or narrative sources such as in dream manuals. Furthermore, exploring visual sources might provide an opportunity to heterogenize the discourse on the representation of the Gypsies in Ottoman society.

Moving back to the dream of Mehmet Agha, firstly, music is considered to be the art of Gypsies. This is not only interpreted as such by Gypsies themselves in the dream and the master musician but also subconsciously by Mehmed Aga who while learning the rules of music dreamed of the Gypsy band but nothing else. In the dream itself, we have nomadic Gypsies being able to play various musical instruments and their mastery in music is so profound that the sound of music shakes the earth and the heaven. They were also represented as very welcoming to a stranger showing him respect in various ways and wishing him God’s help to learn *their* art. Up until the interpretations of the dream inserted into the text, we do not see any defamation or contempt projected against the Gypsies, on the contrary what we see an appreciation and a romanticization of Gypsies’ performance. Nevertheless, the ways in which “Gypsy” image within the dream was interpreted discloses everlasting stereotypes attributed to the Gypsies: Representing Gypsies as talented musicians yet ignorant of formal musical rules or objectifying them as morally deficient and religiously shallow evil-doers.

Yet another significant issue that has to be addressed pertaining to Vişne Mehmed Efendi’s explanation of the etymology of the word *cingen*. As a matter

of fact, Vişne Mehmed Efendi's explanation for the etymology of the word constitutes one example – perhaps one of the earliest – that can be found in Ottoman-Turkish context. In Vişne Mehmed Efendi's reading, Gypsies are associated with or rather equated with the tribe of spirits and demons. This equation was substantiated by constructing an etymology in which word-play and sound of words gives a deeper meaning to the simple understanding of the words. The basis of this equation is not only similarity between the sound of jinn and cin but also —and perhaps more so — similarity between the traits attributed to spirits/ demons and Gypsies. Modern etymology would consider “unscientific” what I call a morally and theologically appropriated construction of Vişne Mehmed Efendi. Nevertheless, this etymological construction though unsound according to parameters of modern etymology is still significant and cannot be overlooked. It demonstrates not only a certain mode of thought but also represents one of the many ways to use etymology⁹². By constructing this etymology, I would suggest, Vişne Mehmed Efendi, was perhaps attempting to confirm a “truth” of his time that Gypsies and jinns all belonged to the same family. Nevertheless, as we shall see in the next chapter this “truth” shifts and takes

⁹² As demonstrated by Derek Attridge, etymology can be used in many ways “... to confirm a dominant ideology, to deny the possibility of purposeful change, to reinforce the myth of objective and transcendental truth, but it can also be used to unsettled ideology, to uncover opportunities for change, to undermine absolutes and authority and do so without setting up an alternative truth claim.” Derek Attridge, “Language as history/history as language: Saussure and the romance of etymology,” in *Post-structuralism and the question of history*, edited by Derek Attridge, Geoff Bennington, and Robert Young (Cambridge University Press, 1989), 183-211.

different forms in the discourse of nineteenth century Ottoman learned elite. Instead of attributing a morally appropriated etymology to the word *çingen*, they, following the general trend of their time, opted for more spatially and contextually grounded etymology for the word. While in his famous dictionary, the *Lehçe-i Osmani*, Ahmed Vefik Pasha (d. 1891) declares for instance that the origin of Gypsies goes to the land of India,⁹³ Muallim Sadi almost at the same period declares that their origin goes to the Mongolia contrary to the then popular belief that they emerged from an immoral marriage of two siblings, Chen and Gen.⁹⁴

Towards Heterogenizing “Gypsy” Image: What the Court Records Teach Us?

The question that I would like address next is that whether the court records can help us heterogenize the “Gypsy” image epitomized in Mehmed Agha’s dream. In other words, can various stigmatizations attributed to the Gypsies as a *community* found in the narrative sources can also be read in the court records or do they help us to undo this image in any way? First of all, we have no indication in the court records that Gypsies whether as individuals or as itinerant groups engaged in music to make a living in Üsküdar. Contrary to, for instance, what is found in the eighteenth century courts records of Salonika.

⁹³ Ahmed Vefik Pasha, *Lehçe-i Osmânî*. Edited by R. Toparlı (Ankara: Türk Dil Kurumu Yayinlari, 2000), 100.

⁹⁴ For more on Muallim Sadi, see Chapter 7, part II.

According to Eyal Ginio, Gypsy clients of the eighteenth century court of Salonika, appear at the court in two principal capacities: “as taxpayers and as musicians who entertained local society in public venues, such as coffeehouses; in the latter context, they also feature in more official ways, namely, in military bands (*mehter*).”⁹⁵

As I have discussed earlier, encountering itinerant Gypsy musicians is not uncommon in the *mühimme* registers from the second half of the sixteenth century. Nevertheless, within the discourse of these state-generated documents which were dispatched as a response to the petitions submitted by either local power holders or ordinary subjects hoping to resolve certain problems, neither Gypsies’ mastery in music nor their mobile life style is romanticized. On the contrary, as it is expected from this genre of sources which more often than not mirror the socioeconomic and moral concerns of the petitioners, itinerant Gypsy musicians were accused of organizing parties for public and seducing bachelors and married man through providing occasions for prostitution. Due to engagement in such “vice trades,” others often despised the Gypsies, and brought complaints before the authorities, asking for their expulsion from their communities.⁹⁶ Furthermore, in the registers, some itinerant Gypsy communities were also

⁹⁵ Eyal Ginio, “Neither Muslims nor *Zimmis*: The Gypsies (Roma) in the Ottoman Empire,” *Romani Studies* 5 (2004): 117-144.

⁹⁶ See for instance MD 7, no. 100; MD 5, no. 186. See also Mustafa Akdağ, *Türk Halkının Dirlik ve Düzenlik Kavgası: Celali/syanları* (Ankara: Bilgi Yayınevi, 1977), 150.

accused of engaging in other criminal activities damaging individual and public property as well as causing insecurity for the travelers.⁹⁷ In the formulaic parlance of these documents, those Gypsies who engaged in illicit activities harming individual and public property as well as violating public morality were labeled as *ehl-i fesad* (people of corruption) a generic term that the Ottomans used for habitual criminals. What made those Gypsies be framed as *ehl-i fesad*, I would suggest, was not their “racial” or “ethnic” profile but their actions that destabilized public morality and property rights.

To heterogenize this narrative I would like to look at certain roles that some Gypsies assumed at the court or in the administration of their communities. This will give us an opportunity to see that not all Gypsies were seen as “morally slippery” at least from the perspective of the local court and tax-collecting officials representing state authority at the local level. Gypsies at the court of Üsküdar appeared at the court in various capacities: as defendants and litigants, bail agents and fiscal guarantors (*kefil bi'l-mal*) in credit and property transactions, guarantors for a person's whereabouts (*kefil bi'l-nefs*), proxies (*vekil*) to represent a client at the court or to collect imperial taxes in the vicinities of their own community, guardians of minors (*vasi*)⁹⁸ and witnesses (*şuhud'ul-hal*) mostly in cases related their own communities. Once they appeared at the

⁹⁷ MD 7, no. 66 and no. 100.

⁹⁸ See, for instance, USS 27 / 58/ 4

court as witnesses their “Gypsy” tag before their name was removed except in the cases in which all witnesses were Gypsies.⁹⁹ Among those Gypsies who sat at the court as expert witnesses Durmuş b. Pazarlı and Koçi b. Çakır are most noticeable. The court records provide ample evidence about the various roles they assumed in their community besides sitting as witnesses at the court.

The Case of Durmuş bin Pazarlı or Bazarlı or Bazarlu

As we saw above in a copy of the imperial fiscal register found in a court register, Durmuş b. Pazarlı was originally registered in Istanbul in the imperial register yet at some point came to and Üsküdar started to live there. Again from the same registration, we see that he belonged to the community (*cemaa’at*) of Yolcu which was attached to the *imaret* waqf of the late Sultan Bayezid along with *Fotini veled-i ... (?)*, Koçi veled-i Çakır, Çavuş veled-i Abdullah.¹⁰⁰ Despite the fact that Durmuş was identified as Durmuş veled-i Pazarlı in the fiscal survey, in the documents drafted by the court itself, he was almost exclusively recorded as Durmuş b. Pazarlı indicating that he was a Muslim. As I mentioned in chapter five, this *bin* and *veled* formula which was deployed as a textual technology to differentiate between Muslim and non-Muslim in legal practice had not yet been established in the sixteenth century Üsküdar. Thus, considering his name and patronymic, I would think that he was a Muslim. As for his resident status,

⁹⁹ Examples include USS 56 /40a /3

¹⁰⁰ USS 17 / 79 b / 2. See English translation of this entry in the section entitled “Gypsies as Muslims and Christians ...” in this chapter.

Durmuş b. Pazarlı was most likely a semi-nomadic Gypsy. He was always identified as being from the community of Gypsies, with no further tagging such as attaching a neighborhood or a village name to his identification. It seems that he served his community in several capacities. First of all, he appears to have been a major creditor. He often gave loans using gold (coins).¹⁰¹ Even though he was mostly a creditor to individuals from his own community, there are also instances in which he was involved with individuals from different communities. The court records also suggest that Durmuş b. Pazarlı was involved in administration of his own community. He was appointed as proxy and *naib-i menab* to collect taxes from Gypsies living in Üsküdar.¹⁰² In this capacity, he brought individuals who failed to pay their taxes to the attention of the court. For instance, in 1556, he brought Hasan b. Kayas (?) from the community of Gypsies and accused him of not paying his obligatory tax called *kesim* (more on this tax in the chapter to follow) for the last three years as he was travelling with a group of Gypsies during that time (*üç yıldır kadana ile göçüb konub*). As Hasan b. Kaya did not have an official certificate (*temessük*) to claim otherwise, he was required to pay 50 akçe for each year he was missing.¹⁰³ Furthermore, he brought many individual Gypsies to the court for various transgressions together with other local officials representing imperial authority. For instance, in 1562 he together with the proxy

¹⁰¹ See, for instance, USS 20 / 97b / 3; USS 22 / 42 b / 5

¹⁰² USS 20 / 105 b / 4

¹⁰³ USS 18 / 27 a / 2

of the Üsküdar Subaşı Alagöz Bey b. Abdullah brought Şamli b. Kulfal from the community of the “Crazy Gypsy” (*Deli Çingane tayifesinden*) to the court and accused him of being public intoxication.¹⁰⁴ He also acted as guarantor for criminal suspects (*kefil bi'l-nefs*). In this capacity, his role entailed ensuring that suspects not evade the law by simply disappearing. For instance, in 1550, he provided guarantee for the presence of a Gypsy nicknamed as Poyraz whenever he might be requested by the court.¹⁰⁵

Yet most significantly, he served as a witness in the cases related to Gypsies. In 233 entries that contain at least one Gypsy, Durmuş b. Pazarlı appeared within the ranks of witnesses (*şuhud'ul-hal*) at least ten times if not more.¹⁰⁶ While registering him as a witness, as in the case of many non-Muslims, his Gypsy tag is omitted.

There were two levels at which witnesses served at court: “circumstantial/occurrence witnesses” (*udul-u muslimun*) and “instrumental” (*şuhud'ul-hal*).¹⁰⁷ In the former capacity, they bore witness to happenings or facts

¹⁰⁴ USS 25/ 34 a/ 295

¹⁰⁵ USS 27 / 97 / the last entry.

¹⁰⁶ Examples include USS 15 /51b/5; USS 15/56b/3; USS 17/28b/3; USS17/35b/3; USS 22/50b/2; USS 22/ 51a/1; USS 25/32b/5.

¹⁰⁷ Hülya Canbakal translates “şuhud'ul-hal” as “instrumental witnesses” and *udul-u muslimun* as “circumstantial/occurrence witnesses” Leslie Peirce, on the other hand, prefers to use “case witnesses” for the former. Canbakal, *Ayntab at the End of the Seventeenth-Century: A Study of Notables and Urban Politics* (Ph.D. diss., Harvard University, 1999), 201; Peirce, *Morality Tales*, 97. Following Canbakal, in this study, I use “witnesses” both for *şuhud'ul-hal* and *udul-u muslimun*.

pertaining to a case and spoke often in support of a given litigant, verifying his/her testimonial. Indeed, “*udul* testified for the plaintiff (occasionally, for the defendant) and were introduced by the litigants themselves as “evidence” (*beyyine*).”¹⁰⁸ In the latter capacity, on the other hand, they testified to the soundness of the proceedings as a whole. “Instrumental” witnesses for a particular case were members of the community, usually three or four in number, whose names were consistently inscribed in the court register following the record of the case. Durmuş b. Pazarlı served at court in both of these capacities. For instance, once a Gypsy named Arab b. Kosta denied being bailiff (*kefil bi'l-mal*) for another Gypsy in a credit transaction case. Then Durmuş b. Bazarlı and Koca b. Karagöz (as it is registered in the record both from being the community Gypsies) were brought to the court as witnesses by the defendant, Koçi b. Resul (again from the community of Gypsies) and they substantiated the defendant’s claim.¹⁰⁹ Similarly, as we saw above, once Abdi b. Hasan from the city of Üsküdar brought a Gypsy woman Fatima bt. Abdullah for pick pocketing his money, Koçi b. Çingane was registered among the “righteous Muslims (*udul-u muslimun*).” He along with three other Muslim males substantiated the defendant’s claim by testifying against Fatima bt. Abdullah. It is significant to note that once Koçi b. Çakır was registered among the “righteous Muslims,” his

¹⁰⁸ Ibid., 205.

¹⁰⁹ USS 15 / 93a /1

Gypsiness was not mentioned.¹¹⁰ Nevertheless in the cases in which he came as either litigant or defendant to the court, his Gypsiness is clearly spelled out.¹¹¹

Both Koçi b. Çakır and Durmuş b. Pazarlı sat in the court as witnesses for the cases related to their own community. Whether they also sat as witnesses for other communities is a question that needs to be addressed. As we saw in the *fatwa* of İbn Kemal which I quoted in extenso in Chapter 4, the testimony of Gypsies (along with that of many others) was deemed invalid by the grand mufti. Nevertheless, those Gypsies who pursued a settled life, who were Muslim in creed and were well established in the communities where they lived, occasionally sat as witnesses for cases not necessarily related to Gypsies. My examples on this issue are very few in number at this point yet still significant. For instance, in 1544, Hasan b. Eşref from the village of Viran was brought to the court and confessed that “I have a loan of two hundreds sixty five akçe to be paid back to this Ramazan b. Yakub.” Apparently, Ramazan b. Yakub had inherited this money from his late father, with whom Hasan b. Eşref had a credit relationship. In this inheritance case, Mahmud, a Gypsy, sat among the *şuhud’ul-hal* along with Mesud b. Bayezid, Hüseyin b. Babacık and others.¹¹² Even though those males who served as witnesses along with Mahmud were inscribed into the record

¹¹⁰ See the section “Can Gypsy women speak?” in this chapter for the complete transliteration of this case.

¹¹¹ See, for instance, USS 22 / 47 a /2; USS 22 / 50b / 3; USS 22/ 52b/1

¹¹² USS 13 / 21b / 260

as being only Muslims, in Mahmud's case, the scribe underlined his "ethnicity" by spelling out *kıbtı* (Gypsy) before his name. Notable also is the fact that neither Ramazan b. Yakub nor Hasan b. Eşref seems to have been from the community of Gypsies. Therefore, Mahmud's involvement in the court procedure is interesting and makes one wonder about his status in the community. In a registration entry recorded six years after this inheritance case, we come across Mahmud again. This time the case is related to the taxation of those Gypsies who were registered in Istanbul in the imperial registry but resided in Üsküdar. In this registration, the ways in which Mahmud is registered suggests that he was an important figure in the community, in that he was charged with collecting taxes from Gypsies living in Istanbul and Edirne.¹¹³ Similarly, in a court register from seventeenth century Manisa, we see Cingen Hüseyin (literally Gypsy Hüseyin) among the *şuhud'ul-hal* along with other Muslims in a divorce case between Neslihan bt. Mehmed Çelebi from the neighborhood of Bölücek-i Cedid and Musa b. Ahmed.¹¹⁴ Who was Cingen Hüseyin to testify in a case not related his to own community? Unfortunately, the register provides no further information about either his profession or his wealth. Yet, as I have disclosed in the section on Gypsy women, we come across Cingen Hüseyin's name once his daughter, Fatima, came to the court to register her marriage with Ahmed b. Hüseyin, an adult male from the

¹¹³ USS 17/ 87 a/7

¹¹⁴ MSS 124/ 105 b/ 3

community of Gypsies. Apparently, Cingen Huseyin and his family were settled Muslim Gypsies living in the neighborhood of Bektaş in the city of Manisa. The rather high amount of *mihr-i müeccel* along with other household items offered to his daughter Fatima by her husband as a dowry might be indicative of the family's status in the community.¹¹⁵

This discussion suggests that not all Gypsies were considered as “evil doers,” as represented in the dream of Mehmed Agha and many other accessible narratives available from the period. As Leslie Pierce states: “bearing witness in court was fundamental both to the court’s structure and to the legal processes it authorized. It was also an important marker of the individual’s membership in local civil society.”¹¹⁶ As many examples I disclose from the court suggest, that some Gypsies were well-established in terms of wealth and social status in their own communities, while some of them even proved sufficiently morally upright to sit as witnesses in cases involving the broader Muslim community.

¹¹⁵ MSS/ 124/ 113 b / 4 and 114 b / 1 . See ff. 66 above for further on this.

¹¹⁶ Peirce, *Morality Tales*, 177.

CHAPTER VII
**ADMINISTERING A “COMMUNITY IN MOTION”: GYPSIES IN OTTOMAN
STATE POLICY**

Objective

From the early sixteenth century to just after World War I, the Ottoman authorities managed to govern a veritable kaleidoscope of ethnicities, political institutions, legal traditions, and religious groups. Muslims of Sunni, Shi'a and many Sufi beliefs; Islamicate sects such as the Alawis, and Druze; a variety of Christian denominations, including Orthodox, Catholic, Nestorian, and Coptic; Jewish groups and Zoroastrians; and mobile communities such as Gypsies, Yoruks and Kurds; all these had carved out niches for themselves in the Ottoman Empire. How the Ottomans managed to govern this vast array of peoples for a period stretching over more than six centuries, has been the object of analysis for many Ottomanists.

Up until very recently, the historiography on the management of diversity in the Ottoman Empire has presented us with two antithetical arguments: According to the first argument, which has mainly flourished in the national historiographies of the former Ottoman provinces and in the discourse of Western travelers to the Orient, Ottomans (here I specifically refer to the ruling class) were represented as “Terrible Turks” who colonized the Balkans, the modern-day Middle East and North Africa and persecuted various non-Muslim communities as well as their “heretical” Muslim brothers. In the second argument, however, the pendulum swings to the other extreme and this time the Ottomans were

constructed as “Tolerant Turks” who permitted non-Muslim communities to live side by side with Muslims as long as they accepted the supremacy of Islam and primacy of the Muslims. They not only made it possible for the non-Muslims to practice their religions – albeit with certain restrictions – but also permitted them to be independent in administering the internal affairs of their communities. Hence, one of the long-held paradigms of modern Ottoman historiography, the millet “system,” was constructed to make sense of this —supposedly—*laissez faire* policy of the Ottomans towards the non-Muslims. However, recent studies on various communities of the Ottoman Empire demonstrate that the Ottomans were neither always persecuting nor always tolerant. How various communities – religious, ethnic, professional, rural, settled and mobile – were indeed ruled over such a long period of time is much more complicated than these two contrary arguments suggest.

