Economic and Social Life in Late-Seventeenth-Century Istanbul:

The Istanbul Court Records of 1107-1108 (1696-1697 AD)

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To my parents

M.Nurcan and Günay Köksal
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ABSTRACT

Economic and Social Life in Late-Seventeenth-Century Istanbul: The Istanbul Court Records of 1107-1108 (1696-1697 AD)

by

Yonca Köksal

In recent years Sharia court registers have become one of the most important sources for Ottoman urban history. These court records provide valuable information about the social and economic history of the cities. In addition, they are sources for the study of everyday life in the Ottoman cities. This study covers an analysis of the Istanbul court records of 1107-1108 (1696-97 AD). Findings are grouped according to their relations to the social and economic environment of late-seventeenth-century Istanbul. Aspects of economic life such as guilds, credit relations, and the value and use of money are thus analyzed with reference to the Istanbul court records. This study tries also to provide some information about certain dimensions of the social life of the city such as neighborhood relations, household organization and the presence and participation of women.

Contrary to the general belief, the society of seventeenth century Istanbul shows a dynamic structure and a high level adaptation to the changing socio-economic conditions of their time. As Haim Gerber has shown, the court and kadi as important mechanisms at the center of state and society relationships, functioned in a bureaucratic and rational way. This shows the importance given by the state to the legal system since the court was practically the only mechanism through which the state legitimized itself in the eyes of its subjects.
ÖZET

Onyedinci Yüzyıl İstanbul’unda Ekonomik ve Sosyal Hayat: 1107-1108
(1696-1697 MS.) İstanbul Mahkemesi Kayıtları.

by
Yonca Koksal


Osmanlı İstanbul’unun sanıldığının aksine dinamik ve değişimlere uyum sağlayabilen bir toplum olduğu görülmektedir. Gerber’in de belirttiği gibi, toplum ve devlet ilişkilerinde önemli rol oynayan mahkemeler 17. yüzyıl İstanbul’unda bürokratik ve rasyonel bir şekilde işlemektedir. Bu da devletin topluma ulaşmadaki en önemli yasallaşma ve propaganda mekanizması olan mahkeme ve kadılarla verdiği önumi göstermektedir.
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I. INTRODUCTION

I.A. General

The purpose of this study is to examine the legal system of the Ottoman Empire as it is reflected in the court records of seventeenth-century Istanbul. The subject of this study contains the Istanbul court records, in the years between 1107-1108 (1696-1697 A.D.). The value of such an approach to the understanding of the pre-modern Islamic legal system has been widely recognized in the recent years. While many studies have been done on theoretical text, the availability of sharia court archives gives a new perspective on the law studies of the Ottoman Empire.

There are several reasons for deciding to study this subject. The first reason for choosing sharia court archives is to compare the theoretical law of Islam and its applications in the Ottoman Empire. In deciding what constitutes the laws of a given society, scholars have defined two major types—“Made law” and “Implicit law.” Made law is a system which consists directly or mediately, of rules laid down by a sovereign power enjoying the habit of obedience within a given society. Implicit law, on the other hand, is to be observed in the working of the law courts. Therefore, the rules are laws to the extent that they are put into effect by the law courts. The

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3 Ibid, pp.64 ff.
structure of law in a society reflects the nature of the regime, of the political order. Thus, studying the Ottoman legal system as it is reflected in the Sharia courts, on the one hand, gives very important hints about state and society relations. Since the courts were the only place where the residents of the city were involved in a direct relationship with a powerful state official, the judgment of the kadi was a good indicator of the functioning of the state. On the other hand, the living law of a society also gives hints for the understanding of the mentalities of its time such as stereotypes, guilt and crimes. So, the textual analysis of the sharia court records can define the prevalent epistemes of its time\(^4\). Even the depositions of claimants, defendants, and witnesses in the courts can help in the understanding of the mentalities of society of that time.

The second reason is to examine the role of kadıs in the Ottoman Empire. Istanbul especially introduces an interesting field of study. Uriel Heyd made a very strong case for the well-known theory that during the sixteenth century, and increasingly thereafter, the integrity of Ottoman kadıs rapidly deteriorated\(^5\). The relevance of this argument in seventeenth-century Istanbul will be examined in this study. Especially the role of the kadi in Istanbul, which was the center of the Ottoman Empire, can define the relationship between the central authority and the local power of kadıs. Sharia records also contain some information about how the local population perceived the power of the central authority, which was represented in the name of kadıs. According to Gerber, kadıs in the seventeenth-century Ottoman Empire primarily had three important functions. First, kadıs acted like present-day judges. In the courts, they listened to the claimants, defendants, and witnesses, then, they gave punishments or rejected the cases with the help of Islamic law (Seriat), customs and the orders of the Sultan (kanun). A secondary role which was played by kadıs was their official representation of the Sultan, in other words, the central

\(^4\) For more information on epistemes see Merquir, J.G. (1986). Foucault, Istanbul, Afa.

authority. Kadıs were the chief provincial administrators, and the major link connecting the central government with the mass of its citizens. The statement that kadıs were the chief administrators may sound odd, but the fact is that most Imperial orders dealing with administrative matters sent out to the provinces were addressed to kadıs, rather than to the provincial governors. Kadıs were perceived by the state as the most important administrator in the cities. However, we do not have enough information about how kadıs were perceived by the local population of the cities. Some fermans and court records from the Sharia courts which were related to the administration of the cities can help in understanding the authority of kadıs among the local people. The third role of kadıs mentioned by Gerber was that they worked as public notaries. They registered buying, selling, and bargaining contracts between people. This data is also important for the economic history of the Ottoman Empire. Unlike Heyd, Gerber mentions that kadıs still played an important role in the administrative system of the Empire in the seventeenth century. In this study, further research on the role of kadıs is found within these two conflicting approaches.

The last but not the least important reason which persuaded me to undertake this subject is that sharia court records give a detailed picture of their times. Social and economic institutions of the society such as household patterns, the role of slaves, neighborhood relationships, and many interesting things about daily life can be found in these records. The sample has a wide range of variability. There is much information about military campaigns, maintaining materials for the army such as food and soldiers, repairing churches, tax collection, purchasing and renting houses, sharing inheritances, migration, and merchants. It is certain that this source of information will help to the study of social and economic history of the Ottoman Empire.

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I.B. Previous Work

For quite a long time Sharia court records have been an important source for the social, economic, military and political history of the Ottoman Empire. However, how to use this wide range of data remains a methodological problem for historians. After İ.H. Uzunçarşılı had published an article about the importance of court records in 1935, H. İnalcık and some other historians wrote several articles about them in Türk Vesikalari. All these studies attracted the interest of researchers working on Ottoman history. In Europe, Josef Kabrda’s article in 1951 about the importance of the Sharia court records for Bulgarian history threw light upon the studies of Sharia court records in Europe. Since then, more researches about Sharia records have emerged. In 1958, H. Ongan published the Ankara Sharia court records (Ankara’nın 1 Numaralı Şeriye Sicili). In this book, he gives short summaries of each of the 1800 cases. These records included the years 1588-1590. In 1960, H. Duda and G. Galabov published a Sharia court record of Sofia. Both of these studies used the same methodology. They summarized the trials in the records, so historians could easily reach these sources. After 1960, court records of different regions of the Empire have been published.

