

**GYPSIES (ROMA) IN THE ORBIT OF ISLAM:  
THE OTTOMAN EXPERIENCE  
(1450-1600)**

by

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## *Abstract*

The main premise of this thesis is to demonstrate how the Gypsies, (Roma) - both Muslim and Christian, both settled and nomadic- were marginalized by the Ottoman State and society in Rumelia (*Rumili*) and İstanbul during the “Classical Age” of this tri-continental Islamic Empire.

The Ottoman state and the society’s attitudes towards this marginal group are analyzed through the examination of the *Mühimme* Registers of the second half the sixteenth century and four major *Kanunnames* concerning the Gypsies issued in the fifteenth and sixteenth centuries. Travelers’ accounts and Turkish oral traditions have also been used to explore the social status of the Gypsies in Ottoman society, as well as their image in Ottoman popular culture.

The history of people who were marginal and voiceless in their societies is not just important for its own sake but for what it reveals about the nature of the societies in which they lived. Thus, this present work not only sheds light upon the history of the Gypsies but also attempts to open new grounds for further discussions on the functioning of the “Plural Society” of the Ottoman Empire.

## Résumé

L'objectif principal de ce mémoire est de démontrer comment les Tsiganes, (Roma) – aussi bien musulmans que chrétiens, sédentarisés et nomades – ont été marginalisés par l'état ottoman et la société en Roumélie (*Rumili*) et à Istanbul pendant «l'époque classique» de cet empire islamique tri-continental.

L'analyse de l'attitude de l'état ottoman, ainsi que celle de la société envers ce group marginalisé est faite à travers une étude des registres *mühimmes* de la deuxième moitié du seizième siècle, et de quatre *Kanunnames* majeurs à propos des Tsiganes, ceux-ci lancés pendant le quinzième et le seizième siècles. Il a aussi été question d'utiliser les récits de voyageurs et la tradition orale turque afin d'examiner la situation ou standing des Tsiganes dans la société ottomane ainsi que leur image populaire.

Une enquête historique sur un peuple marginalisé et sans voix dans sa société n'est pas seulement importante en soi, mais aussi pour ce qu'elle puisse révéler au sujet de la société qui englobe ce peuple. Par conséquent, le présent ouvrage tâche non seulement d'éclairer l'histoire des Tsiganes, mais aussi de préparer le terrain pour d'autres discussions sur l'état de la «société plurielle» de l'Empire ottoman.

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## *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. 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. 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, Mecca have been employed. Words that have gained acceptance in the English language (such as dervish, vizier, caliph) are rendered according to the spelling found in the Webster's Dictionary.

## *Introduction*

### OBJECTIVE, LITERATURE REVIEW, SOURCES, TERMINOLOGY, METHODOLOGY AND STRUCTURE

#### *Objective*

The Ottoman State was established as a frontier principality on the edge of the Byzantine Empire in the beginning of the fourteenth century. By relying on the spirit of *gaza* ideology (Holy War on the behalf of Islam) it gradually absorbed Byzantine lands in Anatolia and the Balkans. Then it marched towards the East. With the conquest of Mamluk Egypt in 1517, the Ottomans emerged as one of the most powerful states in the history of the Islamic world. During the reign of Sultan Süleyman I (1520-1566), the Ottoman State reached its peak not only in terms of territorial expansion but also in terms of state and societal structure, both of which evolved gradually through the combination of old Turkish traditions with Islamic principles as well as Byzantine practices.

Within an approximately three hundred year period, which is usually regarded as the “Classical Period”<sup>1</sup> of Ottoman history, the obligations and the rights of the

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<sup>1</sup> The classical period stretches from 1300 to 1600 and it is characterized by “an autocratic centralistic government and a command economy.” Halil İnalcık and Donald Quataert, “Introduction,” in *An Economic and Social History of the Ottoman Empire (1300-1914)*, vol. 1, ed. H. İnalcık and D. Quataert (New York: Cambridge University Press, 1994), 1. Özer Ergenç defines the period as one in which emerged process with in which “the establishment of state institutions, creation of its fundamental systems, and production of its appropriate policies for the generated institutions,” Özer Ergenç, “Some Remarks on the Ottoman Classical System,” *The Great Ottoman Turkish Civilization*, vol. 5, ed. Kemal Çiçek, (İstanbul: Yeni Türkiye), 313.

ruler and the ruled were clearly defined. For the sake of peace and order, the borders (*hadd*) within which each individual or group could function were determined by different parameters, the sources of which were the above-mentioned traditions, principles and practices. As a result, the Sultans' subjects -- coming from different ethnic and religious backgrounds -- lived side by side with a minimum of conflict in this tri-continental Islamic Empire for nearly half a millennium. These people of ethnically diverse origin shared power with the Ottoman ruling class, albeit with certain provisions. Christians and Jews were considered autonomous but dependent communities.<sup>2</sup> So long as non-Muslims accepted the primacy of Islam and the supremacy of the Muslims, they were allowed to practice their religion as well as manage their internal affairs according to their own legal codes. Consequently, the multi-cultural, multi-ethnic and multi-religious reality of the Ottoman domain was sustained until the dissolution of the Empire in the early twentieth century.

In an attempt to open new avenues of inquiry into the functioning of the "Plural Society" of the Ottoman Empire, this study focuses on the Gypsies (*Roma*), one of the most under-researched segments of Ottoman society.<sup>3</sup> The first and

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<sup>2</sup> Ira M. Lapidus, *History of Islamic Societies* (Cambridge: Cambridge University Press, 1990), 332.

<sup>3</sup> Since the term "Gypsy" (a rendered form of "Egyptian") and its derivatives have derogatory connotations, Gypsies generally 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; David M. Crowe "Roma: The Gypsies," in *Encyclopedia of European Social History: From 1350-2000*, I: 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* (Istanbul: Ozan Yayıncılık, 1997), 53-56. In the Ottoman texts, they are referred to as *Çingene* or *Kıpti* ("Copt," native Egyptian). Thus, in accordance with my sources, both primary and secondary, I generally use "Gypsies" rather than "Roma."

foremost intention of this study is to determine how the Gypsies -- both Muslim and Christian, settled and nomadic -- were legally and socially marginalized due to their distinct culture. As will be shown, their marginalization was achieved through different mechanisms of marginalization such as segregation, expulsion, and stigmatization. As has been suggested, the study of marginal groups is not only important for its own sake but also for what it reveals about "the aspirations, fears, and conditions of the mainstream or dominant groups of society."<sup>4</sup> In this way, study of the Gypsies in the Ottoman Empire not only sheds light on one of the most obscure phases of Gypsy history but also offers insight into definitions, social and moral value of the Ottoman bureaucracy and Ottoman society.

Naturally, the question of the Gypsies in the Ottoman Empire is too broad to be treated comprehensively in a single monograph. Therefore, the limits of research are set in terms of time and space. The time span of this work falls into the fifteenth and the sixteenth centuries, the period during which the major laws pertaining to the Gypsies were issued. Sources from the later period have also been referred to in order to make the central questions of the thesis more explicit.

The geographical area under consideration consists of İstanbul and the province of Rumelia (*Rumili*), which comprised much of present-day Macedonia, Yugoslavia, Bulgaria, European Turkey and Northern Greece. In fact, the choice of Rumelia and İstanbul as the focus of this study is dictated by the availability

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<sup>4</sup> Robert Forster and Orest Ranum, "Introduction," in *Deviants and the Abandoned in French Society: Selections from the Annales*, vol. 4, ed. R. Forster and R. Orest (Maryland: The John Hopkins University Press, 1978), VIII.

and accessibility of the sources. Since the Gypsies had a strong presence in these areas during the fifteenth and the sixteenth centuries, there are more sources pertaining to them relative to other areas of the Empire. However, information pertaining to the Gypsies in Anatolia has also been referred to in order to provide the reader with a comparative perspective.

### *Literature Review*

The historians of the Ottoman Empire have hitherto produced volumes not only on the functioning of the polyethnic and multireligious 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 Ottoman scholars whether in Turkey or abroad. Consequently, Gypsies have remained enigmatic for modern students of Ottoman history in particular and Islamic history in general despite their existence in the domain of Islam possibly for more than seven centuries.<sup>5</sup>

Despite the fact that there exists no comprehensive monograph on the Ottoman Gypsies written by the modern "Ottomanist historians,"<sup>6</sup> the subject has received

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<sup>5</sup> To my knowledge Donald Kenrick's *Gypsies: From India to the Mediterranean* (Toulouse: Gypsy Research Centre, 1993) is only source available in English that surveys the Gypsies' experience in the domain of Islam before the Ottomans.

<sup>6</sup> I borrow the term "Ottomanist historians" from Suraiya Farouqhi in *Approaching Ottoman History: An Introduction to the Sources* (Cambridge: Cambridge University Press, 1999).

varying degrees of scholarly attention from anthropologists<sup>7</sup>, linguists<sup>8</sup>, political scientists<sup>9</sup>, journalists<sup>10</sup>, historians of the Balkans<sup>11</sup> and scholars of Romani studies.<sup>12</sup> Not surprisingly, they approach the subject from their respective standpoints and theoretical frameworks and treat Ottoman Gypsies briefly in accordance with their disciplinary objectives. Although most of these works rely upon the limited existing research on the Gypsies of the Ottoman Empire, their usefulness cannot be denied as they provide perspectives on Ottoman Gypsies from comparative and multi-disciplinary angles.

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<sup>7</sup> 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.

<sup>8</sup> 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 Ottomanist 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 Gümülcine 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).

<sup>9</sup> Zoltan Barany, 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. However, the novelty of Barany's work lies in its multidisciplinary approach to the experience of the Gypsies in Eastern Europe. His usage of the concept of "marginality" to analyze why Gypsies have remained in the lower strata of the Eastern European societies over a period of seven centuries is specifically important for the purposes of this study.

<sup>10</sup> Bart McDowell, *Gypsies: Wanderers of the World* (Washington: The National Geographic Society, 1970), 144-160; Nazım Alpman, *Bir Başka Dünya'nın İnsanı Çingeneler*.

<sup>11</sup> See Peter F. Sugar, *South Eastern Europe under Ottoman Rule (1354-1804)* (Seattle and London: University of Washington Press, 1977), 77, 86, 103 and Noel Malcolm, *Kosovo: A Short History* (New York: New York University Press, 1998), 205-209.

<sup>12</sup> Angus Fraser, *The Gypsies* (Oxford and Cambridge: Blackwell, 1992), 173-178. While 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 in the following pages) his approach to incorporate the Gypsies of the Ottoman Empire into the total history of the Gypsies is quite comprehensive as it provides means to compare the status of the Gypsies in the Ottoman Empire and elsewhere in Europe.

Works specifically concentrating the Ottoman Gypsies are few. The earliest critical account on the Gypsies of the Ottoman Empire is Alexandre Paspatis's 1870 monograph, *Études Sur Les Tchinghianés ou Bohémiens de l'Empire Ottoman*.<sup>13</sup> This work was published after 20 years of field research among the nomadic and sedentary Gypsies of Istanbul and the Balkans. However, it also includes information on the Gypsies living in Anatolia during that period. Since Paspatis's main argument is that "la véritable histoire de la race Tchinghianée est dans l'étude de leur idiome,"<sup>14</sup> he devotes most of his study to the language of the Gypsies. However, he also mentions, albeit briefly, various aspects of Gypsy life, their religion, their settlements, their relation with the sedentary culture and the tensions between nomadic and sedentary Gypsies. His work has an enduring value not only for linguists dealing with the Romani Language but also for historians exploring the Gypsies of the late Ottoman Period.

W.R Halliday's "Some Notes Upon the Gypsies of Turkey" is another work that deserves to be mentioned.<sup>15</sup> As its author admits, the article is "a compilation of second-hand material and therefore records for the most part opinions rather than scientific observations."<sup>16</sup> It offers an ethnographic and historical survey on the Gypsies of Rumelia, Anatolia and Istanbul based mainly upon European

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<sup>13</sup> Alexandre Paspatis, *Études Sur Les Tchinghianés ou Bohémiens de l'Empire Ottoman* (Constantinople: n.p. 1870). Paspatis's previously published article, "Memoir on the Language of the Gypsies, As Now Used in the Turkish Empire," *Journal of the American Oriental Society*, 7 (MDCCCLXII): 19-270 is not as comprehensive as his monograph but basically addresses the same issues.

<sup>14</sup> Paspatis, 1.

<sup>15</sup> R.W. Halliday, "Some Notes upon the Gypsies of Turkey," *Journal of the Gypsy Lore Society* 1(1922): 163-189.

<sup>16</sup> *Ibid.*, 163.

travel accounts. While Halliday's article demonstrates the shortcomings of Gypsyism and Orientalism, it can still be regarded as a basic source for research on the Gypsies of the Ottoman Empire.<sup>17</sup>

Margaret Hasluck's article "Firman of A.H 1013-14 (A.D. 1604-5) regarding of the Gypsies in the Western Balkans"<sup>18</sup> is representative of the same genre. In this article, Hasluck attempts to explore the status of the Gypsies in the Western Balkans based upon a *ferman* (imperial edict) regulating the taxation of the Gypsies. The *ferman* was itself translated by an Albanian scholar but edited by Hasluck. The value, however, lies in Hasluck's annotations. The article has in fact become a basic reference source for the explanation of the technical terminology pertaining to the taxation of the Gypsies.

In order to obtain a complete picture of modern scholarship on the Gypsies of the Ottoman Empire, it is also necessary to examine how the Ottoman Gypsies have been approached from within Turkish academia. One of the first scholarly treatments of the subject came from M. Tayyib Gökbilgin in 1945. His article "Çingeneler" (The Gypsies) surveys the origin and migrations of the Gypsies as well as their history in Europe and the Ottoman Empire based on German, French and Ottoman archival sources.<sup>19</sup> While exploring the legal status of the

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<sup>17</sup> In stimulating and controversial article of Ken Lee's, Gypsyism is defined as a "field of study that discursively constitutes as its subjects 'The Gypsies'. Like Orientalism, 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," *Social Analysis* 44 (2) (2000): 132.

<sup>18</sup> Margaret Hasluck, "Firman of A.H 1013-14 (A.D. 1604-5) regarding of the Gypsies in the Western Balkans," *Journal of the Gypsy Lore Society* 27 (1948): 1-12.

<sup>19</sup> M. Tayyib Gökbilgin, "Çingeneler," in *İslam Ansiklopedisi*, III: 420-426.

Gypsies in the Ottoman Empire, Gökbilgin touches upon the distinctive status of the Gypsies in the Ottoman Empire but devotes most of his attention to describing the functioning of the *Çingene Müsellemeleri Livası* (the sub-province of the Gypsies that served the army). He also deals briefly with the life, traditions and professions of the Gypsies and the expressions pertaining to the Gypsies in the Turkish language.

Another valuable work is M. Enver Şerifgil's article, "XVI. Yüzyılda Rumeli Eyaletindeki Çingeneler" (The Gypsies in the Province of Rumelia in the Sixteenth Century), which was published in 1981.<sup>20</sup> In this study, Şerifgil first surveys the early history of the Gypsies and their socio-economic position, then focuses on the Gypsies of Rumelia in the sixteenth century. His account is based upon the *Mücmel Sayım Defteri* (the summary register) of the province of Rumelia compiled during the reign of Sultan Süleyman I (1520-66). The study provides numerous tables on the population and the taxation of the Gypsies as well as transliterations of the *kanuns* (laws) pertaining to the Gypsy sub-province issued during the reign of Sultan Süleyman I. However, this substantial work lacks analysis of the original sources that are cited. In keeping with the historiographical tradition of Turkish academia, Şerifgil is "closer to the primary sources but less concerned with the theoretical constructs."<sup>21</sup>

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<sup>20</sup>E.M Şerifgil, " XVI. Yüzyılda Rumeli Eyaletindeki Çingeneler," *Türk Dünyası Araştırmaları Dergisi* 15 (1981): 117-144.

<sup>21</sup> Faruqi, *Approaching Ottoman History*, 177.

In 1995, *Tarih ve Toplum (History and Society)* published a special issue on the Gypsies.<sup>22</sup> Scholars from diverse disciplines contributed this issue writing on the different aspects of the Gypsy experience in Turkey's past and present. For the purposes of this study, we shall focus only on İsmail Haşim Altınöz's study entitled "Osmanlı Toplumunda Çingeneler" (The Gypsies in Ottoman Society).<sup>23</sup> Altınöz's use of sources from the Ottoman Archives pertaining to the topic is noteworthy. Nevertheless, his approach and conclusions are by and large a repeat of M. Tayyib Gökbilgin's and Reşat Ekrem Koçu's previous works.<sup>24</sup> However, his emphasis on the distinctive legal status of the Gypsies and specifically his attempt to analyze their societal position in relation to the *millet* "system" should generate further research on the subject.

In recent years a number of new studies have been conducted pertaining to the Ottoman Gypsies. One of them resulted in the publication of the second monograph written on the subject in 2000 (more than one hundred years after Paspatis's monumental work). *Gypsies in the Ottoman Empire: A contribution to the history of the Balkans* written by two Bulgarian scholars Elena Marushiakova and Vesselin Popov, specializes on the Gypsies living in Bulgaria and was edited

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<sup>22</sup> For all the works published in this issue, see *Tarih ve Toplum* 137: (1995).

<sup>23</sup> İsmail Haşim Altınöz, "Osmanlı Toplumunda Çingeneler," *Tarih ve Toplum* 137 (1995): 22-29. See also by the same author "Osmanlı Toplum Yapısı İçinde Çingeneler," in *Türkler*, vol. 10, ed. Kemal Çiçek (Ankara: Yeni Türkiye Yayınları, 2002), 422-432 which is an enlarged version of this present article in terms of sources.

<sup>24</sup> See Gökbilgin, "Çingeneler,,"; Reşad Ekrem Koçu, "Çingeneler," in *İstanbul Ansiklopedisi*, VII:3986-4006. It is a concise work particularly on the Turkish stereotyping of the Gypsies. However, it seems the author not only presents those stereotypes but also under the influence of them.

by Donald Kenrick, a well-known expert on Romani Studies.<sup>25</sup> The main objective of the work is to present the primary source material on the Gypsies living in the Ottoman Balkans and to study the Gypsies in the Ottoman Empire, as “it was a key factor in the development of the Gypsy people.”<sup>26</sup> The work of Marushiakova and Popov is valuable not only for students of the Ottoman History but also for Romani studies. Indeed, it is truly an indispensable reference source on the subject. However, one could have wished for fewer translation mistakes that obscure the meaning of the original Ottoman archival sources and a more sophisticated analysis of Ottoman society in such a fundamental text.

A sophisticated discussion of the Gypsies in the Ottoman Balkans has also been presented by Eyal Ginio in his unpublished work “Exploring ‘the Other’: Margaret Hasluck and the Ottoman Gypsies.”<sup>27</sup> The main premise of this study is to present the Balkan Gypsies as an example of a marginalized group in Ottoman society relying mainly upon the *sicils* or the *şeriat* court records of eighteenth century Ottoman Salonica. Thus, Ginio addresses one of the most neglected questions in modern Ottoman scholarship: the meaning and implications of marginalization in the Ottoman Balkans during the eighteenth century.

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<sup>25</sup> Elena Marushiakova and Vesselin Papov, *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 recherches tsiganes, 2000).

<sup>26</sup> *Ibid.*, 8.

<sup>27</sup> I owe special thanks to Dr. Eyal Ginio for allowing me to use this unpublished study presented at the conference entitled *Anthropology, Archeology and Heritage in the Balkans and Anatolia or The life and Times of F.W. Hasluck. (1878-1920)*, Organized by Center for the Study of South Eastern Europe at the University of Wales, Gregynog, 3-6, November 2001. See also by the same author “Marginal People in the Ottoman City: the case of Salonica during the 18<sup>th</sup> century” (in Hebrew) (PhD dissertation, Hebrew University of Jerusalem, 1998).

Consequently, his work has opened new horizons in terms of approaching Ottoman marginal groups in general and the Gypsies in particular.

### *Sources*

Apart from the secondary source literature, the main questions of this thesis will be analyzed through an examination of the four major *kanuns* or laws concerning the Gypsies. They are as follows: 1) *Rumeli Etrakinun Koyun Adeti Hukmi* (The 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) *Cingane 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).

Facsimiles and transliterations as well as concise interpretations of these laws were published by Ahmed Akgündüz in *Osmanlı Kanunnameleri ve Hukuki Tahlilleri*.<sup>28</sup> In addition to Akgündüz, however, transliterations and interpretations of some of these *kanuns* were also published by other eminent Ottomanists.<sup>29</sup> My

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<sup>28</sup> See in the following order Ahmed Akgündüz, *Osmanlı Kanunnameleri ve Hukuki Tahlilleri*, 8 vols. (Istanbul: Fey Vakfı Yayınları, 1990- ), I / 397-400, II / 383-386, VI (2) / 511-514 and 520-523.

<sup>29</sup> For the transliteration of *Rumeli Etrakinun Koyun Adeti Hukmi* (The decree on the number of the Sheep of the Turks in Rumelia) see Robert Anhegger and Halil İnalcık, *Kanunname-i Sultan-i Ber Muceb-i Örf-i Osmani: II. Mehmed ve II. Beyazıd Devirlerine Ait Yasakname ve Kanunnameler* (Ankara: Türk Tarih Kurumu Basımevi, 1956), 39-40. For *Kanunname-i Kiptiyan-i Vilayet-i Rumeli* (The Law of the Gypsies of Rumelia)'s transliteration see for example, Ömer Lütfi Barkan, XV. ve XVI. Asırlarda Osmanlı İmparatorluğunda Zirai Ekonominin Hukuki ve Mali Esasları: Kanunlar, vol.1

contribution consists of making these *kanuns* accessible to the English reader as well as improving upon the translation of *Kanunname-i Kiptiyan-i Vilayet-i Rumeli* (The Law of the Gypsies of Rumelia), which had been published previously.<sup>30</sup> Appendix I includes for the facsimiles, transliterations and English translations of these laws.

The most important question to be addressed, however, is how these *Kanuns* help us to 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: how to collect their taxes, 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. For the purposes of this work, they have been specifically 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 them. However, it should be noted that as historical sources, one of the shortcomings of these legal texts is that they do not tell us the extent to which these laws were applied.

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(Istanbul: İstanbul Üniversitesi Edebiyat Fakültesi Yayınları, 1945), 249-250; Şerifgil, 134-135. For very brief interpretation of the same law, see Suraiya Faroqhi, *Coping with the State: Political Conflict and Crime in the Ottoman Empire 1550-1770* (Istanbul: The Isis Press, 1995), 141.

<sup>30</sup> Marushiakova and Popov, *Gypsies in the Ottoman Empire*, 32.

In addition to the laws, this study also relies upon the *Mühimme* Registers of the second half of the sixteenth century, which include drafts and copies of the decrees that were decided upon in the Imperial Assembly.<sup>31</sup> Since the registers contain summaries of complaints and petitions and the orders of the Sultan in response to these, the *Mühimme* Registers serve to demonstrate the central government's attitudes towards the problems taking place in the Ottoman capital and the provinces. In this study, the *Mühimme* Registers have been used to evaluate how Gypsy marginality was perceived and defined by the state. They are also extremely valuable in the analysis of the state's actions in response to problems that were caused by the Gypsies and how they were punished in return. The *Mühimme* Registers that have employed in this study were reproduced, transliterated and summarized with an index by the *Başbakanlık Devlet Arşivleri Genel Müdürlüğü* in Ankara.<sup>32</sup> The imperial edicts that were

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<sup>31</sup> For further details on the *Mühimme* Registers, see Uriel Heyd, *Ottoman Documents on Palestine, 1552-1615: A study of Firman According to the Mühimme Defteri* (Oxford: Clarendon, 1960); Halil İnalcık, "Ottoman Archival Materials on Millets," in *Christians and Jews in the Ottoman Empire*, vol. 1, ed. Benjamin Braude and Bernard Lewis (New York and London: Holmes and Meier Publishers, 1982) 438-449; Karen Barkey, *Bandits and Bureaucrats: The Ottoman Route to State Centralization: The Ottoman Route to State Centralization* (Ithaca and London: Cornell University Press, 1994).