Scholars generally explain the durability, longevity and virtual absence of “major” communal conflicts that we might conceptualize as “persecuting society” in the Ottoman Empire by underlining three related features: 1) the incorporation, accommodation and adoption of local practices of the conquered territories (in the Ottoman lexicon, *istimalet*); 2) the recognition and acceptance of “difference;” which eventually led to the construction of fluid rather than fixed and impermeable categories within Ottoman society as well as symbiotic relationships among various communities; and 3) pragmatic rule and heterogeneous policies. These three features can indeed be read in the ways in which the Ottoman state

dealt with the Gypsies in the sixteenth century Balkans and Anatolia, a subject that I will explore in this chapter. Nevertheless, in this chapter, I shall apply certain limits to the chronological and territorial boundaries within the material under study. That is to say, while exploring how the Ottoman Imperial state dealt with what I call “community in motion” at various levels, I will take only two temporal zones, namely the sixteenth and the late nineteenth century into consideration. The reason behind this approach is to demonstrate certain shifts and continuities the ways in which Gypsies were administered. Furthermore, I will, for the most part, look at how the state administrated Gypsies living in the Ottoman Balkans for the simple reason that we have more sources that reveal the state’s engagement with Gypsies living in the Balkans than in Anatolia.

This chapter partly builds upon my earlier work on the subject. I have used the same sources but attempt here to read them in a different way, which will eventually lead to a reconsideration of my previous arguments. Furthermore, in my earlier work, I had not explored the Ottoman state’s attitudes towards Gypsies living in the Anatolian provinces of the Empire. What has changed is my discovery of the two *kanunnames* copied in the court records of Üsküdar that address the taxation of Gypsies in living in those provinces. Moreover, unlike my earlier works, this chapter considers continuities and ruptures on the part of the Ottoman imperial state governing Gypsies by looking at the late sixteenth century. For the nineteenth century, my analysis is primarily based upon a *layiha* (memorandum) written by Muallim Sadi, a college professor in Serez/ Siroz. This

particular text offers a wealth of information about the social and economic standing of (Muslim) Gypsies – categorized in the text as both Muslim and Christian; settled and nomadic; men and women – as well as their religious and moral milieu, as seen through the eyes of an educated provincial bureaucrat.¹ Furthermore, inasmuch as it is a memorandum addressed to the imperial center, it includes suggestions on how to “correct” the faith of the Muslim Gypsies and improve (*ıslah*) their socioeconomic and legal status. This memorandum is also supported by some documents found in BOA (Başbakanlık Osmanlı Arşivi).

Part I: Gypsies and the Ottoman Imperial State in the Sixteenth Century

Gypsies in Anatolian Provinces of the Empire

Enver Şerifgil in his work on sixteenth century Gypsies on Rumelia declares that he has gone through all the major *tahrir* registers of the provinces of Anadolu, Karaman, Rum-ı kadim, Rum-ı Hadis, Dulkadır and Amid (the region roughly corresponding with modern day Turkey’s Anatolian part), yet he did not come across any evidence of the significant number of Gypsies there nor of an administrative organization similar to one found in the Balkans. Nor do the court records of Üsküdar suggest existence of such an organization as far as Anatolian provinces of the Empire are concerned. Three suggestions can be made to explain this difference: 1) Compared to those Gypsies living in Rumelia, the number of

¹ This document can be found in Başbakanlık Osmanlı Arşivi, Y. MTV. Dosya No: 47, Gömlek No: 180. In subsequent citations, it will be abbreviated as BOA Y. MTV 47 180.

Gypsies living in Anatolia might have been less significant. 2) Most of the Gypsies living in Anatolia might have been nomadic and thus may have gone unregistered most of the time. 3) The Balkans' strategic importance closer to the frontier, must have required a different administrative apparatus to rule mobile communities.

In the court records of Üsküdar that this study is based upon, there exist several imperial edicts concerning the taxation of Gypsies living in different parts of Anatolia.² What emerges from these edicts is that Gypsies were always categorized with freed slaves (*azadegan*) and nomadic infidels (*yave kafirler*) in terms of taxation. The imperial official who tasked with collecting taxes from Gypsies (*kıptiyan taifesi*) was at the same time entitled to collect the taxes of freed slaves and nomadic infidels. Once these edicts are closely read, what emerges is a fascinating ingenuity demonstrated by Gypsies and those categorized with them to escape taxation. Taxation of Gypsies, indeed taxation of Muslim Gypsies by the Ottoman imperial state is a point of contestation among the few scholars who has written on the subject and I will come to this later in the chapter. But first let's look at how were the Gypsies living in the sixteenth century İstanbul and Rumelia managed by the imperial state.

² USS 11 / 41 a / 8; USS 29/ 176 a / 1; USS 15 / 138 a / 3 ; USS 15/ 138b/ 2; The two imperial edicts found in USS 15 published by Akgündüz, *Osmanlı kanunnâmeleri ve hukukî tahlilleri.*, vol.. V, (İstanbul: Fey Vakfı, 1990), 46-52.

***The Liva-i çingane* or sub-province of Gypsies: A Reassessment**

In the Ottoman provincial administration, the *liva* or *sancak* was used to designate “a district encompassing, at rough estimate, an area of several thousand square miles and a population perhaps a hundred thousand on the average.”³ On the other hand — despite their fragmentary nature — the sources suggest that the *liva-i çingane* or *çingane sancağı* (sub-province of Gypsies) was not a geographical entity. Rather, it was a political and administrative division that was formed for the organization of the Gypsies in Edirne, Istanbul and the rest of Rumelia likely at the end of the fifteenth or the beginning of the sixteenth century.⁴ As the *Law of the Gypsies of Rumelia* (*Kanunname-i Kiptiyan-i Vilayet-i Rumeli*) indicates, Muslim and non-Muslim Gypsies, whether settled or nomadic, were attached to this administrative sub-province.⁵ The head of the sub-province

³ Metin Kunt, *The Sultan's Servants: The Transformation of Ottoman Provincial Government 1550-1650* (New York: Columbia University Press, 1983), 14.

⁴ On this question compare for instance M. Tayyib Gökbilgin, “Çingeneler,” *İslam Ansiklopedisi*, III: 423; Mithat Sertoğlu, *Resimli Osmanlı Ansiklopedisi* (Istanbul: İstanbul Matbaası, 1958), 68-69; Şerifgil, 129-135; İsmail Haşim Altınöz, “Osmanlı Toplumunda Çingeneler,” *Tarih ve Toplum* 137 (May 1995): 27; idem, “Osmanlı Toplum Yapısı İçinde Çingeneler,” *Türkler* Vol. X. (Ankara: Yeni Türkiye Yayınları, 2002), 429-430; Marushiakova and Popov, *Gypsies in the Ottoman Empire*, 35.

⁵ Akgündüz, *Osmanlı Kanunnameleri ve Hukuki Tahlilleri*, vol. 6 (2), 512-513.

was made responsible for collecting the taxes from the Gypsy community and for the organization of its relations with the state.⁶

The above discussion suggests that Ottoman bureaucrats had classified Gypsies according to their “ethnicity”⁷ and created an administrative category distinct to them. But how can we explain this phenomenon? What was the rationale behind the creation of the *liva-i çingane*? Was it to marginalize the Gypsies or to accommodate them within the system? Unlike in my previous work, I am inclined to see this phenomenon more as an act of accommodation than of marginalization.⁸ *Liva-i çingane* was a parallel *millet* category, i.e. it was an administrative rather than a spatial or geographical unit and was based on “ethnic” as opposed to religious affiliation. Gypsy beliefs were syncretic in nature, making it difficult for Ottoman bureaucrats to categorize them along confessional lines. Thus, it seems as though the ruling elite of the period came up with an alternative category parallel to the *millet* structure in order to accommodate the Gypsies. It should be added, however, that this arrangement was also convenient to the fiscal

⁶ Ibid. See also Sertoğlu, 68-69.

⁷ This “ethnicity” that I am emphasizing here is different from the political ethnicity that we know of in modernity. Further on this, see Chapter 1.

⁸ In my previous studies I have evaluated this phenomenon as an administrative segregation. I owe my deepest gratitude to Dana Sajdi for discussing this issue repeatedly and directing me towards this analysis. For my previous views on the subject see Faika Çelik, “Limits of Tolerance: The Status of Gypsies in the Ottoman Empire,” *Studies in Contemporary Islam* 5.1-2 (2003): 161-182; idem, “Exploring Marginality in the Ottoman Empire: Gypsies or People of Malice (*ehl-i fesad*) as Viewed by the Ottomans,” *European University Institute Working Papers*. No. 2004 / 39.

needs of the state. Instead of outlawing Gypsies as moral misfits, the state gave them an extra-*millet* status, outside the most common arrangement, and adapted its system to include them within the Empire's social and administrative framework (thereby ensuring that taxes due to the state were paid). In addition to these efforts, there is other evidence of the state's willingness to adapt to the Gypsies. One *kanun* issued in the time of Mehmed II states:

When the poll tax of the said Gypsies is collected, the judges of every administrative unit should appoint a trustworthy person who is useful to them [the Gypsies]. Migrating with [the Gypsies], he should collect their poll tax and provide proof of this; should the Gypsies dispute it later on, they should have a title deed. He should take the poll tax of each Gypsy, record this in the annals and remove their names from the register after they pay their poll tax.⁹

This suggests that the state adapted to the differences in the Gypsies' lifestyle. Instead of ordering them to settle, the state used a mobile tax collector. This policy seems to have continued with some modifications into the sixteenth century as well. As reflected in the other *kanuns* of the period, the state sent tax collectors to the Gypsies, but made Gypsy leaders and community members responsible for finding defaulting Gypsies on penalty of themselves having to pay the poll-tax in their place. Nevertheless, this is not to suggest that Gypsies' mobile life style was always accommodated. Not only in the *kanunnames* of the period but also in the *mühimme* registers, we see various examples in which Gypsies' movements were either restricted or they faced other forms of punishment such as

⁹ Akgündüz, *Osmanlı Kanunnameleri ve Hukuki Tahlilleri*, Vol. 1, 398

banishment from the neighborhoods and villages, being imprisoned or sent to the imperial galleys to do compulsory work. However, these punishments were imposed upon Gypsies once they were convicted of causing public and moral disorder in various urban and rural communities. For instance, an article in the criminal code of Sultan Süleyman I informs and commands that:

Some gypsies are not settled in small towns or villages and do not go peaceably about [their] business, but arm themselves, mount on the horseback and roam the villages and countryside, oppressing and wronging the peasants. These [offenders] have since ancient times been called (?). *As an old kanun prescribes . . .* such mischief makers shall be expelled and driven from the country.¹⁰

Nevertheless, as we saw in Chapter 3, if they went peacefully about and stayed in their own judicial districts during period of imperial tax collection and migrated within the boundaries they were assigned, then their movement was allowed and indeed protected as in other mobile communities living in the Ottoman Empire.¹¹

The accommodation of the Gypsies by the state even extended to those Gypsies who were engaged in prostitution. The wording of *The Law of the Gypsies of Rumelia*, promulgated in 1530, is worth noting in this regard. In it, the sultan commands that “the Gypsies of Rumelia, İstanbul, Edirne, Filibe, and Sofya pay, every month, one hundred *akçes* as tax (*kesim*) for their wives who are

¹⁰Uriel Heyd, *Studies in Old Ottoman Criminal Law*, ed. V. L. Menage (Oxford: Clarendon Press, 1973), 120. The italics, except for those of *kanun*, are mine.

¹¹ For other communities see Reşat Kasaba, *A Moveable Empire: Ottoman Nomads, Migrants, and Refugees*. (Seattle: University of Washington Press, 2009)

involved in unlawful sexual intercourse [as commerce] (*na meşru fiile mübaşeret iden*),”¹² indirectly suggesting that some Gypsy women were associated with prostitution that the state wanted to tax this activity. The relatively high amount of the tax further indicates that the law referred to women who made a living from this trade of vice.¹³ According to the sharia, prostitution is a *zina* crime, the punishment for which is one hundred lashes for an unmarried culprit and stoning to death for a married offender.¹⁴ However, research on court records from different landscapes suggests that women who engaged in prostitution whether Muslim or non-Muslim or a Gypsy were rarely sentenced to corporal punishment in the Ottoman Empire. Rather, other forms of punishment, such as banishment from the neighborhoods, fines, or jail sentences, were applied in most cases.¹⁵

However, all this is not to suggest that the Ottoman state policy *vis a vis* Gypsies was uniform and that ruling authorities had only a singular and monolithic view of Gypsies and that they always sought to adopt or accommodate them within the system without imposing certain liabilities due to their mobile and hybrid lifestyles. The ways in which (Muslim) Gypsies were taxed and employed within the imperial army are two areas that demonstrate the early

¹²Akgündüz, *Osmanlı Kanunnameleri ve Hukuki Tahlilleri*, vol. 6 (2), 512.

¹³Marushiakova and Popov, *Gypsies in the Ottoman Empire*, 45.

¹⁴ Elyse Semerdjian, *"Off the Straight Path": Illicit Sex, Law, and Community in Ottoman Aleppo* (Syracuse, N.Y.: Syracuse University Press, 2008), 70.

¹⁵ The literature on prostitution in the Ottoman Empire is growing and I enumerated some of the landmarks in Chapter I.

modern Ottoman imperial ruling elite's visions of the Gypsies and multiple trends in administrating a "community in motion."

Were *Muslim* Gypsies paying *cizye* (poll-tax)?

As stated earlier, Rumelian Gypsies, Muslim and non-Muslim, settled and nomadic, were attached in the sixteenth century to the same administrative unit, i.e., the Gypsy *sancak*. Yet as the *kanuns* suggest, their obligations to the state — the most important being that of paying taxes — were different. *The Law of the Gypsies of Rumelia* spells this out in detail:

Muslim Gypsies (*müslüman çinganeler*) of Istanbul, Edirne and other places in Rumeli must pay twenty-two *akçes* tax (*resm*) for each household and for each bachelor. Infidel Gypsies (*kafir çingeneler*) will pay twenty-five *akçes* poll tax (*ispenç*) for each household and for each bachelor. As for their widows, they are to pay six *akçes* in tax (*resm*).¹⁶

However, Muslim Gypsies could only benefit from the lower rate of taxation so long as they did not intermingle with non-Muslim Gypsies. Otherwise, they were required to pay the higher poll tax and were subject to punishment as well.¹⁷

Indeed, the basis of this regulation can be found in *The Decree on the Number of*

¹⁶ Akgündüz, *Osmanlı Kanunnameleri ve Hukuki Tahlilleri*, vol. 6 (2), 512.

¹⁷ Ibid., 513. The kanun reads "Ve müslüman cingeneleri kafir cingeneleri ile göçüb konıcak ve ihtilat edecek kınanub tedib olundukdan sonra kafir cingeneleri resmin eda eder." "

Sheep of the Turks in Rumelia of issued by Sultan Mehmed the Conqueror, which commands that

[A] Gypsy who becomes Muslim (*müslüman olan çingene*) should not reside with an infidel [Gypsy], but should intermingle with the Muslim [Gypsies]. However, if he continues to reside [with infidel Gypsies] and does not intermingle with the Muslims, then detain him and collect his poll tax.¹⁸

Yet when we read these *kanunnames* even closely through paying attention the ways in which Gypsies were registered, we see much more than just regulation of their taxation and the amount they were obliged to pay. First of all, those Gypsies who identify themselves as Muslim were always tagged as “Muslim Gypsies” (*Müslüman Çingene*) in the imperial edicts and *kanunname* — as opposed to being just Muslim which was the common formula used to designate *most* of the Muslims living within the boundaries of the Empire,¹⁹ thereby singling out their mobile lifestyles and fluid religious orientations. By

¹⁸ Akgündüz, *Osmanlı Kanunnameleri ve Hukuki Tahlilleri*, vol. 1, 398.

¹⁹ In addition to Gypsies, others within the Muslim community were differentiated, as well. “For example, after the sixteenth century, those who belonged to the Twelver branch of the Shi’i Islam, known as *Alevi* (or Alawite), were identified as *Kızılbaş* (red-head) in reference to their defection to and service under the Shah of Iran in specially designated troops that were distinguished with their red caps. If a person or a group of people belonged to a religious order or ethnic group, such as the *Kızılbaş*, *Yezidis*, or the Kurds, which had the potential of undermining Ottoman authority, the official documents took care to specify this fact when they mentioned that person or the group, or even their village.” Reşat Kasaba, “Do States Always Favor Stasis? The Changing Status of Tribes in the Ottoman Empire,” in *Boundaries and Belonging States and Societies in the Struggle to Shape Identities and Local Practices*, edited by Joel S. Migdal (Cambridge:Cambridge University Press, 2004), 32

underlying their ‘Gypsiness’ and preventing them from intermingling with infidel Gypsies, the imperial state here seems to ask implicitly that those who claim to be Muslims should “normalize” within the Muslim community. That is, become observant of the Muslim way of life. Yet it appears that even though some Gypsies claimed to have become Muslims, they did not obey the sharia in the eyes of the ruling elite because they “migrated with their women” and “did not desist from relations with infidel Gypsies.”²⁰

As illustrated in the above excerpts, the *kanuns* always make a distinction between Muslim and non-Muslim Gypsies when regulating their taxation. While the amount paid by the non-Muslims was called *haraç*, *cizye* or *ispençe*, the amount paid by the Muslims was invariably called *kesm* or *resm*.²¹ Nevertheless, notwithstanding different designations, there seemed to exist not much of a

²⁰ Akgündüz, *Osmanlı Kanunnameleri ve Hukuki Tahlilleri*, vol. 1, 398. See especially articles 1, 3 and 4.

²¹ In Ottoman usage the *haraç* refers to: (1) *cizye* or poll tax levied upon non-Muslim subjects of the Empire; (2) a combined land–peasant tax imposed upon non-Muslim subjects farming the state-owned agricultural land; (3) tribute in general; (4) a tribute paid by a non-Muslim state to an Islamic state. Halil İnalcık and Donald Quataert (eds), *An Economic and Social History of the Ottoman Empire* (Cambridge: Cambridge University Press, 1994), Vol. I, xlvii; Cengiz Orhonlu, “Kharadj,” in *The Encyclopedia of Islam*, 4, 1053–5; Halil İnalcık, “Djizya,” in *The Encyclopedia of Islam*, 2: 562–6. The term *ispençe* refers to a customary tax imposed upon adult non-Muslim subjects. In Ottoman bureaucracy, it was considered as a poll tax paid to the *timariot*. The origin of the term goes back to pre-Ottoman Serbia where it was levied as a poll tax paid to a feudal lord. Thus, the Ottomans maintained this practice and included it in *timar* revenue. Halil İnalcık, “İspendje,” in *The Encyclopedia of Islam*, 4: 211. *Kesm* or *kesim* refers to: (1) a fixed or agreed price; (2) a kind of tax paid instead of *öşür* (tithe). The term *resm* here refers to due taxes. Mehmet Zeki Pakalın, *Osmanlı Tarih Deyimleri ve Terimleri Sözlüğü* (Istanbul: Millî Eğitim Basımevi, 1946-1956), vol. 2, 248-249; vol. 3, 28-29.

difference between the amount of tax paid respectively by Muslim and non-Muslim Gypsies. How can we explain this policy? Were the Ottoman authorities discriminating against Muslim Gypsies by taxing them excessively?