Although more than thirty years have passed since the first publications of Sharia records, the number of studies has not yet reached a satisfactory level and the methodology has remained the same. Short summaries of each trial were used but this reduced the value of the records because researchers are forced to look at the original records each time to understand the matter of the trials. The publication of Şeriye Sicilleri (Mahiyeti, Toplu Kataloğu ve Seçme Hükmüler), by Türk Dünyası

Araştırmaları Vakfı, introduced a catalogue of all the Sharia court records of the Empire\textsuperscript{10}.

In recent years more studies on court records different from the earlier ones have been done. These researchers not only gave summaries of trials, but also concerned themselves with finding clues about the administrative and judging procedures of the state and the socio-economic life of the cities. One of these historians is R.C. Jennings. In his article called "Kadi, Court and Legal Procedure in Seventeenth-Century Ottoman Kayseri", he questioned the role of the kadi, the naib and the ulema in the Ottoman State from the perspective of Islamic law. He also searched for the existence of Islamic law (Şeriat) side by side with Imperial orders (kanun) in Ottoman Society\textsuperscript{11}. He was also concerned with the role of women in Ottoman society. He showed that the housewives of Ottoman Kayseri or Trabzon owned property, sued, were sued and even negotiated divorces when they felt their marriages had become intolerable. His article placed Anatolian women "on the map" as active human beings, and demonstrated that historians are not obliged to adopt the male-centered image which Ottoman society presented to outsiders\textsuperscript{12}. He has also demonstrated that ordinary inhabitants of seventeenth-century Anatolian towns, including women, lent out money at interest and saw no need to hide the fact. He drew a picture of Anatolian non-Muslims from whose life the millet system was absent. These findings are against classical Ottoman thought, which presumes a strict division of society according to religion and gender. Jennings's careful empirical approach and his refusal to accept stereotypes enshrined in the secondary literature


\textsuperscript{11} Jennings, R. Kadi, court and legal procedure in 17th century Ottoman Kayseri.

have thus made him a pioneer in Ottoman social history. After Jennings' study of Ottoman Kayseri, Haim Gerber published his article “Sharia, Kanun and Custom in the Ottoman Law: The Court Records of seventeenth-century Bursa”. This study was also based on the court records of a seventeenth-century Anatolian city; however, this study lays special interest on the overwhelming role of custom in the Ottoman legal system, and the working of the Ottoman court in terms of comparative social and legal history. As I mentioned earlier, he saw the kâdis as the most important provincial governors in the cities, working both as a judge and administrator. An overwhelming majority of fermanııı about administrative matters which were directly sent to the kâdi - not to the provincial governor support his thesis. Gerber also reached a conclusion about Seriat, he found it to be a living law in a number of areas, such as succession law, vakıf law and law concerning the transfer of debts. Imperial orders, kanun, were used in criminal cases, but the level of crime in Ottoman society, especially in the cities, was very low. What Gerber found surprising is that customary law in the Ottoman Empire was much more important than is generally realized. The presence and power of witnesses especially in sharecropping and criminal matters, customs, and the unwritten law were in full use in the Ottoman Empire. Thus, the customary law embedded in the Ottoman court is quite reminiscent of the English medieval customary law. As a whole, Gerber claimed that, contrary to the general belief, corrupt behavior by kâdis was the exception, rather than a rule. In his second book State, Society and Law in Islam, he examined the legal structure of the core area of the Ottoman Empire between the sixteenth and early nineteenth centuries, and its relationship to the sociopolitical structure of the state. With the inspiration of some recent anthropological studies on other societies, he said that there must be a logically meaningful relation between law and the society surrounding it. In his study, he


criticizes Weber's idea of the prevalence of substantive rationality reflected in the legal system of Eastern societies, mentioning that the decisions of the kadi in the core areas were based on legal rational reasoning. Therefore, contrary to Weber, he concluded that the legal process in the core areas of the Ottoman Empire had a rational and bureaucratic character that was similar to Western societies.  

In addition to Jennings and Gerber, many historians have studied court records recently. One of the most important of them was Saraiya Faroqui. By studying the Ankara and Kayseri court records, she tried to create a typology of the provincial cities in the seventeenth century. Because the seventeenth century is the least studied period of the Ottoman Empire, her first aim was to add new knowledge about this century. By looking at the economic relations in the cities, she concluded that this century cannot be described as a decline and decentralization period. It is certain that fiscal and economic crises threatened the state, but the seventeenth century was a transitory period to the following decline. In *Men of Modest Substance*, she described the shape of urban houses with the help of the sale contracts found in the Kayseri and Ankara court records. Defining the functions and the use of the rooms is certainly an important contribution to the social history of the Ottoman Empire.

Another interesting study which concentrated on the court records of Cyprus was by Jacob Merkelbach. He studied the Sharia records of 1105-1106 (1693-1695 AD.). In the first chapter, he gave the whole transcript of each trial. In the second part of the book, he looked at the non-Muslim population of Cyprus, and concentrated on the ideas of *zimmel* and *millet*. Then he investigated the Ottoman

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land law and its application in Cyprus. He also looked into the power of European merchants and the English Levant Company in the economic life of Cyprus. Furthermore, he tried to describe the districts of the city by looking at the place descriptions in the trials. The records about purchasing houses in particular helped him define the districts and neighborhoods in Cyprus. In short, he created a descriptive picture of the social and economic life of Cyprus in the seventeenth century.

What I want to do in this study is first to draw a descriptive picture of Istanbul in the seventeenth century as Merkelbach did. Then, I will concentrate on the application of Islamic law and the role of kadis in Ottoman Istanbul. In the second chapter of the thesis, the content of my data and the basic language for understanding court records will be introduced. In this chapter, the necessary edicts such as ilam, hüccet and ferman, and the way in which these types of documents can be used will be explained in order to understand the functions of Sharia courts. All types of documents in the court records are also good witnesses to the social and economic structure of their time. Under subtitles, one will find information about the functioning of the court and the population characteristic of people who came to this court. The role of kadis in the administrative system of the Ottoman Empire, as it appeared in the Istanbul court, and also the internal division of Istanbul into administrative units will also be discussed in this chapter. The role of kadis in Istanbul will be questioned under a comparative approach. The third chapter is devoted to the economic life of Istanbul which will include the value and the usage of money, the role of guilds and goods and commodity transportation at the end of seventeenth century. In this chapter, the Ottoman taxation system and the transformation of the itizam system into the malikane system will also be described as it is reflected in the court records. The fourth chapter contains information about the social life of

Istanbul. As it is known, many hearings about the conflicts in daily life are recorded in the court. In these records one can find out about women, household size, inheritance, neighborhood patterns. In chapter five, the language and semiotics of these written documents and the practical usage of law will be questioned. The relations between the state and society is also the subject of this chapter. The last part is a conclusion that gives a brief summary of the findings. The second part of the thesis will consist of Turkish translations of some example hearings.
II- KADI, COURT AND PEOPLE

II.A The Istanbul Court

The Sharia court records which I have worked on cover the Istanbul court (Istanbul Mahkemesi) registers between the years 1107-1108 (1696-1697 AD.). Although the data contains only two years, there is enough material to examine social and economic history of that time. There are 190 pages and 258 trials, including Imperial orders (ferman), in the documents. All these cases were registered with the dates and signatures of officials and witnesses. In each trial the names of the people concerned with the matter, and their permanent or temporary residence, were mentioned on the basis of districts. The width of the book is greater than its length like all other court record notebooks. It measured 40*15 cm. It was written in talik style, but the handwriting of the scribe made it difficult to understand the documents. Moreover, changes in scribes, katibs, are visible in these two years. The kadi wrote his name, his title and his first date of duty at the beginning of the notebook. From the change of handwriting, it can be understood that the writer also changed. Most probably, the new kadi appointed his own men or servants as scribes.