<sup>32</sup> 3 Numaralı *Mühimme Defteri* (966-968 / 1558-1560), 2 vols. [Vol. I: Tıpkıbasım. Vol. II: Özet ve Transkripsiyon.], Yayına Hazırlayanlar: İsmet Binark, Necati Aktaş, Necati Gültepe (Ankara: T. C. Başbakanlık Devlet Arşivleri Genel Müdürlüğü, 1993); 5 Numaralı *Mühimme Defteri* (973 / 1565-1566), 2 vols. [Vol. I: Özet ve Index. Vol. II: Tıpkıbasım.], Yayına Hazırlayanlar: İsmet Binark, Necati Aktaş, Necati Gültepe (Ankara: T. C. Başbakanlık Devlet Arşivleri Genel Müdürlüğü, 1994); 6 Numaralı *Mühimme Defteri* (972 / 1564-1565), 3 vols. [Vol. I-II: Özet, Transkripsiyon ve Index. Vol. III: Tıpkıbasım.], Yayına Hazırlayanlar: İsmet Binark, Necati Aktaş, Necati Gültepe (Ankara: T. C. Başbakanlık Devlet Arşivleri Genel Müdürlüğü, 1995); 7 Numaralı *Mühimme Defteri* (975-976 / 1567-1569), 4 vols. [Vol. I-II: Tıpkıbasım. Vol. III-IV: Özet, Transkripsiyon ve Index.], Yayına Hazırlayanlar: Murat Şener, Nurullah İşler, H. Osman Yıldırım (Ankara: T. C. Başbakanlık Devlet Arşivleri Genel Müdürlüğü, 1997); 12 Numaralı *Mühimme Defteri* (978-979 / 1570-1572), 3 vols. [Vol. I-II: Özet, Transkripsiyon ve Index. Vol. III: Tıpkıbasım.], Yayına Hazırlayanlar: İsmet Binark, Necati Aktaş, Necati Gültepe (Ankara: T.C. Başbakanlık Devlet Arşivleri Genel Müdürlüğü, 1996). Although I have referred to the facsimiles of these documents, I have used their transliterated versions throughout the study. In subsequent citations, they will be referred to as MD. The numbers

compiled by Ahmed Refik and Reşat Ekrem Koçu have also offer glimpses into the state's responses to the problems that arose due to the Gypsies.<sup>33</sup>

In addition to state documents, narrative sources such as travel accounts and Turkish oral traditions such as metaphors, idioms and proverbs are useful in examining the image of the Gypsies in the Ottoman-Turkish popular culture.<sup>34</sup>

The plays of Karagöz (Turkish Shadow Theater) were also helpful for demonstrating the Ottoman stereotyping of the Gypsies despite their pitfalls as historical sources, since most of them were recorded by a court shadow master, Nazif Efendi, at the end of the nineteenth century.<sup>35</sup>

To sum up, these legal texts and imperial edicts as well as narrative sources and oral traditions can help us to reconstruct a history of the Gypsies in the Ottoman Empire, though only (and regrettably) from the point of view of the governing elite and mainstream society.

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following represent volume of the Mühimme *Defter*, volume of its transliterated version (in parenthesis), page and series numbers.

<sup>33</sup> Ahmet Refik. *Hicri On Birinci Asırda İstanbul Hayatı (1000-1100)* (İstanbul: Devlet Matbaası, 1931); *Hicri On İkinci Asırda İstanbul Hayatı (1100-1200)* (İstanbul: Devlet Matbaası, 1930); *On Altıncı Asırda İstanbul Hayatı (1553-1591)* (İstanbul: Devlet Basımevi, 1935); *Türk İdaresinde Bulgaristan (973-1255)* (İstanbul: Devlet Matbaası, 1933); Reşat Ekrem Koçu, *Osmanlı Tarihinde Yasaklar*. İstanbul: Saka Matbaası, 1950.

<sup>34</sup> For metaphors, idioms and proverbs, I have mainly relied upon, *Örnekleriyle Türkçe Sözlük* (Ankara: Milli Eğitim Bakanlığı, 1995-1996); Ömer Asım Aksoy, *Atasözleri ve Deyimler Sözlüğü*, 2 vols. (İstanbul: İnkılap Kitabevi), 1989; Gökbilgin, 426; Koçu, 3999-4000.

<sup>35</sup> Metin And, *Karagöz: Turkish Shadow Theater* (Ankara: Dost Yayınları, 1979), 61; Necmi Erdoğan, "Devleti "idare etmek": Māduniyet ve düzenbazlık," *Toplum ve Bilim* 83 (1999-2000): 22.

### *Terminology and Methodology*

The concept of “marginality” stems from the Latin *margo*, *marginis* meaning edge, border or frontier.<sup>36</sup> Although the term was first employed in economics in the 1870s, studies pertaining to marginality have come to be dominated by sociologists who use the term to explain “a wide array of disparate phenomena from homelessness and deviance of all sorts to the study of urban decay and sociospatial inequality.”<sup>37</sup> However, the concept has also become a popular tool among scholars from various disciplines, including historians since the 1960s. For instance, the celebrated French medievalist from the Annales school, Jacques le Goff, has defined “marginality” in terms of exclusion from society and included heretics, Jews, lepers, vagabonds, madmen, witches, the sick and strangers to in his list of the medieval marginal man.<sup>38</sup> Branislaw Geremek, another historian from the same school of thought, not only explored those “marginals” cited by Jacques Le Goff but also extended his scope of analysis to include prostitutes, professional entertainers, beggars and criminals to the groups that made up the marginal world of medieval Europe. According to him, “all of these categories of persons were characterized by the difference of their

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<sup>36</sup> A. Bailly and E. Weiss-Altaner, “Thinking about the Edge: The Concept of Marginality,” in *Europe at the Margins: New Mosaics of Inequality*, ed. Costis Hadjimichalis and David Sadler (New York: John Wiley and Sons, 1995), 220.

<sup>37</sup> Barany, 51.

<sup>38</sup> Jacques Le Goff, *Medieval Civilization (400-1500)*, trans. Julia Barrow (Oxford and New York: Basil Blackwell, 1988), 315-324.

way of life, by their not being subjected to established norms and life models, and by their refusal to work or play the social role assigned to them.”<sup>39</sup>

While the history of marginality and marginal groups has been explored thoroughly in modern European historiography,<sup>40</sup> research on marginality in Ottoman history still enjoyed *marginal status* in modern Ottoman historiography.

There are, however, a few critical assessments on the marginal segments of the Ottoman society. In this vein, the monographs written by Ahmet Karamustafa<sup>41</sup> and Ahmet Yaşar Ocak,<sup>42</sup> as well as the studies edited by Eugene Rogan<sup>43</sup> deserve particular attention. In *God's Unruly Friends*, Karamustafa explores the “socially deviant” dervishes of the Arab Middle East, Iran, India and Asia Minor from the thirteenth to sixteenth centuries. There he particularly deals with displays of social deviancy in Islamic society during the period through looking at different dervish groups of the period, especially the Qalandars.<sup>44</sup> Ocak has also explored the Qalandars but within the limits of the Ottoman Empire only. He

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<sup>39</sup> Bronislaw Geremek, “The Marginal Man,” *Medieval Callings*, ed. Jacques Le Goff, trans. Lydia G. Cochrane (Chicago and London: The University of Chicago Press, 1990), 373.

<sup>40</sup> See for instance Bronislaw Geremek, *The Margins of Society in Late Medieval Paris*, trans. Jean Birrell (Cambridge: Cambridge University Press, 1987); R. I. Moore, *The Formation of a Persecuting Society: Power and Deviance in Western Europe* (Oxford: Blackwell, 1987); John Boswell, *Christianity, Social Tolerance, and Homosexuality* (Chicago: University of Chicago Press, 1980).

<sup>41</sup> T. Ahmet Karamustafa, *God's Unruly Friends: Dervish Groups in the Islamic Later Period (1200-1550)* (Salt Lake City: University of Utah Press, 1994).

<sup>42</sup> Ahmet Yaşar Ocak, *Osmanlı İmparatorluğu'nda Marjinal Sufilik: Kalenderiler (XIV-XVII. Yüzyıllar)* (Ankara: Türk Tarih Basımevi, 1992); *Osmanlı Toplumunda Zındıklar ve Mülhidler (15. ve 17. Yüzyıllar)* (İstanbul: Tarih Vakfı Yurt Yayınları, 1998).

<sup>43</sup> Eugene Rogan, *Outside In : On the Margins of the Modern Middle East*, ed. Eugene Rogan (London and New York : I.B. Tauris, 2002).

<sup>44</sup> Karamustafa, 13-39.

defines them as marginal because they operated outside of the society (*toplum dışı*).<sup>45</sup> In his latest book, Ocak looks at another marginal aspect of Ottoman society: heresy (*zendeka*) and atheism (*ilhak*) which flourished at the edge of Muslim society from the fifteenth to the seventeenth centuries.<sup>46</sup> He defined heretics (*zındıks*) and atheists (*mülhids*) as those opposed to the official ideology of the Ottoman State through religion or those who “left the circle” (*dairenin dışına çıkanlar*).<sup>47</sup> Recently, however, Eugene Rogan has edited a series of articles that explore the various marginal people of the modern Middle East including criminals,<sup>48</sup> the poor,<sup>49</sup> madmen,<sup>50</sup> prostitutes,<sup>51</sup> migrants,<sup>52</sup> and entertainers.<sup>53</sup> The scholars who contributed to the volume define “marginality” as “the individual’s non-conformity to legal or social norms.”<sup>54</sup> For the editor, the rationale of adopting this flexible working definition is twofold:

It recognizes the strong interrelationship between law and society. Laws are an emanation and reflection of the society. However,

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<sup>45</sup> Ocak, *Osmanlı İmparatorluğu’nda Marjinal Sufilik*, 10.

<sup>46</sup> Ocak, *Osmanlı Toplumunda Zındıklar ve Mülhidler*, ix.

<sup>47</sup> Ibid., 7.

<sup>48</sup> Peter Rudolph, “Prisons and Marginalization in Nineteenth Century Egypt,” in *Outside In: On the Margins*, 31-52.

<sup>49</sup> Mine Ener, “Getting into the Shelter of Takiyat Tulun,” in *Outside In: On the Margins*, 53-76.

<sup>50</sup> Eugene Rogan, “Madness and Marginality: The Advent of the Psychiatric Asylum in Egypt and Lebanon,” *Outside In: On the Margins*, 104-125.

<sup>51</sup> Khaled Fahmy, “Prostitution in Egypt in the Nineteenth Century,” in *Outside In: On the Margins*, 77-103.

<sup>52</sup> Eyal Ginio, “Migrants and Workers in an Ottoman Port: Ottoman Salonica in the Eighteenth Century,” in *Outside In: On the Margins*, 126-148; Julia Clancy-Smith, “Marginality and Migration: Europe’s Social Outcasts in Pre-colonial Tunisia, 1830-1831,” in *Outside In: On the Margins*, 149-182.

<sup>53</sup> Sami Zubaida, “Entertainers in Baghdad, 1900-1950,” in *Outside In: On the Margins*, 212-230; Karin von Nieuwkerk, “Shifting Narratives on Marginality: Female Entertainers in Twentieth-century Egypt,” in *Outside In: On the Margins*, 231-251.

<sup>54</sup> Eugene Rogan, “Introduction,” in *Outside In: On the Margins*, 3.

customary practices often play just as important a role as formal law in setting the boundaries between what is acceptable and what is marginal.

This definition also avoids treating marginality in static terms. Societies change, as do the laws that govern them. So too do nations of marginality, as what were once vices become habits and new taboos take the place of old prohibitions.<sup>55</sup>

The definition offered above will be adopted as a foundational definition in this study. However, this working definition will be elaborated through the scrutiny of contemporary Ottoman sources in an attempt to construct a more suitable definition pertaining to the marginality of the Ottoman Gypsies in the fifteenth and sixteenth centuries.

Mindful of the different mechanisms of the Ottoman state and society, much of our approach to how the state and society took part in marginalizing of the Gypsies relies upon the work of Robert Jütte, who explored poverty and deviance in early modern Europe.<sup>56</sup> Following his approach, different modes of marginalization, specifically stigmatization, segregation and expulsion, have been used as a methodological tool to demonstrate how Gypsies were excluded from Ottoman society

### *Structure*

This thesis is divided into three chapters: The first chapter surveys the scholarly debate on the origins and the migrations of the Gypsies as well as the

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<sup>55</sup> Ibid.

<sup>56</sup> Robert Jütte, *Poverty and Deviance in Early Modern Europe* (Cambridge: Cambridge University Press, 1994), 158-177.

historiographical problems involved in reconstructing the early history of the Gypsies. It also examines the history of the Gypsies in the Byzantine Empire and the various principalities of the Balkans, offering glimpses into their social and economic status and their relations with the authorities in the region prior to the Ottoman conquest.

The primary intent of Chapter II is to demonstrate how Ottoman society functioned. The basic responsibilities of the ruler and the ruled as well as the main parameters that defined the status of each individual or group in Ottoman society will be described by examining mainly secondary source materials. When discussing the structure of the Ottoman society, the organization of this society along the religious lines - commonly called the *millet* system- deserves particular attention as religion was one of the most important factors in determining one's status in this society. Thus, a survey of the *millet* system along with the recent historiographical debate on the subject will be provided in order to present a panorama of Ottoman social structure.

Chapter III analyzes how the Ottoman state and society took part in the marginalization of the Gypsies. Therefore, it begins with an examination of Ottoman policies towards the Gypsies through the *Kanuns* and the *Mühimme* Registers. These sources will allow us to understand whether the Gypsies were attached to a particular "*millet*" or segregated from the rest of the society in terms of their administrative status and taxation, among other. Then we will further explore the social and economic status of the Gypsies as well as their image in Ottoman-Turkish popular culture through both oral and written sources.

The conclusion will summarize the main findings and state the results of the research.

The study is supplemented by three appendices. The first of these presents the four *Kanuns* pertaining to the Gypsies in facsimile, transliteration and translation. As has pointed out, the facsimiles and transliterations of these laws were published by Ahmed Akgündüz in *Osmanlı Kanunnameleri ve Hukuki Tahlilleri*.<sup>57</sup> My contribution is in providing these *Kanuns* to English readers as well as improving upon the translation of *Kanunname-i Kiptiyan-i Vilayet-i Rumeli* (The Law of the Gypsies of Rumelia), which has been published previously.<sup>58</sup> The second appendix includes a graph of the religious breakdown of the Ottoman population in Istanbul in 1478 and the major European cities in the 1520s based on figures provided by Peter Sugar.<sup>59</sup> The third appendix provides a chart of the population breakdown of the Gypsies according to their religious affiliation in the sixteenth century Rumelia based on the figures provided by Enver Şerifgil.<sup>60</sup>

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<sup>57</sup> See footnote 28.

<sup>58</sup> Marushiakova and Popov, *Gypsies in the Ottoman Empire*, 32.

<sup>59</sup> F. Peter Sugar, 51.

<sup>60</sup> E.M Şerifgil, 129-133.

## Chapter I

### IN THE PATH OF THE GYPSIES: FROM INDIA TO THE BALKANS

#### *The Problem of Sources*

In Kenrick's and Puxan's study, the following account relayed by a Bulgarian Gypsy is given. According to the speaker, the narrative was told to him by his grandfather and it explains the origins of his Gypsy ancestry:

We used to have a great king, a gypsy. He was our prince. He was our king. The Gypsies used to live all together at that time in one place, in one beautiful country. The name of that country was Sind. There was much happiness, much joy there. The name of our chief was Mar Amengo Dep. He had two brothers. The name of one was Romona, the name of the other was Singan. That was good, but then there was a big war there. The Moslems caused the war. They made ashes and dust of the Gypsy country. All the gypsies fled together from their own land. They began to wander as poor man in other countries, in other lands. At that time the three brothers took their followers and moved off, they marched along many roads. Some went to Arabia, some went to Byzantium, some went to Armenia<sup>1</sup>

Does this oral history have any basis in fact? The narrative tells us one aspect of Gypsy history that most modern scholars are agreed upon: that the original homeland of the Gypsies was the Indian sub-continent. However, when and why the Gypsies left their homeland remain open to argument. As far as the "why" is concerned, the narrative refers to "the Muslims" as the cause of the massive

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<sup>1</sup> Donald Kenrick and Grattan Puxon, *The Destiny of Europe's Gypsies* (London: Sussex University Press, 1972), 13.

Gypsy migration; however, there is no indication as to which century he is referring.

Scholars who have attempted to reconstruct the early history of the Gypsies have advanced conflicting theories regarding the origins of the Gypsies. The main reason for the divergent theories lies in the nature of Gypsy culture, which is based on an oral transmission of history. While it is true Gypsies have preserved myths of ancestry and migration in their oral culture, they do not have their own recorded history.<sup>2</sup> Since Gypsy culture is a non-literate one, in order to reconstruct the ancient history of the Gypsy people historians must rely on the works of outsiders. However, these historical references to Gypsies are often fragmented and written in ignorance and prejudice. This likely led famous scholar of the Romani language, Alexandre Paspatis, to conclude in his work *Études Sur Les Tchighianés ou Bohémiens de l'Empire Ottoman* that "the true history of the Gypsy race is in the study of their language."<sup>3</sup>

Because the Gypsy language, Romani, is not a unitary language and has numerous dialects, to rely exclusively on linguistic evidence does not solve all the problems of the early history of the Gypsy people. Today, for example, there are more than sixty Romani dialects in Europe alone. In addition, the written accounts of early spoken Romani do not date to before the sixteenth century. Since Romani is the language of an historically unlettered people, those who

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<sup>2</sup> Isabel Fonseca, *Bury Me Standing: The Gypsies and Their Journey* (London: Chatto and Windus, 1995), 89.

<sup>3</sup> Alexandre Paspatis, *Etudes Sur Les Tchiganes ou Bohémiens de l'Empire Ottoman* (Constantinople: n.p, 1870), 1.

have recorded it again necessarily constitute “the Other.” Therefore, the different forms of written dialects of the Gypsy language vary according to the mother tongues of those who have recorded them. According to the view that language serves as a people’s collective memory, the linguistic approach seeks to explore “what history has failed to record” for the early history of the Gypsy people.<sup>4</sup>

### *Origin of the Gypsies*

Although the Gypsies have been given different names by the people with whom they came in contact, they identify themselves as *Roma* (singular “Rom”-- meaning a “man” or a “husband”).<sup>5</sup> Of course, this term varies: *Rom* is used among the European Romani, *Lom* among the Armenian Romani and *Dom* among in the Persian and Syrian Romani and Roman in Turkish Romani. All these identifications according to linguistic theory reflect the Sanskrit *Domba* which means a man of low caste who lives by singing. *Dom* or *Dum* in modern Indian languages which refers to a caste of wandering musicians (in Sindhi), strolling musicians (Panjabi) or a low caste black-skinned fellow (in West Pahari). Therefore, it is likely that the Doms of India are the ancestors of the Gypsies, constituting the bulk of a group or groups that migrated from that land.

Some scholars have produced alternative theories regarding Gypsy origins. Among these, the most well known is the Jat/ Zott hypothesis. According to the

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<sup>4</sup> Angus Fraser, *The Gypsies* (Oxford & Cambridge: Blackwell, 1992), 10.

<sup>5</sup> For various designations of the Gypsies in all over the world and their meaning see W. R. Rishi, *Roma: The Panjabi Emigrants in Europe, Central and Middle Asia, The USSR and The Americas* (Pataila: Panjabi University Press, 1976), 4-11.

latter, the Gypsies are not descendants of the lower-caste tribes of India but rather of the Jat/Zott warriors who were taken as prisoners of war by the Ummayyads during their campaigns in India during the early eighth century and brought to Persia by force. Although this theory still finds adherents among those “who seek a heroic portraits of the early Gypsies,”<sup>6</sup> it is criticized by many scholars for three main reasons: 1) *Zott* (singular *Zotti*) is the Arabic pronunciation of the Indian tribe Jat and was a term used by the Arabs for anyone originating in the Indus valley, whether or not they were Gypsies<sup>7</sup>; 2) the absence of Arabic influence on the Romani Language; and 3) the dissimilarity between the Gypsy language and today’s Jataki, the modern language that evolved from the parent tongue of the Indian Jats.<sup>8</sup>

Given the present state of our knowledge, therefore, it is impossible to give a definitive answer to the question of Gypsy origin. According to Agnus Frase,

So long as it remains to impossible to narrow the options of time and place, there will be still plenty of room for dispute as to exactly who, in terms of caste, occupation and ethnic origin, left the Indian subcontinent a thousand years or more ago, and whether or not they left as a single group.<sup>9</sup>

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<sup>6</sup> Isabel Fonseca, *Bury Me Standing*, 94.

<sup>7</sup> Frase, 36

<sup>8</sup> G. C Soulis, “The Gypsies in the Byzantine Empire and the Balkans in the late Middle Ages,” *Dumbarton Oaks Papers* 15: (1961), 14.

<sup>9</sup> Frase, 28.

*Persia: Gypsies in Print*

The historian Hamza of Ispahan discussed the Gypsies in his Arabic chronicle *History of the Kings of Earth* (c.950). In his narration about the Persian King Bahram Gur (r. 420-438), Isfahani mentions a group of entertainers who were sent into Persian territory by an Indian king. According to the story, the Persian monarch decided that his subjects should work half of the day and enjoy the other half indulging in wine and the sound of music. One day, he saw a group of people entertaining without music. When he asked about this, he learned that musicians were in great demand but short supply and that it was difficult to find one. Therefore, asked the Indian king to send him a group of musicians --12,000 of them -- to entertain his subjects. At the end of the story Hamza of Ispahan adds, "Their descendants... are still there, although in small numbers; they are Zott."<sup>10</sup>

The confirmation of Hamza Isfahani's account of how the Gypsies came to Persia is found in Firdawsi's epic *Shāh Nāma*, or *Book of Kings* (c.1011). Firdawsi elaborates the account of Isfahani by adding the final destiny of the entertainers:

The Shah's local governors all reported to him that the poor were complaining that the rich drank wine to the accompaniment of music and looked down upon the poor who had drink without music.