Relying mainly upon the court records of eighteenth-century Ottoman Salonika, Eyal Ginio argues that Muslim Gypsies were even subject to poll-tax (*cizye*) in the Ottoman Balkans. Nevertheless, the amount of the poll-tax that Muslim Gypsies paid was less than that paid by non-Muslim Gypsies. Ginio acknowledges that “the scribes named the tax imposed upon the Muslim Gypsies as *bedel-i mektu*’ – that is to say, ‘the equivalent of the fixed tax.’”²² However, he contends that this was in fact a poll-tax and that *bedel-i mektu*’ was just a semantic device used to legitimize imposing the poll-tax upon a Muslim group.²³ To Ginio, the root cause of this discriminatory policy is to be sought not in Gypsies’ otherness — the dominant explanation in the field — but in the local customs that prevailed in the area before the Ottomans.²⁴ Evidence suggests the poll-tax was levied on Gypsies in the region before the Ottomans.²⁵ Furthermore, Machiel Kiel, working on the Ottoman Balkans, demonstrates that “the Ottomans continued to levy pre-Ottoman and local poll-taxes by renaming them as *cizye* in

²² Ginio, 130.

²³ Ibid.

²⁴ Ibid., 130-131.

²⁵ George Soulis, who works on Balkan Gypsies during the period of Byzantine and Venetian rule, demonstrates that Gypsies were obliged to pay a special poll-tax under the Venetians. Quoted in *ibid.*, 131.

the region.²⁶ Following Kiel, Ginio argues that “the Gypsy poll tax supplied the state with significant revenues... It is quite clear, then, why the state was inclined to maintain this tax and continue to its collection. The authorities circumvented the legal problem of levying a poll tax from Muslims by designating a different term that was devoid of the original religious meaning. Its essence, however, remained the same.”²⁷

Following the argument put forward by Eyal Gino, is it possible to read *kesim* as a discursive legal device to get around imposing poll-tax on a Muslim group? Any plausible answer to this question is not straightforward. There are at least three interrelated reasons behind that. First of all, *kesim* has multiple usages in Ottoman lexicon of taxation. Secondly, it is difficult to examine local customs before the Ottoman on the taxation of Gypsies in different regions of the Ottoman Empire unless there exist micro historical studies for the region under scrutiny. Thirdly, we see substantial transformations in the ways in which the land and its canonical taxes were defined in different temporal and spatial context. Indeed, shifts in the way that the land and its taxation were defined in the long span of Ottoman rule, constitutes an object of analysis by itself and so it is beyond the parameters of this dissertation. Therefore, my remarks on this very complicated field of inquiry are rather cursory.

²⁶ Quoted in *ibid.*

²⁷ *Ibid.*

According to Pakalın, *kesim* is a fixed amount paid in cash by the people of the other side of the Tuna River, Iraq and Basra for all the taxes that is due on them. Furthermore, it is also taken as a fixed amount paid in cash (*maktuan*) from some vineyards, orchards and date fields. For Pakalın, the latter usage of the term is very much similar to the *öşür* (tithe). Yet another usage of *kesim*, as we saw in the case of those Gypsy women who engaged in immoral acts, is related to the fines. In this sense, *kesim* refers to a fine paid in advance of an offense in the form of a regular tax. Halil İnalcık yet adds another meaning to the term. According to him, one of the meanings of the *kesim* is indeed identical to the term *mukataa* or “the act of renting out a source of income by the state to a private individual. In the general sense this is farming out, or *iltizam*.”²⁸

Yet another usage of *kesim* found in an imperial edict in USS 15 suggests that *kesim* might be a discursive strategy devoid of religious meaning but functioning in a manner very much similar to the *haraç* taken from *Muslims*.²⁹ The edict was issued in 1543 and addressed to honorable judges of Karaman and Trabzon in Anatolia. It maps out various maneuvers of Gypsies to escape taxation and how these maneuvers harmed the collection of the state revenue. According to the edict, when the tax officers demanded *kesim* and *haraç* from some Gypsies,

²⁸ Halil İnalcık, "Village, Peasant and Empire," *The Middle East and the Balkans under the Ottoman Empire*, edited by Halil İnalcık (Bloomington: Indiana University Turkish Studies, 1993), 145.

²⁹ USS 15/ 138b/ 2

they often used following tactics to resist: First of all, some of them claimed that “our names are not recorded in the (imperial) register (*bizim ismimiz defterde mukayyed değildir*).” Yet others claimed that “[we have already paid our taxes but] left our certification of payment in such and such place (*bizüm temessükümüz filan yerde koduk*). Yet others argue that “we are settled and live in such and such neighborhoods so we pay *avarız* (*biz mahallatda sakin olup avarız virürüz*).” Therefore, they abstain from paying their *kesim*. About this latter point, the Sultan reminds the tax collectors that in the past an imperial edict was issued against Gypsies’ *avarız* claims and informs and commands them that “community of Gypsies is in my *hass* and they are not considered among the households paying *avarız* so you should not believe their statement that we are settled / live in neighborhoods so we pay *avarız* but take their *kesims* (*bazı çinganeler dahi biz mahallatda sakin olup avarız virürüz deyu niza edüb kesimlerin virmemek isterler ma'a-haza çingane tayifesi hane-i avarızdan olmayup benim hassımdır mahallatda sakin olup avarız virürüz didiklerine amel etmeyüb kesimlerin alasz*).³⁰ Nevertheless, what emerges from imperial edict is that despite the existence of an imperial decree in the past regarding this point, some judges apparently did not follow this edict and gave certificates to some Gypsies stating that “it is not permissible (*caiz*) to demand *kesim* from those Gypsies who are Muslims (*vilayet kadıları çingane eline birer hüccet virmişlerdür çinganenin*

³⁰ Ibid.

Müslümanlarından kesim taleb olunmak caiz değildir deyu).”³¹ According to the Sultan, by doing this, they harmed the state revenue. Accordingly, the Sultan commands tax collectors that

You should go and investigate those Gypsies who are settled (*mahallatda sakin olanları göresiz*) and do not take any action contrary to the this imperial order and if those who are settled are from those Anatolian Gypsies who are entitled to pay *kesim* (*Anadolu'nun kesimli çingânelerinden ise*), then take *kesim* from those in a similar amount those Muslim Gypsies who have been paying *kesim* in Anatolia or other places. Furthermore, if a Gypsy becomes Muslim, this does not mean that collection of *kesim* is to cease (*çingane Müslüman olmağla kesim olunmamak lazım gelmez*).³²

The ways in which *kesim* is used in this text suggests that it might be read as *haraç* taken from the Muslims unlawfully. Nevertheless, Ahmet Akgündüz disagrees with that.³³ According to him, what is at stake in this kanunname is not Gypsies’ conversion to Islam hence Ottomans’ “unfair” taxation of them against the sharia but rather the status of the land itself. According to him, if the land which a subject resides on is considered to be *haracılı*, he is being of Muslim or conversion to Islam does not change his tax-paying status. Akgündüz does not disclose his source for this conclusion. However, on the basis of recent scholarship on the types of landholding and taxation, it is not inappropriate to

³¹ Ibid.

³² Ibid.

³³ Akgündüz, *Osmanlı Kanunnameleri ve Hukuki Tahlilleri*, vol. 5 (2), 46.

suggest that Akgündüz here follows Ebussuud's formulation of taxation of various land holding patterns.

Recent works reveals that the grand mufti Ebussuud reinterpreted the existing Ottoman state laws and sought to reconcile the state's law on land taxation with the prescriptions of the sharia in the sixteenth century.³⁴ According to him, in accordance with the sharia, there are three categories of land in the Islamic territories. The first is the tithe lands (*öşür*) which are granted to the Muslims as their private property (*mülk*). Such land is legally their freehold property, to dispose of as they wish in the same manner as the rest of their properties. Because it is against the sharia to subject the Muslims to *haraç* at the beginning [i. e., at the time of the conquest] only the tithe is imposed [as the land tax]. They cultivate the land and pay tithes out of the grain which they harvest. Lands in the Hejaz and Basra are of this category. The second category is *haraci* lands, those which were left in the hands of the unbelievers at the time of the conquest. Tithe is imposed on these lands at the rate of one tenth, one-eighth, one-seventh or one-sixth, up to one-half, depending on the fertility of the soil. This is

³⁴ My discussion here on taxation and land is based upon C. Imber, *Ebu's-su'ud: The Islamic Legal Tradition* (Stanford 1997), 123-125.; Halil İnalcık, , 'Islamization of Ottoman Laws on Land and Land Tax,' in *Essays in Ottoman History* (Istanbul 1998), 155-169; idem, Halil İnalcık, "Village, Peasant and Empire," *The Middle East and the Balkans under the Ottoman Empire*, edited by Halil İnalcık (Bloomington: Indiana University Turkish Studies, 1993) 137-160; Eugenia Kermeli, "Caught in between Faith And Cash: The Ottoman Land System of Crete, 1645-1670, " in *The Eastern Mediterranean under Ottoman Rule: Crete 1645–1840* , edited by A. Anastasopoulos (Crete 2008), 1-32.

called *harac-ı mukaseme*. In addition, they are subject to pay annually a fixed amount of money which is called *harac-ı muvazzaf*. This category of lands, too, is considered the legal freehold property (*mülk*) of their possessors, which they may sell and purchase, or dispose of in any kind of transaction. Likewise, those who purchase such lands may cultivate them and must pay the *haraç* due in both its forms of *mukaseme* and *muvazzaf*. If the purchasers are Muslims, the two kinds of *harac* which were paid by the unbelievers do not lapse; the new owners, too, must render them in full. There is a third category of land which is neither *öşri* nor *haraci* of the type explained above. This is called *arz-ı memleke*. Originally it, too, was *haraci*, but its *dominium eminens* (*rakaba*) is retained for the public treasury because, were it to be granted as private property to its possessors, it would be divided among his heirs, and since a small part would devolve on each one, it would be extremely difficult, perhaps impossible, to determine the share of *haraç* tax to be paid by each in proportion to the land in his possession. Therefore, such lands are given to the peasants on a lease (*ariye*). It is ordered that they cultivate them as fields, or make them into vineyards, orchards or vegetable gardens, and render *harac-ı mukaseme* and *harac-ı muvazzaf* of the harvest.

What is significant in Ebussud's reinterpretation of Ottoman land regime is his insistence on the *haraci* character of the *miri* land.³⁵ Making a general rule he asserts that "all *miri* lands are *haraci*," so that tithes (*öşür*) are in fact *harac-ı*

³⁵ Halil İnalcık, "Village, Peasant and Empire," 137-160.

mukaseme. While the land in the towns, he asserts, are freehold (*mülk*), the cultivated fields surrounding the villages are *miri* lands which cannot be sold, donated, or endowed as waqf. The implication of this transformation for Eugenia Kermeli is that “Ebussuud, by identifying the *öşür* (tithe) as *harac-ı mukaseme* and the *çift* tax as *harac-ı muvazzaf*, not only set “pious Muslim tax payers forced otherwise to pay uncanonical taxes,” but also benefited the Sultan’s revenues by increasing the percentages of taxation.”³⁶ Of particular interest is his statement that some judges who were unaware of the *miri* status of certain types of land were issuing documents legalizing the freehold rights on such lands, and that this malpractice had become so widespread that it threatened the entire order.

On the basis of the above explanation then the tax paid by the Gypsies denoted as *kesim* in the imperial decree might have been read as annual payment of a fixed amount of money – which in the legal discourse was termed as *the harac-ı mukaseme* and *harac-ı muvazzaf* – as a tax from the *haraci* lands including the lands in *miri* domain. Of particular interest in the imperial edict is a statement made by the Sultan that “community of Gypsies is not considered among the households obliged to pay hardship tax but rather they are my *hass* (*çingane tayifesi hane-i avarızdan olmayup benim hassımdır*).” Considering the fact that *hass* lands are within the category of *miri* land, then, following the

³⁶Eugenia Kermeli, “Caught in between faith and cash,”⁴

Ebussud's formulation, what the Sultan was asking from Muslim Gypsies -- whether for cultivating land or migrating within -- was not "unlawful."

Nevertheless, evidence from seventeenth century suggests that Ottomans asked for *cizye* from the Muslim Gypsies. In an imperial decree found in the Üsküdar court records dating to the early seventeenth century and addressing the governor of Anatolia, the Sultan orders that "from the community of Gypsies (*kıbtıyan taifesinden*), [you should] take 150 *akçe* as poll-tax (*cizye*) from those who have Muslim names (*müslüman namına olanlardan*) and 200 *akçe* from those who have "infidel" names (*kafir namına olanlarından*)."³⁷ Similarly, Altınöz unearths an imperial edict from the reign of Mehmed III (1595-1603) addressing the governors of Hüdavendigâr, Biga ve Karesi sub-provinces and informing them that "the community of Gypsies abstains from paying the poll-tax. Hence the Sultan orders that 150 *akçe* should be taken as a poll-tax from those Gypsies who have Muslim names."³⁸

Despite the existence of such decrees, however, it is still difficult to straightforwardly argue that Ottomans collected poll-tax from *all* Gypsies who professed to be Muslims in practice. Some cases found in the court records attest to this fact. The first case is related by Maruishakova and Popov. It is recorded in

³⁷ USS 142 / 34 b / 140. This register is transliterated by Arif Bilgin, "İstanbul Müftülüğü Şer'iyye Sicili Üsküdar Mahkemesi 142 nolu Feramin ve Hücet Defterine Gore (1622- 1623) Osmanlı Ekonomisi" (Master's thesis, İstanbul Üniversitesi, 1994).

³⁸ TSMA, E.11787 as quoted in Altınöz, "Osmanlı Toplumunda Çingeneler," 208.

the seventeenth century court records of Sarajevo. In 1693, a Gypsy named Selim, son of Osman, a baker came to the court and petitioned that he should be exempted the payment of poll-tax “as an infidel”. At the court, he stated that:

I am the son of a Muslim and I am a Muslim. I live in a Muslim quarter and along with my co-residents pay the tithe when I can manage it. Moreover, along with the Muslims I pray five times a day and send my children to the religious school to learn the Koran along with the rest of the children. I work on my baking orders and my lawful wife avoids strangers...³⁹

Mariushkova and Popov do not provide any citation for this court case. Nevertheless, they state that along with this request Selim b. Osman apparently submitted “his wedding certificate as well as a circular letter [mostly likely an imperial decree] dealing with the payment of taxes by Muslims.”⁴⁰ After having heard Selim b. Osman and careful examination of his enclosed documents, the judge decided that Selim b. Osman should be exempted from paying poll-tax. Similarly, Hacı Hasan b. Mustafa from the community of the Karaoğlan Çeribaşı, a Gypsy community residing in Edirne, was exempted from paying poll-tax because he had recently gone on pilgrimage to Makkah and had become a *haccü’l-haremeyn* and thus was decreed a good Muslim (*ehl-i sünnet ve’l-cemaat*).⁴¹

³⁹ Marushiakova and Popov 2001: 47.

⁴⁰ Ibid.

⁴¹ BOA, İbnü’l-Emin/İE-Maliye, nr.3345

Though presently, very few in number, these cases including the one published by Ginio himself, demonstrate that once Gypsies were settled and assimilated into the urban / settled culture and their conversion to Islam their “good-Muslim” status were confirmed by the neighborhood residents, then most of the time, the judge or the Sultan himself in responding their petitions acknowledged their right not to pay the poll-tax as a Muslim. Furthermore, these cases are not only significant for unearthing the “voice” of Gypsies themselves but also how they represented themselves as being “ good” or practicing Muslims in order to resist unjust taxation. Furthermore, even though we are unable to see the documents provided by Selim b. Osman to the court to substantiate his claims, existence of these documents as enclosed suggests that some of the Gypsies were indeed very much aware of the law and court processes and used necessary means to turn the case in their favor.

Taxation and Resistance

Unfair taxation seems to be one of the reasons why Gypsies used the channels of Ottoman judicial system. In the court records of Üsküdar, there are several examples in which Gypsies used the local court to get a certificate (*temessük*) confirming that they had paid their taxes elsewhere so they should not be harassed by the collectors while they were in Üsküdar.⁴² Similarly, there are various examples that reveal Gypsies’ usage of imperial court to petition against

⁴² See for instance USS 17 / 79 b/ 2 ; USS 17 / 87 a /7

the unfair and excessive taxation.⁴³ For instance, in a response to a petition submitted by some of the Gypsies residing in Gelibolu and Malkara in 1569, we are informed that Koçi Çavuş who was responsible for collecting the *ispençe* from the community of Gypsies residing in sub-province of Gelibolu, appointed one Ali b. Mesih to help him collect the obligatory tax imposed on Gypsies. Ali b. Mesih in turn was not doing the job alone and he was accompanied by fifteen to twenty “disruptive young men” (*levend*). While going from town to town, village to village in the said provinces, Ali b. Mesih and his entourage was attempting to collect seventy to eighty akçe as *ispençe* even from the poor and needy. Those Gypsies who were unable to pay the tax, were chained and forced to move along from village to village with Ali bin Mesih and his team. In addition to this unjust treatment, Ali bin Mesih was also known to be carrying three different stamps which were contradicting each other. In response to complaints against these practices, the Sultan ordered the judges of Gelibolu and Malkara that Ali b. Mesih was to be chained and sent to the Sultan’s court along with the stamps that contradicted each other. Furthermore, the Sultan commanded the judges that if anybody wanted to sue Ali b. Mesih at the court, his/her case was to be heard and

⁴³ For telling examples see, for instance, BOA KK-67, 356/1 (an imperial edict dates 1572 and addresses the judges and governors of Gümülcine and Karasu, it is written as a response to a petition submitted by Gypsies. Their claim was that they were excessively taxed by the tax collectors); BOA KK-67, 488/2 (An imperial edict dates the same year. It was written as response to a petition submitted by some of Gypsies living in Gumulcine. It was again about the oppression of the tax collectors by taxing Gypsies excessively in the surroundings of Gümülcine, Karasu Yenicesi and Siroz.); BOA KK-67, 1258/1 (it is an imperial edict addressing the judge of Motalice on excessive taxation of Gypsies).

examined. If Ali b. Mesih had taken any cash and other belongings of the litigants against the sharia and the kanun, then the judges were to give them back to the real owners and report the details of the case to the Sultan.⁴⁴ In yet another example, we see that those tax collectors responsible for collecting the *harac* of Gypsies in Motalice, taxed the Gypsies excessively, killed some of them by beating him and took their women and children as slaves. Once some Gypsies complained to the authorities, the tax collectors stated that “Gypsy blood is not asked (*çingene kanı sorulmaz*).” After this, some of the Gypsies took the case to the Sultan’s imperial court. In an imperial decree as a response to their petition, the Sultan ordered that “Gypsy community is [my] subject so it is not permissible to oppress them against the noble sharia (*çingane taifesi reayadır mezkurlara hilaf-ı şer’i şerif zulum ve teaddi olmak caiz değildir*).” Accordingly, he commanded that an examination should be made regarding whether Gypsies were taxed excessively. If this was the case, this excessive amount should be returned to the Gypsies. Furthermore, the case of those Gypsies, who were killed and harassed by the tax collectors, should be examined very closely. If they had been murdered and harassed against the sharia and the *kanun*, then those responsible for this act were to be and punished.⁴⁵

⁴⁴ MD 3, no. 116.