Before giving a detailed description of the procedures used to register the cases in the record notebook, I want to mention the importance of the Istanbul court, because it is necessary to understand the functions of this court to arrive at conclusions about the administration of Istanbul. Istanbul was divided into four administrative units. Because it was the capital city and too big to be governed by a single unit, there were four kadiks in Istanbul. The notion of kadik here refers to
an administrative and legal unit which regulates the relations between the local people and the state. These four kadılıks were Istanbul kadılıği, Eyüp kadılığı, Galata kadılıği and Üsküdar kadılıği. Each of these units had their own kadıs and their own courts. The Istanbul court was the legal institution of Istanbul kadılıği, and all the legal matters within the borders of Istanbul kadılıği were held in this court. The borders of the Istanbul court went up to the inner part of ramparts, but also included towns and villages (nahiye and kariye as they were referred to in the sharia court records) on the Anatolian and European coasts of the Bosphorus except for Çatalca, Çekmece and Silivri which were directly linked to Eyüp kadılığı.

All these four kadılıks in Istanbul were very important offices, and the kadıs of Istanbul were appointed from the high level bureaucrats. Being one of the chief administrators of the capital city, Istanbul kadıs were chosen among high ranking officials. Istanbul kadılıği was of prime importance, and was superior to the Eyüp, Galata and Üsküdar kadılıks. The of Istanbul court was chosen from among the officials who had worked as Mecca, Edirne or Bursa kadıs, or were given these titles. After the second half of the sixteenth century, Istanbul kadıs were appointed under the title of both the kadı of Istanbul and Anadolu Kazaskeri, the highest office in the legal projection. Kazaskeri could be considered as the head of judicial power in the Ottoman Empire. In my data, the kadı of Istanbul was Mevlana Abdullah Efendi, and he used both of these titles in the records as mentioned below:

“... Anadolu kazaskeriniz payesiyle İstanbul da kadı olan mevlana Abdullah edamullah-i teali-i fezailehu...”

There are several reasons for the choice of the Istanbul court as a subject of this study. First, it is of great interest to examine the relationship between the state and the kadi of Istanbul because Istanbul was the capital city of the state. Whether the kadi had an authority in the center of the state or was seen only as an unauthorized civil servant is a very important question for the definition of the limits of the kadi’s power. Second, since the Istanbul court was higher ranking than the other three courts in Istanbul, it is logical that more information about the relationship between the state and the kadi in this court should be found. For example, Imperial orders (fermans) were directly sent to the Istanbul kadi, not to the others, and were registered by the Istanbul court. Therefore more knowledge on the administrative function of kadi is to be found in the Istanbul court, but this work deserves a separate part and the role and power of kadi will be treated later.

II-B The Kadi of Istanbul

The kadi of Istanbul had the highest rank among all the kadis of the Empire. The kadi of the Istanbul court had the highest status and was called the kadi of Istanbul. Because he was one of the most esteemed kadis of the Empire, he earned a higher salary than other kadis. From the end of sixteenth century, he earned 500 akçes per day. According to the law of Sultan Mehmed, the highest ranking kadi who earned 500 akçes per day were officially one rank lower than the beylerbeyi. Therefore they had to be lower than the defterdar, but the kadi of Istanbul was an exception. He was considered to have a higher rank than the defterdar, and was officially seen as equal to the beylerbeyi.

After the sixteenth century the term of office for the kadi of Istanbul was limited to one year. At the end of his year of duty, the kadi of Istanbul was given 200 akçes a day during the mazul period consisting of a retirement after the

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20 Uzungarlı, İ.H. ibid, p. 136.
fulfillment of his duties. When he finished this waiting period, he was granted the revenue of a region where he appointed a naib to collect this revenue.

How the Istanbul court functioned is an important question for defining the role of the kadi in society. The kadi of Istanbul listened to the trials and judged them in his house. Kadis did not have separate places for their court. When the kadi of Istanbul changed, the place of the court was also changed, each kadi holding court in his house. This sometimes created problems. Only after 1836, the kadis began to use a separate court building. When a trial came to the court, the kadi listened to the claimants and defendants and decided on the cases. When he had a lot of things to do, a naib represented him and took the decisions. Beside the kadi or naib, the katib, muhzurs and witnesses were present when a case was heard. Katibs were the secretaries who recorded the cases and the decisions of the kadi. However, as Jennings mentioned earlier, it is uncertain whether the katib recorded all the trial during the hearings or at the end of the day after all the daily trials and registers had finished. With both of these possibilities, it is accepted that the kadi reported each case and the katib recorded the decision of the kadi. This dilemma is an important one because the way of recording in the court or upon the completion of all the daily cases helps us to understand the practical usage of law. Here there will be no further inquiry, this problem will be discussed later when dealing with the terminology used in the records.

Muhzurs were the court ushers of modern times and they tried to maintain order in the court. Witnesses were the necessary elements of the court, because kadis' decisions basically relied on the deposition of the witnesses. In most of the cases in the 1107-1108 Istanbul court records, the names of six witnesses were written at the end of each case. The number of witnesses, claimants, and defendants changed according to the case. If the trial had been on a public issue such as a trial

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about the occupational groups and the complaints of the residents of a street, more people would appear in the court. Even so, as a rule, only the names of six witnesses were written at the end of the document in these trials. In some cases, when the kadi did not have the authority to make a decision, he transferred the hearing to the divan-i hümayun, and ferman from Sultan were sent in these cases.  

On every Wednesday, the kadi of Istanbul, Galata, Eyüp and Üsküdar came to the Divan. Under the supervision of the Grand Vizier, they listened to the trials that had been transferred to the Divan. The kadi wrote down the trials concerning their own districts. These types of documents can be seen in the court records of 1107-1108. The kadi of Istanbul wrote down the trials that were heard in the Divan. These were mostly cases that involved people from other cities. That is to say one of the claimants or the defendants came from another city, and the others resided in the district of the Istanbul court.  

The kadi of Istanbul not only judged people. As with other kadi of the Empire, he also was a public notary. He recorded purchases, sales and debt contracts in the register. Another important duty of the kadi of Istanbul was related to administrative matters. The kadi had various officials under his control such as the mimarbaş (head architect), the subaşi who was responsible for the security of the city, the İhtisab Ağası who was responsible for tax collection, and other officials. With their help, he fulfilled the administrative duties of the city. Among his duties were the following: the control over the mint and prices, organising the construction of roads and buildings, the maintenance of law and order -safe streets and no burglars, recruiting soldiers, and the supervision of occupational groups, wages and slave trade.  