The Shah sent a letter by dromedary to Shengil saying: Choose ten thousand Luris, men and women, expert in playing the lute. When the Luris arrived the Shah received them, gave each one an ox and a donkey, because he wanted to make them farmers. He gave

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<sup>10</sup> Ibid., 33.

them a thousand donkey-loads of corn for they were supposed to cultivate the land with their oxen and donkeys, to use the corn as seed and grow crops, and play music for the poor without charge. The Luris left, ate the oxen and the corn. Then they returned at the end of a year, with their cheeks wan. The shah said to them: You shouldn't have wasted the seed corn. Now, you only have your donkeys. Put your possessions on them, get your instruments ready and put silk cords on them. These Luri, even now, wander through world, seeking a living, sleeping alongside the dogs and wolves and always on the road stealing day and night.<sup>11</sup>

Despite the fact that these two accounts are, in essence, legendary narratives and written by non-Gypsies almost five hundred years after the events in question, they are still cited in order to explain the origins of the Gypsy migration to Persia. Since the occupations of this migrant group, described in the stories as Zott and Luri respectively, continued to be the traditional vocations of the Gypsies, then it is logical to identify those who entertained the subjects of Bahram Gur as the Gypsies who originally migrated to Persia in the fifth century. At this point however, Agnus Frase, a scholar of Romani studies, notes the fact that not all the migrant groups who pursued traditional Gypsy occupations should be equated with the Gypsies.<sup>12</sup> That is why, once more, linguistics becomes the sister of history to provide evidence of the long sojourn of the Gypsies in Persia: By examining the number of Persian words in Romani, scholars have concluded that the presence of the Gypsies in Persia spanned a considerable amount of time.

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<sup>11</sup> Donald Kenrick, *Gypsies: From India to the Mediterranean* (Toulouse: Gypsy Research Centre, 1993), 18.

<sup>12</sup> Fraser, 35.

While Firdawsi's explanation of the expulsion of Gypsies from Persia may be apocryphal, the question remains as to the causes of the Gypsies' emigration thence.

A possible explanation is that Gypsies left Persia following the Arab invasion in the seventh century. The Battle of Nihavand (641) put an end to Sasanian power west of the Zagros Mountains and brought not only a new religion, Islam, but also a new language, Arabic, to the Persian people.<sup>13</sup> Although Arabic became the language of the Persian elite, the sources attest to the continuity of the Persian language among various social classes in different regions. This would account for preponderance of Persian vocabulary as opposed to Arabic in the Gypsy language.

#### *Armenia: the Next Stop*

Language studies show that the Armenian language also influenced Romani. Therefore, some of the Luris of Firdawsi must have lived among Armenians before their journey to Europe. Again linguistic evidence shows that although there are Armenian loanwords in the European dialects of Romani, there are none in the Asian dialects of Romani (the dialects spoken in today's Syria, Palestine, Egypt and the North Africa).<sup>14</sup> Thus, scholars conclude that after the Gypsies left Persia, some stayed among the Armenians, while others migrated to today's Middle East.

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<sup>13</sup> Marshall G.C Hodgson, *The Venture of Islam*, vol. 1 (Chicago and London: University of Chicago Press, 1974), 205.

<sup>14</sup> Fraser, 41.

Once more, we can only speculate as to the causes and date of the Gypsies' departure from Armenia. As in the case of Persia, Armenia came under Arab occupation in the seventh century. The area subsequently became an arena of continuous rivalry between the Arab and Byzantine states. In the eleventh century, it was annexed by the Byzantines for a short period of time. Soon after, the Seljuk raids in Anatolia left the Armenians only the region of Cilicia on the Mediterranean coast. Therefore, it is possible to assume that the Gypsies moved westward from Armenia to the Western Byzantine territories -- Constantinople and Thrace-- as a result of the Seljuk invasion of Anatolia.

### *Gypsies in the Byzantine Empire*

Relying on other linguistic evidence of the Gypsies, it is argued that the migration of the Gypsies from Mesopotamia to the eastern boundary of the Byzantine Empire at the end of the tenth century and the beginning of the eleventh century signifies a crucial point in their early history. From here it is assumed that they divided into three migratory groups, each taking different routes.<sup>15</sup> The first group, namely the *ben*-speaking Dom, took the southern route and settled in today's Middle East. The second group, identified as the *phen*-speaking Lom, headed North and settled in today's Armenia and Georgia. The third and largest group, again *phen*-speaking but were known as "the Rom". This group migrated west. They first crossed Anatolia and reached their "second

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<sup>15</sup> E. 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 Recherches Tsiganes, 2000), 12.

home,” the Balkans, by the fourteenth century. From here they spread throughout Europe, started to appear in western accounts in the fifteenth century.

As this journey through the Byzantine Empire was a long one, there is a great deal to say about the Byzantine Gypsies. Once again written sources do not reflect the voices of the Gypsies themselves, but rather the voices of those who lived in mainstream Byzantine society. Despite of the sketchy nature of the sources, according to the Byzantine scholar George C. Soulis, “they enable us to form a certain picture, however inadequate and incomplete, of the life and the condition of the Gypsies within the framework of Byzantine society.”<sup>16</sup>

It is commonly agreed that the Gypsies first appeared in Byzantine written sources in 1068 with the work of George the Small, *Life of Saint George the Anthonite*. George the Small relates an incident experienced by his master, George the Anthonite, while he was visiting the imperial palace in Constantinople. In fact, this narration provides the first information on the presence of the Gypsies in the Byzantine Empire. The story of the incident goes as follows: In the year 1050 the Emperor Constantine Monomachus (r. 1042-1055) wished to rid the imperial park of Philopation of wild beasts, as the park was used by the emperor for hunting purposes. To this end, he asked the help of a “Samaritan people, descendants of Simon the Magician, named Adsingani, who were renowned sorcerers and villains.”<sup>17</sup> These Adsingani succeeded in

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<sup>16</sup> Soulis, 63.

<sup>17</sup> Soulis, 145.

destroying many wild animals by giving them pieces of meat containing magical properties. Impressed by this, the emperor called upon the Adsingani to repeat their magic on his dog. He invited them to his place and his dog was brought before them. Although they repeated the so-called “magic” again, the dog did not die. This is because George the Anthonite, displeased by the trust in magical powers displayed by the imperial family, had made the sign of the cross over the meat that was intended to be given to the noble dog. Thus, the Adsingani were expelled from the imperial palace and George the Anthonite regained the trust of the Emperor once again.<sup>18</sup>

As in the accounts of Hamza Isfahani and Firdawsi, this text also raises the question of whether the name Adsingani refers to the ancestors of the Gypsies living in Byzantine society. It is suggested that Adsingani refers to the Georgian form *Atsinganoi* or *Atzingonai*, the term used by the Byzantines to designate the Gypsies.<sup>19</sup> However, it is also similar to the name of a heretical group called *Athinganoi*, who were famous for their indulgence in superstition. However, this heretical group was massacred during the ninth century, so in the hagiographical account of George the Small, the *Adsingani* refers to the Gypsies, not the heretics.<sup>20</sup> Indeed, this text is not only significant for being the first account that proves the presence of the Gypsies in the Byzantine capital of Constantinople, at least at the end of eleventh century, but it also associates the Gypsies with their traditional arts. That the Gypsies were patronized by the elite of Byzantine

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<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid., 147.

society for their magical powers is itself reflective of Byzantine society and mentality. According to George Soulis, once the Gypsies appeared in Byzantine territory in the eleventh century, the belief in superstition was at its height. From the lower social classes right up to the emperors themselves, superstition and magic permeated Byzantine society.<sup>21</sup>

The next reference to the Byzantine Gypsies comes from the famous canonist of the period, Theodore Balsomon (d. 1204). In his commentaries, where he discusses members of clergy who manipulate the public by using bears and other animals for amusement or by telling fortunes, he uses the term *Athinganoi*, but this time clearly in reference to the Gypsies.

Those who lead around the bears are called bear keepers. They place dyed threads on the head and on the entire body of the animal. Then they would cut these threads and offer them along with parts of the animal's hair as amulets, and as cure from diseases and the evil eye. Others, who are called *Athinganoi*, would have snakes wound around them, and they would tell one person that he was born under an evil star, and the other a lucky star, and they would also prophesy about forthcoming good and ill fortunes.  
<sup>22</sup>

A letter of the Patriarch of Constantinople Athanasius (1289-93) to the clergy contains further evidence of this criticism. He instructs his clerics to remind their faithful subjects not to intermingle with fortunetellers, bear keepers, snake charmers and "especially not to allow the *Athinganoi* to enter their homes, because they teach devilish things."<sup>23</sup>

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<sup>21</sup> Ibid., 163.

<sup>22</sup> Fraser, 47.

<sup>23</sup> Soulis, 147.

It seems that the Byzantine Gypsies continued to attract a large segment of the Byzantine populace to their well-known occupations during the late Middle Ages as well, despite all the measures taken by the church against those unorthodox beliefs. Therefore, our fortune-tellers, bear keepers and snake charmers were seen as a threat to the power of those who were the custodians of orthodox beliefs.

In addition to hagiographical and clerical sources cited above, there also exists Byzantine poetry, which likely dates from the fourteenth century, concerning the Gypsies.<sup>24</sup> These verses, written for the common people, are particularly valuable in demonstrating how the Gypsies were perceived by the Byzantine populous. Not surprisingly, the references to the Gypsies in these poems are disparaging. The first poem, entitled *Philosophy of a Drunkard*, contains a reference to a “dark Gypsy.” In another verse, *A Tale About the Quadrupeds Jocular*, Gypsies are described as foolish.<sup>25</sup>

### *Gypsies in the Balkans*

Generally, the Balkans are regarded as the second home of the Gypsies, while their language, Romani, is described as a “Balkanized Indian Language.”<sup>26</sup> The main reason for this identification is the long history of Gypsy presence in the Balkans.

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<sup>24</sup> Ibid., 150.

<sup>25</sup> For further information on these three verses see Ibid., 151.

<sup>26</sup> Marushiakova and Popov, 7.

As we have seen, the arrival of the Gypsies into the Byzantine capital, Constantinople, took place in the eleventh century; however, we are not certain when their passage from Constantinople to the Balkans took place.<sup>27</sup>

References nevertheless also attest to Gypsies living in the Byzantine Morea or Peloponnese (southern part of the Greek mainland) during the fourteenth century.<sup>28</sup> In addition to that, the Gypsies seem to have been well-established in the Venetian colonies in the Peloponnese and the Ionian islands at the end of the fourteenth century and the beginning of the fifteenth, where they received not only tax privileges but also the right to govern themselves internally.<sup>29</sup> According to Soulis, Gypsies chose to settle in Modon and Nauplion, which were cities in the Venetian Peloponnese, because the rest of the Morea was suffering greatly from constant Turkish raids.<sup>30</sup> The Venetians, however, granted certain privileges to the Gypsies at the beginning of fifteenth century in exchange for military assistance in the event of a Turkish or Greek attack.<sup>31</sup>

During the course of the fourteenth century, the Gypsies seem to have settled in the other Balkan states as well. In Serbia, for example, an edict of 1348 defines the taxes to be paid by the Gypsies working as artisans. In the principalities of Moldavia and Wallachia, north of the Danube, the Gypsies were donated to the monasteries as slaves by the landed aristocracy. Indeed, the practice of donating

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<sup>27</sup> Soulis, 152.

<sup>28</sup> Fraser, 51.

<sup>29</sup> Soulis, 152-161.

<sup>30</sup> Ibid., 152.

<sup>31</sup> Ibid., 153.

land and people (villagers, craftsmen or slaves) to the monasteries by local rulers and aristocrats was quite common in the Balkans during this period.<sup>32</sup>

To sum up, when the Ottoman conquest of the Balkans began during the second half of the fourteenth century, there were already Gypsies who had lived in the region for a considerable period. They were integrated into the economic, social and cultural life of Balkan societies as entertainers, craftsmen, fief holders, traders and slaves. Although there were negative attitudes towards the Gypsies, this never evolved into systematic persecution by the rulers or others in authority.<sup>33</sup>

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<sup>32</sup> Marushikova and Popov, *Gypsies in the Ottoman Empire*, 20.

<sup>33</sup> *Ibid.*, 21.

## Chapter II

### THE STRUCTURE OF OTTOMAN SOCIETY

#### *Objective*

The aim of this chapter is to explore the structure of the poly-ethnic and religious community-based society of the Ottoman Empire and how the Ottomans of the Classical Period dealt with the differences between religious, cultural and ethnic groups. In this respect, the basic responsibilities of the ruler and the ruled and the main parameters that defined the status of each individual or group in Ottoman society will first be examined. While discussing the structure of Ottoman society, the organization of the this society along the religious lines -- commonly called the *millet* system-- deserves particular attention, since “the difference between a Muslim and a Non-Muslim in this particular state was fundamental, although other divides existed, and they intersected in different places.”<sup>1</sup> Thus, a survey of the *millet* system will be provided along with an emphasis on its origins, as well as the ecclesiastical arrangements of respective religious communities, including their rights and responsibilities. A summary of the existing literature is given to reflect the ongoing historiographical debate among Ottomonists as to whether in fact an empire-wide institutionalized policy towards the non-Muslims

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<sup>1</sup> Aron Rodrigue, “Difference and Tolerance in the Ottoman Empire,” *Stanford Humanities Review* 5.1 (1995): 85.

existed in a systematized form before the nineteenth century. This chapter will serve as a basis for our eventual discussion of the Gypsies' place in the general structure of Ottoman society.

### *The Organization of Ottoman Society*

The Ottoman Empire belonged to "the House of Osman." The power of the Sultan, who was the ruling member of the family, was theoretically unlimited provided he was free from any mental or physical disabilities, which, according to the *şeriat*, would disqualify him from ruling. He was the owner of every inch of Ottoman territory and the absolute master of everyone living in his domain. Anyone could be appointed and dismissed from any office by the Sultan. With his order, even the highest officials could be executed and their properties confiscated.

Absolute power went hand in hand with certain obligations upon the ruler in the *Memalik-i Mahruse-i Ma'mure-i Osmaniye* (the divinely protected and well flourishing domain of the House of the Osman).<sup>2</sup> One of the most important duties of the Ottoman sovereign was to provide justice and security for his subjects because without justice, according to the fifteenth century historian Tursun Beg, there could be no state.<sup>3</sup> In return for just rule and security, the

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<sup>2</sup> This is one of the titles that the Ottomans attributed to their state. It is provided by Peter Sugar in *South Eastern Europe under Ottoman Rule (1354-1804)* (Seattle and London: University of Washington Press, 1977), 3.

<sup>3</sup> Halil Inalcik, *The Ottoman History: Classical Age 1300-1600*, trans. Norman Itzkowitz and Colin Imber (London: Weidenfeld and Nicolson, 1973), 68.

subjects of the Sultan had certain responsibilities. The most important of which was to pay the taxes imposed upon them. However, not every individual was obligated to pay taxes. Nor was there a uniform rate of taxation because the amount that any subject had to pay varied according to his status in the society.

Below the Sultan, Ottoman society was divided into two major classes. The *askeri* or the military-administrative class included both men of the pen and men of the sword. In other words, this class constituted those who worked for the state. In return for their service to the government, they were exempt from taxes. Regardless of ethnic origins, to become a member of the Ottoman *askeri* or ruling class required that

. . .first, an individual had to accept and practice the religion of Islam and the entire system of thought and the action that was an integral part of it, secondly be loyal to the Sultan and to the State established to carry out his sovereign duties and exploit his revenues, thirdly know and practice the complicated system of customs, behaviors, and language forming the Ottoman way.<sup>4</sup>

However, in practice, there were instances where these principles were not followed. For example, thousands of Balkan Christians in the fourteenth century were accepted into the military class in spite of their religion.<sup>5</sup>

The second group, the subject class, was called the *reaya* (the protected flocks).<sup>6</sup> They were the taxpayers although the amount of taxes they paid varied

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<sup>4</sup> Stanford Shaw, *History of the Ottoman Empire and Modern Turkey*, vol. 1, *The Empire of the Gazis* (Cambridge: Cambridge University Press, 1977), 151.

<sup>5</sup> Halil İnalcık, *The Ottoman Empire: Classical Age*, 69.

<sup>6</sup> Shaw, 151.

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. Without the official decree of the Sultan or training provided by the state, a member of the *reaya* could not assume the privileges of the *askeri* class. Halil İnalcık adds one intermediate group, called the *muafs* or *müsellems*, between the *reaya* and the *askeri* class. This group was granted certain tax exemptions in return for public service such as guarding mountain passes and fortresses or providing special service with the army such as carrying and repairing guns, building roads and delivering food to the soldiers during campaigns.<sup>7</sup> The Gypsies, who were attached to the *Liva-i Müselleman-i Cingane* (the sub- province of the tax-exempted Gypsies) were one example of this intermediate group ranked between the ruling and subject class of Ottoman society. 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 the province of Rumelia.<sup>8</sup> Apart from the tax exemption, the *müsellems* were also granted lands to cultivate in return for their service.<sup>9</sup>

The *reaya*, the protected flocks, were also divided according to their importance for the state (see the diagram below). At the bottom of this scheme, were located

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<sup>7</sup> Halil İnalcık, "The Nature of Traditional Society," in *The Ottoman Empire: Conquest, Organization and Economy*, ed. Halil İnalcık (Variorum Reprints: London, 1978), 44.

<sup>8</sup> E. M. Şerifgil, "XVI. Yüzyılda Rumeli Eyaletindeki Çingeneler," *Türk Dünyası Araştırmaları Dergisi* 15 (1981):135-136.

<sup>9</sup> Fatma Müge Göçek, "Müselleme," in *The Encyclopedia of Islam*, 2nd edition, VII: 665.

“Gypsies and other people with no visible permanent affiliation.”<sup>10</sup> Since these people, together with the nomads, were seen as a potential threat to the sedentary life and consequently state control, they were either forced to settle or move away.<sup>11</sup> Above these “undesirables” were peasants and animal husbandmen, and above these were the *esnaf*, the small merchants and tradesmen who served the local markets. Next came the most important group, the *tüccars* or *bazirgans*, who carried out international and empire-wide trade. Although the *tüccars* or *bazirgans* were classified as *reaya*, their status was different from both the *askeris* and *reayas*. They were “initially free from regulations, unlike everyone else in Ottoman Society”<sup>12</sup>

With the exception of nomads and peasants, the subjects of the Sultan were town and city dwellers.<sup>13</sup> They were exempt from military service and the forced labor which was imposed on the villagers and the nomads. That is why peasants often attempted to leave their land in order to take up residence in the city. However, their settlement in urban areas was almost impossible due to the requirement of a ten-year residency in the city with a regular occupation. If they managed to live in an urban center more than ten years, they were required to pay a special tax as punishment for leaving their land of origin.

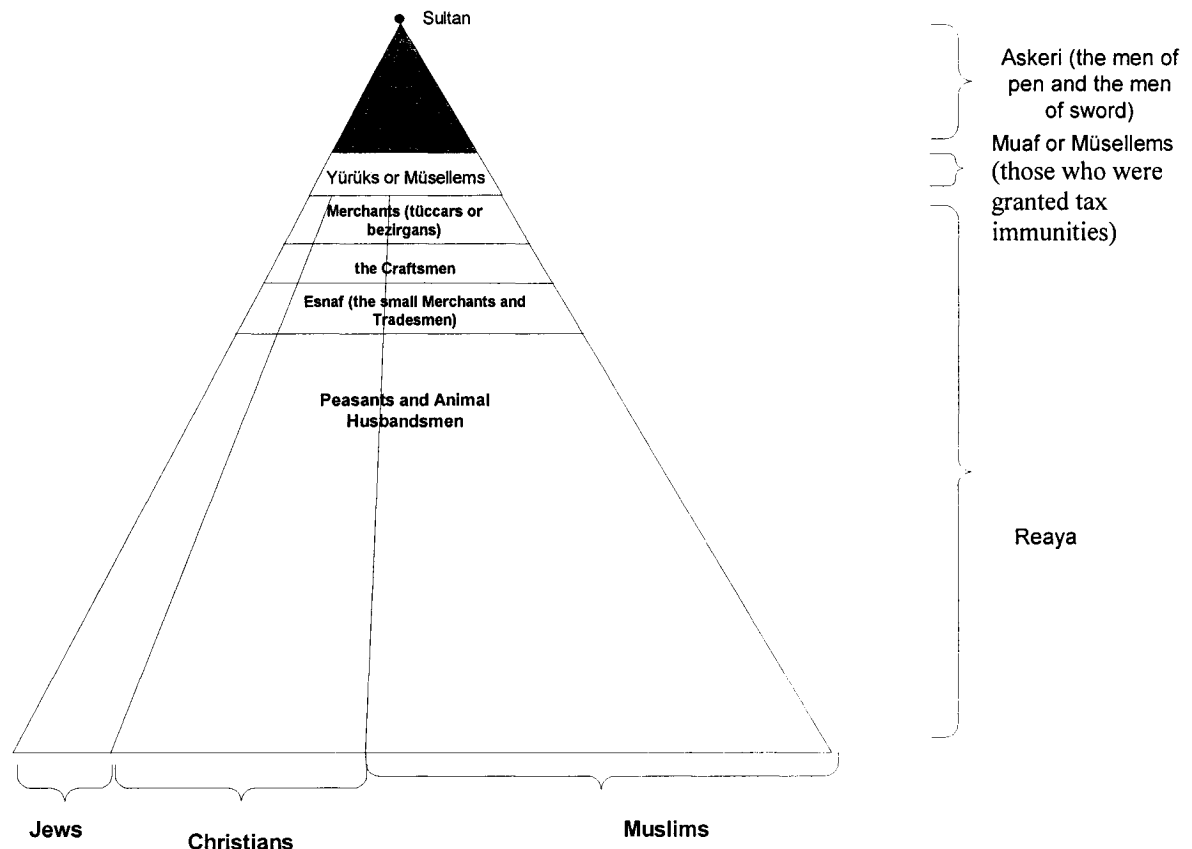
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<sup>10</sup> Sugar, 77.

<sup>11</sup> Ibid. For a detailed discussion on the Ottoman policy towards the Nomads see Rudi Paul Lidner, *Nomads and Ottomans in Medieval Anatolia* (Indiana: Research Institute for Inner Asian Studies, 1983), 51-74.

<sup>12</sup> Sugar, 84.

<sup>13</sup> Ibid., 78.



Ottoman Societal Pyramid<sup>14</sup>

Despite the fact that one's place in Ottoman society was fixed, there were avenues for upward social mobility for the *reaya* class. For a non-Muslim born *reaya*, this could be achieved thorough the *devşirme* system-- the periodic levy of non-Muslim boys, mostly Christians, for service to the Sultan in the palace and in the administration. Once the youths were recruited, they were required to convert to Islam, a condition that was the most important provision to ensure upward mobility in the empire.<sup>15</sup> However, not all the non-Muslim subjects of the Sultan

<sup>14</sup> The Ottoman Societal Pyramid is based on Peter Sugar's society diagram in *Southeastern Europe under the Ottoman Rule*, 33. However, the section for *muaf* and *müsellem* as well as further division of *reaya* are my addition.

<sup>15</sup> Rodrigue, 84.

were liable to the *devşirme* levy.<sup>16</sup> For instance, those who resided in İstanbul and other major cities of the empire were normally not considered for the recruitment.<sup>17</sup> Nor did they recruit the only son of a widow or the children of rural craftsman due to the possible economic repercussions on the state.<sup>18</sup> Most likely for the same reason, the Jews and initially Armenians were not enlisted.<sup>19</sup> Their marital status was also a consideration. Those who were married were not recruited because the Janissaries were not permitted to marry until their retirement. Orphans and children of shepherds were not levied due to what was considered to be their lack of discipline.<sup>20</sup> As for the ethnicity of the boys, the Ottoman authorities were extremely selective. In a statement most likely issued by Sultan Süleyman I, it is commanded that a *devşirme*,

. . . must not be the son of a Russian, Persian, Gypsy or Turkish *reaya*. Nor must he be [recruited] from the sons of those who reside in Harput, Diyarbekir and Malatya. If they accept any foreigner other than those who were specified above by means of bribery or request or intercession of an important office and let him join my sincere subjects, may the curse of God the Great and one hundred and twenty four thousand prophets be upon them.<sup>21</sup>

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<sup>16</sup> For provisions on the recruitment see, for instance, Shaw, 113-114; Godfrey Goodwin, *The Janissaries* (London: Saqi, 1994), 34-36; Yavuz Ercan, "Devşirme Sorunu, Devşirmenin Anadolu ve Balkanlarda ki Türkleşme ve İslamlaşmaya Etkisi," *Belleten* 198 (December 1986): 678-724.