⁴⁵ KK-67, 1258/1

In addition to these cases in which Gypsies were either taxed unjustly or excessively, there also cases in which certain individuals were declared to be “Gypsy” by the tax collectors to collect pay poll-tax from them.⁴⁶ For instance, according to a seventeenth century *fetva* (legal opinion) submitted to the court as evidence, a Muslim man called Mustafa was recorded in the *tahrir* register as a *çingene* (Gypsy). Consequently, he was asked to pay poll tax (*cizye*). However, Mustafa did not accept this and went to Şeyhülislam Yahya Efendi (d. 1644) for a *fetva*. He stated that, as a good and practicing Muslim, he should not be obliged to pay poll tax simply because he was recorded in the register as a *çingene*. Yahya Efendi considered the case and issued a *fetva* stating that Mustafa was a good Muslim fulfilling all the requirements of Islam and that the people around him had confirmed this fact. Therefore, he was not to pay poll tax. With this *fetva*, Mustafa went to the court and received a certificate (*hüccet*) stating that he was a Muslim, not a *çingene*, and so was not obliged to pay *cizye*.⁴⁷

All these cases suggest that taxing Gypsies excessively and unjustly was not uncommon. It appears to have been a lucrative source of income for the tax collectors. Some of the Gypsies used either local courts or the imperial court against these unjust tax collections and unfair treatments. In all these cases, both

⁴⁶ KK-67, 1129/1.

⁴⁷For this *fetva* and the court case, see Murat Akgündüz, *XIX. Asır Başlarına Kadar Osmanlı Devletinde Şeyhülislamlık* (İstanbul: Beyan, 2002), 229-230. I am grateful to my colleague Mehmet Kadri Karabela for bringing this source to my attention

the local courts and the imperial court offered them protection. Equally important to understanding Gypsies' resistance to taxation whether unfair or the taxation itself is their everyday act of resistance. We see in numerous registers that Gypsies often resorted to "weapons of the weak" to resist unjust and excessive taxation. Eyal Ginio very appropriately states that "while their [the Gypsies'] nomadic lifestyle was the source of their social marginalization, it also gave them a way to resist the local state agents."⁴⁸ He contends, on the basis of the *Salonika sicills*, that Gypsies were not powerless against the abuses of local state agents and resisted corrupt state agents through various strategies such as "abandoning the dwellings, running away or pretending to having paid the tax elsewhere."⁴⁹ The *kanuns* and the *mühimme* registers of the sixteenth century also corroborate this picture. In these documents we see that Gypsies developed certain strategies to deal with state agents in general and tax collectors in particular. Pretending to be a smith or a sifter working for the sultan, deserting their dwellings, hiding in the fields, migrating at night, and posing as shepherds or *sipahis* were just some of the strategies that Gypsies employed in order to get away with misdemeanors and avoid paying taxes.⁵⁰

While Gypsies exercised such ingenuity to escape their fiscal responsibilities, the Ottoman state -- as discussed above -- adapted to some

⁴⁸ Ginio, 134.

⁴⁹ Ibid.

⁵⁰ See the *kanuns* referred to in this study and MD 7, no. 216 and MD 12, no. 599.

aspects of their residential mobility, production activities, and lifestyle, developing certain techniques to take advantage of these unruly subjects. In the fifteenth century, we find tax collectors moving with the Gypsies. In the sixteenth century, the sultan again sent his tax agents to the Gypsies. However, this second time it was not the tax collector but rather the leaders of the Gypsy communities who were made responsible for tracing defaulters. If the missing Gypsies were not found, the leaders were required to pay the taxes in their place.⁵¹

Gypsies in the Ottoman Army

Koçi Bey, in his *Risale* completed in 1630, argued that one of the reasons behind deterioration of Ottoman power starting from the late sixteenth century was the “corruption” of the Janissary Army. He claimed that the Janissary Corps was being corrupted in his time because the “city-boys” (*şehir oğlanı*), Turks, Gypsies, Tatars, Kurds, outsiders (*ecnebi*), Laz, *Yürüks*, muleteers, camel drivers, porters, waxers, bandits and pickpockets had infiltrated the corps.⁵² Indeed, the corruption of the Janissary corps through enlistment of the commoners and “morally corrupt” individuals can be seen in various contemporary accounts of the late sixteenth and seventeenth century. For instance, in 1631, Aziz Efendi reiterated the same concerns in his *kanunname*, and urged the Sultan to act against

⁵¹ Akgündüz, *Osmanlı Kanunnameleri ve Hukuki Tahlilleri*, vol. 2, 384; vol. 6 (2), 513.

⁵² *Koçi Bey Risalesi*, sadeleştiren: Zuhuri Danişman, (İstanbul: MEB, 1993), 31.

the infiltration of the janissary army by members of the tax-paying subjects.⁵³ Similarly, in *Kitab-ı Müstetab*, the author complains that since janissary positions were given to non-*devshirmes* like Turks, Kurds, Gypsies, and Persians, the system was filled with outsiders (*ecnebis*).⁵⁴

If we consider the discourse put forward by these “Ottoman observers of decline,” then we could suggest that the Gypsies along with various other “ethnic” groups were not accepted into the Janissary Army, at least theoretically, up until the seventeenth century. Nevertheless, contemporary documents reveal that Gypsies served in the Ottoman Army in a variety of capacities. According to a law promulgated during the reign of Mehmed II, some Gypsies were exempted from the poll-tax in return for their service as smiths for the army. In this regard, the sultan’s command is worth quoting: “And do not take the poll tax (*haraç*) from those Gypsies who were assigned to work on matters connected to the fortresses or for iron-making, provided they either have my decree or a letter from the governor. If anyone joins those Gypsies claiming to be a smith or sifter in order to escape the poll tax he should be made aware that he will be reprimanded.”⁵⁵

⁵³ *Kanunname-i Sultani li-Aziz Efendi*: Aziz Efendi's Book of Sultan's Laws and Regulations, edited and translated by Rhoads Murphey (Cambridge: Harvard University, 1985)

⁵⁴ *Kitab-ı Müstetab*, edited by Yücel, Yaşar, (Ankara: Ankara Üniversitesi Basımevi, 1974), 4.

⁵⁵ Akgündüz, *Osmanlı Kanunnameleri ve Hukuki Tahlilleri*, Vol. 1, 397.

The law is quite explicit, and yet it also hints at strategies resorted to by subaltern groups to evade taxation. Apparently, Gypsies and other subaltern groups often attempted to use this route in order to avoid the poll-tax and improve their position in society. Another opportunity afforded to the Gypsies can be seen from the fact that, starting from the beginning of the sixteenth century, some of them served in the army as *müsellems*. The term *müsellem* comes from the word "exempt" and signified a class of military servants who were deemed to be exempt from taxation in lieu of military service.⁵⁶ *Müsellems* were more specifically referred to provincial auxiliary soldiers who served the army through services such as dragging guns, leveling roads, digging trenches, carrying provisions and casting cannon balls. When not serving, these *müsellems* worked the land given to them by the state. Thus, employment into the military-administrative apparatus as *müsellems* seemed to require settled life and engagement with agricultural production. While some of the Gypsies confirmed to this and (gradually) converted to Islam, others kept their mobile lifestyles either being "nominally" Muslim or non-Muslim. This is not to suggest however that those Gypsies serving for the state was immune from social marginality once they transgressed the boundaries of morally appropriate behavior. Securing a position within the *müsellem* units or working for the imperial navy provided some

⁵⁶ For further information on *Müsellems* see Fatma Müge Göçek, "Müsellem," in *The Encyclopedia of Islam*, 7: 665.

Gypsies material capital but not social one. In this context, the latter can be secured only thorough morally appropriate behavior within the community.

Those Gypsies who were identified as *müsellems* were attached to the *liva-i müselleman-i çingane* (the sub-province of the tax-exempted Gypsies). As in the case of *liva-i çingane*, the term *liva* or sub-province here was not used in the sense of a geographically defined administrative unit, but rather refers to a group of tax-exempted Gypsies dwelling in different regions of the province of Rumelia.⁵⁷ The divisions, composed of both *müsellem* and *yamak* brigands, were quartered in seventeen different small towns of Rumeli. Emine Dengeç through reading the *tahrir* registers pertaining to the Gypsies living in the sixteenth Rumelia argues that only Muslim and settled Gypsies worked for the Ottoman army as *müsellems*. Furthermore, she finds that there were 4,063 Muslim Gypsy individuals (*nefer*) registered in the *tahrir* survey of Rumelia dated to 1530. Yet according to another survey register drawn in 1531, she finds that there were 1,626 Gypsy *yamaks* (literally “adjunct” or assistant to the auxiliary soldiers) and 535 Gypsy *müsellems* residing in different part of Rumelia. Accordingly, she argues that the Ottoman imperial state had hired almost 53 % of the Muslim Gypsies as auxiliary forces within the army.⁵⁸

⁵⁷ Enver Şerifgil, “XVI. Yüzyılda Rumeli Eyaleti’ndeki Çingeneler,” 135-136.

⁵⁸ Emine Dengeç, “ XVI. Yüzyılda Osmanlı Ordusunda Çingeneler,”38.

Rumeli Gypsy *müsellem* were organized into units called ‘heart’ (*ocak*). Each heart contained minimum of three, maximum of six *müsellems* and nine to fifteen *yamaks*. Each heart was given certain amount of land (*çiftlik*) to cultivate. Those *müsellem* who were entitled to serve in a campaign (*eşen müsellem*) received their salaries from the income produced by the farm land. So neither their salaries nor their expenses for the campaign were subsidized by the imperial treasury. In this system, each *müsellem* received fifty *akçe* allowances and participated in a campaign in return for exemption from the hardship tax (*avanz-ı divaniye*). They received no payment when there was no campaign. The *yamaks* were responsible for the financial administration of the heart. They were not involved in the campaigns yet were responsible for providing the daily allowance fifty *akçe* with the *müsellems* who were on duty. Because of this responsibility, they were also exempted from paying the hardship tax (*avarız-ı divaniye*).

Gypsy *müsellems* in Rumelia when they were on duty, worked in the mines, construction of galleys, transportation of food and machinery necessary for a imperial campaign as well as restoration of the castles and mosques. Furthermore, they were also held responsible for transporting wheat, meat and salt necessary for the imperial capital from Rumelia. We also see them were being employed as drovers (*celepkeşan*) once the imperial capital needed meet provisioning.⁵⁹

⁵⁹ Emine Dengeç, “Rumeli’de Geri Hizmet Teşkilatı İçinde Çingeneler (XVI. Yüzyıl)” (PhD diss., Anadolu Üniversitesi, 2004), 73-83.

The ways in which Rumeli Gypsy *müsellems* were employed was part of a larger system by which the Ottoman administration employed local populations as auxiliary forces to maintain control throughout the Ottoman provinces. That is to say, Gypsy *müsellems* in Rumelia were organized in the same manner as the other auxiliary forces such as *Yürüks*⁶⁰ and *Yaya müsellems*⁶¹ within the Ottoman military organization. Emergence of these various auxiliary units roughly by the beginning of the fifteenth century is explained through the needs of a growing state in keeping a powerful standing army, providing safety and in securing alliances in the newly conquered lands.⁶² In the early years of the Ottoman state,

⁶⁰ During the reign of Mehmed II the Conqueror (r. 1451-81) *Yörük* who, as auxiliary troops, were considered as belonging to the *askerî* class and therefore were exempt (*müsellem*) from all but military service. The *Yörük* served mostly in the early modern Ottoman army as provincial auxiliary forces. Within this capacity, they were entitled as guards of roads and mountain passes, as falconers, and horse raisers, in military transport, road construction and maintenance, ship building and mining. Based on tax registers, Ö.L. Barkan suggests for the early 16th century a total number of almost 38,000 *Yörük* households, or one-fifth of the total population of the European provinces. Barbara Kellner-Heinkele, "Yörük," *Encyclopaedia of Islam, Second Edition*. Brill Online, 2013. Reference: McGill University. 08 February 2013 <http://referenceworks.brillonline.com/entries/encyclopaedia-of-islam-2/yoruk-SIM_8023>

⁶¹ Literally "pedestrian", denoted, in Ottoman military usage of the 14th-16th centuries, infantryman. Like the *müsellems*, who performed military service on horseback under analogous conditions, the *yaya* were gradually demilitarised in the 16th century, serving mostly in building projects. Organized in units known as *ocağ*, the *yaya* took turns serving in the field, with those staying home (*yamak*) supplying those who went to war. The *yaya* were granted lands to cultivate. In spite of their peasant lifestyle, the *yaya* were considered servitors of the sultan (*askerî*); as dues, they only paid the bride tax and monetary penalties in case of crimes or misdemeanors. Suraiya Faroqhi, "Yaya," *Encyclopaedia of Islam, Second Edition*. Brill Online, 2013. Reference: McGillUniversity.08February2013<http://referenceworks.brillonline.com/entries/encyclopaedia-of-islam-2/yaya-SIM_7994>

⁶² This section is based upon "Warfare," in *Encyclopedia of Ottoman Empire*, edited by Gabor Agoston and Bruce Masters (Infobase Publishing, 2009), 591-595.

the main elements of the Ottoman army were the ruler's military entourage; the cavalry troops of Turcoman tribes and those peasants who had been called up as soldiers for military campaigns. Turcoman tribes were given a share of military booty and the right to settle on the newly conquered territories. In return, they were obliged to provide men-at-arms in proportion to the amount of benefice in their tenure. Later they became the fief-based provincial cavalry (*timar*-holding or *timariot sipahi*), whose compensation was secured through military fiefs (*timar*). The military fiefs were also used by the Ottomans to integrate conquered peoples into the military-bureaucratic system of the empire. Ottoman fiscal surveys from the 15th-century Balkans recorded large numbers of Christian *timariots* who, by accepting the Ottoman rule and by performing military and bureaucratic services for the state, managed to safeguard, at least partly, their privileged status within the society. Many of these Balkan Christian *timariots* and their sons were called *voynuks* (literally "fighting man" or "soldier"). Established perhaps in the 1370s or 1380s, *voynuks* were to be found in significant numbers in Bulgaria, Serbia, Macedonia, Thessaly, and Albania. In addition, large numbers of Christian nomads in the Balkans, called *Vlachs*, were also incorporated into the ranks of the *voynuks*. Since the salaried troops of *kuls* and the *timariot* cavalry proved too few in number to fulfill the needs of a growing state, young volunteer peasant boys were also enlisted. These youths later formed the one of the main constituents of infantry *yaya* (foot soldier) and cavalry *müsellem* units. The numerous campaigns soon required that this third component of the early

Ottoman army be made permanent; the voluntary nature of the force was therefore abandoned and compulsory enlistment was introduced during campaigns. As a result, by the mid-15th century the *yayas* and *müsellems*, along with the *voynuks*, gradually became auxiliary forces, charged with the maintenance and restoration of military roads and bridges and, after the spread of cannons, with the transportation of ordnance.

By the seventeenth century, with the restructuring of Ottoman army due to the competition with the European military technologies, we see most of these auxiliary forces lost their former privileged positions. What happened to the Gypsy *müsellems* after the dissolution of this system is a quest that is in itself requires another research project and is beyond the scope this dissertation and to be left to the future researchers. It should be underlined however that incorporation of the significant number of Muslim Gypsies into this military - administrative unit throughout the sixteenth century suggests that Gypsies were neither all marginal nor all marginalized. The Ottoman state administration had several views as far as the Gypsies were concerned. Instead of declaring them as misfits or seeking to exclude them from the military-bureaucratic system of the growing empire, the Ottoman rulers integrated some of them into the army and did not see any harm in bringing them in to the fold as long as they served the fiscal and military interests of the state by performing essential and useful services. As for the Gypsies who were outside the *müsellem* institution, the imperial state often adapted to their mobile styles and respected their community

structures and extended its protection against the unfair taxation and oppression of the corrupt state officials if only for its own fiscal benefits. In the section to follow, I will look at how the late Ottoman imperial state dealt with the Gypsies. The reason behind this exercise is to map out certain continuities and ruptures on the part of imperial state dealing with its symbolic and material margins.

Part II: “Civilizing Mission” of the Late Ottoman Imperial State: The Case of Gypsies

Recent scholarship situating the late Ottoman state within the post-colonial debate very convincingly demonstrates that towards the end of nineteenth century the Ottoman ruling elite and intellectuals had appropriated a colonial outlook toward the peoples of the distant peripheries in order to subvert the ever increasing influences of European powers in the Empire. In other words, “the Ottoman elite adopted the mindset of their enemies, the arch imperialists, and came to conceive of its periphery as a colonial setting.” Within this discourse while Istanbul was posited as the dynamic, progressive and reforming centre of a modern Ottoman Turkish polity, the peoples of distant peripheries such as the Bedouins of Arab provinces and nomadic tribes of Eastern regions were construed as backward, uncivilized and “savage”, in dire need of a “civilizing mission.” My argument in this chapter builds upon this pioneering scholarship.⁶³ I contend that

⁶³The pioneers on this are Makdisi and Deringil. See Usama Makdisi, "Ottoman Orientalism," *American Historical Review* 107 (3) (Jun 2002): 768-796; Selim Deringil, "They Live in a State of Nomadism and Savagery": The Late Ottoman Empire and the Post-Colonial

objectification of Gypsies in the late Ottoman discourse and the ways in which the modern State positioned itself toward them is but one example of this colonial mentality and orientalist outlook adopted by the Ottomans toward their spatial and social margins as a survival strategy.