The kadi of Istanbul performed some of these duties by himself. In other cases, he appointed officials to do these tasks. For example, the head architect

was responsible for the construction works, and the head physician (*Hekimbaş*) was responsible for health problems and the supervision of physician in the city.

Because it was impossible to solve all these problems by himself, the *kadi* of Istanbul had *naihs* to help him. In the court he had *bab* and *keşif naihs*. These *naihs* adjudicated on the trials in the absence of the *kadi*. The *keşif naibi* went to the location where the conflicts occurred when it was necessary, and had the authority to hold and judge the trials at the place of the conflicts. There were also other *naihs* whom the *kadi* appointed to each district to supervise trade and occupational groups.

After this brief description of the status and the tasks of the *kadi* of Istanbul, it is necessary to explain the role and the power of the *kadi* in the life of the city.

**II-C The Role of the Kadi in Istanbul**

The major characteristic of the Ottoman legal system is the overwhelming presence of the *kadi* in the Sharia courts. The *kadi* was the center of the court, and the only person to decide on issues by listening to the depositions of both sides and of witnesses. Therefore, it is necessary to accept the central role of the *kadi* in the practical usage of the law. This acceptance brings us one step further. If the *kadi* had such a central position in the law, what would his role be in the life of the city? The answer to this question allows us to think about the place of law —both Sharia and *kanun*— in the life of the society. If people accepted the *kadi* as one of the chief authorities of administration, they would certainly accept the strict control of the central state. If the opposite was true, it meant the rejection of central authority.

The role of the *kads* in the life of the city should be explained in three dimensions. First of all, the importance of the *kads* should be questioned. How were the *kads* perceived by the state must be the first question to be answered. If the legal authority of *kads* are defined, then it will be easy to determine his place in the life of
the city. The question of whether he was only a judge or had another duty must be answered. Secondly, what was the role of the kadi as a legal representative of the Sultan in the relationship between the state and the local people? The third dimension must replace him in the power relationships within the city. How effective and powerful he was in the city life can give hints as to the internal dynamics of the structure of the city.

Before Sharia court archives were made available to historians, kadısı were perceived only as a part of a legal mechanism. Their administrative duties were unknown and were mistakenly attached to the tasks of other officials such as the kaymakam and subaşı. For example, Robert Mantran, who studied 17th-century Istanbul, considered the Grand Vizier to be the chief administrator of Istanbul in the name of the Sultan. In the absence of the Grand Vizier, the kaymakam was the highest authority in the administrative tasks. According to him, the kadi of Istanbul was primarily concerned with judicial matters, and he was only a judge. One exception was his control over guilds. Kadısı had an authority over the leaders of guilds. Although Mantran said that the kadısı were important elements in the administrative system of Istanbul, he also argued that their powers were limited by Grand Viziers. When a powerful Vizier was chosen, the authority of the kadısı and their responsibilities considerably decreased. Mantran is partly correct when mentioning the kadi as an important part of the administration. However, the duties of kadısı were not limited to legal issues, they were administrative officials themselves. On the other hand, it is quite natural to undervalue the role of the kadi in the administration while we are talking about the capital city of the Empire. Because Istanbul was the center and because there were more than enough officials for administrative matters, kadısı can easily be seen to be less important. The natural conclusion of this point of view leads to the reduction of the role of the kadi in

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Istanbul to only judicial issues. However, in the practical usage of the mechanism of the kadi, this was not so. In the Sharia court records of 1107-1108, much more than trials and guilds appeared. Imperial orders were sent directly to the kadi giving them straightforward administrative tasks. For example; imperial orders were available on subjects such as the repair of churches, tax collection and vakif institutions. Even fermans about minting money, which was an administrative duty of the state were sent to the kadi. Moreover, kadis were responsible for road constructions and the control of prices. Sometimes they were charged with mundane administrative duties. For example; in 1108, the kadi of Istanbul was ordered to maintain flour and bread for the army, which was engaged in the campaign of Belgrade. Frequently, personnel from different occupational groups such as sailors were recruited for the war, and were paid from the state treasury by the kadi. At other times, the kadi was ordered to recruit people from guilds to construct mosques or buildings. These examples support Gerber's vision of the kadi. The kadi in the Ottoman Empire was the chief provincial administrator, and the major link connecting the central government with the mass of the citizens.24 The kadi played an important role not only in the provinces, but also in the heart of the Empire. Even in Istanbul, the kadi was legally considered as a powerful administrator. Contrary to Mantran's view, it can be said that the kadi of Istanbul might have been more powerful than kadis in other provinces because he was at the center of the government. In addition to this, being the kadi of Istanbul must have been a powerful position, and higher ranked officials there must have been powerful only by their titles.

Although kadis were legally seen as chief administrators by the state, the value of this approach should be questioned at the local level. If there were documents about the fulfillment of the Imperial orders by the kadis, then it would be easy to check the power of the kadis at the local level. Each record about the

fulfillment of the orders would mean that the kâdis had enough authority in their regions to carry out these orders because most of the orders required the use of local people. This statement would also mean that the kâdis took care of imperial orders and were loyal to the Sultan. Thus if the kâdis frequently did what the Sultan said, the argument of the deterioration of the kâdis after the 16th century would become questionable. Many scholars considered the deterioration of the kâdis in the 16th century as a general rule. According to Çadırçioğlu, there was an immense collapse in the kâdi mechanism. By looking at Ankara and Kayseri court records, he mentions that the kâdis frequently used their power for their own benefits. They usually took more money for the registration of documents than the legal fee. For example, the kâdis of Sivas, Mustafa Efendi admitted that he took 13681 ğuruş from local residents illegally and this exposition was written in the court records. They also changed the naibs, who acted as kâdis in smaller districts, more often than the necessary procedure required. By making new appointments, they earned money from the new naibs.

However, the deterioration of kâdis cannot be seen in the Istanbul court records. There were no cases showing the impropriety of the kâdi of Istanbul. Even the imperial orders that were sent to all regions of the Empire as well as Istanbul do not mention any abuse of authority by the kâdis. On the other hand, it should not be forgotten that the kâdis of Istanbul was located at the home of the Sultan and it would be absurd to assume that he could enter unlawful actions because he was under the control of the state more than other provincial kâdis. Accepting this point of view, we only have one criterion to check the situation of kâdis; that is the application of imperial orders.