<sup>17</sup> Shaw, 114 .

<sup>18</sup> Ibid.

<sup>19</sup> Goodwin, 34.

<sup>20</sup> İsmail Hakkı Uzunçarşılı, *Osmanlı Devleti Teşkilatından Kapukulu Ocakları*, vol. 1 (Ankara: Türk Tarih Kurumu Basımevi, 1988), 18.

<sup>21</sup> Ibid., 21.

Apart from those mentioned above, children of Romanians, Moldavians and Wallachians were not recruited because they were vassals not the subjects of the Sultans.<sup>22</sup>

Until the end of sixteenth century and the beginning of the seventeenth century, the *devşirme* levy was not open to the Muslim subjects of the Sultan except the Bosnians and Albanians.<sup>23</sup> Theoretically, to become a part of the *askeri* class was easier for a Muslim-born *reaya* because he was at least in the right category in terms of religious affiliation. In reality, however, he had to go through a proper education with the help of an Ottoman sponsor or he had to volunteer for a campaign and hope to be rewarded for courage.<sup>24</sup>

### *The Millet System*

*"Had a rayah not been a member of this or that millet, he would have had no civil status, would in fact have been comparable to a man of no nationality today..."*

Harry Luke<sup>25</sup>

The division of the *reaya* along religious lines formed the *millet* system in the Ottoman Empire.<sup>26</sup> The system was based on the *dhimma* concept of Islam, which offered protection to the "People of the Book" who lived under Muslim rule.

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<sup>22</sup> Goodwin, 34.

<sup>23</sup> Yavuz Ercan, "Devşirme Sorunu," 714.

<sup>24</sup> Norman Itzkowitz, *Ottoman Empire and Islamic Tradition* (New York: Alfred A. Knopf, 1972).

<sup>25</sup> It is cited by Kemal Karpat in "Millet and Nationality," in *Christian and Jews in the Ottoman Empire: The Functioning of a Plural Society*, vol. 1, *The Central Lands*, ed. Benjamin Braude and Bernard Lewis (New York and London: Holmes & Meier Publishers, 1982), 146.

The basis for the treatment of non-Muslim communities in the domain of Islam is based, in part, on the Prophet Muhammad's attitude towards the non-Muslims of Medina and Mekkah. Upon his arrival in Medina, the Prophet Muhammad made a pact, known as the "Constitution of Medina", with the Muhājirūn, the Ansār and the Jews<sup>27</sup> to regulate the relations between these respective groups.<sup>28</sup> Under this Constitution, the Jews retained their religion. Moreover, along with their respective duties and financial obligations, they were also declared to constitute a part of the *umma*<sup>29</sup> along with the believers. The protection, or *dhimma*, of God was also offered to everybody in the community who accepted the contract. However, when the Jews became a threat to Muhammad, the relations between them and the Muslims rapidly deteriorated. The two Jewish tribes were expelled from Medina in accordance with the Prophet Muhammad's order, while a third Jewish clan, the Banū Qarayzah, lost its entire male population in the subsequent conflict.<sup>30</sup> Finally, the Jews of Khaybar were simply subjugated. They

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<sup>26</sup> The term *millet* is derived from Arabic *Milla*. It designates religion, religious community and nation. "Milla" is used in the Qur'ān in the meaning of "religion." In the medieval Islamic period, it also came to mean religious community of the Muslims. In the Ottoman context, however, whether *millet* was used only to designate religious community of the Muslims or was also applied to the religious community of the non-Muslims until the nineteenth century has been crucial historiographical question among Ottomanists, a detailed discussion of which will follow. Despite the existence of the earlier references, *millet* in the sense of "Nation" began to be employed commonly in the nineteenth century. Micheal Ursinus, "Millet," in *The Encyclopedia of Islam*, 2nd edition, 7: 112.

<sup>27</sup> R.B Sergeant, "The 'Constitution of Medina'," *The Islamic Quarterly* 8 (1964): 3.

<sup>28</sup> C.E Bosworth, "The Concept of Dhimma in Early Islam," in *Christians and Jews*, vol. 1, 40.

<sup>29</sup> In article twenty five of the constitution, it is stated that "The Jews of Banū 'Awf are a community (Ummah) along with the believers." W. M. Watt, *Muhammad at Medina* (Oxford: Oxford University Press), 223. However, it is not clear from this statement if the Jews were a separate *Umma* or considered to be part of the *Umma* of the believers.

<sup>30</sup> Marshall G.C Hodgson, *The Venture of Islam*, vol. 1, *The Classical Age of Islam* (Chicago and London: University of Chicago Press, 1974), 176-191.

were not sent into exile or put to death. On the other hand, they were allowed to keep their religion and stay in the oasis as tenants provided they paid a tribute every year in return for protection. This practice served as a precedent for the successors of the prophet in later years when dealing with non-Muslims who accepted living under the authority of a Muslim ruler.<sup>31</sup>

The Qur'ān is another source for the regulations governing the treatment of non-Muslims living in the realm of Islam. One of the most crucial Qur'ānic texts on the policies to be adopted towards the People of the Book living in the realm of Islam is 9:29, which states:

Fight those who believe not in Allah, nor the Last day, nor hold that forbidden which hath been forbidden by Allah and his messenger nor acknowledge the religion of truth, (even if they are) of the people of the book until they pay jizya [poll-tax] with willing submission and feel themselves subdued.<sup>32</sup>

Despite the fact that exegesis of the last phrase of this verse, *'an yadin wa-hum sāghirūna*, has been controversial,<sup>33</sup> its message, according to Bosworth, is obvious:

The People of the Book are exempted from the general sentence of being combatted to death, the inexorable fate of obdurate pagans,

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<sup>31</sup> A. T. Welsh, "Muhammad," in *The Encyclopedia of Islam*, 2nd edition, VII: 371.

<sup>32</sup> Abduallah Yusuf Ali, *The Holy Qur'an* (Weir: Wordsworth Classics of World Literature, 2000), 147.

<sup>33</sup> Bosworth's translation, for example, is "[until they pay the jizya] in exchange for a benefaction granted to them, being in a humiliated position", "The Concept of Dhimma in Early Islam," in *Christians and Jews in the Ottoman Empire*, 41. In Arthur Arberry, its translation is given as "[until they pay the tribute] out of hand and have been humbled." *The Koran* (Oxford: Oxford University Press, 1998), 182. According to N.J Davood, it's "[until they pay tribute] out of hand and are utterly subdued." *The Koran with Parallel Arabic Text* (London: Penguin Books: 2000), 190.

but the price of their preservation is to be reduction to a humiliating status in society as second class citizens, liable to a poll-tax.<sup>34</sup>

However, to define what the Qur'ān means by "People of the Book" is not an easy task. While the status of Jews, Christians and Sabians<sup>35</sup> as *ahl- al kitāb*, (the people of the revealed Scripture) is made clear in the Qur'ān, the position of other groups, such as the Zoroastrians, is ambiguous. The latter are mentioned only once, in *Sūrat al-Hajj* (22:17), where they are spoken of in connection with the above-mentioned religious groups. However, the protection of God was extended in practice to the Zoroastrians as well, as may be seen from Muhammad's treatment of the Magians in Hadjar.<sup>36</sup> Moreover, when Muslim troops entered the Indian sub-continent in the eighth century, the same adjustments were made for Hindus who were also incorporated into the *ahl al-dhimma*, the protected subjects, under the umbrella of a Muslim ruler.<sup>37</sup>

Due to the lack of primary sources for the early years of Islam, it is difficult to determine whether or not any extra obligations such as distinct clothing were imposed upon non-Muslims as a sign of subordination in addition to the payment of *jizya*<sup>38</sup>

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<sup>34</sup> Bosworth, 41.

<sup>35</sup> Although their name in the Qur'ān is mentioned three times in 2: 62, 5:69, and 22:12 together with the Jews and Christians, the nature of their religion is not explained.

<sup>36</sup> A. T. Welsh, 374.

<sup>37</sup> Bosworth, 43-44.

<sup>38</sup> As a sign of fiscal differentiation between Muslims and non-Muslims, the *jizya* remained in force in the realm of Islam until the nineteenth century and its collection were never ceased in any place. Benjamin Braude and Bernard Lewis, "Introduction," in *Christians and Jews in the Ottoman Empire*, 6.

However, once Islam gained numeric and institutional strength, new laws were issued to indicate the lower status of non-Muslims. This tradition dates back to 'Umar bin 'Abd al-'Aziz, who allegedly established the first discriminatory practices against non-Muslims through the legislation of the edict known as the "Covenant of 'Umar."<sup>39</sup>

The terms of the above-mentioned document, which underlines the lower status of non-Muslims in the social sphere, were as follows:

The Christians undertake not to erect any new churches, monasteries or monks' hermitages, and not to repair those falling into ruin; to give hospitality to Muslim travelers for up to three days, not to shelter spies or harm the Muslims in any way, not to teach the Qur'an to their children, not to celebrate their religious services publicly, not to prevent any of their kinsfolk from freely embracing Islam, to show respect for the Muslims in various ways, such as rising in their presence, not to imitate the Muslims in matters of dress or hair style, to use their manner of language and their patronymics; not to use riding beasts with saddles, or to bear any arms; not to have seals engraved in Arabic characters; not to sell alcoholic drinks; to shave the front of the hair and to wear the distinctive girdle or zunnār; not to parade emblem of the cross publicly in Muslim quarters and markets, or to beat naqūs (wooden clappers used instead of bells to summon the faithful to the worship) or to chant loudly; not to conduct public processions on Palm Sunday and at Easter, not to bury their dead in the same neighborhoods as Muslims are interred; not to keep slaves who have been property of Muslims; not to build houses which might overlook those of Muslims.<sup>40</sup>

In addition to these social restrictions, there was a degree of inequality between the Muslims and non-Muslim before the law. For instance, the evidence of non-

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<sup>39</sup> Indeed the document itself is also attributed to 'Umar I since he was known as the great legislator. However, when the terms of the edict are considered, one may suspect likely confusion between 'Umar I and 'Umar II. Bosworth, 46-47.

<sup>40</sup> Ibid., 46.

Muslims was not accepted before Muslim judges. Their testimony was considered as less than that of Muslims concerning questions of compensation for injury. Nor were they allowed to marry Muslim women, while any child of a mixed marriage was required to be raised as a Muslim.

In reality, the application of these restrictions varied considerably according to time and place throughout the centuries of Islamic rule. These regulations were usually only enforced if the ruler, due to his Islamic zeal or for political ends, ordered that stricter measures be imposed upon his non-Muslim subjects. Despite the will of the rulers, however, the enforcement of these rules could only be realized in urban centers due to the limited resources of classical and medieval Islamic states to exercise absolute power over their widely dispersed subjects.<sup>41</sup>

### *Dhimmis in the Ottoman Empire*

Though the policies of the Ottomans towards their non-Muslim subjects were based on the precedent of the early Islamic states, it is clear that they developed certain innovations in this respect. For instance, the two institutions that had the greatest impact on the lives of the Dhimmis, *sürgün* and *devşirme*, were not entirely the legacy of the earlier Islamic states.<sup>42</sup>

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<sup>41</sup> Benjamin Braude and Bernard Lewis, "Introduction," in *Christians and Jews in the Ottoman Empire*, vol. 1, 6; Bernard Lewis, "The Faith and The Faithful," in *Islam and the Arab World: Faith, People and Culture*, ed. Bernard Lewis (New York: Alfred A. Knopf, 1976) 34.

<sup>42</sup> Braude and Lewis, "Introduction," 11.

The *sürgün* was a method of forced resettlement. It was likely a practice that the Ottomans took over from the Byzantine Empire. The main purpose of the *sürgün* in the Ottoman context was to repopulate the newly conquered areas and to reprimand those who did not fit neatly into the structure of Ottoman society. Although this forced migration was applied to both Muslims and non-Muslims, the latter were most often affected due to the minority position of the Muslims in the Ottoman population until the conquest of the Arabic-speaking lands. For example, even the Jews -- whose relations with the Ottomans were calm and peaceful throughout the history of the Empire according to modern historiography of Ottoman Jewry -- were resettled from time to time, a practice that awakened in them an uncharacteristic resentment toward the Ottoman state between the years 1453 and 1470.<sup>43</sup>

Despite the existence of military slavery under certain early Islamic dynasties starting with the Abbasids,<sup>44</sup> it was the Ottomans who institutionalized the *devşirme* system or the periodic levy of (mainly) Christian boys for this purpose. As pointed out earlier, the system was certainly an avenue of the upward social mobility for the non-Muslim born *reaya*, but it was despised by the Orthodox Church.<sup>45</sup>

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<sup>43</sup> Joseph R. Hacker, "Ottoman Policy toward the Jews and Jewish Attitude toward the Ottomans during the Fifteenth Century," in *Christians and Jews in the Ottoman Empire*, vol. 1, 121.

<sup>44</sup> Extended discussion of Military Slavery and Islam can be found in Daniel Pipes, *Slave Soldiers and Islam: Genesis of a Military Slave System* (New Haven and London: Yale University Press, 1982)

<sup>45</sup> Braude and Lewis, "Introduction," 12.

The reasons for such diversions on the part of the Ottomans from early Islamic practices in regard to non-Muslims can be explained through the sources that nurtured the foundation of the Ottoman state as well as the political and economic demands of their day. It was probably the latter that in part led the early Ottomans to grant *askeri* status to some non-Muslims without converting them to Islam and it was likely the same considerations that forced Sultan Mehmed II to grant privileges to the religious leaders of different communities after the conquest of Constantinople.

### *Organization of the Religious Communities*

The horizontal structure of the Ottoman society was determined according to religious affiliation. In other words, subjects of the Ottoman Sultans were grouped into religiously based communities called *millets*.<sup>46</sup> In fact, the division of the society along religious lines was not unique to the Ottomans. It was practiced not only by the Caliphs, but also by other previous states in the region. In pre-Islamic Persia, the head of the Nestorian Church was the leader of the Christians who lived in the domain of the Sassanian Kings.<sup>47</sup> Jewish and Armenian communities, which lived in Byzantine lands, were also allowed to organize their internal affairs using their own laws under the jurisdiction of a recognized authority seated in Constantinople.<sup>48</sup>

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<sup>46</sup> See Appendix II for Religious Breakdown of the Ottoman Population.

<sup>47</sup> Gibb and Bowen, *Islamic Society and The West*, vol.1, *Islamic Society in the 18<sup>th</sup> century*, Part II, 212.

<sup>48</sup> Ibid., 212-213.

However, the Ottoman contribution to this legacy was to institutionalize the system by making it a part of the Ottoman State and society's structure,<sup>49</sup> and to develop a special term for the administration of the religious communities by rendering Arabic *milla* to *millet*.<sup>50</sup> They changed not only the word itself according to their phonetics, but also applied new meaning to the term by using it mainly to denote non-Muslims.<sup>51</sup>

The formation of the millet system in the Ottoman Empire goes back to the Sultan Mehmed II. Before the Ottoman conquest of the Balkans, the Orthodox Church was divided into a number of independent patriarchies: (1) The Bulgarian Patriarchate at Ohrid and Tirnovo, (2) the Serbian Patriarchate at Ipek, and (3) The Greek Ecumenical Orthodox Patriarchate of Constantinople. Despite the language barrier among those patriarchates, there was not much difference in terms of their theological doctrines. Following the conquest of Constantinople, Mehmed II united these churches under the Patriarchate of Constantinople by appointing Gennadios Scholarios as its Patriarch. Gennadios Scholarios was a well-known theologian with a strong opposition to Roman Catholicism as well as an outspoken opponent of the Florence Council, which called for unification under Rome. The new Patriarch was invested by Mehmed in a ceremony that had been initiated by the Byzantine emperors. He was given to the rank of a Pasha with three *tuğs* (horse tails) and received the title of the Patriarch of the

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<sup>49</sup> Shaw, 151.

<sup>50</sup> Gibb and Bowen, 213.

<sup>51</sup> Sugar, 45.

Orthodox Community and the *millet-başı* or head of the Orthodox Millet.<sup>52</sup> He was responsible for the actions and allegiance of the Sultan's Orthodox subjects including Greeks, Serbians, Albanians, Wallachians, Moldavians, Rutherians, Croatians, Caramanians and with the conquest of Arabic speaking lands in 1517, Syrians, Melkites, and Christian Arabs as well.

In addition to his complete jurisdiction over the clergy and ecclesiastical matters, the Orthodox Patriarch was also given legal powers in all matters related to Canon Law such as marriage, divorce, and inheritance. His jurisdiction was also extended to run the secular affairs of the Orthodox community such as education, social security and collecting not only dues of his church but also the poll-tax for the Sultan. In sum, the Orthodox Community was allowed to function as a "state" within the State with its own religious, legal and educational institutions but the head of the so called "state" had to be approved by the Sultan.<sup>53</sup>

However, neither the creation of the Orthodox millet with its extensive self rule, nor the appointment of a priest opposed to union with Rome was a coincidence for a Sultan whose main enemy was Catholic Europe and who saw himself as the legitimate heir of the Byzantine Emperors.<sup>54</sup> Furthermore, the autonomy bestowed upon the Orthodox community did not violate Islamic Law. But in fact it

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<sup>52</sup> The term that the Ottomans used for Orthodox *millet* in Ottoman Turkish is *Millet-i Rum*, literally Greek *millet*. However, until the second half of the eighteenth century the term had no national connotation. Kemal Karpat, "Millet and Nationality," in *Christian and Jews in the Ottoman Empire*, vol. 1, 146.

<sup>53</sup> Sugar, 47.

<sup>54</sup> Ibid., 45.

was the *şeriat's* corporate nature that allocated the self-government of the non-Muslim communities.<sup>55</sup>

The Jews were also granted the Millet status by Mehmed II with their own head *haham başı* or Chief Rabbi who enjoyed similar rights and obligations as the Orthodox Patriarch. However, the Jewish community or *Yahudi millet* was not given a legal charter until 1839.<sup>56</sup> In the Ottoman protocol the *Haham Başı* was given priority before the Patriarch. During the reign of Sultan Süleyman I (r.1520-1566), It was the Jewish *millet* which first acquired the right to have a *kahya* or an agent in the court to represent the community to the central government. They were also were not liable to a distinctive dress code until much later.

One of the significant reasons for the special treatment of the Jews in the time of Mehmed II could be explained by the fact that because of a lack of support from an outside power, unlike Christians Jews did not pose a threat to the Ottoman realm. Thus, they were regarded as the loyal subjects of the Ottoman Sultan.

Due to the tolerance displayed by the Ottoman Sultans towards Jewish communities in comparison with their contemporary European counterparts in the fifteenth and the sixteenth centuries, many Jews left Europe and settled in the Ottoman territories throughout these two centuries and especially after 1492. They brought with them their distinctive rituals, traditions as well as their wealth and entrepreneurial skills. Soon after, they became prosperous and began to

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<sup>55</sup> Gibb and Bowen, 212.

<sup>56</sup> Shaw, 152.

hold important posts in the Ottoman court, especially during the reigns of Süleyman I, Selim II and Murad III. For example, according to one Venetian observer of the sixteenth century, the Jews together with Moorish refugees “have taught and are teaching every useful art to the Turks; and the greater part of the shops are kept and exercised by them.”<sup>57</sup> Thus, another reason for the favorable treatment of the Jews could be explained by the Ottoman need for skilled workers in the urban areas.<sup>58</sup>

After the conquest of Constantinople, the Armenians became the third and the last community to be granted the *millet* status. From Orthodox point of view, the Gregorian Church, to which most Armenians belonged, was heretical. By the time of the Ottoman conquest, the Gregorian Church was no longer strong. Its two strongholds and its head were outside the borders of the realms of Sultan Mehmed II. Therefore, the archbishop of Bursa, Horaghim, the highest-ranking Armenian official in the Sultan’s land, was brought to the capital and appointed as the Armenian Patriarch of Constantinople and the *millet başı* of the Armenian *millet*. The powers bestowed upon him were similar to those of the Orthodox Patriarch and the *Haham Başı*.

A significant feature of the Armenian *millet* was that “besides Armenians proper it was held to include all subjects of the Sultan otherwise unclassified.”<sup>59</sup> According to Stanford Shaw,

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<sup>57</sup> Ibid., 218.

<sup>58</sup> Braude and Lewis, “Introduction,” 24.

<sup>59</sup> Gibb and Bowen, 218.

. . .most numerous of among which were the Gypsies (called *Kıbtı*, or Copts, by the Arabs and the Ottomans, apparently because of a mistaken identification of them with the original inhabitants of Egypt), the Assyrians, the Monophysites of Syria and Egypt, and the Bogomils of Bosnia.<sup>60</sup>

Another community not formally recognized as *millet*, was the Roman Catholics. After the conquest of Constantinople, the Catholics living in the Galata quarter were given a certain degree of freedom but were never granted the *millet* status. The reason for this could be traced to the rivalry between the Sultans and Catholic states in Europe.

The conquest of the Arabic speaking lands in the beginning of the sixteenth century brought considerable change not only to the system of *millets* but also to the organization of the Ottoman state structure. The Muslim *millet* for the first time constituted the majority of the population with the conquest of Arab world. However, the conquests also brought a sufficient number of non-Muslims to influence the ethnic composition of their respective *millets*. The Armenian *millet* was most affected by the conquests of Sultan Selim I in the beginning of the sixteenth century because the *zimmi*s (Turkish rendering of *dhimmi*) who were brought under Ottoman rule were mainly communicants of those churches which were considered heretical by the Orthodox Church. Therefore, as we mentioned earlier, these unclassified Christians were attached to the Armenian Millet. However, one of the most important aspects of the conquests that affected the all *zimmi*s as well as the Muslim subjects of the Empire was the application of Sunni

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<sup>60</sup> Shaw, 152. For the purpose of this study, the information on the Gypsies given by Shaw is extremely crucial and will be dealt with in Chapter III extensively.

Islam with a greater zeal.<sup>61</sup> As maintained before, despite the fact that the rules imposed upon non-Muslims were not in the violation of Islamic law, their application was in the hands of the ruler.

### *Millet System in Modern Historiography*

Many of the commonly accepted models used for describing the organization of the religious communities in the Ottoman Empire have recently come under severe criticism from revisionist historians. The argument rests on the central question of whether an institutionalized policy towards the non-Muslim communities of the Ottoman Empire existed before the nineteenth century throughout the empire.

In other words, the very usage of the word “system” is put to question. That is to say that varied and unrelated policies practiced in certain parts may not constitute a unified system for the empire. The main representative of this school of thought is Benjamin Braude. He questions the historical authenticity of the founding narratives of the Orthodox, Armenian and Jewish communities in the Ottoman Empire.<sup>62</sup> However, his argument rests mainly upon the philological analysis of the term “*Millet*.” He asserts that before the nineteenth century, this term was not exclusively used to denote communities of non-Muslims and thus:

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<sup>61</sup> Gibb and Bowen, 218.