My examination of Ottoman archival sources, particularly those documents catalogued under the *Cevdet Tasnifi* in the *Başbakanlık Arşivi* in Istanbul, has made it clear that the nineteenth and early twentieth century Ottoman government was, first of all, extremely concerned with establishing the population breakdown of the Gypsies -- both Muslim and Christian, settled as well as nomadic. This population breakdown, it seems, served as the basis for new taxation regulations introduced in the 1850s. My sources also indicate that the Ottoman state of the period was coping with internal and external migration on the part of Gypsies. It appears from the documents that the abolition of slavery in Romania and the emergence of new nation-states in the Balkans had brought about massive immigration waves into the Ottoman realms. In an attempt to control these migrations, the state introduced certain measures such as deportations, border controls and the founding of new (Gypsy) settlements in Istanbul as well as in other cities. Perhaps one of the most significant concerns of

Debate" *Comparative Studies in Society and History* 45 (2003): 311-342. Recent studies on this, see, Edip Gölbaşı, "Heretik" aşiretler ve II. Abdülhamid rejimi: Zorunlu askerlik meselesi ve ihtida siyaseti odağında Yezidiler ve Osmanlı idaresi." *Tarih ve Toplum: Yeni Yaklaşımlar* 9 (2009): 87-156. Reşat Kasaba, *A Moveable Empire: Ottoman Nomads, Migrants, and Refugees* (Seattle: University of Washington Press 2009).

the late Ottoman state was to “reform” (*ıslah*) the Gypsies. The late Ottoman state engaged in an attempt to “civilize” and modernize Muslim Gypsies especially in three domains: “correction” of their faith, lifestyles and improvement of their legal status. In this regard, we see the government appointing imams to the Muslim Gypsy communities and opening schools in Muslim Gypsy neighborhoods. For instance, a primary (*ibtidai*) school interestingly called the *Numune-i şefkat* (literally modal of kindness) was opened in a Muslim Gypsy neighborhood known as Atpazari in the city of Manastir.⁶⁴ Most importantly, however, we witness the memorandums (*layihas*) being proposed to the Sultan and high state officials on how to “civilize” the Gypsy communities and “save” them from the religious ignorance that they lived in. As mentioned in the introduction, one such *layiha* was written by Muallim Sadi Efendi, a professor of the Ottoman and Persian languages at a high school in the city of Siroz / Serez, and it offers a wealth of information about the contemporaneous visions of the Gypsies – categorized in the text as both Muslim and Christian; settled and nomadic; men and women - through the lens of an educated provincial bureaucrat.⁶⁵

64 BOA MF. MKT. Dosya No: 913, *Gömlek* No: 38. For instance, according to another decree written in 1894, we see the government appointing teachers and servants / doorman (*bevvab*) to the primary school serving to the Kipti Muslims in Tekfurdağı (Modern Tekirdağ), BOA MF. MKT, Dosya No: 191, *Gömlek* No:101

65 This document can be found in Başbakanlık Osmanlı Arşivi, Y. MTV. Dosya No:47, *Gömlek* No: 180. In subsequent citations, it will be abbreviated as BOA Y. MTV 47 180.

“Symbol of Disgust yet Deserving of Mercy”: Gypsies in Sadi’s *Layiha*

Sadi’s *layiha* primarily illustrates how social, cultural and religious difference was understood and acted upon in a late nineteenth century provincial Balkan town and how, in turn, the perceptions of these differences were transmitted to the center in the hope that the latter would deconstruct, normalize and eliminate these difference through (re)inviting the Gypsies to Islam and put an end to their ignorance thorough education. Throughout the text, Sadi attempts to deconstruct the otherness of the Gypsies (particularly Muslim ones) in order to fit them into the imagined larger Muslim community of the Hamidian era. This attempt at normalization within the text is achieved primarily through constructing an argument on the origins and nature of the Gypsies that brings them within the pale of Islam. Throughout the text, Sadi demonstrates how the (Muslim) Gypsies were legally, socially and economically marginalized and discriminated against; how, indeed, they could be “like us” once they had been educated on the fundamentals of Islam. Sadi chose to transmit his ideas on the *ıslah* of the Gypsies in the form of a *layiha*, one of the most common genres of political writing, used to offer advice to high state officials (including the Sultan himself) on certain aspects of imperial rule.⁶⁶

66 *Layiha* tradition is indeed goes back to *Nasihatname* (Mirror for Princess) tradition. For further information on *layiha* and *nasihatname* traditions in Ottoman discourse see for instance Coşkun Yılmaz, “Osmanlı Siyaset Düşüncesi Kaynakları ile İlgili Yeni Bir Kavramsallaştırma: İslahatnameler,” *Türkiye Araştırmaları Literatür Dergisi*, I (2003): 299-338; Rifaat Ali Abou-El-Haj, “The Ottoman *nasihatname* as a Discourse over ‘Morality’,” in *Mèlanges professeur Robert Mantran*, ed. Abdeljelil Temimi (Zeghouan, 1988), 17-30.

Sadi submitted his memorandum to the Ministry of Gendarmerie (*Zabtiye Nezareti*). Subsequently, the memorandum was submitted to Sultan Abdulhamid II in 1891 along with an introduction written by the minister of gendarmerie himself, Mehmed Nazım. This introduction is worth quoting *in extenso* because it shows us how the Gypsies were perceived by a high ranking Ottoman official working at the center of power. Also, it clearly explains why the conditions of the Gypsies demanded immediate attention from the imperial government. The minister explains:

In the well protected domains of the Ottoman Empire, the population of the Muslim part of the ignorant group (*taife-i cehale*) known as *Kıbtı* or *Çingane* is five hundred thousand. Even though these Gypsies are considered Muslims, until now they have not been provided with necessary education on the manners of Islam and the obligations of the religion. Furthermore, they have not been given any opportunities to free themselves from their nomadic lifestyle. For these reasons, at the present time it is impossible for the government to get any benefit out of this ignorant group of people. Moreover, they are a source of harm and evil doings in the provinces. If they are left to live in this – insulting – condition further, British missionaries may drive them to Protestantism very easily. In the future, therefore, it is not improbable they may become an instrument of British politics. In order to benefit from these five hundred thousand Muslim Gypsies at this moment, for the sake of Islamic power and in order to prevent any harm caused by these Gypsies in the provinces, this *layiha*, including some thoughts and information on the *ıslah* (reform) of Gypsies, is written by Serres' high school professor Sadi ...⁶⁷

67 “Kıbtı veya Çingane denilen taife-i cehalenin memalik-i şahanede bulunan Müslim kısmı beş yüz bin nüfusu mütecaviz olub bunlar esasen şeref-i İslami iktisab eylemek oldukları halde kendilerine adab-ı İslamiyye ve feraiz-i diniyye talim edilmemek oldukdan başka bedavedden istihlasları çaresi ile şimdiye kadar nasılsa düşünülmeyerek muhakkıran kendi hallerinde bırakılmalarından dolayı kıbtılardan hükümetçe hiç bir faide hasıl olamadıktan maada taşrada bunların yüzünden inzibatça pek çok fenalıklar taharrük itmekde olduğundan ve bunlar bir müddet

Sadi prefaces his text with a statement on his credibility and competence as an authority on the subject of the economic and social conditions of the Gypsies in Serres. He states that his current deep knowledge on the conditions of Gypsies comes from his past experiences within the police administration. While he was a high ranking officer in the police administration, he used to examine the conditions of Gypsies very closely and adjudicate the cases related to them. Therefore, he argues that his “humble statements” (as to the conditions of the Gypsies) in the said memorandum are accurate and indeed he claims he can back them up with material evidence, if required.⁶⁸

Sadi’s seven page memorandum which begins with an earnest argument providing us with an insight into how Gypsies were perceived and represented in the minds of many Ottomans in the nineteenth century. According to the author, “the present condition of the Gypsies elicits two opposite feelings in the minds of

daha bu halde kalacak olur ise İngiliz misyonerleride kendilerini kolaylıkla protestanlığa sevk eyleyerek İngiliz politikasının ileride istifade edebilmesi ihtimalinden baid olamayacağına kuvve-i İslamiyye şimdilik beş yüz bin Kıbtî Müslimin vücudundan çok müstefid olmak ve taşralıca bir çok fezayihin önü alınmak için kıbtîlerin ıslah halleri lüzumuna dair bazı mutalaatları havi Siroz mekteb-i idadi-i mülki muallimi Sa’dî mührüyle taraf-ı hakiraneme varid olan layiha leffen arz ve takdim olundu.” BOA Y. MTV 47 180.

68 “‘Acizleri üç sene müddet polis komiserliğinde bulundugumdan vuku’at-ı delaletiyle bunların ahval-i ‘umumiyyesine oldukça vukuf hasıl etmiş ve ‘ariz ve ‘amik tedkikatda bulunmuş olduğumdan ma’ruzat-ı kem-teranemin maddeten isbatı her zaman için mümkündür.” BOA Y. MTV 47 180.

the Ottomans: disgust and mercy.”⁶⁹ Throughout the *layiha* this argument is oft-repeated and examples are given in its support. First, the author explains why at that moment, Gypsies were symbols and objects of disgust (*sezavar-ı nefret*). He starts with the word *Çingane* or Gypsy itself. He says the word *Çingane* is such a ‘cursed word’ (*lafz-ı menhus*) that, when it is uttered, it brings to mind one of the accursed harmful groups (*kavm-i şenaat*). He says that the historically well known story of the incestuous relationship of *Çin* and *Gen* is often associated with this group. This popular story, which is still alive in many parts of Turkey, is as follows:

When the Gypsies, driven out of their own country, arrived at Mekran, a wonderful machine was made, the wheel of which refused to turn until an evil spirit disguised as a sage, informed the chief of the Gypsies, who was named Chin, that it would do so only if he married his own sister Gen. This advice was followed and the wheel turned, but from this incestuous marriage the people earned not only the name of *Chenguin* but also the curse.⁷⁰

However, Sadi argues that the Gypsies should not be associated with this story because their origin actually goes back to the *Mançuri Tatars* who lived in the northern part of China and whose capital was known as *Çengiyan*. Therefore, they

69“Ahval-i hazırası nefret gibi, merhamet gibi iki hiss-i mütehalifi cem’ ve celb eden bu perakende tâ’ifenin tarihçe ismi ‘Kıbtî’ ise de elbine-i enamda namı ‘Çingane’ dir.” BOA Y. MTV 47 180.

70 R. W. Halliday, “Some notes upon the Gypsies of Turkey,” *Journal of the Gypsy Lore Society*, 1(1922): 174. For a different version of this story, see, Nazım Alpman, *Baska Dünyanın İnsanları Çingeneler* (Istanbul: Ozan Yayıncılık, 1997), 53.

took the name of *Çengiyan* to denote their city of origin rather than through the alleged incestuous relationship between *Çin* and *Gen*. Why Sadi engaged in discussing the origins of the Gypsies and why he points to northern China as their homeland are significant questions requiring contextual reading.

The ambiguity of Gypsies' origin constitutes the most pervasive object of analysis in Western European discourse throughout the nineteenth century.⁷¹ Up until the very late eighteenth century, European chroniclers and ruling elite believed that the homeland of the Gypsies was Egypt and thus called them Egyptians. By the late eighteenth century, however, a new discourse began to emerge on the origins of the Gypsies. Philologists and historians began to argue that the Gypsies' place of origin was India, on the basis of vocabulary that Romani -- Gypsies' language -- shared with *Hindustani*. In 1787, the German linguist Heinrich Grellman published an extensive ethnological work on the Gypsies and concluded it with a contention that, contrary to popular belief, they came from "Hindustan" and were likely identifiable as the lowest caste of Indians.⁷² In the years to follow, Grellman's thesis was substantiated and refined

71 Deborah Epstein Nord, *Gypsies and the British Imagination, 1807-1930* (New York: Columbia University Press, 2006), 7. For a variety of excellent analyses of perceptions of the Gypsies in the nineteenth century European discourse see, for instance, David Mayall, *Gypsy-Travellers in Nineteenth-Century Society* (Cambridge: Cambridge University Press, 1988); Marilyn R. Brown, *Gypsies and Other Bohemians: The Myth of the Artist in Nineteenth-Century France* (Ann Arbor, Mich.: UMI Research Press, 1985); Nicholas Saul, *Gypsies and Orientalism in German Literature and Anthropology of the Long Nineteenth Century* (London: Legenda. 2007).

72 Deborah Epstein Nord, *Gypsies and the British Imagination*, 7

but rarely contested. Despite acknowledging the power of the Indian hypothesis, however, most scholars writing on Gypsies seemed unwilling to give up the belief that their origin was mysterious and thus construct alternative narratives.⁷³ Thus, I suggest that Sadi's engagement with Gypsies' origin partly result of this pervasive discourse coming from Europe and might be read as a response to origin narratives constructed by Western European travelers and "Gypsiologists." It would also be read as one of the strategies used in the text to "normalize" Gypsies. What is more interesting, however, Sadi does not adopt European discourse on the origins of Gypsies; instead, he points to northern China as the homeland of the Roma people. How and why he reached this conclusion begs for further research. We know from recent research on the formation of Turkish national identity that in the 1930s there was a conscious, official effort to consolidate the ethnic homogeneity of the population in modern Turkey through using various propaganda tools available to the government. Among these, reconstructing the origins of the Turks was perhaps one of the most important. In this official discourse the 'original' homeland of Turks was claimed to be northern China.⁷⁴ Therefore, whether this conclusion of Sadi on the origins of the

73 Ibid., 8

74 For the development of Turkish nationalism and use of history to construct new Turkish identity see for instance, Kemal Karpat, *The Politicization of Islam: Reconstructing Identity, State, Faith, and Community in the Late Ottoman State*. (New York: Oxford University Press, 2001); Büşra Ersanlı Behar. *İktidar Ve Tarih: Türkiye'de "resmi Tarih" Tezinin Oluşumu, 1929-1937*. (İstanbul: AFA Yayınları, 1996.)

Roma may have been precursor of this ideology is a question that needs to be explored further.

Returning to the discourse put forward by Sadi, we see him tackling the various professions that the Gypsies were engaged in and the extent to which the practice of these professions caused them to be viewed in a negative light by the others. He argues that how Gypsies – both men and women – make their living adds to the growing hatred against them because “mostly, but not always, while the craft of Gypsy men is usurpation and theft, the means of livelihood for Gypsy women is indulgence in shameless and abominable acts.”⁷⁵ What is interesting in this discussion is that Sadi does not represent Gypsies as a homogeneous category. His discourse constitutes Gypsies as both Muslim and Christian, settled and nomadic, rich and poor as well as both men and women. For instance, he claims that the harm caused by Gypsies living on the farms and Gypsies living a nomadic lifestyle was really intolerable.⁷⁶ Here emphasis is on the social ‘harms’ caused by Gypsy women in particular. These women are represented as very skillful at tricking foolish men through their various coquettish tactics and thus causing the dissolution of many families.⁷⁷ This notion of Gypsy women

75 “Çünkü ‘umumiyyetle değilse de ekseriyetle erkeklerinin yegane san’atı gasb ve sirkat ve kadınlarının sermaye-i ma’işeti irtikab şena’atidir.” BOA Y. MTV 47 180.

76 “Çiftliklerde bulunan Çingeyanîlerin eşhas-ı rezileye mu’âveneti daha ziyade calib-ı dikkattir. Göçebe halinde bulunanların geçtikleri ve uğradıkları yerlerde ‘alenen irtikab ve icra ettikleri fezahat ve haşarat hakikaten tahammül-fersadır.”BOA Y. MTV 47 180.

77 “Sakinen hayme-i sefahat olan duhteran-ı Kıbtîyân kendilerine mahsus bir nev’-i ‘işve-i behferiyaneye ile sade-dılan memleketi ‘ayş ü nuşa alıştırmak ve şehvet-perestanın elinde, avucunda

practicing “immoral trades” appears in the sixteenth century *mühimme* and court registers as well. Since they were considered morally harmful for the well-being of neighborhoods in which they resided, petitions were often brought to the local qadis for their expulsion from these neighborhoods. Yet these exclusions do not seem to have been absolute. When they were removed from one neighborhood, they seemed to find a niche in another.⁷⁸ Whether Sadi was aware of this discourse while composing this *layiha*, is not evident from the text itself. Yet from my research on the sixteenth century Ottoman Gypsies, his discourse suggests more of continuity than a rupture in the social perceptions of Gypsies in Ottoman society.

Finally, what I would call “class analysis” is being used to explore the conditions of the Gypsies. Gypsies are represented as the most ignorant and the poorest among all the Ottoman subjects.⁷⁹ To further expound his argument here, Sadi takes the example of Muslim Gypsies residing in Salonika.⁸⁰ He says in this city there are almost 35.000 Muslims Gypsies. Yet he claims that of those 35.000 Muslim Gypsies, not even 35 are literate.⁸¹ He continues: “let us ignore the fact

— bulunanı sefahatle yiyip bitirmek mesleğinde fevkalade bir maharet-i mel’anetkaraney malikdirler.” BOA Y. MTV 47 180.

78 For further information see Faika Çelik, “Probing the Margins,” 173 –199

79 “Hadd- ı zatında echel ve esfel olan kıbti makulesinin ...” BOA Y. MTV 47 180.

80 “Ma’arifi vilayet-i şahane-i sa’ireye tefavvuk eden Selanik vilayet-i celilesini numune olarak ‘arz edelim.” BOA Y. MTV 47 180.

81“Vilayet-i celile dahilinde mikdar-ı nüfusu la-akl otuz beş binden eksik olmayan “Kıbti Müslim” içinde otuz beş neferinin yazub okuması var mıdır?”BOA Y. MTV 47 180.

that they do not know how to read and write but is it impossible to find among them even a single Gypsy (*kıbtı*) who has the slightest notion of the religion and state (*din u devlet*), Islam (*islamiyyet*) and humanity (*insaniyyet*)?”⁸² That is why, argues Sadi, “this ignorant group lives in such poverty”. Yet, even in this regard he doesn’t see the Gypsies as a homogenous monolith category and informs us that among the Gypsies there are some fortunate ones who make their living through blacksmithing and daily laboring. These fortunate ones, he adds, do not engage in theft and other abominable acts as others. This, Sadi says, “proves my argument that ‘ignorance breeds poverty and poverty breeds criminality.’”⁸³ That is why he chose to urge the government to educate these people and thereby end their misery.

Next, Sadi moves on to the second part of his main argument, i.e., that the present condition of the Gypsies deserves immediate attention, mercy and compassion.⁸⁴ Here attention and compassion are requested from the Sultan and

82 “Haydi okuyub yazmalarını bırakalım din u devlet, İslamiyet, insaniyet ne demekdur buna ‘aid ‘adi bir derecede olsun acaba bir fikr bir hisse alabilmiş bir Kıbtı bulunabilir mi?” BOA Y. MTV 47 180.

83 “Kıbtilerden demircilik ve hammalık itmekle geçinen bahtiyarlarda vardır ki diğerlerinin sirkat ve fezahatine iştirak etmezler. Bu müstesneda bizim iddiamızın canlı şahididir. Sefalet bir ağçdır ki meyvesi cinayettir.” BOA Y. MTV 47 180.

84 “Binaen-‘aleyh bu ta’ife insaniyyet ve İslamiyyet nazarında ne kadar sezavar-ı nefret ise belki o kadarda şayan-ı merhamet sayılabilir.” Or “Ahvalini pek ihtiyatkarane arz ettiğimiz bu ta’ife işte şu suretle nazariye layık olmakla beraber suret-i ‘atiye ile de merhamete şayan görülür. Şayan merhamettir.” BOA Y. MTV 47 180.

his government. First of all, he depicts the miserable situation of the Gypsies in great detail to substantiate his argument that Gypsies deserve sympathy. For instance, we are informed that in order to survive, Gypsies were often reduced to collecting and eating garbage. Furthermore, despite the harshness of the winter they wandered around barefoot and in extremely dilapidated clothes. Nor were they provided with any warm clothing (via charity) by the populace - both Muslims and non-Muslims - because they were thought of as an accursed group undeserving of charity.