As mentioned earlier, there is a great number of ferman s in the Istanbul court records. Out of 258 cases, 53 are imperial orders from the Sultan, to

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which we should add two *buyrulodus* from the Grand Vizier. However, there is very little information about the application of these orders. In only three of them, the *kadi* of Istanbul mentioned that the task was completed legally. Others contain no information about the application of the imperial orders. One of them is about the production of gunpowder for the army that was at war in Belgrade. The Sultan ordered the *kadi* of Istanbul, the head of the gunpowder factory (baruthane) and the *kethüdas* of some guilds in the factory to process the gunpowder, which came from Egypt, in a way that would make it better than British gunpowder. A few days after the registration of this order, the head of the gunpowder factory and the leaders of some occupational groups in the factory came to the court, and said that it was impossible to process this gunpowder so that it would be better than British gunpowder because some chemicals in the gunpowder prevented processing it properly. In contrast to this frustrating example, more successful applications of the Imperial order can be seen. The Sultan ordered the *kadi* to recruit some people from some guilds (*duvarci, sivacar*), but did not mention why these people were needed. Probably, it was for a repair work, because the *kadi* of Istanbul appointed one of the architects to do this job. The architect chose workers, both Muslim and non-Muslim, and then registered them with their sureties. After arrival at the court, the names of these people were entered in the court records. From this court record we also learn that these people were paid by the state treasury for 25 days, and earned 4 *akçe* a day. Another interesting document about the application of the *ferman* is an order about the maintenance of flour and bread for the army. The Sultan ordered one thousand *kile* of flour to the *kadi*. The *kadi* had administrative responsibility for using the flour -making sailors' biscuits- and payment to the bakeries. A few documents later, we see that this task was fulfilled. He arranged for the bakeries to cook the biscuits and paid them from the state treasury. However, things did not go properly every time. We also saw another Imperial order about the improprieties of some officials in the business of biscuit cooking. The Sultan ordered the *kadi* of Istanbul to
find out the officials who had earned illegal money by selling biscuits and bread to the captain of ships at high prices. These officials earned money by the big difference between the production and sale prices of bread. No information about the fulfillment of this duty can be found in the court records.

Irregularities in tax collection can also be observed in the court records. Mantran mentioned that the kadi of Istanbul was responsible for determining the amount of taxes. He also determined the people who were exempted from paying taxes. The kadi did not collect taxes from the Muslim and non-Muslim population of the city. However, in the Istanbul court records of 1107-1108, it is clear that the kadi was responsible for regulating tax collections. In fifteen cases of imperial orders, the Sultan was concerned with the regulation of tax collection. In 1695, a new tax regulation was introduced and most of the taxes increased by more than a half. This fact also created problems in tax collection. The frequency of fermands about irregularities in tax collection showed the inability of people to pay the taxes. In a ferma written to the kadi of Istanbul, Edirne and Bosnia, the Sultan wanted the names of people from eşrafl and military groups who did not pay the taxes on heir sheep. There is also another ferma, sent to the kadi of Istanbul, demanding the poll-tax from non-Muslim citizens (cizye). At this time, there were many non-Muslims who did not have sureties and did not pay their taxes in Istanbul. The kadi was ordered to collect their taxes and register them with their sureties. Again we do not have any information about the fulfillment of these duties, but at the most, the absence of documents on the implementation of these orders indicates the inability of the kadi to complete these tasks although he was officially responsible for tax collection. The kadi of Istanbul can be said to have been rather powerless in the fulfillment of this duty at the local level because of increasing tax rates.

On the other hand, the lack of power of the kadi in economical issues such as tax collection did not make him a totally powerless official at the local level.

The *kadis* enjoyed authority in the social and economic life of the city. First of all, becoming an agent that dispenses justice in every aspect of life necessitates power in the social and private life of the residents. People brought to the court economical issues such as money exchanges and purchasing contracts, social issues like neighborhood relations, criminal cases as well as private life issues such as marriage, divorce and inheritance. This fact necessitated the authority of the *kadis* in the following three aspects; the economic, social and private life of the individual.

The effect of the power of the *kadis* on the economic life is the most visible one in the court records. The 1107-1108 court records include 70 debt contracts and problems, and 36 sale contracts of houses and other goods. Thus, the biggest parts of the records were filled with issues concerning the economic relations among individuals. Not only did people have conflicts among themselves, guilds also had some problems, and they often came to the court. Most of the cases about economic groups were about the restrictions on private entrepreneurs. The *kadi* was also an important agent in maintaining the static structure of society. However, the *kadi* of Istanbul generally used Islamic law in a very flexible way so that he succeeded in the continuation of the static structure of society. What I mean here regarding the static structure of society is not the same thing as the Orientalist approach. Orientalists accepted Ottoman society as closed to every type of change. Therefore the Muslim population of the Empire did not concern themselves with economic issue while non-Muslim minorities had the most privileged position in this respect. What I found in the court record is that Muslim people frequently entered into economic relations. There were merchants, bargaining and commodity transmissions among the Muslim population. In this large number of economic facilities, the *kadi* had to interpret the Sharia in such a way that it would not create any obstacle to the economic relations of the people. To do this, he held to the basic principle of Islamic law and tried to have a stable society. For example, he forbade the opening of a sherbet shop across the street from another sherbet shop. The
existing one always had the advantage and enterpreneurship except within guilds was forbidden. The kadi of Istanbul was especially involved in economic matters because the geographical borders of this district was an important one. It was the most important business district of Istanbul. The harbor was there, and all of the import and export activities took place in it. Therefore many of the economic relations were seen in the Istanbul court. Mantran said that the judicial power of the kadi of Istanbul was limited by the geographical borders of the Istanbul court, which covered the inner parts of the ramparts and villages by the side of Bosphorus. However, in the court records under study, there were also people who came from Galata, an important business district for European merchants. Although Galata had its own court, many people preferred to come to the Istanbul court to solve their problems. Probably, they considered the kadi of Istanbul as more efficient than the other kadıs. In all of the trial cases, the kadi stated his own decision which shows the acceptability of his power.

The kadi of Istanbul also had authority over the social life of the people. Cases about marriage, divorce and servants were frequently found in the records. Inheritance patterns and the problems about them were judged in the court. The kadi was also responsible for the social order of the city. In one of the cases, people from a district came to the court and said that many bandits were staying in one of the inns in that region and disturbing the residents. They wanted the kadi to drive these bandits away from their street. The kadi of Istanbul decided to expel the bandits from the street, so that the rooms in the inn could be rented to someone else. The important parts of the social life of the city, crime and criminals were rarely seen on the court. Burglary, murder, injury and swearing were sometimes brought to the court. From the earlier studies of historians, it is known that the kadıs generally did not give judgments on criminal trials. They only wrote the deposition of the claimant and defendant. Whether he gave a decision on these criminal issues or not is uncertain.

27 Mantran, R. 17. yüzyıllın ikinci yarısında İstanbul. p. 125.
because no judgment could be found in the court records. Therefore most of the historians thought that criminal issues and their judgments were the duty of the subaşı, who was also a provincial administrator. However, the kadi of Istanbul was an exception, as he generally ruled on criminal cases. In one of the trials, the kadi of Istanbul decreed the execution of a person who had sworn to God and the Prophet, Mohammed, in front of witnesses.

Besides the economic and social life of society, the kadıs were also effective in the private life of the individual. Marriage and divorce, which are on the one hand very social because of mutual relationship, but on the other hand certainly fall within the private life of people, were usually dealt with in court. In one of the cases in the Ankara court, the father of Ümmi, who was the spouse of Abdülkadir bin Receb, came to the court and demanded 1000 akçe of mehr-i muaccele. But on the surety of Abdulkadir, Hüseyin Beğ said sexual intercourse had not occurred. In the answer to these Ümmi said Abdulkadir had kissed and embraced her. These depositions were registered in the 1588 records of the Ankara court. In the Istanbul court, we did not find cases so clearly stated as these, but there are many cases about divorce and their financial implications.