<sup>62</sup> Benjamin Braude, “Foundation Myths of the Millet System,” in *Christians and Jews in the Ottoman Empire*, vol. 1, 69-88.

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.... The absence of a term suggests the absence of an institutionalized policy towards non-Muslims. As for the so-called Millet system, or, perhaps better “the communal system”, it wasn’t an institution or even a group of institutions but rather it was a set of arrangements, largely local, with considerable variation over time and place.<sup>63</sup>

He claims that the founding of the *millet* system is merely another “legend” and should be added to that genre along with the Pact of ‘Umar and the Edict of the Prophet to the Christians.<sup>64</sup>

However, Michael Ursinus severely criticizes this thesis, which seems to be based on a philological analysis at the expense of other sources.<sup>65</sup> Furthermore, he manages to trace the use of the term *millet* in the archival sources provided by Ahmet Refik<sup>66</sup> which denotes the meaning of the “People of the Book” as well as the Muslim community. As for the institutionalized aspect of the policy, he says:

It rather looks as if the individual religious communities, which, on the local level, had to live under conditions which were varying under place and time, in the perspective of the central government were seen as parts of religious and juridical communities which, under the leadership of their (ecclesiastical) heads, ideally had an empire wide dimension.<sup>67</sup>

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<sup>63</sup> Ibid., 74.

<sup>64</sup> Ibid., 83.

<sup>65</sup> Micheal Ursinus’s entire article “Millet,” in *The Encyclopedia of Islam* is devoted to critique of Braude’s argument.

<sup>66</sup> Ahmet Refik, *On Altıncı Asırda İstanbul Hayatı (1553-1591)* (İstanbul: Devlet Basımevi, 1935); *Hicri On Birinci Asırda İstanbul Hayatı (1000-1100)* (İstanbul: Türk Tarih Encümeni Kütüphanesi, 1931); *Hicri On ikinci Asırda İstanbul Hayatı (1100-1200)* (İstanbul: Türk Tarih Encümeni Kütüphanesi, 1930).

<sup>67</sup> Ursinus, 63.

Although more research of the religious communities in the Ottoman Empire is required to analyze the systematic nature of the *millets*, it seems likely from Micheal Ursinus as well as from the documents that are provided by Ahmed Refik that at least from the central government's point of view, there existed some degree of institutionalized treatment towards different religious communities.

To sum up, the establishment of a coherent set of policies for the treatment of the non-Muslim (as well as Muslim) subjects of the empire was a dynamic process that grew out of the evolving nature of the Ottoman Empire. Along with the expansion of the empire, ethnic and religious composition of the subjects underwent a radical change and new ideas and practices to deal with them were also necessitated and incorporated in the official policy. While looking at the evolution of this system between fourteenth and sixteenth centuries the following points must be considered.

Firstly, the sources that nurtured the governing principles of the Ottoman Empire were diverse and varied. While the empire's dedication to Islam was always acknowledged, in practice, older Turkic and practices along with local Byzantine traditions were also incorporated. Thus the structure of the state and the society was founded on these multiple sources.

Secondly, despite having a seemingly rigid hierarchy in the society, the avenues for social mobility were not lacking either for the Muslim or the non-Muslim

subjects of the Sultan. In fact, the existence of institutions such as the *devşirme* shows that social mobility was very much a part of the state's policy.

As in the case of Ottoman statecraft, the treatment of non-Muslim subjects formed through the combination of the sources that also shaped Ottoman culture. Although the treatment of the *zimmi*s was based on the Islamic concept of *dhimma* (protection), there were deviations from early Islamic practices as in the case of the *sürgün*, or forced migration and the *devşirme* system, or periodic levy of Christian boys for the service of the state.

Despite the fact that the granting of autonomy to religious communities was not unique to the Ottomans, their contribution to this heritage was in their institutionalization of the organization of the religious communities. This involved incorporating the communities into the Ottoman state and societal structure as well as development of special terminology for their organization.

Although the systematic nature of the organization of the *millets* has been criticized by the revisionist historians, it seems likely an institutionalized policy from the central government's standpoint was in operation. However it was subjected to local variations depending on the particular circumstances of different areas.

## Chapter III

### THE GYPSIES: THE DESPISED “OTHER”

#### *Objective*

In the year 1564 an imperial decree was issued from the seat of the *Memalik-i Mahruse-i Ma'mure-i Osmaniye* (the divinely protected and well flourishing domain of the House of the Osman)<sup>1</sup> to all Ottoman provincial and sub-provincial governors and judges of the respective sub-provinces, informing and commanding them as follows:

Currently, in your dominions some groups of wanderers and Gypsies (*kurbet ve çingan tayifesi*) have emerged and they 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 whomever they meet and disturbing the public peace. While passing through neighboring cities, in the scarcely populated areas, they have been murdering and plundering those upon whom they can prevail and the travelers, and they have been always causing disorder and not refraining from such abominable acts [*dayima fesad ü şenaatden hali olmayub*]. Since the removal of the harms that they have caused is necessary and indispensable, I have ordered that...<sup>2</sup>

This decree is but one example of many that can be found in *Muhimme* Registers (the records of Imperial Assembly) from 1558-1569 concerning to the Gypsies

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<sup>1</sup> This is one of the titles of the Ottoman state. Peter Sugar, in *South Eastern Europe under Ottoman Rule (1354-1804)* (Seattle and London: University of Washington Press, 1977), 3.

<sup>2</sup> MD 6 (I), 114. 206.

and their deviance as defined by the Ottoman central government and the provincial authorities.<sup>3</sup> According to the registers, murder, theft, vagrancy, prostitution --as illustrated in the above document-- were the most common forms of Gypsy deviancy. Apparently, counterfeiting was another unlawful activity that the Gypsies engaged in. For instance, according to story that was recorded in 1565, a counterfeiter named Çilingir Sinan was caught by the Ottoman authorities. During his interrogation, Sinan reveals the name of his partners. Not surprisingly, one of his partners was a Gypsy named Elsüz Çingene (Gypsy without a hand). However, Elsüz Çingene was not alone, his sons were also involved in the case.<sup>4</sup> According to another imperial order that was dispatched to the judges of Rumelia in 1567, we are informed that some Gypsies were not only involved in counterfeiting, theft, vagrancy but also in swindling villagers with the fake silver coins (*kalb akça*) in order to obtain villagers' sustenance.<sup>5</sup>

The focus of this chapter, however, is not only confined to descriptions of the Gypsies' "non-conformity to legal or social norms".<sup>6</sup> The Ottoman state's and the society's attitudes towards this marginal group will also be examined thorough the sources which were recorded by non-Gypsies. How the Gypsies --both Muslim and Christian, settled and nomadic-- were marginalized by means of

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<sup>3</sup> See for instance MD 5 (I), 35.186; MD 5 (I), 58.311; MD 5 (I), 231.1438; MD 7 (I) 110. 216; MD 12 (I), 228.344.

<sup>4</sup> MD 6 (II), 213.1196. Suraiya Farouqi presents a similar case in which a Gypsy was accused of being a counterfeiter *Coping with the State: Political Conflict and Crime in the Ottoman Empire 1550-1770* (Istanbul: The Isis Press, 1995), 133-143.

<sup>5</sup> MD 7 (I), 111.216.

<sup>6</sup> Eugene Rogan, "Introduction," in *Outside In: On the Margins of the Modern Middle East*, ed. Eugene Rogan (London and New York: I. B. Tauris, 2002), 3.

segregation, stigmatization and expulsion is the main issue that will be addressed throughout this chapter.

### *The Ottoman State and the Gypsies*

The legal status of the Gypsies in Ottoman society is atypical considering the principles on which Ottoman social structure was based.<sup>7</sup> The sources that nurtured the development of this structure were diverse and varied. Nevertheless the basic ideology that shaped the social organization was based to a large extent on Islamic principles. The State identified itself as an Islamic State and devoted itself to the promotion of the faith and application of the *şeriat*.<sup>8</sup> The

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<sup>7</sup> Elena Marushiakova and Vesselin Papov, *Gypsies (Roma) in Bulgaria* (Frankfurt: Peter Lang, 1997), 22; idem, *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 Recherches Tsiganes, 2000), 33-34; Eyal Ginio, "Exploring 'the Other': Margaret Hasluck and the Ottoman Gypsies." Paper presented on the conference *Anthropology, Archeology and Heritage in the Balkans and Anatolia or The life and Times of F.W. Hasluck. (1878-1920)*, Organized by Center for the Study of South Eastern Europe at the University of Wales, Gregynong, 3<sup>rd</sup> and 6<sup>th</sup> November 2001.

<sup>8</sup> In this vein, Mehmed the Conqueror's poem might be a good example. This poem is translated by Bernard Lewis in Kemal Sılay, ed., *An Anthology of Turkish Literature* (Bloomington: Indiana University Turkish Studies, 1996), 90.

My purpose is to obey God's command to wage Jihad  
My Zeal is for the faith of Islam alone.

By the Grace of God and the brave men of God's army  
My purpose is to conquer the infidels entirely.

My trust is in the prophets and the saints,  
My hope of victory and conquest is in God's bounty.

What if I wage Jihad with life and fortune?  
Praise to be God, my desire for battle grows many thousand fold.

O Muhammad, by your own miracles  
Let my power triumph over the enemies of the faith.

*kanuns* or sultanic legislation and local practices of the conquered territories also were incorporated. However, in practical terms, the concept of “religious community” was increasingly promoted as the basic unit of administrative organization when the inclusion of large non-Turkic and non-Muslim groups converted the State into the growing empire.<sup>9</sup> As it has been pointed out in Chapter II, already by the second half of the fifteenth century, the Sultan’s subjects’ were organized along confessional lines. Membership in a given confessional community or *millet* was one of the crucial factors in determining a subject’s rights and obligations. From the Ottoman point of view, rather than ethnic and linguistic solidarity, religion was the basis of the communal identity.<sup>10</sup>

Conversely, the administration of the Gypsies was based on ethnicity rather than religious affiliation.<sup>11</sup> For the Gypsies of Rumelia in the sixteenth century, this arrangement can be seen through the examination of the administrative unit called *liva-i çingane*. 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 population perhaps a hundred thousand on the average.”<sup>12</sup> On the other hand, --despite their fragmentary nature-- the sources on the subject suggest that *liva-ı çingane* or *çingane sancağı* (sub-

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<sup>9</sup> Kemal Karpat, “The Ottoman Ethnic and Confessional Legacy in the Middle East,” in *Ethnicity, Pluralism and the State in the Middle East*, ed. Milton J. Esman and Itamar Rabinovich (Ithaca and London: Cornell University Press, 1988), 39-40.

<sup>10</sup> *Ibid.*, 37.

<sup>11</sup> Elena Marushiakova and Vesselin Popov, *Gypsies (Roma) in Bulgaria* 22; *idem*, *Gypsies in the Ottoman Empire* 47.

<sup>12</sup> Metin Kunt, *The Sultan’s Servants: The Transformation of Ottoman Provincial Government 1550-1650* (New York: Columbia University Press, 1983), 14.

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, İstanbul and the rest of Rumelia likely at the end of the fifteenth and the beginning of the sixteenth century.<sup>13</sup> The sources on the historical geography of the Ottoman Empire also provide further evidence that *liva-ı çingane* or *çingane sancağı* was not a geographical district that constituted the province of Rumelia.<sup>14</sup> *As the Law of the Gypsies of Rumelia (Kanunname-i Kiptiyan-i Vilayet-i Rumeli)* indicates, both Gypsies who were Muslim and Christian, both settled and nomadic were attached to this administrative sub-province based upon their ethnicity.<sup>15</sup> The head of the sub province, called the *mir-i kibtiyan, çingene sancağı beği* or *çingene beği* like a confessional community leader, was made responsible for collecting the taxes from his Gypsy community and the organization of its relations with the state.<sup>16</sup> Whether this leader was appointed from among the Gypsies is not clear, at least, according to the sources that have been consulted in this study.

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<sup>13</sup> On this question compare for instance M. Tayyib Gökbilgin, "Çingeneler," *İslam Ansiklopedisi*, III: 423; Mithat Sertoğlu, *Resimli Osmanlı Ansiklopedisi* (İstanbul: İstanbul Matbaası, 1958) 68-69; E.M. Şerifgil, "XVI. Yüzyılda Rumeli Eyaletindeki Çingeneler," *Türk Dünyası Araştırmaları Dergisi* 15 (1981): 129-135; Ahmed Akgündüz, *Osmanlı Kanunnâmeleri ve Hukukî Tahlilleri*, 8 vols. (İstanbul: Fey Vakfı Yayınları, 1989- ), I / 397-400, II / 383-386, VI (2) / 511-514 and 520-523; 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; E. Mariushiakova and V. Popov, 35.

<sup>14</sup> Donald Edgar Pitcher, *An Historical Geography of the Ottoman Empire* (Leiden: Brill, 1972), 136-138 and map XXVII; Metin Kunt, *Sancaktan Eyalete: 1550-1650 Arasında Osmanlı Ümerası ve İl idaresi* (İstanbul: Boğaziçi Üniversitesi Yayınları, 1978), 16 and 18.

<sup>15</sup> See Appendix I, Document III. As the population figures indicates, the Christian Gypsies were numerous than the Muslim Gypsies during the sixteenth century. See Appendix III for a chart of the population breakdown of the Gypsies according to their religious affiliation.

<sup>16</sup> Ibid. See also Sertoğlu, 68-69.

Despite the fact that Muslim and Christian Gypsies were attached to the same administrative unit, their obligations towards the state --the most important being that of taxation-- were different. Concerning this, *the Law of the Gypsies of Rumelia* commands that

Muslim Gypsies of İstanbul, Edirne and other places of Rumeli pay twenty-two *akçe* tax for each household and for each bachelor. Infidel Gypsies (*kafir çingeneler*) pay twenty-five *akçe* poll-tax (*ispenç*) for each household and for each bachelor. As for their widows they give six-*akçe* tax.<sup>17</sup>

However, Muslim Gypsies were obliged to pay a lesser amount of tax than the non-Muslim Gypsies, provided that they did not intermingle and migrate with their non-Muslim counterparts. Otherwise, they were required to pay *cizye* as well as subject to punishment.<sup>18</sup> Indeed, the basis of this regulation can be found in the *Decree on the number of the sheep of Rumelian Turks (Rumeli Etrakinun Koyun Adeti Hukmi)* of Mehmet the Conqueror (1450-1481) which commands that

A Muslim Gypsy should not reside with an infidel (*kafir*) 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.<sup>19</sup>

The second indication that the Ottoman state classified Gypsies according to their ethnicity and segregated them from the rest of the society in terms of administration comes from the census documents. According to Kemal Karpat, in the population registers of the fifteenth and sixteenth centuries, the Ottomans classified their subjects as Muslims and non-Muslims. The latter were further

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<sup>17</sup> Appendix I, Document III, article 1.

<sup>18</sup> Ibid.

<sup>19</sup> Appendix I, Document I, article 1.

classified as Christian, Armenian or Jewish. Then he adds, “oddly enough, [there is] a separate classification for *Kıpti*, i.e., Gypsies.”<sup>20</sup> The term *Kıpti* deserves further explanation for the purposes of this study. In Arabic as well as in Ottoman Turkish, *Kıpti* means “Copt” or “native Egyptian.” As is the case of the English “Gypsy,” Spanish “*Gitano*” and French “*Gitane*,” the Ottoman usage of *Kıpti* results from the common belief during the period that the Roma originated in Egypt.<sup>21</sup> Because of this terminology according to Stanford Shaw, the Gypsies were mistakenly attached to the Armenian *millet*.<sup>22</sup> In discussion of the Armenian *millet*, Selahi Sonyel also states that

He [the Armenian Patriarch] also ruled over all the Christians who did not belong to the Greek Orthodox Church. These included the Monophysitic churches of Asia Minor, and later Africa such as the Jacobites, Syrians, Ethiopians, Georgians, Chaldeans, Copts and *all the Gypsies of the Empire*, in matters of civil law.<sup>23</sup>

In fact, according to the imperial decree that was bestowed upon the Armenian Patriarch of Jerusalem in 1517 by Selim I, Copts were attached to the Armenian *millet* along with Ethiopians and Syriac Christians. However, in this decree there is no indication that the Gypsies were also involved the above-mentioned

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<sup>20</sup> Kemal Karpaz, “The Ottoman Confessional and Confessional Legacy in the Middle East,” in *Ethnicity, Pluralism and the State*, 45.

<sup>21</sup> Gökbilgin, 421; Şerifgil 128 and G.L. Lewis and Ch. Quelquejay, “Çingâne,” in *The Encyclopedia of Islam*. 2nd edition, II: 40.

<sup>22</sup> Stanford Shaw, *History of the Ottoman Empire and Modern Turkey*, vol. I, *Empire of The Gazis* (Cambridge: Cambridge University Press, 1977), 152. Shaw does not explain when the Gypsies were attached to the Armenian Millet nor does he cite any source. However, he was so kind to reply my recent electronic mail on this issue and he directed me to the *Başbakanlık* archives for further research on this subject.

<sup>23</sup> Selahi Sonyel, *Minorities and the Destruction of the Ottoman Empire* (Ankara: Turkish Historical Society Printing House, 1993), 45. For a similar argument see Tankut Soykan, *Osmanlı İmparatorluğunda Gayri Müslimler* (İstanbul: Ütopya Kitabevi), 212.

confessional community.<sup>24</sup> Furthermore, according to İsmail Haşim Altınöz, “the Gypsies living in the Ottoman Empire were never granted Millet status and they were never attached to any Muslim or Christian confessional community. Indeed, they were treated as a guest being awaited in the hall.”<sup>25</sup> Thus, whether the Gypsies were officially attached to any *millet* in the period under consideration is a question that requires further investigation.

In Ottoman society, the place of each individual or a group was fixed for the sake of peace and order. However, there were some avenues of upward social mobility as far as the subject class was concerned. The *devşirme* system or periodic levy of mainly Christian boys was certainly one of them. However, as it has been already pointed out in Chapter II, this prospect was not open to all the subjects of the Sultan. Romanians, Wallachians and Moldavians were not recruited because they were vassals and not subjects of the Sultans. Jews and predictably Gypsies were left out as well. According to Goodwin, the former were spared because they were professionals who served the great Pashas and whose faith was as firm as that of any Muslim, while the latter were clearly detested.<sup>26</sup> Thus, Gypsies were not permitted to exploit this window of opportunity because they were stigmatized as a morally and sexually corrupt people.

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<sup>24</sup> Yavuz Ercan, *Kudüs Ermeni Patrikhanesi* (Ankara: Türk Tarih Kurumu Basımevi, 1988), 15-17.

<sup>25</sup> İsmail Haşim Altınöz, “Osmanlı Toplumunda Çingeneler,” 27.

<sup>26</sup> Godfrey Goodwin, *The Janissaries* (London: Saqi, 1999).

However, some Gypsies served in the army by performing auxiliary services but they were not identified as the ruling class (*askeri*). Instead they were classified as *müsellems* (literally, exempt).<sup>27</sup> They were not only granted lands to cultivate but also exempted from certain taxes in return for their services that they performed during campaigns such as casting canon balls, carrying and repairing guns and building roads.<sup>28</sup> Since their services were valuable to the Ottoman army they were ranked between the ruling and the subject class but they were never permitted to achieve *askeri* status at least not through the will of the Ottoman authorities.<sup>29</sup>

Partly due to the stigmas attached to the Gypsies and partly due to the Ottomans' desire for a settled society with its predictable revenues, the movements of the Gypsies were restricted.<sup>30</sup> For instance, according to an imperial decree issued in 1572, they were forbidden to traverse back and forth from the Rumelian to the Anatolian side by way of the straights. If they did so, they were to be imprisoned.<sup>31</sup> Furthermore, they were strictly forbidden to ride a horse or carry a weapon. In fact, these restrictions were imposed upon other non-Muslim subjects' as well. However, as is indicated in the *Mühimme* registers, the Ottoman authorities were very keen on to enforce these restrictions on the Gypsies who, with their horses and weapons, were identified as sources of social

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<sup>27</sup> See chapter II for more information on the organization of the Gypsy *müsellems*.

<sup>28</sup> Fatma Müge Göçek, "Müsellem," in *The Encyclopedia of Islam*, 2nd edition, VII: 665.

<sup>29</sup> Halil İnalcık, "The Nature of Traditional Society," in *The Ottoman Empire: Conquest, Organization and Economy*, ed. Halil İnalcık (Variorum Reprints: London, 1978), 44.

<sup>30</sup> Paul Lindner, *Nomads and Ottomans in Medieval Anatolia* (Bloomington: Research Institute for Inner Asian Studies, Indiana University, 1983), 65.

<sup>31</sup> MD 6 (I), 108.903.

discontent as well as moral and civil disorder.<sup>32</sup> At some point in the sixteenth century, they were not even allowed to work as dealers (*cambaz*) in the horse market of Istanbul.<sup>33</sup> Thus, attempts were always being made to control the movements of the Gypsies and to segregate them from the rest of the population; indeed, they were not allowed to settle anywhere in a city except for the specific quarter assigned to them. Not surprisingly, these quarters were not in the center of the city but on its outskirts or relatively peripheral neighborhoods. In Istanbul, for example, they were originally relegated to the quarters in Edirne Kapısı.<sup>34</sup> And although many eventually succeeded in obtaining residence in the inner circles of the city, this caused tension from time to time and measures were inevitably taken to expel them from those places. In a decree which was issued in 1763, for example, we are informed that the Gypsies had begun to live in the Fatih district, which was known for its educational, religious and commercial importance.<sup>35</sup> However, according to the verdict, since the Gypsies had been partaking in various sinful activities, they were to be expelled to the quarters in Edirne Kapısı where they had been living in the past.<sup>36</sup> However, as the following decree from Sultan Süleyman I (r. 1520-1526)'s criminal code indicates that the expulsion of the Gypsies due to their marginality from cities as well as the countryside has a long history precedent. The decree of the Sultan Süleyman the lawmaker reads:

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<sup>32</sup> See for instance MD 7 (I), 110.215; MD 7 (I), 110.216; MD 7 (I), 402.836; MD 7 (III), 185.2344

<sup>33</sup> MD 7 (I), 481.1010.

<sup>34</sup> Tayyib Gökbilgin, 425.

<sup>35</sup> Halil İnalcık, "Istanbul, " in *The Encyclopedia of Islam*, 2nd edition, IV : 229.

<sup>36</sup> Ahmet Refik, *Hicri On İkinci Asırda İstanbul Hayatı (1100-1200)* (İstanbul: Devlet Matbaası, 1930), 198-199.

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* that such mischief makers-shall be expelled and driven from the country . . . <sup>37</sup>

To sum up, Gypsies were marginalized through stigmatization, segregation and expulsion. They were treated as “the other” by the Ottoman authorities in terms of their administrative status. They were seen as heretics not only in terms of their way of life but also in terms of the threat they seemed to pose the Ottoman sedentary life. However, there is no indication in the sources that they were used as slaves, which was the practice in Moldavia and Wallahcia during the same period. Nor as was the case in Europe, were they actively persecuted because of their deviant practices.<sup>38</sup>

### *The Social Status of the Gypsies in the Ottoman Empire*

The *Mühimme* registers usually use the phrase *ehl-i fesad* (the community of malice) when they concerning the wanderers and the Gypsies (*gurbet ü çingane tayifesi*).<sup>39</sup> However, the basic premise of this section is to shed light on the society's perception of the Gypsies rather than that of the state. The aim is twofold: first to analyze whether the vocations of the Gypsies contributed to their

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<sup>37</sup> Uriel Heyd, *Studies in Old Ottoman Criminal Law*, ed. V.L. Menage (Oxford: Clarendon Press, 1973), 120. The italics are mine except *kanun*.