Secondly, Sadi raises an important question, asking why the government continued to categorize the Gypsies as “Muslim Gypsies” (*kıbtı müslim*) in state documents (as opposed to simply “Muslim”) and even to register them as such on their identity cards. He seems to imply that this is a discriminatory practice, as these people had been Muslims since the Ottoman conquest of Anatolia and the Balkans. Hence, to continue to register them under a separate category contributed to their social exclusion and prevented their integration into the larger society. Sadi argues that this categorization and division of Muslims is against the spirit of Islam and indeed, as history proves, is very dangerous. Here the author resorts to various Islamic discourses, such as *hadith* and *fiqh*, from which he can infer that he was not only aware of many enlightened ideas prevalent in Europe but was also very well-read in the Islamic sciences. In this regard, he is seen as a prototype of the Hamidian intellectual and bureaucrat. He says that those who converted to Islam – whether Gypsies or Jews or Christians -- should be treated

according to *Şeriat-ı İslamiyye* and taught the obligations of the religion. This teaching process should be designed in such a way that these new converts would forget their former language and religious practices and enrich themselves with the teachings and manners of their new religion. However, most probably due to lack of belief in Gypsies' adherence to Islam, claims Sadi, Gypsies were left out of this noble teaching and as such still retained their old beliefs and traditions. He argues that if Gypsies are not provided Islamic education whether in mosques and in schools, it is very probable that in the very near future, they will be converted to Protestantism and become tools of the Western designs on the Ottoman Empire. Indeed, this differentiation of Muslim Gypsies from the rest of Muslims and of Gypsies into different religious camps has a historical precedent. For instance, in the *kanunnames* issued by the Sultan Mehmed II in the fifteenth century and Sultan Süleyman the Magnificent in the sixteenth century, we see the categorization of the Gypsies as Muslims (*Müslüman Çinganeler*) and non-Muslims (*Kafir Çinganeler*).⁸⁵ Sadi's discourse suggests that this practice continued until the very beginning of the twentieth century. In two decrees written in 1903, we see the government issuing an order to ban the usage of "Gypsy Muslim" in the identity cards (*tezkire*) of Gypsies and to consider Gypsies who were Muslims as falling within the community of Muslims (*Cemaat-i Müslim*) and Gypsies who are Christians as falling within the community of non-Muslims

85 Further information on this; see Faika Çelik, "Probing the Margins," 173–199.

(*Cemaat-i gayr-i müslime*), with the understanding that they be treated accordingly.⁸⁶ After this order, however, we see some Muslim Gypsies resident in Köprülü submitting a petition to the Sublime port complaining that they were still registered as “Muslim Gypsy” by the commission of population registration (*Tahrir-i Nüfus Komisyonu*) and arguing that this practice is against Islam.⁸⁷

To sum up, Sadi’s *layiha* deserves attention because it offers us insights into not only late Ottoman “governmentality” but also the ideas of what constituted “proper citizenship” in the late Ottoman Empire. Above all, by offering us a case study of the position of Gypsies in nineteenth-century Ottoman Serres, it provides us glimpses into late Ottoman mentalities regarding to “margins” and “difference” in the society. The ways in which the Gypsies were presented in the memorandum is but one example of Ottoman appropriation of European colonial attitudes and Orientalist outlook of their enemies towards their symbolic and spatial margins as a survival tactic in the rapidly changing world of the late nineteenth century. As is made very evident in the memorandum, the activities of European missionaries were seen an obvious threat to the community of Muslims and hence various discourses were deployed as a response. Among these discourses, as we find them epitomized in Sadi’s memorandum, was the

86 BOA Dh. MKT, Dosya No:628, Gömlek No:64; BOA DH. MKT, Dosya No: 632, Gömlek No:19

87BOA TFR. I.SKT. Dosya No: 74, Gömlek No:7352

idea of “civilizing” the margins through “correcting” their faith and offering them the benefits of “modern” education.

SUMMARY AND CONCLUSIONS

To write a history of Gypsies in the early modern Ottoman Empire is a daunting task as it requires overcoming a number of historical, theoretical and methodological challenges. These challenges stem from the limitations of the historical sources on Gypsies, the variety of narratives – shifting from popular to academic; from politically engaged to “objective” – produced in contemporary scholarship on the history of Gypsies and deployment of contested concepts such as “marginality”, “ethnicity” and “race” with almost no problematization, contextualization and historicization. Firstly, this dissertation sought to map out these fundamental challenges and engage with them before moving on its declared aim of exploring Gypsies’ position in the socio-economic and moral landscape of Ottoman society in the sixteenth century. Through reading the sixteenth century court records of Üsküdar in concert with the *kanunnames*, *mühimme* registers and available research on the *tahrir* registers pertaining to Gypsies, it argues that it would be a mistake to construe the Gypsies in the Ottoman Empire as an entirely homogenous group. First of all, it seems that in the early modern period, the Ottoman authorities’ conception of who or what a Gypsy was, seems to have been determined much more by socially and economically hybrid mode of living with occupations temporary and at times considered morally “low”, than by any narrowly interpreted linear understanding of a common ancestry, language, religion or shared past experiences. Indeed an argument can be made that the sheer abundance of terms used in Ottoman/

Turkish lexicon to denote a “Gypsy” or “Gypsy-like communities” make it almost impossible to suggest that Ottomans had a clear-cut category for who was “Gypsy” and who was not.¹ The modern conception of Gypsies as constituting an ethnic group, whose common origin goes back to India, was simply not present in our context. As we saw in the dissertation, Ottomans, constructed different origin stories for Gypsies at different times, yet up until the late nineteenth century these origin stories has nothing to do with India. These, very few, yet significant origin stories were constructed on the basis of perceived morality of Gypsies rather than any specific place of common origin. However, this is not to suggest that all of those groups who had residentially hybrid lifestyles and occupations were lumped together under the category of “Gypsy.” Those Gypsies who were identified as “*ehl-i fesad*” in sixteenth century Anatolia and the imperial capital in Istanbul were mentioned together with various other marginal groups including but not limited to beggars, jobless young theology students (*suhte*), wandering paramilitary groups (*levend*) and “city boys” (*şehir oğlanları*). Once mentioned as a group to be taxed in sixteenth century Üsküdar, Gypsies were categorized with freed slaves (*azadegan*) and nomadic infidels (*yave kafirler*). The imperial official tasked with collecting taxes from Gypsies (*kıptıyan taifesi*) was also entitled to collect the taxes of freed slaves and nomadic infidels. More significantly, Gypsies were also mentioned as serving in the military-administrative unit called

¹ Further on this, see, Hüseyin Yıldız, “Türkçede Çingeneler İçin Kullanılan Kelimeler ve Bunların Etimolojileri,” *Dil Araştırmaları Dergisi*, 1.1 (2007): 61-82

müsellems. Within this institution, they were organized and administrated along the same lines with *Yürüks*, *Yaya müsellems*, *Martolos* and *Voynuks* within the Ottoman military organization. All this suggests that the state acknowledged some degree of difference among the mobile and nomadic groups in the sixteenth century. However, how all these categories evolved in the subsequent centuries is a question that has to be explored in the future research.

Secondly, Gypsies, as it emerges from the various genres of Ottoman sources this dissertation is based upon, cannot be considered as a homogenous and monolithic group. On the contrary, they were heterogeneous in terms of their religious identity as there were both Muslim and Christian Gypsies living in the Empire. Nevertheless, their indifference to the “Orthodox” practices of these religions caused them to be stigmatized as nominal Muslims (and nominal Christians). In terms of their mode of living, they were not all nomadic, contrary to many representations of Gypsies (and especially in nineteenth century European and Ottoman discourse). Our source documents make it obvious that there were settled, nomadic and semi-nomadic Gypsies up until the end of the Empire. Through looking at the credit and property transactions recorded at the sharia court of Üsküdar and the very few estate inventories that have reached us, some members of the Gypsy community were wealthier than many non-Gypsy residents of Üsküdar. Furthermore, not all of them were perceived as morally inferior, because, as I show in this dissertation, they served at the court as witnesses, mostly in cases related to their own communities, and were appointed

as proxies by the local authorities for the administration and taxation of their communities.

Another significant concern of this thesis is the sharia court of Üsküdar and its records. By situating Gypsies' presence within these records both quantitatively and qualitatively, an attempt has been made not only to exemplify what caused the Gypsies to resort to the court and how they were defined in the court lexicon but also to represent some of the problems that the court records pose to the reader.

1. Limitations of Sources

Gypsies are one of the many social groups and communities that have been silenced and marginalized in meta-narratives. As Judith Okely puts it, "The Gypsies or Travelers have scarcely written their own history. Theirs is a non-literate tradition, so their history is found fragmented in documents of the dominant non-Gypsy or Gorgio society."² Yet even these documents scattered in different registers, as we saw, have certain limitations. First of all, they were written for various reasons by state officials, bureaucrats, religious authorities etc. all of whom belonged to the learned male hierarchy. So their agenda in recording the presence and the experiences of Gypsies were quite different from each other. Secondly, as we saw, but for the occasional defensive or dissembling voice

²Judith Okely, *The Traveller Gypsies* (Cambridge: Cambridge University Press, 1983), 1

meticulously reproduced in the court records or *mühimme* registers, our means of access to early modern Ottoman Empire's Gypsies is often indirect. When this indirectness is added to Gypsies' for the most part "unregistered status" due to their hybrid life-styles, then the mission of writing about them is inevitably daunting. Compared to many under-privileged groups, it would not be inappropriate say that the Gypsies constitute one of the least represented groups in the historical sources, particularly in the court records. This constitutes the main reason for situating this study in the period extending from the 1530s to 1580s. In order to come up with a workable amount of data, I had to extend the time period under study. After scanning more than 17,000 entries, I was able to locate almost 235 entries that include at least one Gypsy either as a litigant or defendant in the court records of Üsküdar. Nevertheless, this should not be read as a universal trend in all court records from different times and places including Üsküdar itself in the later centuries. It might be possible in the future find court records in which Gypsies are well-represented especially in the Ottoman Balkans where Gypsies seem to have been present in higher numbers than in the Anatolian provinces of the Empire. However, in order to substantiate this, we need further research on Gypsies based upon the court records.

2. Writing *histories* of (Ottoman) Gypsies

Compared to the sheer number of studies, multiplicity of approaches and heated debates in exploring the history of Gypsies and their origin in European historiography, the contemporary scholarship on Ottoman Gypsies is very limited.

Up until very recently, all we had available were a few articles published here and there. Indeed, even the *Türkiye Diyanet Vakfı İslâm Ansiklopedisi* (Turkish Religious Foundation Encyclopaedia of Islam), which has been published in Turkish since the 1980s and is considered to be one of the most comprehensive and authoritative sources on the history of Islam in Turkey and abroad lacks an entry on “Çingene” (Gypsy). With a few exceptions, all these studies reiterate the same discourse and reach more or less the same conclusions. Gypsies in these studies, at all times and places, are presumed to be poor, dirty, morally inferior, nominally Muslim or Christian yet talented musicians, dancers and iron workers. Gypsy women in this discourse appear to possess dubious sexual morals and are charged with seducing young boys in towns and villages and causing dissolution of families. As for the Ottoman state attitudes towards the Gypsies, there appear two competing arguments: While on the one hand there are scholars who claims that Gypsies were tolerated or benignly ignored, on the other hand, the competing paradigm claims that Gypsies constitute one of significant examples of groups that were marginalized and discriminated against by the Ottoman authorities at least in the Balkans provinces.

Despite many efforts to deconstruct and much valuable scholarship, the “millet system” paradigm still haunts Ottoman studies in many respects. The ways in which Gypsies are situated in the Ottoman social ordering is a case in point. Gypsies as both Muslim and Christian, settled and nomadic, man and woman were always identified with the umbrella term “Kıbtî” or “Çingane” in the

documents including but not limited to the court registers. Indeed, this tagging led many scholars, including myself in my former publications, to argue that the Gypsies had an “atypical” or “exceptional” legal status in the Ottoman Empire in that they were categorized according to their “ethnicity” rather than their religious affiliation which was, until recently, considered to be the main denominator to mark one’s status in the Ottoman society. One of the main implications of this argument is that since Gypsies were “ethnically” categorized, they were outside of the so-called millet system and hence marginalized, excluded, discriminated against, even in administrative terms. This study presents a revision and reevaluation of this argument. Instead of approaching the administration of Gypsies through the so-called Millet system, I attempted to position Gypsies within many communities – administrative, religious, settled and nomadic etc. – that made up the Ottoman society. By doing so, I argued that the concept of “mobility” is a better tool to analyze the relations between the Gypsies and the Ottoman imperial state. As I demonstrated, the way Gypsies were categorized, governed and employed in the state apparatus often paralleled the treatment of other nomadic or semi-nomadic groups such as Yörüks (*Yörük tayifesi* or *cemaati*), Turkomans (*Türkmens* or *Etrak*) and Kurds (*Kürd* or *Ekrad tayifesi*), Voynuks (*Voynuks*) or Vlachs (*Eflakan*). In fact, the earliest known regulations concerning Gypsies, for instance, are found in the *kanunname* on the Yörüks. These categories seem to be drawn more on the basis of the mobile and tribal life styles of these communities than their common “origin,” or shared history,

language and genetic descent. Despite the fact that among these categories, 'Gypsies' and 'Kurds' might be interpreted as administrative categories based on “ethnicity” by a modern reader, nevertheless this notion of (proto)“ethnicity” has to be qualified. In the textual world of the court records I suggest, following Leslie Pierce, that “ethnicity” was a label used for those who were yet to be assimilated into the settled urban life of the empire. In the sixteenth century Üsküdar, this category mostly constituted Gypsies, the Blacks (*Arap* – most of whom were either freed or fugitive slaves) and Tatars (*Tatar taifesi*) especially in the 1580s. It should be mentioned, however, the usage of “ethnic” labels is not limited to the court records only; it can be seen in various narrative and archival sources from the Ottoman period. Nevertheless, with a very few exceptions, we are far from having a satisfactory understanding the meaning attached to these labels such as “Turk,” “Kurd,” “Persian,” “Albanian,” “Arab” ... etc. by the Ottoman themselves in different periods.

3. “Marginality” of Gypsies

This study also deals with the concept of “marginality” extensively. The reason behind this engagement is that much of the existing literature on Gypsies takes for granted their “marginal” position and presents them as politically, socially, economically and ethnically marginalized group *par excellence* in all times and places. With the exception of a few studies, most of these works treat the term “marginal” or its derivatives as an uncontested or transparent category of analysis. However, as this dissertation demonstrates “marginality” is a contested

concept. It has neither a uniform definition nor a uniform usage. As one author puts it, it is a “tricky” concept to work with. It has been used ubiquitously in both modern and postmodern discourses. Exploring the lives and survival tactics of those positioned at the margins - discursively as well as materially- may help us heterogenize narratives of “history from below” as well as question the assumed uniformity and conformity of the center itself. Nevertheless, in this attempt, a workable definition of “marginal” and “margins” needs to be constructed in dialogue with the context in question. As every society have its own margins and different ways to deal with them. My aim in this dissertation was not to provide *the* definition for “marginality” and its derivatives such as “margin,” “marginal,” “marginalized.” In my working definition, I suggest that the category of “marginal” in the context of sixteenth-century Üsküdar constitutes those individuals or groups whose *repeated* ‘undesirable’ conduct, speech, opinions, lifestyles, religious practices and occupations challenged social and gender hierarchies, and threatened the epistemic and political authorities in some way. As such, those so-called “marginal” individuals or groups, due to their deviation from what was envisaged to be normative communal behavior, might have experienced marginalization from social networks and social relations as well as various “*civic acts*” such as bearing witness in the court. These marginalizations might even have taken the form of spatial exclusions so the individuals or groups at the margins may have been banished from the privileged social spaces and institutions reserved for the “respectable” Ottomans (*ehl-i ırz*) with ‘proper moral

conduct.’ Nevertheless these expulsions, as we saw in this dissertation, were never absolute and unchanging but rather, very much contextual and situational. One of the main conclusions of this dissertation, through readings of the *kanunnames*, the *mühimme* registers and the court records of Üsküdar, and supplementing them with the research on the *tahrir* registers of the sixteenth century, is that the “marginality” of the Gypsies in the Ottoman Balkans and Anatolia in the sixteenth centuries was neither absolute and unchanging nor inflexible and complete.³ The interaction of the Gypsies, both with the state and with the Ottoman society at large, was *simultaneously* both hostile and symbiotic. While the Gypsies occupied a space (often) far from the center of power, they always had a place in society and in the state’s administrative apparatus.

4. Gypsies at the Sharia Court of Üsküdar

Like other inhabitants of Üsküdar, local Gypsies too were clients of the sharia court though perhaps to lesser degree. They came to the court to submit claims against others, or were obliged to appear in court to defend themselves against allegations; they registered all kinds of agreements and also appeared as taxpayers. Gypsy clients of the court – men and women, nomadic, semi-nomadic or (recently) settled – were always labeled through their communal affiliation drawn on the basis of their “ethnicity” rather than their religious affiliation. The

³ Faika Çelik, “Probing the Margins: Gypsies (Roma) in Ottoman Society, c.1450-1600,” in *Subaltern and Social Protest: History from Below in the Middle East and North Africa*, edited by Stephanie Cronin, (London: Routledge, 2007), 177-199.

scribes meticulously tagged individual Gypsies coming to the court by two means: In the first case, after the name of the individual male or female that include the standard patronymic marker, they made sure to add either *çingane* or *kıbtı* (in the case female *kıbtıyye*) hence emphasizing their difference from various other Muslim and Non-Muslim communities settled in an urban context. Despite this identification marker which differentiates Gypsies from the larger Muslim and non-Muslim community, in the legal procedure that they encountered and the justice they received, they were no more disadvantaged than their Muslim and non-Muslim counterparts.⁴

One of the main reasons that made Gypsies come to the court is related to credit and property transactions. Claims and registrations on inheritance, marriage, divorce, guardianship, and surety seem to be some other significant reasons. Yet no less significant is what in Western legal parlance is categorized under the rubric of “criminal” law. As underlined by several scholars already, the institutionalization of recordkeeping as a court practice led to an appropriation of many of the legal categories and linguistic formulas established within the *şurut literature*.⁵ When registering any document at the court, the court personnel used these categories and formularies established within the genre and so attempted to produce uniform and standardized discourse both in theory and practice. That is

⁴ Hallaq makes same observation for women and non-Muslims in *Shari'a: theory, practice, transformations*. Cambridge: Cambridge University Press, 2009), 189.