In conclusion, it is difficult to accept Mantran’s idea of the limited power of the kadi in Istanbul because the Grand Vizier and Kaymakam were responsible for the administration of the city. Quite to the contrary, the kadi of Istanbul was probably more powerful than the provincial kadıs in the seventeenth century. By looking at Ankara and Kayseri court records, we see that the kadıs only registered the depositions of people. A judgment rarely occurred, and decisions were restricted to relatively unimportant issues such as alimony and small debt problems concerning a small amount of money. In contrast, the kadi of Istanbul decided on all the trial cases that were brought to him. He could make decisions on every trial.


29 Ongan, H. ibid p. 75.
could even decide on capital punishment and on the exile of bandits. The kadı of Istanbul was also Rumeli Kazaskeri, and this gave him a privileged status among the other kadıs. This status brought him more administrative duties. As a result, it can be said that the kadı of Istanbul, the head of the Istanbul court, was one of the chief administrators of the city.

II.D Documents in the Court Records

There are two types of written documents in the court records. The first includes documents written in the name of the kadı. They generally include the decision of the kadıs. The second one involves documents that were not established by kadıs; they were generally Imperial orders which were sent directly to the kadı. General characteristics about these two groups will be given below.

The majority of documents in the court records were created and written by order of the kadıs. There are different kinds of documents in this category. These are hüccet, ilam and ma’ruf and mürase.

a) Hüccets; Hüccet literally means evidence or proof of an action, but in Ottoman law, it had two meanings. One of them refers to the witnessing or confession of someone proving evidence in trial matters. However, this meaning was found in the written text of Islamic law. In the practical usage found in the court records, it meant a written document which did not contain a judgment of the kadı. Hüccets were based on the admission of the claimant or defendant and the approval of one by the other. They were signed and sealed by the kadı. Hüccets meant that there were no conflicts between the two sides, and they agreed on a matter. This type of document was generally used in debt contracts, and served as proof of a business transaction.

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31 ibid, p. 21-28.
To go to a kadi and take a huccet meant the acceptance of the agreement by mutual consent. Both sides of the agreement accepted that there were no conflicts about this issue under normal conditions. If any conflict emerged later, kadıs generally decided in favor of the person who had the huccet. For example; a huccet which shows the sale of a house shows a definite proof of the possible conflicts in the future. The seller cannot claim any right later if the new owner has the huccet which approves the sale of the house to him. In other words, huccets were like contracts and guarantee certificates of modern times and kadıs thus acted like present-day notaries.

Although the functioning and the design of all huccets were the same, the subjects they covered shows a wide range of diversity. These subjects could be marriage and divorce, alimony for women, business transactions such as debts and loans, selling and renting houses and fields, emancipating slaves, the choice of the leaders of guilds (kethüda or subaşı), debt transfers, suretyship and witnessing.

b) İlams; Another type of document in the Sharia court records is called ilam. İlams have usually been confused with other documents. İlam literally means to inform. In the sharia court, it refers to a judgment by the kadi with his signature and seal. All ilams show the claimant’s deposition and evidence, the answer of the defendant and his argumentation and finally the judgment of the kadi and the reason for his judgment. The most important difference between ilams and other types of documents in the sharia courts is that ilams dealt with contentious matters, and shows the judgment of the kadi. In this sense, ilams are most similar to modern time court records, and the kadi plays the role of modern judge.

Unlike huccets, the seal of the kadi was placed at the bottom of ilams. Like all the types of sharia court records, ilams began with the addresses of the claimant and defendant. Addresses were generally described in terms of districts. Istanbul was mentioned as mahmiye-i Istanbul, and the other cities were written
according to their administrative status. The most common administrative units mentioned in the 1107-1108 records are mahruse, kaza, nahiye, kariye and sancak.

The subjects of ilams also shows great diversity. A majority of cases are concerned with debts and loans. Other subjects of the ilams were debt transfers and suretyship, vakifs, property exchanges such as selling and renting houses, marriage, divorce and fornication. A minority of ilams also covers subjects like the exploration of buildings -especially vakif buildings and churches for repair-, the emancipation of slaves, criminal matters such as robbery and murders and conversion.

c) Ma’ruz; The third type of document which was produced by the kadi is ma’ruz. They are seldomly seen in sharia court records, and they look like ilams. Literally, ma’ruz means to present some wish. In Sharia court records, it meant a written document by the kadi, that presented information to the Sultan or viziers especially about criminal cases. The only difference between ilam and ma’ruz is that unlike ilams, ma’ruzs did not contain the judgment of the kadi. They only referred to higher officers about criminal cases. However, it was sometimes seen that people also wrote ma’ruzs to complain about other people or officials. Ma’ruzs cover different topics. These are court records such as registrations showing the arrival of imperial orders from Sultan or viziers, certificates mentioning vacancies in the offices, and documents reporting the death of administrators - valis and kades. In my view, the records showing the arrival of imperial orders are especially important because they also show the application of these orders. When the kadi fulfilled the order, he mentioned this application by registering a ma’ruz. Therefore, the limits of the application of Imperial orders in the cities can give important hints about both the kadi’s and the state’s authority in the cities. Although there are many Imperial orders in the 1107-1108 sharia court records, too little attention was given to the ma’ruzs. As mentioned earlier, only three ma’ruzs were mentioned about the application of the Imperial orders. Therefore, there was insufficient material to examine the fulfillment of Imperial orders. But at least, the non-existence of ma’ruzs indicates that
there could be a problem in the relationships between the state and the local authority of kadis.

d) Mürases; Kadıs could also write other documents in addition to the ones mentioned above. For example, they could write a document to the provincial administrator of the city (voyvoda or kethüda) about arresting a criminal, or they could transfer their duties to other kadıs. These documents, which were written by the kadı to lower rank officials are called mürase or müraselat. These are important to understand the criterion used in the appointments of state officials. Whether the officials were changed frequently or not, also shows the permanency of administration. Unfortunately, there is no example of mürases in the 1107-1108 Istanbul court records.

The documents in sharia court records were not limited to the kadı’s writings or decisions. There were also another type of document that were sent from other offices to the kadıs. The central administration especially sent orders and decisions directly to the kadıs and not to the provincial governors. Kadıs were both provincial administrators and judges simultaneously. These documents sent by state authorities can be classified in two groups; Emir and fermans from the Sultan and buyruldu from the Grand Vizier, Beylerbeyi or Kazaskeri.

a) Emir and Ferman; The orders from the Sultan can be divided in two categories. The first consists of fermans which show the decision or judgment of the Sultan on a law related issue. The Sultan reported his own decisions about the cases in the court, which were presented to him by the kadı. These kinds of documents were generally written by the divan-ı hûmayun, and separate records were held for them in the Istanbul court. These are also one of the important sources of Ottoman law. If a separate record had not been held by the kadı, these types of documents would have generally been registered on the opposite side of the page. Another type of fermans is the fermans that were written to the officials on private issues such as the

33 ibid, p. 38-39.
appointment of officials and permission for merchants. Its difference from the first type is that they did not include matters about general issues, and were addressed to a specific person.

b) Buyruldu: They were sent to kadıs by the Grand Vizier, beylerbeyi or kazaskeri. Generally Grand Viziers used this mechanism because they were the representatives of the Sultan's authority. Therefore, the content of buyruldus are the same as emir and fermans. Documents about the appointment of kadıs, taxation and occupational groups were sometimes sent by Grand Viziers in the name of the Sultan.34

c) Tezkire, Temessük and Other Documents: In Ottoman politics, documents that were written from higher officials to the lower ranking ones or to officials of equal rank were called tezkire. They were written by the first katib of the Grand Vizier. They generally dealt with fiscal issues. On the other hand, tezkires refer to the emergence of Ottoman bureaucracy. Because they began to be used in the late-eighteenth century, they will not be included in our study.