<sup>38</sup> For a comparison of the attitudes towards the Gypsies in the Ottoman Empire and Europe see for instance Angus Fraser, *The Gypsies* (Oxford and Cambridge: Blackwell, 1992), 173-178; Zoltan Barany, *The East European Gypsies: Regime Change, Marginality, Ethno politics* (Cambridge: Cambridge University Press, 2002), 83-95.

<sup>39</sup> See for instance MD 5 (I), 58.311; MD 5(I); 256.1595; MD 6 (I), 312.569; MD 7 (I), 30.66

social marginalization in the society; second, to delineate Ottoman society's attitudes towards the Gypsies and specifically their perception and representation of Gypsy marginality.

The hierarchy of professions or trades in a given society not only reflects social and economic realities of that society but also its mentalities.<sup>40</sup> To provide a hierarchical schema of the professions performed in the Ottoman society is beyond the scope of this thesis. However, we can present the professions performed by Gypsies and offer glimpses into how some of those professions were considered by the authorities and the rest of the society.

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.<sup>41</sup> In the same tax register, however, there are references to Gypsy

. . . tinsmiths, farriers, goldsmiths, sword-makers, stove-makers, makers of clout nails, leather workers, tailors, carpet makers, dyers, ironmongers, halva-makers, cheese-makers, butchers, kebab-makers, gardeners, muleteers, guards, prison guards, man servants, couriers, monkey breeders, well-diggers and others including occasionally army officers, janissaries, policemen (*subashis*), doctors, surgeons, monks.<sup>42</sup>

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<sup>40</sup> The idea of looking at the hierarch of the professions for analysis of the mentalities has been adopted from Jacques Le Goff, "Licit and Illicit Trades in the Medieval West," in *Time, Work and Culture in the Middle Ages*, trans. Arthur Goldhammer (Chicago and London: The University of Chicago Press, 1980), 58-70; Bronislaw Geremek, "The Marginal Man," in *Medieval Callings*, ed. Jacques Le Goff, trans. Lydia G. Cochrane (Chicago and London: The University of Chicago Press, 1990), 347-373.

<sup>41</sup> Mariushiakova and Popov, *Gypsies in the Ottoman Empire*, 41.

<sup>42</sup> *Ibid.*, 44.

Apart from music, as *the Decree on the number of the sheep of Rumelian Turks* has indicated, another traditional Gypsy craft was iron making. Due to this skill, they were valued by the Ottoman State and they were exempted from the poll-tax, provided they had the decree of the Sultan.<sup>43</sup>

In the *Law the Gypsies of Rumelia*, it is commanded that “the Gypsies of Rumelia İstanbul, Edirne, Filibe and Sofya pay one hundred *akçe* as a tax (*kesim*) in every month for their wives who are involved with unlawful sexual intercourse (*na meşru file mübaşeretl iden*).”<sup>44</sup> This indirect expression of the prostitution suggests that some Gypsy women were associated with this profession. Moreover, relatively large amount of the tax required to be paid further indicates that this expression refers to women of ill repute.<sup>45</sup> As Mariushiakova and Popov have demonstrated in the tax registers “there were even whole tax communities registered for fiscal purposes as gaining their income from this trade [prostitution].”<sup>46</sup> As it has been pointed in beginning of the chapter, the *Mühimme* registers also provide information on the existence of the prostitution among some Gypsy communities. For instance, according to the decree that was issued in 1570, the Gypsies were accused of using their wives and daughters for prostitution and retaining the profits it generated without giving what belongs to the state its due.<sup>47</sup>

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<sup>43</sup> See Appendix I, Document I, Article 3.

<sup>44</sup> See Appendix I, Document I, Article 2.

<sup>45</sup> Mariushiakova and Popov, *Gypsies in the Ottoman Empire*, 45.

<sup>46</sup> Ibid.

<sup>47</sup> MD 12 (I), 228.344.

Apart from state documents, narrative sources can provide further information on the occupations of the Gypsies. Yet to find a contemporary eyewitness that gives detailed description of the professions practiced by the Gypsies is rather difficult. At present stage of our research, the earliest narrative source upon the subject is the account of the celebrated traveler Evliya Çelebi (1611-1679?). In his detailed description of the guilds of İstanbul, Evliya Çelebi talks about Gypsy bear-breeders, horse-traders, musicians, actors, boy dancers as well as sellers of *Boza*, beverage made of fermented millet.<sup>48</sup> Another European traveler from the early nineteenth century adds fortune tellers and executioners to the list of traditional Gypsy occupations.<sup>49</sup> According to Paspati, fortune telling was mainly practiced by old Gypsy women.<sup>50</sup> Apparently in İstanbul, the famous fortunetellers of the second half the nineteenth century were Muslim Gypsy women.<sup>51</sup>

To sum up, in terms of their occupations the Gypsies were at the bottom of the Ottoman economic and social scale. There is no indication in our sources, for instance, Gypsies were participated in empire-wide or international trade. Yet some of them were valued by the state due to their proficiency in iron making. Apparently, most of them served to the Ottoman authorities as well as the

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<sup>48</sup> Marushiakova and Popov, *Gypsies in the Ottoman Empire*, 44.

<sup>49</sup> R.W. Halliday, "Some Notes upon the Gypsies of Turkey," *Journal of the Gypsy Lore Society*, 1(1922):168.

<sup>50</sup> G. Alexander Paspati, "Memoir on the Language of the Gypsies, As Now Used in the Turkish Empire," *Journal of the American Oriental Society*, 7 (MDCCCLXII): 146.

<sup>51</sup> Abdülaziz Bey. *Osmanlı Adet, Merasim ve Tabirleri: İnsanlar, İnanışlar, Eğlence, Dil*, vol. 2, hazırlayanlar, Kazım Arısan and Duygu Arısan Günay (İstanbul: Tarih Vakfı Yurt Yayınları, 1995), 368.

common people as musicians and dancers.<sup>52</sup> However, some of the professions including performance of music and dance were condemned by the Islamic law and prohibited to the Muslims.<sup>53</sup> Thus, the vocational fields in which the Gypsies were dominant can be regarded as one of the sources which influenced their social marginalization.

The *kanuns* or sultanic legislation do not provide us with further information about the society's perception of Gypsy marginality and the image of the Gypsies in Ottoman-Turkish popular culture. As for the *Mühimme* registers, they rarely offer glimpses into the voice of the common people and their definitions of the Gypsies. Thus, travel accounts, different sorts of Turkish oral traditions such as metaphors, aphorisms, and folktales pertaining to the Gypsies have been relied upon to illustrate representation of the Gypsies in the Ottoman-Turkish popular culture and the stereotypes regarding to them.

It has been a common belief that the Gypsies' attachment to any religion is nominal.<sup>54</sup> As the contemporary sources indicates their indifference to religion has been one of the most important factors that determining the society's and even state's attitudes towards them.

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<sup>52</sup>Angus Fraser, 178.

<sup>53</sup> The analysis of those professions according to Islamic Law and specifically the Ottoman Law is beyond the scope of this study. For general understanding however I have relied upon variety of sources, for instance, Uriel Heyd, *Studies in Old Ottoman Criminal Law*; Haim Gerber, *State, Society, and Law in Islam: Ottoman Law in Comparative Perspective* (Albany: State University of New York, 1994); M.Ertuğrul Düzdağ, *Şeyhulislam Ebusuud Efendi Fetvaları Işığında 16. Asır Türk Hayatı* (İstanbul: Enderun Kitabevi, 1972); Mouradgea d'Ohsson, *XVIII. Yüzyıl Türkiyesinde Örf ve Adetler*, trans. Zerhan Yüksel. (İstanbul: Kervan Kitapçılık A. Ş., 1974).

<sup>54</sup> As an example of this thought see G.L. Lewis and Ch. Quelquejay, "Çingâne," in *The Encyclopedia of Islam*, 40-41.

In this vein, the accounts of Evliya Çelebi are illustrative. While discussing the Gypsies living in Gümülcine, Evliya gives following description of their promiscuous ritual life

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.<sup>55</sup>

An incident reported by Paspati from later period also highlights the society's attitudes towards Gypsies influenced by popular perceptions of their religious beliefs.

In a small village near Tchorlu, between Constantinople and Adrinople, called Deghirmen Kioy (village of the Mill), encamped in 1866 a party of wandering Tchinghamianés with their bears. They had all Musulman names, and were considered Musulman Bohemians.

One night one of them, called Mustapha, in passing a river with his bear, got imbedded with in the mud up to his waist. His cires were heard by some workmen at a neighbouring farm, but, thinking that highwaymen were at their work, they left the poor fellow to his fate. In the morning he was still found in the mud - dead.

His companions went to the Greek Priest in the village to have him buried, but the priest, knowing that up that day he had been called Mustapha, was unwilling to bury him. His companions alleged that his name was Theodore. Finally the Turks, finding no

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<sup>55</sup>Victor Friedman and Robert Dankoff, "The Earliest Known Text in Balkan (Rumelian) Romani: A Passage from Evliya Celebi's Seyahat-name," *Journal of the Gypsy Lore Society* 1(1991): 4.

vestige of circumcision, gave him up as a Christian, and he was buried according to the rites of the Christian church.<sup>56</sup>

Finally, linguistic evidence can be useful to demonstrate the stereotypes that have been attributed to the Gypsies. It would be fruitful to begin with the term *Çingene*, the most common word used to designate a Gypsy in Turkish. The origin of the term is still debatable. The common belief is that it originates from the Byzantine Greek word *Atsíncanoi* which denotes itinerant wanderers and sooth-sayers.<sup>57</sup> However, according to a recent book published on the Turkish Gypsies by Rafet Özkan, It comes from a combination of two words: *Çengi-gan* or *Çengi-gane*. *Çengi* has two meanings: a dancing girl and a harp (*çenk*) player. In Persian *gan* is a suffix that designates the plural of rational beings. Thus, *çengi-gan* would refer to either dancing girls or harp players. Since these professions had been commonly attributed to the Gypsies according to Özkan, it is likely origin of the term *Çingene*.<sup>58</sup> However, there is one more explanation, a popular one, recorded by a European traveler. According to the story

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 Chen, that it would do so only if he married his own sister Guin. 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, which was put

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<sup>56</sup> A. Paspatis, "Turkish Gypsies," *Journal of the Gypsy Lore Society* I (1889): 3.

<sup>57</sup> David M. Crowe, "Roma: The Gypsies," *Encyclopedia of European Social History: From 1350 to 2000*, I: 449.

<sup>58</sup> A. Rafet Özkan, *Türkiye Çingeneleri* (Ankara: Kültür Bakanlığı Yayınları, 2000), 8-9.

upon them by the Moslem saints, that they should be wanderers excluded from among the races of mankind.<sup>59</sup>

As it has been suggested by Ginio, the plays of Karagöz (Turkish Shadow Theater) can serve as another source of information on the representation of the Gypsies in Ottoman popular culture.<sup>60</sup> In Karagöz, a stock Gypsy character included a nasty witch called *bok ana* (shit mother).<sup>61</sup> However, since Karagöz was performed in order to make people laugh, the traits of the characters were certainly exaggerated. Furthermore, in the Karagöz tradition, not only the Gypsies, but also other nationalities living in the Ottoman territory such as Turks, Kurds, Arabs, Jews, Armenians and others were stereotyped in terms of their ethnic and religious traits as well as in terms of their professions.<sup>62</sup>

As a repertory of "live museums," the sources of Turkish oral traditions such as metaphors, idioms and proverbs do provide us a better understanding on the image of the Gypsies in Ottoman as well as Turkish popular culture.<sup>63</sup>

Therefore, It would be appropriate to begin with the metaphorical usage of *Çingene* or a Gypsy. In Turkish, this word has been used metaphorically in derogatory meanings. It implies being shameless, impudent, importunate, ill

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<sup>59</sup>R.W. Halliday, "Some Notes upon the Gypsies of Turkey," *Journal of the Gypsy Lore Society* 1 (1922): 174. For different version this story, see Nazım Alpman, *Başka Dünyanın İnsanları Çingeneler* (İstanbul: Ozan Yayıncılık, 1997), 53.

<sup>60</sup>Eyal Ginio, "Exploring 'the Other.'"

<sup>61</sup>Metin And, *Karagöz: Turkish Shadow Theater* (Ankara: Dost Yayınları, 1979), 69.

<sup>62</sup>Ibid.

<sup>63</sup>For metaphors, idioms and proverbs, I have mainly relied upon, *Örnekleriyle Türkçe Sözlük* (Ankara: Milli Eğitim Bakanlığı, 1995-1996); Ömer Asım Aksoy, *Atasözleri ve Deyimler Sözlüğü*, 2 vols. (İstanbul: İnkilap Kitabevi), 1989; Gökbilgin, 426; Koçu, 3999-4000.

mannered, dishonest, miser and greedy.<sup>64</sup> It is indeed one of the worst insults that you can hurl at a Turk.<sup>65</sup> In Turkish idioms, Gypsies are associated with theft as in “Gypsy Shalwar” (*Çingene Şalvarı*), shameless and dishonest as in the case of “Gypsy Fight” (*Çingene Kavgası*). In proverbs, they are seen as corrupt and unreliable as in “a Gypsy cannot become a shepherd” (*Çingenden çoban olmaz*). The Gypsy reputation for being nomadic and poor is also stereotyped as in “it is worse than Gypsy’s tent” (*Çingene çergesinden beter*).

A well-known Turkish saying might suffice what needs to be stated as a concluding remark for the Turkish stereotypes of the Gypsies. According to the saying, “In Turkey, there are seventy two and a half nations.”<sup>66</sup> After all, can it be that difficult to guess the identity of the half nation?

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<sup>64</sup> See Koçu, 3900.

<sup>65</sup> McDowell, Bart. *Gypsies: Wanderers of the World*, foreword by an English Gypsy, Clifford Lee (Washington: The National Geographic Society, 1970), 145.

<sup>66</sup> This saying is also rendered as “In the world, there are seventy two and half nation.” See for instance Ingvar Svanberg, “Marginal Groups and Itinerants,” in *Ethnic Groups in the Republic of Turkey*, ed. Peter Alford Andrews (Wiesbaden: Dr. Ludvig Reichert, 1989), 602.

## Conclusion

The study of a marginal people's history is not just important for its own sake but for what it reveals about the nature of the society in which they are marginalized. In this way our journey with the Gypsies from India to the Balkans until the end of the sixteenth century, provides insight into the history of the Gypsies and historiographical problems that history poses. In addition, insight into the nature of the societies in which they lived is also gained. However, the main intention of this thesis was to demonstrate how the Gypsies (Roma), -- both Muslim and Christian, settled and nomadic-- were marginalized by the Ottoman State and society in Rumelia (*Rumili*) and İstanbul during the "Classical Age" of this tri-continental Islamic Empire.

Through the examination of four major *kanunnames* concerning the Gypsies issued in the fifteenth and sixteenth centuries and the *mühimme* registers of the second half the sixteenth century, it has been demonstrated that the Gypsies were marginalized by the Ottoman state. In these state documents, specifically in the *mühimme* registers, the Gypsies were stigmatized as *ehl-i fesad* (people of malice). They were segregated from the rest of society by the Ottoman authorities. However, this segregation was not spatial rather administrative. They were classified according to their ethnicity rather than their religious affiliation. As it has been shown, the main evidence for this was the existence of an administrative unit called the *liva-i Çingane* (the sub-province of the Gypsies). Although it was called a sub-province, it was not a geographical entity. The

Gypsies of İstanbul and Rumelia were attached to this province for organizational purposes. The second confirmation that the Gypsies were classified according to their ethnicity and segregated from the rest of society in terms of administration was the use of the term *Kıpti* (Copt or native Egyptian) in the population registers. Apart from Muslims and non-Muslims, Gypsies were classified separately with this “umbrella term” which encompasses both Muslim and Christian, nomadic and settled Gypsies. Although both Muslim Gypsies and Christian Gypsies were designated with the same terminology, their obligations towards the state -- the most important being taxation-- were different. Muslim Gypsies were required to pay less tax than non-Muslim Gypsies, provided they did not intermingle and migrate with non-Muslim Gypsies. Otherwise, they were liable to be punished and subjected to the poll-tax. However, the secondary sources of this study indicate that Muslim Gypsies were obliged to pay the poll-tax starting from the seventeenth century. Since this period is outside the scope of this study, the analysis of this crucial question has been left to future research on the subject. As the Gypsies were seen as heretics due to their way of life and the threat this posed to Ottoman sedentary society, attempts were made to control their migrations. The attempt to prohibit the migration of Muslim Gypsies with non-Muslim Gypsies is an example of this. Furthermore, they were not allowed to settle anywhere in a city except the specific quarters assigned to them. However, when they managed to obtain residence in city centers, measures were eventually taken to expel them as they were seen as a threat to the established standards of social and moral life. However, there is no indication

in the sources that they were used as slaves, as was the practice in Moldavia and Wallachia during the same period. Although Gypsies defied the parameters of accepted legal and social norms, they were not actively persecuted as was the case in contemporary European states.

As travel accounts and Turkish oral traditions have demonstrated, the Gypsies were a despised and alien “Other” in Ottoman society. They were seen as less reliable and trustworthy than other peoples in the Ottoman Empire. The source of this social prejudice and contempt towards the Gypsies pertained to their traditional professions and their indifference to Islamic law and Muslim social mores. Nevertheless, they fulfilled a niche in Ottoman society through these professions. Their proficiency in iron-making, for example, was valued by the Ottoman state. Moreover, their talents as entertainers were renowned, and as fortune tellers, they served even the wives of the Ottoman elite. However, some of their professions, such as prostitution, further contributed to their social stigmatization.

The study of marginality in general and the Gypsies in particular has not been a major concern in modern Ottoman historiography. However, the study of Gypsies and other marginalized groups like them provides a reflection of mainstream society. In other words, the values, definitions, concerns and fears of Ottoman society are seen through its most despised segments.

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## *Appendices*

### *I-KANUNS* CONCERNING THE GYPSIES: FACSIMILES, TRANSLITERATIONS AND TRANSLATIONS

عَادِينَ الْاَلَرُود رَنْد كُوى كَافِر لَرِيُوك  
 الْمَرْدَن حَكَمَلَرِيْن الْاَلَرُود رَنْد لَر حَكَمَلَرِيْن  
 نَمِيْن اُولْتَان مِقْدَار دَنْ زِيَادَه قُيُونُ  
 كَافِر لَرُوك قُيُون لَرِيْن بُولُور لَر اِيَسَه مَاصُوب  
 عَادِينَ الْاَلَر كِسْتَه مَانَع اُولِيَدَه وَمَذُكُور  
 كَتَرِيَدَه وَلَا يَتُونُوك سَجَاعِي بَكِي وَفَاضِلَرِي  
 وَسُوبَاسِيَلَرِي وَبَر لَرِيَنه طُورَان اَمَلَرِي  
 وَكَمَحَد الرِّي مَذُكُور لَره كَر كِي بَارِدِيْم  
 وَمَعَاوَنَت اِيَن لَر نَصِيَر وَنَهَاوَن  
 قَانُون وَقَاعِدَه اُوزْدَه مَجْمُوع قُيُون اَدَلَرِيْكَ  
 قُيُون لَرِيْن مَاصُوب بَاَزَا لَر وُتْمَام بَاَزْدَقْدَن  
 دُونُوب بُولُور قُيُونَدَه بَايْمَا سِيْن بَر قُيُونُوك  
 الْاَلَر وُيُوج لَر شَرْفِي وَشِيْمَا لِي اَطْرَافِيْدِيْكَ  
 يُولُوك لَر دَنْ يَكُورِي بَشَر لَجَه الْاَلَر وُيُوج لَر  
 غَرْبِي وَشِيْمَا طَرَفِيْدَه اُولَان يُولُوك لَر دَنْ اِيُونُ  
 كَلَرَن بَر لَر دَنْ يَكُورِي بَشَر لَجَه الْاَلَر وُيُوج لَر  
 كَابِت اِيُونُ بَشَر لَجَه الْاَلَر وُيُوج لَر دَنْ  
 قُورُوك اِكْتِسَار لَجَه خَرَايج الْاَلَر زِيَادَه بَر لَجَه

فَلَيْسَ شُؤْنُهُ بِلَا لَرِيْنِي مَطَالَع فَلَا لَر  
 تَحْقِيقُ بُلُوب عِلْمَتِ شَرِيْفَاوُز دَلِيْمَا دَالِيْكَ  
 رُوم اِيْلِيْكَ اَنَّا اِيْكَ قُيُونُ غَايِي حَكَمِي  
 نِشَان قَانُون وَمِثَال يَمُون اَنقَدَه  
 اَللّهُ تَعَالَى اِلَى بَوْمَرِيْغُونُوك حَكَمِي اُولُوك لَر  
 رُوم اِلَى اَنَّا اِيْكَ قُيُون عَادِينَ دُونَان  
 قَانُون قَانُون نَامَه طَلَب اِيْدِيْكَ  
 اَجَلَدَن اَللّهُ اَشْبُوحُوك جِهَان مَطَاع  
 وَبَر دُوم وَبُور دُوم كِه وَاَرَب اُولُوك لَر  
 الْمَبَا لَر وَاَشْنَدِيْكَ مَبَا لَر وُيُوج لَر مَبَا لَر  
 بَاخُود دُوم وُيُوج لَر اِيُونُوك قُيُونُوك لَر جِهَان  
 لَر دَنْ كِه اَلِيْكَ حَكَم بَاخُود بَكَلَرِيْكَ مَكُتُوب  
 اُولُوك خَرَايج اُولِيَدَه وَهِيْج كِسْتَه دُومُوك  
 وَقَلْبُوك دُوم دُوم بُوْج لَر لَر اَدَا سِيَه  
 كَبِيْر خَرَايجَه مَانَع اُولِيَدَه خُسَه عَنَابَه  
 مَسْحُوق اُولُوك لَر اُولَا وَمَذُكُور جِهَان  
 لَرُوك خَرَايج لَرِيْ جَمْع اِيْمَلُوك اُولُوك لَر مَرِيْرُوك  
 قَانُونِيْ بُولُور بَر لَر اَمِيْن اَدَم تَهْشَه كِه

بُونُلَرِ اِلَه بُونُوب چِيكَنلَرُوك خَرَجَلَرِي  
الدَقْدَقْ سَكَم بُونُوك اِلَه جَعْت وِيَرَه لَرِكَه  
سَكَم چِيكَنلَرُوك نَزَاعِلَرِي اُولُورْ سَه  
الزَيْدَه نَسَلْ اُولَه وُبُونُلَرُوك نَارِيحِي  
اِيچِنْدَه نَقْد دَجِيكَنلَرُوك اُولُورْ سَه خَرَجَلَرِي  
اَلْوَبْ اَدَلَرِي دَقْدَرْدَن چِيقَارَه لَرُودُوك  
بِر چِيكَه جَاعِنْدَن بَر چِيكَه بُولْمَه  
بُونُوك اُولُورْ سَه وُقَلَرِي جَاعِنْتَه بُولْمَه  
خَرَجَلَرِي نِي صُورْ اَلَا لَرُوك مَسْلَمَان اُولُورْ

جِيكَه كَاغَر اَرَا سِنْدَه اُولُورْ سَه  
سَلَامَلَرَه فَا رِي سَه وَا لِي لَه اُولُورْ ب  
سَلَامَلَرَه فَا رِي سَه اُولُورْ سَه دُونُوب  
خَرَجَلَرِي اَلْمَدْ كُولُورْدَن وَا دَمِيلَرِي  
قُبُون كَرْمَلَرُوك وُجُورْ مَالَرُوك اَلْمَا كِي  
كُرْ كِيك وَا بَلُورْ اِيچَا اُولُورْ سَه بُولْمَه  
كِي سُورَه اَلْكَلِيه بُونُوك اِيچُون بَكَلَرِي  
كِي سَه مَانِغ اُولُورْ سَه بُولْمَه سَتَرْف  
اُولُوب اَلْ اِيْدَه بَر قِطْ حَوَاب اِيْدَه لَرُودُوك

وَهْمَانَه كُولُورْ مَالَرُوك كُولُورْ سَه دَاچِي  
سَمُوع وُقبُول اُولُورْ سَه وُهِيچ اَحْدْ كَا يَنَا  
مَنْ كَان مَانِغ اُولُورْ سَه وُبُونُلَرُوك عَادَت  
اُولُورْ سَه اُولَان اَشِيرَه كِي سَه مَدْحَل فِيلَه  
وَرُوتْ اِلْمَنُوك سَجَاغِي بَكَلَرِي وَا مَانِيَرِي  
وَسُومَانِيَلَرِي وُ بَر لَرَه طُورْ اَن اَدْمَالَرِي  
وَكْتَدَا لَرِي مَدْ كُولُورْ بُولْمَه مَعَاوَسْت  
بُرُودَا سَه اِيْدَه اُولُورْ سَه بَاغِي حَكِي  
نِشَان هَا بُون وُ مَال سَمُون اَنفَدَه اَمَه

نَسَالِي اَلْبُيُوك بِيغُون حَكِي اُولُورْ سَه  
دَا رِنْدَه مِشَال شَرِيف فَا لُوم اَحْمَد بَرُودَا  
كُرْ كِي بَاغِي اِيْمَكَه كُونْدَم وُ بُولْمَه  
كِي وَا رُب اُولُورْ سَه فَا لُون اُولُورْ سَه سَلَام  
لُودَن وَا خَرَجَلَرِي اَرْدَن وَا غِيْرُونْد بَكَلَرِي  
جُونُورْ دُوسَا فِيرْدَن وَا غِيْرِي بَر لَرْدَن كَالَن  
نَاچَر كَا فَر كُولُورْ بَصَانْدَقَلَرِي وُ مَانْدَن  
بُولُورْ اَقْدَه اُولُورْ سَه كُرُوك اَلْوَقُوتَاغِي  
صَانْدَقْدَن سَكَم كِي وُ فَا مَانِش اَلْوَب

\* Ahmed Akgündüz, *Osmanlı Kanunnameleri ve Hukuki Tahlilleri*, vol. 1, *Osmanlı Hukukuna Giriş ve Fatih Devri Kanunnameleri* (İstanbul: Fey Vakfı Yayınları, 1989), 399-400.