⁵ For further on this, see chapter V.

why, as is exemplified in the dissertation, loan and credit contracts, acknowledgments of any legal responsibilities, marriage contracts, guaranty and surety-ship documents and even most of the law-suits are remarkably formulaic in structure and repetitive in legal terminology. However, as has already been mentioned by several scholars, we occasionally notice in the court records that certain remarks were left "un-translated."⁶ The sixteenth-century court records provide a myriad of examples in which self-representative expressions rather than the legal formularies capture the attention of the reader. Nevertheless, as I limited myself only to those cases concerning Gypsies, I have only very few cases in which the scribes reported the words of Gypsies verbatim. I have shown that Gypsy women used different rhetorical techniques than Gypsy men once they were brought to the court to defend themselves against any allegations. While men either acknowledged or denied any charges against them in a more neutral voice, women often employed more personal discourse once the litigation in question concerned domestic violence including sexual brutality against them and their beloved ones. Furthermore, if the issue at stake had the potential to

⁶ Ergene, *Local court, provincial society and justice in the Ottoman empire: legal practice and dispute resolution in Çankırı and Kastamonu, 1652-1744* (Leiden: Brill, 2003), 170-88; Leslie Peirce, *Morality tales: law and gender in the Ottoman court of Aintab* (Berkeley: University of California Press, 2003); Tamdoğan-Abel, Işık. "L'écrit comme échec de l'oral? L'oralité des engagements et des règlements à travers les registres de cadis d'Adana au XVIIIe siècle," *Revue du monde musulman et de la Méditerranée* 75-76 (1995):155-65; James Grehan, "The mysterious power of words: language, law and power in Ottoman Damascus, 17th-18th centuries," *Journal of Social History* 37 (2004): 991-1015.

destabilize their moral status in the community, women often used contrite language and asked for forgiveness.

5. The Ottoman Imperial State and Gypsies

Another aim of this dissertation was to analyze how the Ottoman Imperial state dealt with what I call a “community in motion” at various levels in two different temporal zones. My sources demonstrate that the Ottoman state policy *vis à vis* Gypsies was neither uniform nor did the ruling authorities have a singular and monolithic view of Gypsies. This is reflected in the language of the contemporary Ottoman documents and some of their policies pertaining to taxation and the ways in which they were employed in the Ottoman imperial army.

In the state documents, specifically in the *mühimme* registers, Gypsy bands roaming around the country side, raiding villages, indulging in various criminal activities and disruptive behavior and thus deemed to be thereby disturbing public peace, were generally stigmatized as *ehl-i fesad* (people of corruption).⁷ Nevertheless, the Sultan, after describing the wrongful and disruptive acts that these “people of corruption” were involved in, was always very diligent to order punishment only for those who committed these crimes, and

⁷ *Ehl-i fesad* is an expression used in Ottoman documents to characterize repeated offenders and known criminals. To my knowledge, there is no analysis on usage of *Ehl-i Fesad* in various discourses in Ottoman History. I am dealing with this term extensively in my dissertation.

only after careful investigation. It is hard to find evidence of collective punishment meted out to all roaming Gypsies and travelers.⁸

The taxation of Gypsies and particularly the taxation of Muslim Gypsies by the Ottoman imperial state is a point of contention among the few scholars who have written on the subject. Their main argument is that the Ottoman imperial state taxed Muslim Gypsies illegally because it imposed *cizye* (poll-tax) on them despite the fact that the amount of *cizye* that the Muslim Gypsies paid was lower than the prescribed amount for non-Muslim Gypsies. According to Altınöz, the reason behind this is related to the Gypsies' perceived nominal attachment to Islam.⁹ Eyal Ginio, on the other hand, argues that the root cause of this discriminatory policy is not Gypsies' otherness – the dominant explanation in the field – but rather is to be found in the local customs that prevailed in the area before the Ottomans. He suggests that as the poll-tax was levied on Gypsies in the region before the arrival of the Ottomans, the Ottomans kept collecting this tax and named it *bedel-i mektu* – that is to say, 'the equivalent of the fixed tax'." However, he contends that this was in fact a poll-tax and that *bedel-i mektu* was just a semantic device used to legitimize imposing the poll-tax upon a Muslim

⁸ Reşat Kasaba makes similar observation about other nomadic groups in his *A Moveable Empire: Ottoman Nomads, Migrants, and Refugees* (Seattle: University of Washington Press 2009), 67.

⁹ İsmail Haşim Altınöz, "Osmanlı Toplumunda Çingeneler" (PhD diss., İstanbul Üniversitesi Sosyal Bilimler Enstitüsü Yeniçağ Tarihi Ana Bilim Dalı, Basılmamış Doktora Tezi, İstanbul 2005)

group.¹⁰ I at least have not seen in the sources for this study any mention of the category “Gypsies who hold Muslim names” which Ginio has observed for the eighteenth-century Balkans, nor have I come across any *explicit* statute obliging Muslim Gypsies pay *cizye* in the sixteenth century. The *kanuns* always make a distinction between Muslim Gypsies and non-Muslim Gypsies when regulating their taxation. While the tax paid by the non-Muslims was called *haraç*, *cizye* or *ispençe*, the tax paid by the Muslims was invariably called *kesm* or *resm*. Nevertheless, notwithstanding different designations, there seemed to exist little difference between the amount of tax paid respectively by Muslim and non-Muslim Gypsies. My preliminary conclusion on this much contested issue is that the emergence of new category “Gypsies who hold Muslim names” and explicit statutes stipulating that they were obliged to pay *cizye*, started to be used in the Ottoman legal discourse after the seventeenth century onwards most probably due to transformation in the land regime and fiscal policies that the imperial state was going through. However, more research is needed to confirm this. Furthermore, despite the existence of such decrees starting from the seventeenth century onwards, however, it is still difficult to straightforwardly argue that Ottomans did in fact collect poll-tax from *all* Gypsies who professed to be Muslims. Some cases found in the court records attest to this fact. Though very few have so far been

¹⁰ Eyal Ginio, “Neither Muslims nor *Zimmis*: The Gypsies (Roma) in the Ottoman Empire,” *Romani Studies* 5 14 (2004): 117-144.

found, these cases demonstrate that once Gypsies were settled and assimilated into the urban culture and their conversion to Islam and their “good-Muslim” status were confirmed by the neighborhood residents, then most of the time, the judge or the Sultan himself in responding their petitions acknowledged their right not to pay the poll-tax as a Muslim.

Furthermore, Gypsies were, in theory at least, not allowed to hold privileged positions in Ottoman society, as they were not admitted to the military class. Yet from the late sixteenth and seventeenth century Ottoman chronicles, we might extrapolate that Gypsies were able to enter the military class. Yet their involvement in the Janissary corps – together with other “ethnicities” such as Turks, Persians etc. – was construed as one of the signs of corruption of the Janissary corps thereby contributing to the decline of the Empire. However, we do know for a fact that some Gypsies living in the Balkans indeed served in the Ottoman Army not necessarily in the Janissary corps but rather as *müsellems* (literally auxiliaries).¹¹ Incorporation of the significant number of Muslim Gypsies into this military-administrative unit throughout the sixteenth century suggests that Gypsies were neither all marginal nor always marginalized. The

¹¹ For further on this see Tayyib Gökbiçgin, “Çingeneler”, *İslam Ansiklopedisi*, Cilt 3, 1988, 420-427; Enver M. Şerifgil, “XVI. Yüzyılda Rumeli Eyaleti’ndeki Çingeneler,” *Türk Dünyası Araştırmaları*, vol 15 (1981): 117-144; Emine Dıngeç, “XVI. Yüzyılda Osmanlı Ordusunda Çingeneler,” *SDÜ Fen Edebiyat Fakültesi Sosyal Bilimler Dergisi* 20 (2009):33-46. For further information on the organization of the *Müsellems*, see for instance, Halime Doğru, *Osmanlı İmparatorluğunda Yaya-Müsellemler-Taycı Teşkilatı*, (İstanbul: Eren Yay., 1990).

Ottoman state administration had several views as far as the Gypsies were concerned. Instead of declaring them as misfits or seeking to exclude them from the military-bureaucratic system of the growing empire, the Ottoman rulers integrated some of them into the army and did not see any harm in bringing them in to the fold as long as they served the fiscal and military interests of the state by performing essential and useful services. What happened to the Gypsy *müsellems* after the dissolution of this system in the seventeenth century is a question that requires another research project and is beyond the scope this dissertation.

Moreover, as their hybrid lifestyle was seen as a threat to public security and the well-being of the state at least fiscally, attempts were always made to control their movements. Whenever they were perceived as a threat to public order, they were expelled from villages and neighborhoods. Yet these spatial exclusions were neither absolute nor unchanging. Therefore, notwithstanding the stigmatization in the parlance of the documents and the discriminatory policies, the Ottoman bureaucrats of the fifteenth and sixteenth centuries also accommodated the Gypsies. In the Balkan provinces of the Empire this was accomplished through the creation of non-geographical administrative unit called the *liva-i çingane* (the sub-province of the Gypsies). Through the formation of the *liva-i çingane*, the state actually adapted its system to accommodate what I call a “community in motion” at various levels, if only for its own fiscal advantage.

By the late nineteenth century, however, the former imperial policies including the recognition of "difference", incorporation, accommodation and adoption of local practices of the conquered territories (in Ottoman lexicon, *istimalet*), construction of fluid rather than fixed and impermeable categories within the Ottoman society was replaced by the Ottoman "governmentality" to construct, firstly, a homogenous community of Muslims and then increasingly a homogenous, uniform and inflexible ethnic Turkish nation. It should be underlined, however, that thorough analysis of the ways and techniques through which late Ottoman imperial state produced and governed the Empire's subjects but also examine how, if, and when these subjects, in our case Gypsies, resisted, negotiated or accommodated their marginal status is a (dissertation) project in itself.¹² It not only requires different set of readings but also deciphering hundreds of documents available in the Ottoman archives. Therefore, compared to what we have in the archives, what I provided on this significant future research avenue should be read as a drop in the ocean.

This study is a first dissertation length attempt written in English to reconstruct a history of Gypsies in the Ottoman Empire or Ottoman Gypsies based upon different genres of the Ottoman sources. However, it is not ambitious in its scope in that it does not claim examine status of Gypsies in the Ottoman Empire

¹² As a matter fact, Ceyda Yüksel's recent master thesis constitutes the preliminary attempt to fulfill this lacuna and hopefully leads to further research. Ceyda Yüksel, "*Buçuk Millet: The Ottoman Gypsies in the Reign of Sultan Abdülhamid II (1876-1909)*" (Master's thesis, Bogaziçi University, 2009).

in *all* times and places. My conclusions are here limited to the sixteenth century though at times I crossed this boundary to make some of my points clear. As being first in its kind, it hopefully (!) raises more questions than answers.

Appendix 1- Üsküdar Court Registers used in the Study and Number of Entries on Gypsies

Register (<i>Sicil</i>) Number	Date (A.H)	Date (A.D.)	Number of <i>Varak</i> s	Number of Entries on Gypsies	Approximate Total Number of Entries *
7	936- 938	1529-1531	96 x 8	3	576
8	938-940	1531 -1533	43 x 8	0	258
9	940-942	1533- 1535	140	6	1072
10	942-945	1535- 1538	30 x 8	0	240
11	945-947	1538-1540	107 x 8	1	856
12	947-950	1540-1543	78 x 8	0	624
13	949-953	1542- 1546	72 x 8	4	576
14	953-955	1546- 1548	84 x 8	3	657
15	954-958	1547-1551	178	29	2212
16	958-959	1551-1552	21 x 8	0	168
17	955-963	1548- 1555	91	13	873
18	963-964	1555-1556	40 x 8	3	320
19	964-965	1556-1557	68 x 8	3	544
20	965-967	1557-1559	173 x 8	7	1384
21	967-969	1559-1561	67 (Arabic)	NA	NA
22	967-969	1559-1561	180 x 8	22	1440
23	968-970	1560-1562	68 x 8	6	544
24	945-971	1538-1563	97 (Arabic)	NA	NA
25	965-970	1557-1562	49 x 8	7	392
26	970-971	1562- 1563	98 x 8	19	1092
27	971-972	1563-1564	149 x 8	15	1192
28	969-974	1561-1566	39 (Arabic)	NA	NA
29	973-974	1565-1566	197 x 8	14	1576
51	987 - 988	1579- 1580	88	31	751
56	990-991	1582- 1583	75	50	495
TOTAL				234	17842

- Bolded lines indicate that total number of entries is taken from the recently published transcriptions of the court records of Üsküdar by ISAM (Further details see the bibliography). The total number of entries given on USS 15 is counted by the present author. It is possible to get approximate number of entries in each register if we take medium of 8 entries for each *varak*. Nevertheless, this could be only approximate as some registers might depart from the norm significantly.

Appendix 2- Table of Entries on Gypsies Located in USS 15 (1547-1551)

Page no and Entry No	Date (AH)	Entry Type	Entry Content	N or V ¹	Plaintiff(s)	Defendant(s)	R ²	G ³	TA ⁴	Gypsies as Witnesses If applicable ⁵	Decision of the Court if applicable ⁶
6b/ 4	Date part cannot be read because the page is damaged	Litigation	Credit Transaction	NA	Yolcu bin [Damaged]	Nikola b. Yorgi	Non-Muslim-Muslim Gypsy (?)	M	Damaged	NA	NA
36b/ 2	Not dated	Withdrawal from Litigation	Credit Transaction	NA	Bazarlu b. Kasım named <i>çingane</i>	Malkoç b. Gün named <i>çingane</i>	Muslim Gypsy – Muslim Gypsy	M	400 <i>akçe</i> as <i>karz</i>	NA	<i>Sulh</i> with 50 <i>akçe</i>
48b/ 3	Receb 956 AH	Administrative (a document drafted at the court by the demand of the imperial court)	Tax Farming	NA	NA	NA	NA	NA	NA	NA	At the request of the imperial court, the judge makes an examination and confirms the trustworthiness of guarantors of Kara Yusuf, the tax-farmer, who is responsible for collecting the obligatory taxes from Gypsies in Üsküdar and Yoros

¹ N stands for Neighborhood; V stands for Village.

² R stands for Religion

³ G stands for Gender. M refers to Male and F refers to Female clients of the Court.

⁴ TA stands for the transaction amount.

⁵ Witnesses (*şuhudu'l-hal* and *udul-u muslimun*)

⁶ All the NA stand for “Not Applicable.”

51b/ 5	Early Şevval 956 AH	Withdrawal from the litigation	Credit transaction	NA	Ali b. Mestan	Sağır Mustafa b. Abdullah	Muslim Gypsy – Muslim Gypsy		600 <i>akçe</i>	Koçi b. Resul, Durmuş b. Dündar, Durmuş b. Bazarlu and others	Sulh with 100 <i>akçe</i>
53b/ 5	Middle Zilkade 956 AH	Litigation	Transgression (<i>şetm</i>)	NA	Hasan b. Bazarlu	Hamza b. Karagöz	Muslim Gypsy-Muslim Gypsy	M	NA	NA	Confirmation and registration of Hasan b. Bazarlu's claim
55b/ 4	Early Zilhicce 956 AH	Registration	Transgression (<i>şülb-i hamr</i>)	NA	Subaşı (the police officer) Mehmed	A tall Gypsy male (<i>Bir uzun boylu Çingane</i>)	Muslim State official – NA	M	NA	NA	Confirmation and registration of the Subaşı Mehmed
55b/ 5	Early Zilhicce 956 AH	Litigation	Property Transfer	NA	Hasan b. Karagöz	Cafer b. Kara Mustafâ	Muslim Gypsy-Muslim Gypsy	M	Young horse (tay) worth of 400 <i>akçe</i> .	Sinan b. Karagöz	Judgment in favor of Cafer b. Kara Mustafâ
56a/ 1	Not dated	Registration / Litigation	Transgression (<i>Hamr and Darb</i>)	NA	Ases Mahmud b. Ahmed	Çingane Hüsref b. Mustafâ	Muslim State official – Muslim Gypsy	M	NA	NA	Confirmation and registration of Mahmud's claim.
56b/ 3	Early Zilhicce 956 AH	Withdrawal from Litigation	Property Transfer	NA	Hasan b. Karagöz	Cafer b. Kara Mustafâ	Muslim Gypsy-Muslim Gypsy	M	200 <i>akçe</i> from the sale of a young horse		<i>Sulh</i> with 100 <i>akçe</i>

64a /2	Middle Cumaziyelevvel 957 AH	Registration	Property Transfer (<i>emanet</i>)		Hasan b. Seyfettin	Çingane Arab b. Kiti	Muslim -Muslim Gypsy	M	5 gold coins and 13 <i>akçe</i>		Registration of the transaction
64a/3		Litigation	Trangression	NA	Kosta b. Yani (<i>amil</i> of a village called Kadı)	Çingane Sinan b. Mustafa	Non-Muslim State official-Muslim Gypsy	M	NA	NA	Registration and confirmation of Kosta b. Yan's claim
65 a	Early Cemaziyelevvel 957 AH	Registration	Taxation		Bekir b. Mahmud the subaşı (The police officer of the Gypsies living in Rumelia)	Hüseyin b. Abdullah	Muslim State official – Muslim Gypsy	M	The <i>öşür</i> tax paid by the Gypsies living in Rumelia	NA	Registration of the transaction
77a/ 2	Early Şaban 957AH	Litigation	Transgression (<i>katl</i>)	NA	Satı b. Evranos and his mother Fatma bt. İbrahim	Çingane Yunus bin Köse	Muslim Gypsies-Muslim Gypsy	M/F		Court Witness: Ebri b. Halil Emin Kıbtı and others	Registration and Confirmation of the plaintiff's claim.
79a/5	Middle Ramazan 957 AH	Administrative (a document drafted at the court)	Taxation	NA	Zati Çavuş	Kara Yusuf	Muslim State official – Muslim Gypsy	NA	6000 <i>akçe</i> per year to be collected from Gypsies, Freed Slaves and non-Muslim mobile groups in Üsküdar and Yoros	NA	Registration of the tax-farming agreement for three years between Zati Çavuş and Kara Yusuf

93a/1	Late Zilhicce 957 AH	Litigation	Credit transaction	NA	Koçi b. Rasul	Arab b. Kosta	Muslim Gypsy- Muslim Gypsy	M	200 <i>akçe</i>	Cases Witnesses Durmuş b. Bazarlı and Koca b. Karagöz named <i>çinganeler</i> and others	Decision in favor of Koçi b. Rasul
106b/ 4	Late Rebiülevvel 957 AH	Withdrawal from Litigation	Transgression (<i>katl</i>)	NA	Satı b. Hamza	Cito (?) and Angoloz (?) and Argiroz (?) and Kiryakoz (?), sons of Pavli	Muslim Gypsy- non- Muslim Gypsies	M	NA	Court witness: Pavli b. Kosta and others	The defendants are free of charges.
106b/5	Late Rebiülevvel 957 AH	Registration	Property Transaction (<i>emanet</i>)	NA	Cito b. Pavli	Satı b. Hamza	Non- Muslim- Muslim Gypsy	M	gümüş maşraba and bir yunt	Court witness: Pavli b. Kosta and others	Registration of the <i>ikrar</i>
114/1	Late Rebiülevvel 958 AH	Litigation	Divorce	NA	Fatma bt. Abdullah	Mehmed b. Abdullah	Muslim Gypsy- Muslim Gypsy	M- F	NA	NA	Registration of Divorce
133b/4	Late Rebiülevvel 958 AH	Registration/Litigation (?)	Divorce	NA	Fatma bt. Balaban	Mehmed b. Abdullah	Muslim Gypsy- Muslim Gypsy	M- F	NA	NA	Registration of conditions leading to divorce
138a/3	3 Receb 957 AH	Administrative-Imperial edict	Taxation	NA	NA	NA	NA	NA	NA	NA	Imperial edict on taxation of Gypsies living in Anatolia

138b/1	Late Rebiülevvel 958 AH	Registration	Appointmet of proxy (<i>Vekalet</i>)	NA	Biruz b. Biruz	Dimo b. Koca	Muslim Gypsy (?)– Muslim Gypsy (?)	M	NA	NA	Registration of Dimo b. Koca as a proxy to Biruz b. Biruz
138b/2	2 Receb 958 AH	Administrative – Imperial Edict	NA	NA	NA	NA	NA	NA	NA	NA	Imperial edict on taxation of the Gypsies living in Anatolia
140b/4	Late Rebûlahir 958.	Withdrawal form Litigation (?)	Credit Transaction	NA	Hacı Halil b. Umur	Satılmış b. Akıncı	Muslim – Muslim Gypsy	M	200 <i>akçe</i>	NA	Registration of withdrawal from litigation (?)
163b/3	Early Muharrem 955 AH	Registration	Waqf Property as mukatta	NA	Şeyh Süleyman <i>mütevelli</i> of the Mehmed Pasha İmareti	Koçi named <i>çingane</i>	Muslim- NA	M	3 shops for 16 <i>akçe</i> per month	NA	Koçi named <i>çingane</i> rent out three shops from the waqf and he supposed to pay 343 for three months
174b/5	Early Zilkade 955 AH	Withdrawal from litigation	<i>Ikrar</i> of withdrawal form litigation	NA	İskender b. [left blank in the text]	Koçi b. Rasul and Karaca b. Karagöz	Muslim Gypsy- Muslim Gypsies	M	NA	NA	Registration of the withdrawal from litigation
177a	Middle Muharrem 954 AH	Administrative (a document drafted at the court by the demand of the imperial court)	Taxation	NA	NA	NA	NA	NA	NA	NA	Registration of the <i>ispençe</i> tax paid by Gypsies of Gümülcine collected and handed over to the state officials.
178b	Muharrem 954 AH	Administrative (a document drafted at the court by the demand of the imperial court)	Taxation	NA	NA	NA	NA	NA	NA	NA	Registration of the <i>ispençe</i> tax paid by Gypsies of Gümülcine collected and handed over to the state officials.