Literally, temessük means to hold the right of use. In the sharia court, a temessük is a certificate that shows the right of using land, generally the land of the state by its holder. These are like modern-time deeds. Especially mültezims, tax farmers, were given this kind of certificate. There were no examples of tezkire and temessük in the 1107-1108 court records, but problems of tax collection abound in the records.

Although there are many kinds of documents shown in the sharia records, their crucial categorization is to examine them under two subcategories: Documents written by the kadi himself and documents sent from external state authorities. The first group will help to understand power relations between the local people and kadıs and among the local people. The second group will describe the relationship between the kadi as a provincial administrator and the state as a central authority.

34 ibid, p. 44-46.
II-E People in the Istanbul Court

Before beginning to examine the court records, it is necessary to draw the limits of the functions of the sharia court. The most suitable way to do this is to define the people who came to the court. Did all people from all social strata come to the court or were there certain groups that differed in their socio-economical status, sex or religion in the court? Answering this question is important in two aspects. First of all, defining the people who came to the court will also define the role and the power of certain social groups in society. For example, if women had come to the court, it would have meant that they had the possibility of demanding rights from the society. By looking at which cases and on which subjects women came to the court, at least, we can gather some information on the role of women in Istanbul. The same theory can also be true for the non-Muslim population of the city. By using the same methodology, it is possible to reach a conclusion about the place of the non-Muslim population in the social and political domains of daily life. The second reason for concentrating on the social and economic character of the people who came to the court is to question the legitimacy of the kadi in the eyes of local residents. If people from all classes came to the sharia courts, then it can be easier to accept an increasing public admission of the kadi's authority. On the other hand, if only certain groups chose to go to the kadi for solving legal problems, the legitimacy of the kadi could become questionable. Only certain groups might consider him as the chief administrator. These points necessitates the defining of the demographic characteristic of people in the courts.

The first characteristic that can show the profile of the people that came to court is their economic status. Understanding the economic condition of these people is made easier by looking at the amount of money which were the subject of credit claims and sale contracts. Among 105 debt and loan contracts and trials which included the money amount of the case, 20 of them contained a money amount below one hundred gurus. 49 of these cases were between one hundred and one
thousand ğurûş, and 36 of them were above one thousand ğurûş. This large sum of money in the court claims shows that economically developed groups came to the courts frequently. Assuming that only the important cases and important amounts of money claims were brought to the sharia court could be a contradiction of the above statement. However, as long as the acceptance of some mechanism to solve conflicts without coming to court is not proven, the most convenient way on this issue is to accept that the people who came to the sharia court generally were of a high economical status. Even the majority of debt claims in the sharia court were about trade debts. Not only money, but also gold, jewelry and trade goods like cloth and material were the subject of claims. This also shows that traders or merchant-like people came to the court frequently. The location of the court which included the trade regions of Istanbul also increased the number of traders in the court. People who held large amounts of capital saw the court as a legitimate mechanism to solve their conflicts.

Except for debt claims, cases about sharing an inheritance describe the social and economic status of the people at the sharia court. The inheritances of bureaucrats and wealthy people can be found in the court records. However, in sale contracts smaller amounts of money can be detected. Rather poor people preferred to be involved in buying and selling properties. But it is necessary not to forget that these “rather poor people” had enough money to purchase houses. So the data’s income level is high. People with lower incomes can seldomly be seen in cases about criminal issues. Because it was a time of war, Janissary soldiers were at the court because of debt claims and criminal issues.

Another important group at the court consisted of slaves. Both men and women slaves (cariye) came to the court. In some of the cases about debt claims, slaves were treated as commodities. Like money and gold, they could be the subject of business: They were bought and sold by people. Interestingly, slaves also came to the court to claim their freedom. Other servants in the households also came to the
sharia court to demand their salaries from their owners, but only rarely. Only two of the trials are about demanding money from owners, so it is definite that the conflicts between the servants and householders were solved or repressed at home.

Non-Muslim minorities considered the sharia court and the kadi as legitimate institutions. They often came to the court to solve their problems. Like the Muslim population, they entered affairs related to debt credits and sale of properties. Their cases also included large amounts of money— at least more than 100 gurus in each case. Therefore, economically well constituted groups of non-Muslims came to the court. Jewish and Armenian people are mentioned with their religions in the trials. But the other groups of Non-Muslims such as Greeks were called only zimmî (non-Muslim), so it is difficult to differentiate their religion from the documents. Another interesting point which can be the proof of the legitimacy of the sharia court for the non-Muslim population is that they came to the court to solve their problems about inheritance conflicts. Although non-Muslims were also subject to Sharia law in inheritance according to the Islamic law, it is still interesting to have non-Muslim people on the court for solving inheritance problems. Even zimmî women, who were entitled to less inheritance, used the sharia court. It showed the acceptance of the legitimacy of sharia court in a rather private sphere of their lives.

Besides the non-Muslim population of the Empire, citizens of foreign countries came to the court to solve their problems. Those were generally British and French merchants, who had trade relationships with the Empire. They not only brought trials with Istanbul’s local traders, but also conflicts amongst themselves. For example, in one of the trials, two British merchants came to the sharia court with the head translator of the British embassy. They had a debt claim between themselves, and the kadi decided not to judge in this case because they did not have any written document proving the debt affair in accordance with the fermand of the Sultan. It is remarkable to see the legality of the sharia court in the eyes of foreign merchants. Moreover, citizens from abroad came to the courts to sign sale contracts. At that time, merchants
from France and England began to purchase houses in Galata, which later led to increased foreign settlement in these places.

The ratio of women going to the sharia court is unexpectedly high in our sample. It is an accepted fact that women remained in the private sphere of life and seldom entered public affairs in Islamic societies. They were a part of the life within households and invisible in the realm of social life. If they were not involved in the public life, it can be assumed that they would seldom come to the sharia court and they would use representatives instead. Ongan’s translation of the Ankara sharia court records partly supports this thesis. Women residents of the city sometimes used the court to solve their problems, but the appeal of them and the subjects of the cases show a difference. Women used representatives in these trials. Also, the content of issues were limited to problems or registers of issues about inheritance, in which it is natural to see women because of its content. However, according to our research, both Muslim and non-Muslim women came to the sharia court in high ratios in Istanbul. Among the 258 cases in the court records, 52 of them involve the participation of women (20%). Women came to the court about issues related to debt claims, inheritance, marriage and purchasing of slaves and houses. Debt claims were generally related to inheritance trials. Women claimed rights over property usually earned by trade after the death of their husbands. However, some women also claimed rights on slaves and money from marriage. Another interesting point here is that although, in half of the cases, women sent their representatives to the court, the other half went to the court themselves and gave depositions. In one of the cases, a woman appointed another woman as her representative in the court, and the other women claimed some money right from this woman’s husband. Women from higher socioeconomic strata such as the wives or the daughters of high-ranking officials sent their representatives to the court. But, this is also true for these bureaucrats themselves. High-ranking officials or rich men generally sent their stewards (kethüda) to the court. Non-Muslim women also came to the court under the same condition as
Muslim women. As with the Muslims, their claims were about inheritance rights and purchasing commodities. From this point of view, no difference could be found between the attendance of Muslim and non-Muslim women at court, but further analysis is necessary. A separate section will be devoted to women in the later chapter.