*Nişan-ı hümayun ve misal-i meymun -Enfezehullahu ila yevmi yüb'asun- hük-mi oldur ki: Rumeli Etrakinün koyunu adetin dutan fulan fulan kanunname taleb etdüğü ecilden, eline işbu hük-m-i cihan-miita ı verdüm ve buyurdum ki:*

- 1. Varub olub-gelmiş kanun ve kaide üzre mecmü koyun erenleriniün koyunların sayub yazalar ve tamam yazduktan sonra dönüb yüz koyunda ya bir koyun ya bir koyunun bahasın alalar.*
- 2. Ve Meric'ün şarkı ve şimali etrafındaki yörüklerden yirmi beşer akçe alalar ve Meric'ün garbi ve kablî tarafından olan yörüklerden alını-gelen yerlerden yirmi beşer akçe alalar ve resm-i kitabet için beşer akçe alalar.*
- 3. Ve her çingeneden kirk ikişer akçe harac alalar, ziyade bir akçe almayalar ve işendirmeyeler.*

*Ve hisar mesalihi için yahud demürcilik için konulmuş çingenelerden ki, elinde hükmüm yahud beğler beği mektubi ola, harac almaya. Ve hiç kimesne demürciyim ve kalburcıyım deyü çingeneler arasına girüb haracına mani olmaya yohsa itabıma müstahak olur, bilmiş ola.*

*Ve mezkur çingeneleriün haracları cem etmeliü olıcak, her yerin kadısı bunlara yarar bir emin adam koşa ki, bunlar ile yürüyüb çingeneleriün haracların alduktan sonra bunun eline hüccet vereler ki, sonra çingeneleriün nızaları olursa ellerinde temessük ola. Ve bunların tarihi içinde ne kadar çingeneler olursa, haracların alub adların defterden çıkaralar.*

*Ve dahi bir çingene cemaatinden bir kaç çingene bulunmasa, protogeroslarına ve kalan cemaatine buldurub haracların bi-kusur alalar.*

*Ve müslüman olan çingene kafır arasında oturmaya, müslümanlara karşı ve illa bile oturub müslümlere karşımayacak olursa, dutub haracların ala.*

4. Mezurlardan ve adamlarından koyun gizlemeyeler ve kaçurmayalar ve illa her kim gizleyecek veya kaçuracak olursa, buyurdum ki, bil-külliye benim için beglik edeler, kimesne mani olmaya.
5. Bu vechile mutasarrıf olub alti ayda bir kıst cevab edeler, özr ve bahane getürmeyeler. Getürürlerse dahi mesmu ve makbul olmaya. Ve hiç ehad kainen men kan mani olmaya ve bunlarm adet üzre işlerine kimesne medhal kılmaya ve Rumeli'nün sancağı begleri ve kadıları ve subaşları ve yerlerine duran adamları ve kethüdaları, mezkurlara yolundan muavenet edeler.

## Decree on the number of the sheep of Rumelian Turks

Imperial order and sultan's monogram -May God the exalted be pleased with him on the Day of Resurrection-orders that, because of the demand of such and such a code [of laws], I have handed you this decree of he who is obeyed by the entire world and I have ordered that:

1- According to the law and rule enacted, count the sheep of all the sheep owners and record them and after recording either take one sheep from every one hundred [sheep] or money equal to the value of one sheep.

2-Collect twenty-five *akçes* from the *Yörüks* who are located in the east and north of the *Meriç* River and twenty-five *akçes* from the *Yörüks* who are settled in the west and south of the *Meriç* River. Also collect from those places from which [the tax] has been acquired and collect five *akçe* for the registration fee (*resm-i kitabet*).

3- Collect forty-two *akçes* from every Gypsy as a poll tax (*haraç*);<sup>1</sup> however, do not even take one additional *akçe*, thereby harassing them. And do not take the poll tax 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

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<sup>1</sup> 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 Quatert (eds), *An Economic and Social History of the Ottoman Empire* (Cambridge: Cambridge University Press, 1994), vol. I, xlvii; Cengiz Orhonlu, "Kharādj," in *The Encyclopedia of Islam*, 2nd edition, IV: 1053-1055. This term (*haraç*) was usually employed instead of the *cizye* until the sixteenth century. In later documents, however, the *cizye* or *cizye-i şer'i* was the most common word for the poll tax. Halil İnalcık, "Djizya," in *The Encyclopedia of Islam*, 2nd edition, II: 562-566.

from the governor. If anyone joins those Gypsies claiming to be I am a smith or sifter in order to escape the poll tax he should be made aware that he will be reprimanded.

When the poll tax of the said Gypsies is collected, the judges of every administrative unit should appoint a trustworthy person who is accustomed to them [Gypsies]. Migrating with [the Gypsies], they should collect their poll tax and provide proof of this; should the Gypsies dispute it later on, they should have a title deed. They 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.

If some Gypsies are missing even in one Gypsy community, oblige their leaders and the rest of the community to locate them and collect their poll tax without any deficiency.

A Muslim Gypsy (*müslüman olan çingene*) should not reside with an infidel (*kafir*) Gypsy, but should intermingle with Muslim Gypsies. However, if he continues to reside [with infidel Gypsies] and does not intermingle with Muslims, then detain him and collect his poll tax.

4- They [Yörüks and Gypsies] should not hide or drive away any sheep from the aforementioned [tax collectors] and their servants. However, if anyone hides or conceals [sheep], I have ordered that all [of the hidden sheep] should be sold on my behalf and nobody shall prevent this.

5-They are responsible for the following: every six months, they must pay a portion [of their taxes] without any excuse and pretexts. Even if they [claim an excuse], it should not be deemed valid or acceptable. No one should become involved with the affairs of those [tax collectors], as is customary. The governors of the sub-provinces of Rumelia and judges and commanders and their substitutes and their stewards should help the said [collectors] in their task.

<p>۶ ۷ ۸</p>	<p>۱ ۲ ۳ ۴ ۵</p>
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\* Ahmed Akgündüz, *Osmanlı Kanunnameleri ve Hukuki Tahlilleri*, vol. 2, II. Bayezid Devri Kanunnameleri (İstanbul: Fey Vakfı Yayınları, 1990), 386.

Nişan-ı hümayün hükmi odur ki; şimdiki halde darende-i ferman-ı hümayün iftihar'ül-emasil velekarim filan subaşının kemal-i emanetine ve hüsn-i istikametine itimad edüb İstanbul ve Edirne'ye tabi olan Vize ve Gelibolu sancaklarında ve İnebolu ve liva-i Niğbolu ve Kostantin ilçesi ve Liva-i Sofya ve Niş ve Liva-i Alacahisar ve Semendire ve Bosna sancaklarında vaki olan cingene kafirlerinin selas ve tisa-mie yılında vaki olan haracların cem etmeğe gönderdüm ve buyurdum ki:

1. Varub kemal-i emanet ve hüsn-i istikamet üzre say edüb elinde ünvan-ı hümayünümle muaven olan defter mücebince her yerin kadısı marifetiyle cem edüb getürüb Dergah-i muallama teslim eyleye. Ol yerleriün sancağı beğleri ve subaşları ve yerlerine duran adamları ve timar erleri ve il ve köy kethüdaları, mezkur haraccıya gereği gibi muin ve zahir olalar. Her biri taht-ı hükümetinde bulunan cingeneleri haracların alıvermekde ve kendülerin ihzar etmekde ihtimam-i tam göstereler, ihmal ve müsahele eylemeyeler. Ve illa müstahak-ı ikab olurlar. Şöyle bileler, filciümle mezkur haraccı kemal-i emanet üzre haracların bi-kusur cem edüb ve mufassal defter edüb kapuma getiire.
2. Ve mezbür haraccı ile zikrolan vilayetlerin cingenlerinin mücelled defteri evvelinde nişan-ı hümayun ve ahirinde mezkür yılın tarihi yazılıb gönderildi, bu-yurdum ki, ol vilayetlerin vülati ve hükkanı mezbur haraccıya nazır olub elinde olan defter mücebiyle amel olalar ve bir kafirin isminde ve haracında şübhe vaki olsa, deftere nazır edüb defter ile amel eyleyeler, deftere muhalif is etdirmeyeler,
3. Ve kangı katuna'nın ki, cingeneleri kaçub gitmiş ola, katuna başlarına bul-duralar ve cemaat başlarına ve kethüdalarına teklif edüb buldurub haracların alalar. Eger bulunmaz ise, defter mücebince haracların anlardan alalar. Amma tekrar almakdan hazer edeler.
4. Ve emrim budur ki, Cingane Sancağı Beği, yarar ve emin adamını haraccıya bile koşub cingeneleri bulıvermekde gereği gibi muin ve zahir ola.

5. *Ve haracci harac almalı olacak her harac-güzara haracının mikdarın ilam eyleye. Defterde ne yazılmış ise ol mikdar alub ziyade bir akçe almayalar.*
  6. *Ve mezbur vilayetlerde mürde kayd olunan cingenerden ne kadar zinde bu-lunursa, haracların deftere kayd eyleyeler. Ve gezende ve gaibane cingenerden ne kadar haracsuz cingene bulunub veyahud nev-yafte yazıldığı vakit kaçub gizlenmiş haraca yarar cingener bulunursa, kuzat marifetiyle deftere kayd edüb haracların alub ayru zabt eyleyeler ve esamilerin dahi ayru defter edüb hesabın ayru göstereler.*
  7. *Ve dahi asıl malımı tamam cem etdükdən sonra haneden haneye resm-i kitabet ikişer akçe alub kendü mutassarrıf olub bakisin benüm için zabt eyleye. Ve haracalardan alınan rüsümü mezkûr haraccıdan afv eyledim, taleb olunmaya.*
  8. *Ve ol yerlerin sancağı beğleri ve kadıları ve subaşları ve yerlerine duran adamları ve tımar erleri ve il ve köy kethüdaları ve cemaat başları ve katuna başları, haraccıya gereği gibi muin ve zahir olub ihmal ve müsahele eylemeyeler. Malum babında say ü ikdam eyleyeler.*
  9. *Ve siz ki, zikrolunan vüqyetlerin kadılarısız, bundan evvel isney ve tisa-miete yılında harac cemine varan kulum Süleyman ve Mahmud her kangınızın taht-ı kazanızda bulunurlarsa, ellerinde nişan-ı hümayunumla olan defterlerin suretin istihrac edüb ve nişanlayub şimdi harac cemine varan kuluma teslim edesiz ki, varub harac cem edüb bulunan nev-yafteyelerine harac-ı şeri vaz edüb ve mürdelerin adet-i kadime üzre defterden ihrac eyleye.*
- Söyle bilesiz, bir dürlü dahi etmeyüb alamet- i şerife itimad kılarsız.*

## The Law of the Poll tax of the Gypsies

The imperial decree commands that

In the present situation, I have entrusted the imperial edict in perfect trust and sound integrity of the most eminent and the most generous so and so superintendent and I have dispatched him to collect poll tax (*haraç*) from the Gypsy infidels (*cingene kafirlerinin*) who live [in the following areas]: İstanbul, Edirne and the sub-province of Vize and Yanbolu, the sub-province of Niğbolu, the town of Constantine, the sub-province of Sofya and Niş and the sub-province of Alacahisar and Semendire and the sub-province of Bosnia in the year of 1498 and I have ordered that:

1-In accordance with perfect fidelity and sound integrity, count and collect poll tax through the judges of each location in conformity with the register marked with my imperial title and deliver [it] to my exalted court. The governors of the sub-provinces of those places and their superintendents and their substitutes and *tımar* holders, as well as city and village stewards, should assist and support the said poll tax collector (*haraccı*). Each of them should pay great attention to collecting the poll tax of the Gypsies and to ensuring their presence under their jurisdiction. [In this matter] they must not be careless and negligent. Otherwise they deserve punishment. And they should be aware that the poll tax collector, in conformity with perfect fidelity, should collect their poll tax without error and register it in a detailed way and bring it to my court.

2- The bound volume of registry (*mücelled defteri*) pertaining to the Gypsies living in the above-mentioned provinces was sent with the said poll tax collector. [This *mücelled defteri*] includes imperial monogram at the beginning and the date of the year at the end. I have ordered that the governors and judges of those provinces should watch the above-mentioned poll tax collector and that they should act in accordance with the register in hand. If there is any doubt regarding the name or the poll tax of an infidel, they must consult the register and act accordingly, and not permit any work to be done contrary to the register.

3- In any base community (*katuna*) that a Gypsy has deserted, they [tax collectors] should oblige the leader of that Gypsy community (*katuna başı*) to locate [the deserter] and they should propose [locating the Gypsy] to the community leaders and their stewards, and then afterwards they should collect their [the found Gypsies'] poll tax. If they are not found, in accordance with the register, they should collect their poll tax from them [the leaders of the Gypsy community]. However, they must be cautious not to charge [poll tax] again.

4-I have ordered that the governor of the Gypsy sub-province (*çingene sancağı beğî*) must send his useful and trust-worthy man with the poll tax collector [in order to] assist in locating the Gypsies.

5-Before collecting the poll tax, the poll tax collector should notify poll tax payers of their amount. He must only take [the amount] recorded in the register and they should not even charge a single additional *akçe*.

6-In the aforementioned provinces, they must record the poll tax of those Gypsies found alive after having been recorded as dead in the register. Furthermore, if any Gypsy among the nomadic and absent Gypsies (*gezende ve gaibane*) is found not to have paid his poll tax or [if] any Gypsy liable to the poll tax has left his community to hide during the tax registration period and yet is located, they, by means of judges, must be recorded in the register and their poll tax charged and kept separately. Their names must be documented in a separate register and their accounts kept separately.

7-After collecting my tax revenues completely, he [tax collector] must take two *akçes* as registration fee (*resm-i kitabet*) from each household and [he] should take what belongs to [him] and keep the remaining for me. Taxes that are paid by the poll tax collectors should not be asked from the said poll tax collector [as] I absolved his taxes.

8- The governors of the sub-provinces of those places and their superintendents and their substitutes and *tımar* holders, city and village stewards, community leaders and leaders of the Gypsy communities (*katuna başları*) must help and support the poll tax collector as it is required and must not be negligent or careless. In this respect they must exert themselves and persevere.

9- You who are the judges of the aforesaid provinces, if you have under your jurisdiction my servants Süleyman and Mahmut, who had previously come to collect the poll tax in the year of 1497, you must extract the copy of the registers with my imperial monogram from them, and sign it and hand over it to my servant

at this moment collecting the poll tax so that he can impose poll tax upon the new population [of the Gypsies] and remove [the poll tax of] the dead from the register in accordance with the established practice.

You should know not to cause trouble and you should trust my imperial order.

[illegible]

\* Ahmed Akgündüz, *Osmanlı Kanunnameleri ve Hukuki Tahlilleri*, vol. 6, part 2, *Kanuni Devri Kanunnameleri* (İstanbul: Fey Vakfı Yayınları, 1993), 514.

1. *İstanbul ve Edirne ve sair Rumeli müslüman cinganeleri her hane ve her mücerrededen yirmi ikişer akçe resm verürler. Ve kafır cinganeleri her hane ve her mücerrededen yirmi beşer akçe ispençe ve bivellerinden altısar akçe resim verirler.*
2. *Ve İstanbul ve Edirne ve Filibe ve Sofya'da olan cinganelerin na meşru file mübaşeret eden avretlerinden her ayda yüzser akçe kesim deyü resm verirler.*
3. *Ve resm-i arusanelerin ve cürm ü cinayetlerin sair reaya gibi ber muktezay-ı kanun eda edeler.*
4. *Ve inad edüb kendü kadılığından ahar kadılığa ve havlulara gaybet eden çingeneleri buldukda kınadub ve muhkem hakkından gelinüb kadılığına getürdeler. Ve kendü cemaatinden kaçan çingeneleri hatuna başlarına ve kethüdalarına ve yararlarına teklif edüb buldurub getürdeler. Ta ki mal-i padişahı ve avarız-ı divaniyye oldukda gaybet edebilmeyüb mazbut olalar.*
5. *Ve evkafda olan çingeneler ve has ve emlak ve zeamete ve tımara raiyyet kayd olunan cinganelerden gayrı Cingane sancağına müteallık çingenelerin cürm ü cinayetlerine ve siyasetlerine ve rüsum-ı örfiyyelerine ve bad-ı hevalarına yine Cingane Sancağı Beği mutasarrıfıdır. Vilayet sancağı beğleri ve subaşılın ve kapu halkı ve yeniçeri ve gaynlar dahi eylemez.*
6. *Ve evkaf ve has cinganeleri ve emlak ve zuama ve erbab-ı tımar raiyyeti cinganelerinin dahi resmine ve ispençesine ve rüsum-ı örfiyye ve siyasetlerine ve bad-ı hevalarına yine raiyyet sahibi mutasarrıfıdır; anlar zabt eyler. Cingane Sancağı Beği ve vilayet sancağı beğleri ve subaşılın ve kapu halkı ve gayrı kimesne dahi eylemez.*

*Ve bil-cümle Cingane'de vaki olan umurda yine raiyyet sahibleri mutasarrıfıdır.*

7. *Ve müslüman cingeneri kafir cingeneri ile göçüb komcak ve ihtilat edicek kınanub tedib olundukdan sonra kafir cingeneri resmin eda ederler.*
8. *Ve hisarlara ve hizmete müsellemler deyü ellerinde hükm-i hümayunları olan cingener, heman harac-ı padişahı eda ederler; avarız-ı divaniyye ve ispençe ve sair rüsum-ı örfiyye eda etmezler.*
9. *Ve Semendire Sancağında Braniçova Nahiyesinde olan cingener miriye her haneden resm-i flori deyü seksener akçe eda ederler.*
10. *Ve Niğbolu Vilayetinde olan cingenerlere mutasarrıf olan yine Niğbolu sancağına eşer.*
11. *Ve Niğbolu Vilayetinde olan cingenerler ispençelerin eda etdiklerinden sonra kaftanlık deyü cürme bedel her haneden ve mücerreden altısar akçe verürler.*
12. *Ve Niş cingenerlerine mutasarrıf olanlar Semendire Sancağına eşerler.*
13. *Ve sair zu'ama ve erbab-ı tımar ekser Paşa sancağındadır.*

## The Law of the Gypsies of Rumelia

1-Muslim Gypsies of İstanbul, Edirne and other places of Rumeli pay twenty-two *akçes* tax for each household and for each bachelor. Infidel Gypsies (*kafir çingeneler*) pay twenty-five *akçes* poll tax (*ispençe*)<sup>2</sup> for each household and for each bachelor. As for their widows they pay six *akçes* in tax.

2-The Gypsies of İstanbul, Edirne, Filibe and Sofya pay one hundred *akçes* as a fixed tax (*kesim*)<sup>3</sup> every month for their wives who involved in prostitution.

3-They pay their marriage tax and fines for their crimes and misconduct like the rest of the subject class, in accordance with the law.

4-Gypsies who persist in departing from their own judicial districts for other judicial districts and places should be located, reprimanded, firmly punished and returned to their proper judicial districts. Gypsies who have left their communities should be located and returned by the leaders of the Gypsies (*katuna başı*) and their stewards and the others who are suitable [for this.] When the time of paying sultanic taxes (*mal-i padişahî*) and extra ordinary taxes (*avarız-ı divaniyye*) comes, they must not be missing; rather they must be recorded.

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<sup>2</sup> 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 feudal lord. Thus, the Ottomans maintained this practice and included it in *timar* revenue. Halil İnalcık, "İspendje," in *The Encyclopedia of Islam*, 2nd edition, IV: 211.

<sup>3</sup>For further details on *kesim* see Uriel Heyd, *Studies in Old Ottoman Criminal Law*, edited by V.L. Menage (Oxford: Clarendon Press, 1973), 233-234; Colin Imber, "Zinā in Ottoman Law," in *Studies in Ottoman History and Law* (İstanbul: The Isis Press, 1996), 188-189; Ahmed Akgündüz, *Osmanlı Kanunnameleri ve Hukukî Tahlilleri*, vol. 6, part 2, *Kanuni Devri Kanunnameleri* (İstanbul: Fey Vakfı Yayınları, 1993), 512-513.

5-The governor of the Gypsy sub-province (*çingene sancağı beği*) is responsible for [collecting] the fines for crimes and minor offenses, sultanic taxes (*rüsum-i örfiyyelerine*) and irregular taxes (*bad-ı heva*)<sup>4</sup> as well as meeting punishments to the Gypsies who are attached to the Gypsy sub-province, except the Gypsies who are registered in *vakfs*, *has*, *emlak*, *zeamet* and in *tımar* lands. The governors of the sub-provinces, superintendents and officials of the palace and janissaries and others have no authority to interfere [in these cases].