Appendix 3- Table of Property and Credit Transactions brought to the Court by Gypsies (1540 – 1585)

Page no and EntryNo	Date (only year)	Entry Type	Entry Content	N or V ¹	Plaintiff / Creditor/ Buyer	Defendant / Debtor / Seller	G ²	Transacted Object(s) and Value ³
USS 7/ 31b / 3	937 AH	Registration	Credit Transaction		Kassab Mahmud b. Abdu	Çingane (Gypsy) Ismail	M / M	100 akçe Loan Deposited Object: Silver Cup
USS 7/33a/ 1	937 AH	Registration	Credit Transaction		Kassab Mahmud b. Abdu	Çingane (Gypsy) Ismail	M/M	Value of the deposited object: 750 akçe
USS 7/ 33 a / 2	937 AH	Litigation	Credit Transaction		Kassab Mahmud b. Abdu	Çingane (Gypsy) Ismail	M/M	
USS 9/ 5a / 5	Not dated	Registration	Credit Transaction		Piyade b. Musa	Gypsy woman (<i>Çingen avreti</i>) Hasna	M/F	400 akçe Debt
USS 14 /On the bill / 6	954 AH	Registration	Property Transfer		Certain Ahmed	Wife of Koçi named Gypsy w	M/F	205 akçe Debt
USS 14 / 23b/ 1	953 AH	Litigation	Property Transfer	V. Kadı	Koçi the Gypsy from the same vill	Karaoğlan Todora b. Dimitri from the village Kadı	M	Sale of a half house and a piece of land attached to the house. The value of house is not specified yet the land's value is 1 gold coin
USS 14 / 74 b/ 5	955 AH	Registration	Property Transfer		İlyas b. Abdullah	Karagöz b. Mustafa from the community of Gypsies		300 akçe for a year of work
USS 15/6b/ 4	Date part cannot read because the page is damaged	Litigation	Credit Transaction	NA	Yolcu bin [Damaged]	Nikola b. Yorgi	M	Damaged
USS 15/ 36b/ 2	Not dated	Withdrawal from Litigation	Credit Transaction	NA	Bazarlu b. Kasım named Gypsy	Malkoç b. Gün named Gypsy	M	400 akçe Loan
USS 15/51b/ 5	956 AH /	Withdrawal from the litigation	Credit Transaction	NA	Ali b. Mestan	Sağır Mustafa b. Abdullah	M	600 akçe
USS 15/55b/ 5	956 AH/	Litigation	Property Transfer	NA	Hasan b. Karagöz	Cafer b. Kara Mustafâ	M	Young horse (tay) worth of 400 akçe.

¹ N stands for Neighborhood; V stands for Village.

² G stands for Gender. M refers to Male and F refers to Female clients of the Court.

³ TA stands for the transaction amount.

Page no and EntryNo	Date (only year)	Entry Type	Entry Content	N or V ¹	Plaintiff / Creditor/ Buyer	Defendant / Debtor / Seller	G ²	Transacted Object(s) and Value ³
USS 15/56b/3	956 AH/	Withdrawal from Litigation	Property Transfer	NA	Hasan b. Karagöz from the community of Gypsies	Cafer b. Kara Mustafâ from the community of Gypsies	M	200 akçe from the sale of a young horse
USS 15/64a /2	957 AH /	Registration	Property Transfer (<i>emanet</i>)	NA	Hasan b. Seyfettin	Gypsy Arab b. Kiti	M	5 gold coins and 13 akçe
USS 15/93a/1	957 AH	Litigation	Credit transaction	NA	Koçi b. Rasul	Arab b. Kosta	M	200 akçe
USS 15/106b/5	957 AH /	Registration	Property Transaction (<i>emanet</i>)	NA	Cito b. Pavli	Satı b. Hamza	M	Silver cup and a horse
USS 15/140b/4	958 AH	Withdrawal from Litigation (?)	Credit Transaction	NA	Hacı Halil b. Umur	Satmış b. Akıncı	M	200 akçe
USS 15/ 163b/3	955 AH	Registration	Waqf Property as mukatta	NA	Şeyh Süleyman , the trusty the Mehmed Pasha İmareti	Koçi named çingane	M	3 shops for 16 akçe per month
USS 15/174b/5	955 AH	Withdrawal from litigation	İkrar of withdrawal form litigation	NA	İskender b. [left blank in the text]	Koçi b. Rasul and Karaca b. Karagöz	M	NA
USS 17/ 7b/ 1	956 AH	Registration	Property Transaction	V. Kadı	A butcher named Karaca b. Sarıca	A Gypsy named Koçi b. Solak from karye-i Kadı		Sale of a vineyard for 1500 akçe
USS 17/14a/6	956 AH	Registration	Property Transaction	NA	Kurt b. İlyas from the community of Gypsies	Mustafa b. Timurtaş		Sale of a horse for 350 akçe
USS 17/28b/3	956 AH	Litigation	Credit Transaction and Marital?	NA	Ali b. Mestan from the community of Gypsies	Alafine bt. (Blank in the document)	M/F	700 akçe Loan
USS 17/35b/3	957 AH	Litigation	Property Transaction (<i>Emanet</i>)	Mahrüse-İstanbul	Koçi b. Yunus from the community of Gypsies in Istanbul	Akıncı b. Abdullah	M	Copper Tray
USS 19/ 33b/	964 AH	Withdrawal from Litigation	Credit / Property (İslemek Bahası)	NA	Mustafa b. Yunus Çingene	Akıncı bin Laloz	M	150 akçe from labour

Page no and EntryNo	Date (only year)	Entry Type	Entry Content	N or V ¹	Plaintiff / Creditor/ Buyer	Defendant / Debtor / Seller	G ²	Transacted Object(s) and Value ³
USS 20/97b/3	967 AH	Registration	Credit Transaction	NA	Ramazan <i>Çingane</i> b. Abdul	Durmuş <i>Çingane</i> b. Bazarlu	M	8 [gold coins] ⁴ Loan
USS 22/ 42a/1	968 AH	Registration	Credit Transaction	NA	Beşe Bali <i>Çingane</i>	Durmuş b Bazarlu	M	Loan amount is not specified
USS 22. 42b. 5	968 AH	Registration	Credit Transaction	NA	Temur or Durmuş b. Balcı	Durmuş b. Bazarlu		9 gold coins (tam altın sahihül ayar filori)Loan
USS 22 42 a / 2	968 AH	Registration	Credit Transaction	NA	Koçi <i>Çingane</i> b. Çakır	Fatıma Hatun bt. Musa	M/F	70 akçe debt (<i>deyn</i>)
USS 25 / 4a / 2	970 AH	Registration	Credit Transaction	V. Kadı	Koçi <i>Çingane</i>	Waqf of Sinan Çelebi		1000 akçe Debt (<i>deyn</i>)
USS 26 / 31 a / 2	971 AH	Registration	Property Transaction	N.A	Turmuş b. Akıncı from community of Gypsies	Yani b. Mavridi from the same community	M	Sale of a horse worth of 400 akçe
USS 26 / 71 a / 5	971 AH	Litigation	Property Transaction	NA	Erdogdu b. Kasim	Şahkulu the Gypsy	M	Sale of a horse.
USS 27 /	971 AH	Registration	Credit Transaction	N.A.	Mustafa b. Hasan from the community of Gypsies	Nebi b. Derviş	M	10 gold coins (10 <i>altun</i>) Loan
USS 27	971 AH	Registration	Inheritance	N.A.	The late <i>Çingane</i> Yunus	Pervane b. Abdullah	M	130 akçe Debt

⁴ Damaged in the text!

Page no and EntryNo	Date (only year)	Entry Type	Entry Content	N or V ¹	Plaintiff / Creditor/ Buyer	Defendant / Debtor / Seller	G ²	Transacted Object(s) and Value ³
USS 27	971 AH	Registration	Credit Transaction	N.A.	Durmuş v. Bazarlu from the community of Gypsies	Sefer bin Abdullah from the same community	M	10 gold coins (<i>on altun</i>) Loan
USS 51/ 11a/3	987 AH	Registration	Credit Transaction	N. Ma'mür	Sefer b. Karaca	Ayni bt. Mahmud (from the community of Gypsies)	M / F	540 akçe Loan
USS 51 / 11a/ 4	987 AH	Registration	Credit Transaction		Sefer b. Karaca	Yunus b. İbrahim from the community of Gypsies	M	540 akçe Loan
USS 51/ 34b/1	987 AH	Registration	Credit and Property Transaction		Pazarlı v. Ali	Yunus b. İbrahim	M	çuka bahasından yedi filori ve karzdan iki filori cem'an dokuz filori
USS 51/ 34b/2 (Arabic)	987 AH	Registration	Property Transaction		Kaş v. Pazarlı (<i>kıbtı</i>)	Todoro v. Duka	M	Sale of a house in the neighborhood of Ma'mure for 800 akçe
USS 51/ 38b/2	988 AH	Litigation	Credit Transaction		Kurd v. Mustafa (<i>çingene</i>)	Karagöz v. Karacaoğlan (<i>çingene</i>)	M	300 akçe Loan
USS 51/ 64b/3 (Arabic)	988 AH	Registration	Credit Transaction		Ali b. Abdullah	Kıbtı Karaca Musa	M	250 akçe Loan
USS 51/ 78b/2	988 AH	Registration	Property / Credit /Inheritance		Mehmed b. Hacı (<i>çingene</i>)	Toşoz v. Yasef (<i>çingene</i>)	M	8.000 akçe for enseri devşirmek için
USS 51/ 80b/2	988 AH		Credit Transaction		Sultan bt. Ali (<i>kıbtıye</i>)	Hasan b. Abdullah from the community of <i>acemioğlans</i>	F / M	1230 akçe Loan
USS 56/ 8b/2	991 AH	Registration	Credit Transaction	Ma'mür	Eynesi Çingene from Mahalle-i Ma'müre	Pazarlı (<i>çingene</i>)	M	140 akçe Loan
USS 56/36b/2	991 AH	Registration	Property Transaction	Ma'mür	İstad v. Yani (<i>çingene</i>) from Mahalle-i Ma'müre	Şuca [b. Sarı] (<i>çingene</i>)	M	60 akçe from rent
USS 56/36b/3	991 AH	Registration / Litigation	Property Transaction (nefsi icare)	Ma'müre	İstad v. Yani (<i>Çingene</i>)	Şuca b. Sarı (<i>Çingene</i>)	M	100 akçe per month and 300 akçe for three months
USS 56/ 39b/ 2 (Arabic)	991 AH	Registration	Credit Transaction	Ma'müre	Kurd b. Kara Mustafa	Çingene Devran.	M	400 akçe Loan
USS 56/39b/3 (Arabic)	991 AH	Registration	Credit Transaction		Ahmed the Subaşı	Çingene Devran		660 akçe Loan

Page no and EntryNo	Date (only year)	Entry Type	Entry Content	N or V ¹	Plaintiff / Creditor/ Buyer	Defendant / Debtor / Seller	G ²	Transacted Object(s) and Value ³
USS 56 / 46a /1 (Arabic)	991 AH	Registration	Credit Transaction	Ma'müre	Çingene Eynesi	Kurd b. Nigar		500 akçe Loan
USS 56 / 52a/2	991 AH			Mamüre	Şadi b. Babacan named Gypsy and (his wife) Güllü named Gypsy	The shopkeeper İstemad v. Kosta from the same neighborhood		Silver glass was deposited in return for 20 akçe loan and one silver knife and silver earring were pawned in return for akçe
USS 56/65a/1	991 AH	Registration	Property Transfer	N.A	Yakob v. Abraham named Jew	Bali b. Hüdaverdi from the community of Gypsies		150 akçe from demir bahasından Debt
USS 56/65b/1(Arab)	991 AH	Registration	Credit Transaction		Sefer b. Karaca	Çingene Tavşan		202 akçe Loan
USS 56 / 69b/ 4	991 AH	Registration	Property Transaction		Ahmed the Subaşı	Kıbtı Devran b. Davud		From the sale of <i>çuka</i> 640 akçe Debt
USS 56/ 71b/2	991 AH	Registration	Credit Transaction		Muharrem b. Şaban	Kasım b. Bayramlı from the community of Gypsies		1120 akçe Loan Deposited: His house in the neighborhood Ma'müre

Appendix 4- Estate Inventories (*Terekes*)

Estate Inventory I

USS 13/ 8a/ 3

Estate inventory of Yunus b. Abdullah el-Kıbtı died in the neighborhood of late Mehmet Pasa in Üsküdar and here is what he left (*tereke*) to his wife, and his three sons Mustafa ve Ali ve Koaıcı (?) and his daughter Hüsniye . Registered in the late Rebiülahir in the year 950 AH.

[Effects of the Deceased]	[Value of the effects in <i>akçe</i>]
Copper round tray with pedals / legs (<i>ayaklı bakır sini</i>)	150
Silver Drinking Cup (<i>gümüş maşraba</i>)	450
Purple wool broadcloth (<i>mor çuka</i>)	236
Small Carpet (<i>kaliçe</i>)	60
Zilye (?)	100
Saucepan (<i>tencere</i>)	20
Four trays (<i>dört tepsi</i>)	30
Two large cooking pot (<i>iki herein</i>)	30
Tools ... (alet ...)	50
Yarn (<i>iplik</i>)	20
Total (<i>yekun</i>)	1126
Debits	
Burial preparations and burial	200
And Court Fees (<i>resm-i kadî</i>)	22
Remainder to the inheritors (<i>el-bakî beyne'l-verese</i>)	924
Share of the wife(<i>hissetü'z-zevce</i>)	100(?)
Share of the daughter (<i>hissetü'l-bint</i>)	100
Share of the sons (<i>hissetü'l-benîn li-küllî vahidin minhüm</i>)	200
Remainder (<i>bakî</i>)	124
...(<i>el-mütevvefa el-mezbûr</i>)	?

Estate Inventory II

USS 22 / 148 a/ 2

Estate inventory of the late Hasan b. Koca Çingane from the town of Üsküdar and share of his wife Şahmaran (?) and his father Koca and his son Yusuf and his daughter Malina (?), registered in early Zilkade in the year 968 AH.

[Effects of the deceased]	Value (<i>kıymet</i>) [in <i>akçe</i>]
Purple wool broadcloth kaftan (<i>mor dolama çuka kaftan</i>)	300
Purple broadcloth cloak (<i>mor çuka ferace</i>)	1010
Purple Wide- legged trousers (<i>mor tuman çamasir</i>)	100
Turban (<i>dülbend</i>)	100
Silver Dirinking Cup (<i>gümüş maşraba</i>)	500
?	300
Cash Gold (<i>nakit altun</i>) 30 Unit	(<i>meblağ</i>) 1800
Big / Large / Wide Anvil (<i>örs kebir</i>)	50
Small / Narrow Anvil (<i>örs küçük</i>)	30
?	?
Remainder (<i>el-baki</i>)	3963

Estate Inventory III

USS 26/ 95a/ 4

Estate inventory of Mehmed b. Abdullah Gypsy (*Çinga[ne]*) died without a heir and his inheritance were sent to the public treasury. It is registered in late Rebiülevvel in the year 971 AH.

Value of All his belongings (<i>cümle metrukâtı</i>):	431
Minus announcement fee (<i>minha dellaliye</i>):	3
[Minus] transportation fee from home to the village (<i>Evde hammaliye köyden getirmeye</i>) :	40
[Minus]Tax (<i>resm</i>)	5
[Minus] Registration fee (<i>sicil</i>)	7
[Minus]... (... <i>defa' sicil</i>)	7
Remainder (<i>el-baki</i>)	378

This amount submitted to Hasan who is the helper of their still standing *emin* Hacı Behram for the public treasury. (*Hâliyâ eminleri olan Hacı Behrâm nâm emin âdemi Hasan'a teslim olunub mirî için irsal olundu*)

Estate Inventory IV

USS 56 / 75b/4

Estate inventory Nahife, wife Receb the Gypsy (*el-kıbtı*). She died and left her husband (*mezbure mürd olup zevcini terk eyledi*). Registered in the above mentioned date.

[Effects of the deceased]	[Value in akçe]
Deferred Dower (<i>mehr-i mü'eccel</i>)	300
Used hardware (<i>sair hırdavat</i>)	100
Burial and burial preparations	230
Remainder	170
Share of her husband	85
?	85

Estate Inventory V

USS 56 / 5a / 2

Estate inventory of ... bint Ayni (?) from the community of Gypsies in the neighborhood of Ma'mure registered in the late Zilhicce 990 AH.

[Effects of the Deceased]	[Value in <i>akçe</i>]
Bracelet (<i>bilezik</i>)	300
Cash Money (<i>nakid akçe</i>)	200
Old blanket (<i>köhne kebe</i>)	60
Old mattress (<i>köhne döşek</i>)	40
One yarn (<i>iplik vakiyye</i>) (1)	46
Chest (<i>sandık</i>)	10
Pillow (<i>yastık</i>)	8
Scarf with headkerchief (<i>makrama ma'a çenber</i>)	10
Old robe (<i>çuka köhne</i>)	6
Old variegated carpet bag (<i>köhne heybe ma'a dimi</i>)	2
Total (<i>yekun</i>)	715
One third excluded due to the decesead will (<i>ihrac-ı vasiyyet-i sülüs</i>)	235

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