6-The master of the peasants is responsible for [collecting] the taxes [including] the poll tax and sultanic taxes, irregular taxes and administering punishments to the Gypsies who are attached to *vakfs*, *has*, *emlak* as well as those [under the authority of] the *zuama* and *tımar* holders, and they must record [these taxes and punishments]. The governor of the sub-province of the Gypsies, the governors of the sub-provinces and superintendents and officials of the palace and the others have no authority to interfere [in these cases]. The master of the peasants is [also] responsible for any matters transpiring among the Gypsies.

7-If the Muslim Gypsies migrate and intermingle with infidel Gypsies, after having been reprimanded and punished; then they [Muslim Gypsies] should pay the taxes of the infidel Gypsies.

8- Those Gypsies who have imperial edicts on their hands showing that they are admitted to work in fortresses and other services as *müsellems*, they pay only

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<sup>4</sup> For further details on this term see Halil İnalcık, “Kānūnnāme.” In *The Encyclopedia of Islam*, 2nd edition, IV: 562.

taxes imposed by the sultan, they should not pay extra-ordinary taxes, poll-tax or other sultanic taxes.

9-The Gypsies who live in the *Branıçova* township of the *Semendire* sub-province pay 80 *akçes* as *resm-i flori* to the state treasury for each household.

10-The one who is responsible for the Gypsies who live in the sub-province of *Niğbolu* serve the sub-province of *Niğbolu* [during times of war].

11-The Gypsies of *Niğbolu*, after having paid their poll tax for each household, give 6 *akçes* [extra] for each household and a bachelor as *kaftanlık*<sup>5</sup> in lieu of the offense.

12-The ones who are responsible for the Gypsies of *Niş* serve the sub-province of *Semendire* [during times of war].

13-The other *zuama* and *tımar* holders mainly [serve] in the sub-province of *Paşa*.

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<sup>5</sup> It refers to a fixed tax paid as a substitute for fines (*cürme bedel*). According to Heyd, this term cannot refer to a material that is necessary for making a caftan in this context . However, it may refer to *kıbtıyanlık*. Heyd, 279.

- همایونیه غافل اولوب خلافتنه جواز کوسترمیش  
شویله بلاشمن فی واسطه صفر سنه ۱۰۵۰  
چنگانه یازتیق لیمه تعین اوضه ۵۰ اسینه کاتبه صحر
- ۵ چنگنه یازتیق چون امرا و لشان امینه و کاتبه حکم شریف  
یازله که حال یادر که معلوم کلسه فرمان شریفم اوزره چنگنه  
طایفه سینی یازمغه مباشرت اید و کتورده بعض چنگات  
طایفه سی خانوفی ابلر که چوب قونار لر ارا لرنده کافر چنگانه سن  
بولما عوارض و خدیج بر نزل و شرایط اسلامی رعایت ایلر  
هان یکری اکی ایچده رسم و پرورد یوبلرد و کل اجلد  
بیورد و که فرمان شریفم اوزره طایفه مزبور بی یاز اکن  
کوره سن شول چنگنه که که مسلمان اولوب سایر مسلمانلرله  
متمکن اولشلرد و انوک کبیلر دن دفتر جدیدده نه قید  
اولمشدر اگر کسم بزلش اید و سایر رسوم دخی قید ایلر  
ایسه او کاتبه و حمله تنبع ایلوب معلوم ایدین شین قدیم  
الایام انوک کبیلر و بر کلسلر ایسه و عادت و قانونلر  
نه ایسه اگا کورده دفتر ایلوب صکره کلد و کلد عرض  
ایلیه بن امر شریفم نوجمله ضا در اولورسه اگا کورده  
اوله و بعض چنگانه لر دخی کافر لر یله غلط اولوب سلاز  
دیو سایر لر یبره و کی رسومی و بر نزل بمش اید اخی کده  
شول چنگنه لر که کافر لردن اختلافن کسمیوب کبر و کافر لر  
طروپا و نوزب شرایط اسلامی رعایت اتمیه لر انوک
- ۱ کبیلر دن کبر و عادت و قانون اوزره رسومی نه ایسه  
سایر لر یکی اولوب اولر حمله یازده سن و قراره یکن  
اولان چنگانه لوبناک رسمن و پروپ عوارض لر نیش  
و پروپ یکن محروسه استانبولت دادر نه و غیری برلر  
دکانلر ایچن و بعض اوردلرده متمکن چنگنه لر اولوب  
بعضی عوارض و پروپ بعضی لر یبره و پروپ شرایط  
اسلامی دخی رعایت اتمز لر بمش انلری دخی تنبع ایلوب  
کوره سن انوک کبیلر دخی اقلد عادت و قانونلر  
نوجمله اوله کلش صحفی اوزره معلوم ایدینوب  
عوارض و نزلر کیملر و بره کلماتلر دراپو و ابر و یاز  
و قری اوزره اشارت ایلیمه سن صکره کلد و کلد  
عرض ایلیمه سن امر شریفم نوجمله اولور دفتر قید  
ایلیه سن و بعض فواده چنگنه لر متمکن اولوب ولایت  
کانلری بولور دخی بزره رعیت قید ایلوب و قان و ملا  
و بیمار و کور بیلر و حصار لر یازشلر صکره چنگنه  
دفتریه یاز بلر دن اولسون یازلیانلر و لسون انوک  
اوقات و ملاکی صاحب لرنه و بیمار لر و حصار ادرینه  
یازیلان کسسه لردن احکام شریفه طلب ایدوب کوره سن  
شولیکه اول چنگنه لر قدیم لایامدن چنگنه سیخا غنه نایک  
دفترده مقید اکن انوک کبیلر اگا احکام شریفه ایلر  
و بریلوب صحیح وقفه و بیمار و حصار لر اتمش

فبهار الاكذوفولا بلربنه ملكه ووقفه وبنماره وحصاره  
 ياز شلر ايسه انرك كبلر دخي فلج نفر در سنوك كمي وقفه  
 وملكه وبنماره وحصاره التمشد صحنى ايله واسملى بله معلوم  
 ايدوب سنفلد فتر ايدوب كمد وكدك شروكا عرض  
 ايليه سن اتر هابونم نوجمله اولورسه اكا كوره دفتو  
 فبد اولنه وبعض كا فتر جماعتلى رالرنه مسلمان اولر  
 جنگانه لر اولوب خراج اخرج اولوب كسم طلب ايدر لير  
 انلى دخي كوروشن شويكده كافر ليله اخلاطدن فرغت  
 ايدوب شرايط اسلامى رعابت ايدر لورسه سابر لور كوي  
 دفتو موجبه الملك دخي كسم ياز و سكر مد فلج نفر ايسه  
 ان شاء الله كلكه كك عرض ايليه سن ديسر خم خزينه سنه  
 اولوب اكروس دن و افلاقدن و بعد نندن كلتن چنگنه لر  
 دخي دفت واهتمام ايله تفهيش ايليه سن شمد بركن جزيه  
 لر بى و سابر قانون اوزره رسم لر بى كيم ضبط المشر  
 و كيم المشر در و حكم هابونم ايله و برلش ميدر شويكده  
 انلر بيله كسمنه بر و برلش و كل ايسه شمد بركن ستر  
 هر كيم الدوبى ظاهرا اولورسه بيقصو ر خاخره هابونم  
 ايجون الوب ضبط ايدوب كور ب عرض ايليه سن  
 بونا بد سنخا فبكرى و فاضيلرى و سوا شيلدى سن  
 كركى كى معاونت و نظارت ايليو ب چنگنه بى ياز مقدر  
 دقيقه فوت ايليه سن بونا بد بركن شكر و شيكا يكر

مقبول در هزينه سنجاق بكندن و فاضلى دن رسوا شيلدى  
 عساد و تمرزا اولوب معاونت اتميه لر معينو يازوب  
 سن سعادتمه عرض ايليه سن شويكده بلا سن فوج  
 ٢٤٤  
 ميم

الاجه حده ارسنا ننه آتير ايليه سن  
 نشان شريف يازيكه شمد كچا له فلان سنخا غنك  
 ياز بلان دفتو جديدي غنك و شترش اولوب خزانه عازمه  
 عادت اوزره فلورى و بر بركن اتر ايله خواجه  
 فبد اولنان افلاق نايه سنك شمد درده والاچه صاخره  
 واقع اولان ارباب تبارك طبر اغنك زراعت و حراشت  
 ايدوب دفتو قديم اول سپاهى بيقيد و مسطور اول  
 محصولان تكرار ياز لير بخر سپاهى لر تبار و بر لير ب  
 دعاوى و خصوماتن خالى اولوب و بعض حصار ازلرينك  
 تبار لى حصار لوزن بعيد بر لوده و بر لير ب بعض تبار لر  
 ايله زباده ب ياز لير ب ظلم و جفا لير ب  
 و ذكر اولنان افلاق خصوصى ايجون الاجه حصار سنجاقى دخي  
 مجددا ياز لماق بتم و لازم اولدوغى اجلدن حضرت جنت مكا  
 و فردوس آسبان جدم مرحوم بايزيد خان انا دالله برهانك  
 عروسه اما سته ده واقع اولان عمارت معمورى و سولسى  
 رافع توقيم رفيع جهات مطاع خنروانى قدوز الاما جد  
 والاكارم جامع المحامد و الكارم المختص بربنا ب الملك

\* Ahmed Akgündüz, *Osmanlı Kanunnameleri ve Hukuki Tahlilleri*, vol. 6, part 2, *Kanuni Devri Kanunnameleri* (İstanbul: Fey Vakfı Yayınları, 1993), 522-523.

*Cingene yazmak, için emr olunan emine ve katibe hükm-i şerif yazıla ki;*

1. *Haliya dergah-ı muallama gelüb ferman-ı şerifim üzre cingene taifesini yazmağa mübaşeret etdiğünüüzde bazı cingan taifesi hatunı ile göçüb konarlar; aralarında kafir cinganesi bulunmaz; avarız dahi vermezler ve şerait-i İslamı riayet eylemezler. Heman yirmi iki akçe resm verirler deyü bildirdüğün ecilden;*
2. *Buyurdum ki, ferman-ı şerifim üzre taife-i mezhebûreyi yazar iken göresin. Şol çingeneler ki, müslüman olub sair müslümanlar ile bile mütemekkin olmuşlardır, anun gibilerden defter-i cedidde ne kayd olunmuşdur; eğer kesim yazılmış ise ve sair rüsum dahi kayd olunmuş ise onat vechile tettebbu eyleyüb malum edinesin. Kadimül-eyyamdan anun gibiler ne veregelmişler ise ve adet ve kanunları ne ise ana göre defter eyleyüb sonra geldüğünde arz eylesin. Emr-i şerifim ne vechile sadır olursa ana göre mukarrer ola.*
3. *Ve bazı cinganeler dahi kafirleriyle mahlut olub müslümanız deyü sairleri verdiği rüsumu vermezler imiş; anı dahi göresin.*
4. *Sol çingeneler ki, kafirlerden ihtilalin kesmeyüb gerü kafirler ile durub oturub şerait-i İslamı riayet etmeyeler, anun gibilerden gerü adet ve kanun üzre rüsumu ne ise sairleri gibi olub ol vech ile yazasın.*
5. *Ve kurada sakın olan cinganeler bennak resmin verüb avarızların dahi verüb lakin mahruse-i İstanbul'da ve Edirne'de ve gayrı yerlerde dükkânlar içinde ve bazı odalarda mütemekkin çingeneler olub bazıları avarız verüb bazıları vermeyüb şerait-i İslamı dahi riayet etmezler imiş. Anları dahi tettebbu edüb göresin. Anun gibilerin dahi evvelden adet ve kanunları ne vech ile olagelmışdır sıhhati üzre malum edinüb avarız verenler kimler viregelmemişlerdir ayru aynı yazub vukuu üzre işaret eylesin. Sonra geldüğünde arz eylesin; emr-i şerifim ne vechile olursa deftere kayd eylesin.*
6. *Ve bazı kurada çingeneler mütemekkin olub vilayet katibleri bulduğu yerde raiyyet kayd edüb evkafa ve emlaka ve tumara ve köprülere ve hisarlara yazmışlar; sonra çingene defterine*

yazılanlardan olsun yazılmayandan olsun anun evkaf ve emlaki sahiblerine ve tımarlara ve hisar erenlerine yazılan kimesnelerden ahkam-ı şerife taleb edüb güresin. Şöyle ki, ol cingener kadîm'ül eyyamdan cingene sancağına tabi iken defterde mukayyed iken anun gibilere eğer ahkam-ı şerife ile verilüb sahib vakfa ve mülke ve timara ve hisara emr olunmuş ise fe-biha ve illa kendü kolaylarına mülke ve vakfa ve hisara yazmışlar ise anun gibiler dahi kaç neferdir ve nenün gibi vakfa ve mülke ve timara ve hisara alınmışdır sıhhati ile ve isimleriyle malum edinüb müstakil defter edüb geldiğinde müşruhan arz eylesin. Emr-i hümayunum ne veçhile olursa ana göre deftere kayd oluna.

7. Ve bazı kafir cemaatleri aralarında müslüman olmuş cinganeler olub haracdan ihraç olunub kesim taleb ederlerimiş. Anları dahi göresin. Şöyle ki, kafirler ile ihtilatdan feragat edüb şerait-i İslamı riayet ederlerse sairleri gibi defter mucibince anlara dahi kesim yazub gerü kaç nefer ise inşaallah geldiğinde arz eylesin.
8. Ve (.....)nim hazinesinden olub, Engürüs'den ve Eflak'dan ve Buğdan'dan gelen cingeneri dahi dikkat ü ihtimam ile teftiş eylesin. Şimdiye değin cizyelerini ve sair kanun üzre resimlerini kim zabt eylemişdir ve kim almışdır ve hüküm-i hümayunum ile verilmiş midir. Şöyle ki, anlar bile kimesneye verilmiş değil ise şimdiye değin rüsumları her kim aldığı zahir olursa bî-kusur hassa-i hümayunum için alub zabt edüb getürüb arz eylesin.
9. Bu babda sancak beğleri ve kadıları ve subaşılan size gereği gibi muavenet ve müzaheret eyleyüb çingeneyi yazmakda dakîka fevt eylemeyesin. Bu babda sizin şükr ü şikayetiniz maktuldür. Her ne sancak beğinden ve kadıdan ve subaşılardan inad ü temerrüd olub muavenet etmeyeleri muaccelen yazub südde-i saadetime arz eylesin, şöyle bilesin.

Fî 8 Cemaziye'l-ahir sene 944

Bi makam-ı Edirne

An order to the Steward and his scribe appointed to inscribe the Gypsies

1-At the present time, you have come to my sublime court and, according to my noble decree, you have begun to register the group of Gypsies (*cingene taifesi*). You have reported that some Gypsy groups migrate with their women; that there are no infidel Gypsies among them; that they do not even pay extra-ordinary tax; and that they do not obey the *şeriat* and just pay twenty-two *akçes* as tax

2-I have ordered that you should see the above-mentioned group while recording [their taxes]. How were those Gypsies who became Muslims and settled with other Muslims recorded in the new register? If the tithe (*kesim*) was inscribed and other taxes were recorded, then based on these, you should investigate. Based on what has been given in the past by [the gypsies] like them, their laws and traditions, you should register [them] and address it to me after your return. The matter should be decided based on the reason presented in my noble order.

3-Some Gypsies have been mixing with the infidel Gypsies, [but] have not been paying the taxes of the infidel Gypsies stating that they are Muslims so you should investigate this.

4-Those Gypsies that do not desist from relations with infidel Gypsies and settle with them must not follow Islamic law. You should record [the taxes of] Gypsies like them in the same manner as the others based on established practice and law.

5-Gypsies who live in the villages have been paying their income tax (*bennak*) and their extra-ordinary taxes (*avarız*). However, there are Gypsies who live in

shops and in some rooms in Istanbul and in Edirne and in other places. And while some of them pay extra-ordinary tax, the rest do not and they do not follow the Islamic rules. You should investigate and see to them. You must learn how the practice and the law have been applied to [the Gypsies] like them in the past. You must write this separately and indicate the circumstances of those who used to pay extra-ordinary taxes but now no longer pay them. When you come back, you should address it and you should record it on the basis of my noble order.

6-There are Gypsies settled in some villages and the village scribes, wherever they found them, recorded them as *raiyyet* and registered them into *vakfs*, *emlaks* and *timars* and bridges and castles. You should ask for the noble decree from those who had been registered into *vaqfs* and *emlaks* and castles. You should know this and make a separate register including the name and number of those Gypsies who had been incorporated into the Gypsy sub-province and had been registered into the inventory in the old days, were given a noble decree and ordered to a *vakf* and *mülk* and *timar*. You should submit that register when you return. It must be recorded in the register based on my imperial order.

7-In some infidel communities, there are Gypsies who became Muslim and requested to pay tithe after the removal of the poll tax. You should also see to them. If they cease relations with the infidels and follow the Islamic rules, you must apply tithe to them like the others in accordance with the register. You should address how many remain, if God permits, when you come back.

8-[?] is from the treasury. You must inspect the Gypsies who came from Hungary, Wallachia and Moldavia carefully and with vigilance. Who has recorded

and collected the poll tax and the other taxes from them until now? Was my firman issued [for them]? If those [taxes] have not been given to anybody until now and if whoever took these taxes becomes evident, you should take and submit it without any error for my imperial treasury.

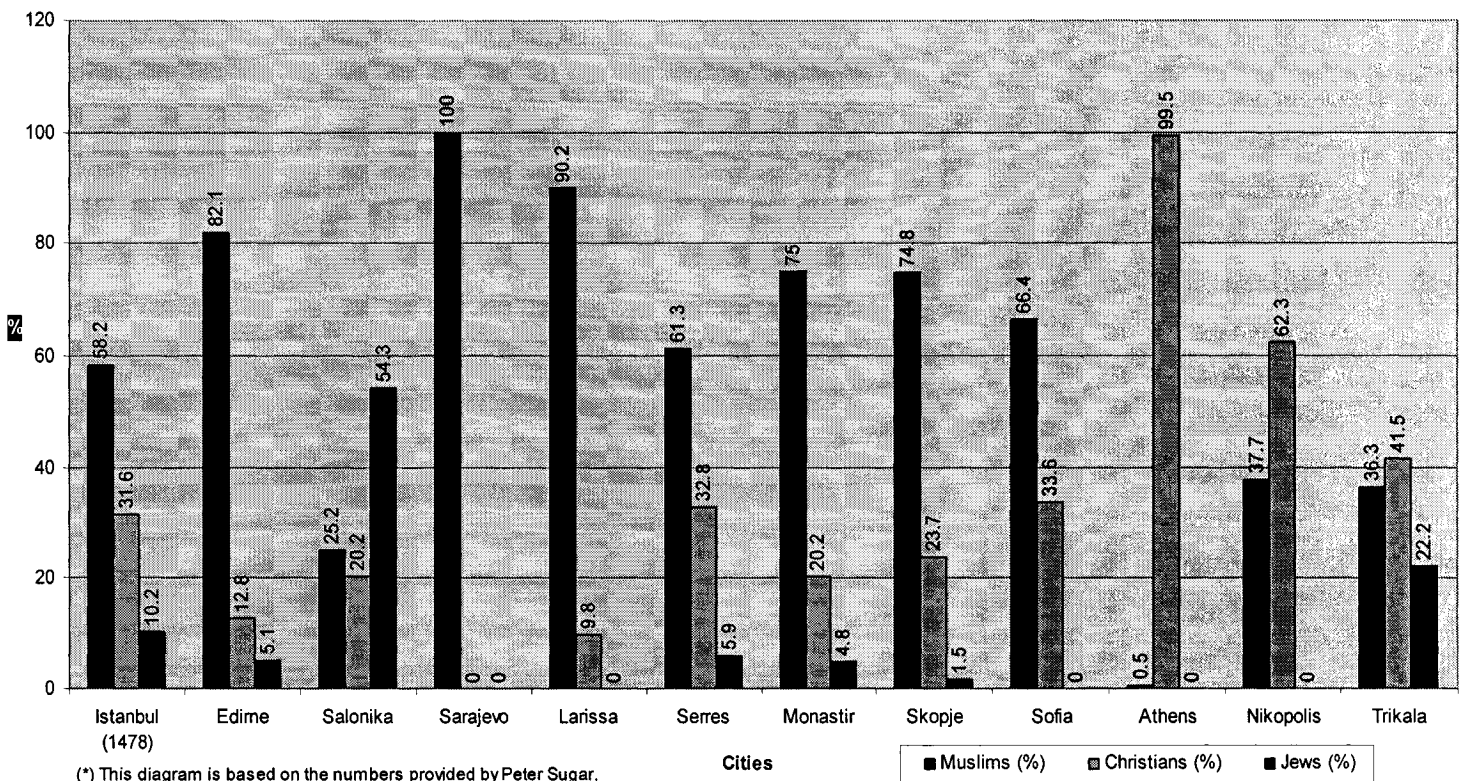
9-On this matter the governors of sub-provinces and judges and superintendents must help and support you, as is due, so that you do not lose a minute while inscribing the Gypsies. In this respect, your gratitude and complaint are acceptable. If any governor of sub-province or judge or superintendent show obstinacy or stubbornness, you must record those who did not help you and address it to my court immediately.

October 20, 1532.

In the post of Edirne.

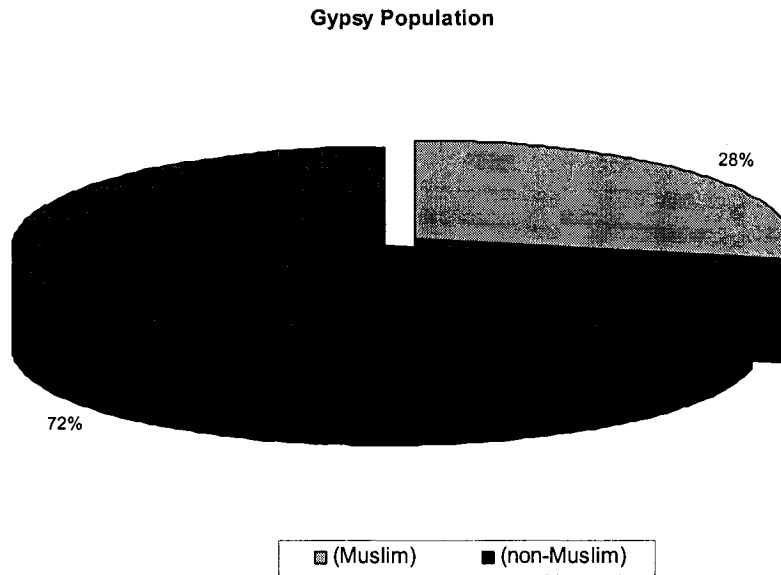
## II-POPULATION FIGURES (I)

*Religious Breakdown of Population in Major European Cities (Based on 1520-30)\**



## POPULATION FIGURES (II)

*Population breakdown of the Gypsies according to religious affiliation in the Province of Rumelia in the sixteenth century*



(\*) This diagram is based on the numbers provided by Şerifgil, E.M. “ XVI. Yüzyılda Rumeli Eyaletindeki Çingeneler,” *Türk Dünyası Araştırmaları Dergisi* 15 (1981):129-133.