Guild members usually came to the court. The kadi was responsible for guilds. The choice of leaders of guilds and the control of bazaars were under his responsibility. Both Muslim and non-Muslim members of the guilds came to the court to complain about their problems. According to the status ranking the leader of the occupational groups, senior members and the representatives of other members came to the court. Especially the choice of leaders were registered in the court records. Non-Muslim communities were also under the control of the kadi. These groups also used the court as a legal mechanism in the choice of religious leaders. In one of the cases, the leader of the Armenian Meryem Ana Church community had died. One of their members claimed the leadership of the community, but the senior members and others came to the court to deny this person's leadership and it was thus registered. In some of the cases, the occupations of people were mentioned, so information about business relations of occupational groups can be found in the records.

For every trial, the name of the city and district was noted to identify personalities. By looking at the map of these districts, the density of business relations and house purchases can be observed in the city. This is certainly important for the economic history of Istanbul. This will be explained in the chapter about the economic life of Istanbul. Here it should be said that people from certain districts used the court more frequently than those of other areas. People from Miri Ahur, Nevbahar and Paşa-i Atik District came to the court much more than the others.

People were also defined by their place of birth. It is also important for observing the migration patterns to Istanbul. Certainly, people who came from other cities—either immigrants or merchants from other cities considered the sharia court as a legitimate mechanism to solve their problems. As can be seen from documents,
Istanbul was an open city involving people from many cities and countries. This migration was also the result of the economic and fiscal crisis in the Empire.

In conclusion, most levels of the society in Istanbul saw the sharia court and the kadi as a legitimate and responsible mechanism for the administration of the city. More importantly, they used the court to solve their problems. On the other hand, the lower socio-economic strata of the city did not use the court. Probably, they did not know or identify with the sharia court. Criminal matters were also so few that it is difficult to decide which strata of the society committed crimes. As a result, the sharia court was commonly used by people of higher socio-economic status. Without differentiating religion and sex, they came to the court, but the lower socio-economic stratas did not frequently use this mechanism to settle their conflicts.

II-F The Content Of the 1107-1108 Istanbul Court Records

The Istanbul court records of 1107-1108 include 258 cases. Although the records were written only for two year period, a wide variety of cases were brought to the court. This fact is probably related with the density of the population in the area and the economic characteristics of the region. The borders of the area went through the most heavily populated part of Istanbul. The part inside the ramparts was the oldest part of the city, and as a result of this it was the most crowded place in Istanbul. This area also showed the highest density of economic relationships. The harbor was there. Eminönü and Kasımpaşa was the last stop of ships coming from places as far away as Europe and Egypt. Because Istanbul was one of the biggest cities in Europe and Asia, and because consumption rather than production was the prevailing pattern in the city, these harbors were of the utmost importance. There were also large stores by the seaside, especially in Unkapam, where imported goods were stored. Therefore, many merchants both Muslims, non-Muslims and foreign citizens must have used the Istanbul court frequently for solving their problems about trade. In addition, most of the officials who worked in Istanbul, must have been the residents of this area because
the imperial palace and other state offices were within the borders of the Istanbul court.

On the other hand, it is very difficult to predict the population of the city in the seventeenth century. For Ottoman Istanbul there were not any population surveys in the seventeenth century. From the survey made in 1477 by the Kâdi Muhieddin (Topkapı Saray Arşivi, D 9524) we see the following number of households for the taxes (though we cannot tell whether the survey is comprehensive)\textsuperscript{35}:

<table>
<thead>
<tr>
<th>Households</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Muslims</td>
<td>8,951</td>
</tr>
<tr>
<td>Greek Orthodox</td>
<td>3,151</td>
</tr>
<tr>
<td>Jews</td>
<td>1,647</td>
</tr>
<tr>
<td>Kaffans</td>
<td>267</td>
</tr>
<tr>
<td>Armenians of Istanbul</td>
<td>372</td>
</tr>
<tr>
<td>Armenians &amp; Greeks</td>
<td>384</td>
</tr>
<tr>
<td>from Karaman Gypsies</td>
<td>31</td>
</tr>
<tr>
<td></td>
<td>14,483 households</td>
</tr>
</tbody>
</table>

\textit{Table 2.1.} The population of Istanbul in 1477.

These figures have been extended by İnalçık in his article “Istanbul”, EI2, 243, to read:

| Muslims     | 9,317 |
| Christians  | 5,162 |
| Jews        | 1,647 |
|             | 16,326 households |

\textit{Table 2.2.} Extended population of Istanbul by İnalçık.

In the survey of 1535 there are\textsuperscript{36}:


\textsuperscript{36}The survey of 1535 figures are the extendted numbers of 1477 survey by İnalçık. He multiplied the household number of 1477 survey with five. In my point of view, this kind of methodology can lead some false assumptions. Thus, it is necessary to be skeptical of these population numbers.
Muslim hearths 46,635
Christian hearths 25,295
Jewish hearths 8,070

80,000 hearths or households

Table 2.3. Extended population of Istanbul in 1535 by İnalçık.

In 1550 a western observer estimated the number of households so that the population may have been around 500,000 (about 4 to the household)\textsuperscript{37}. The number of neighborhoods in Ottoman Istanbul was: 182 under Mehmed II in 1540, and 292 plus 12 cemaats in 1634 (İnalçık, op.cit, 234). But there is no information about the population of the city in the seventeenth century. The only source we have is the travel book of Evliya Çelebi. He said that the population of the city was about 700,000 people, but this is considered to be incorrect. The population of Istanbul reached this number only after the 1800s. Population must have been around 300,000 people at this time. But this is also a speculation. Speculating on this issue is dangerous, it leads us to wrong conclusions because we do not have any documents about it. However, 258 cases must be considered as an important number for a yearly period. This number probably showed the density of economic relations because most of the cases in the court records were about debts and loans.

The content of data includes different topics of study. All the cases were registered as they were received. Therefore there was no specific time for trials, no special days for zamanis and women. The first thing to do is to categorize the cases according to their types; fermans (imperial orders of the Sultan), ilams that included the decision of the kadi, and hüccets that showed contracts between people.

There were 53 fermans, 95 hüccets and 110 ilams in the court records. This emphasizes the judicial power of the kadi. People mainly applied to him on judicial issues. But the overwhelming presence of the fermans pointed to the

importance of administrative duties in the city life of Istanbul. What I want to do now is to give a short description of the content of the records.

Fermans

Fermans in the 1107-1108 Istanbul court records show a great variability in their subject contents. The subjects were the maintenance of food and men for the army - because there was a battle in Belgrade and it had been continuing for fifteen years - , taxation, minting coins and adjustment in the value of money, vakıf institutions and the repair of churches.

a) Fermans about military expeditions; In the seventeenth century, the Ottoman Empire entered into many difficult and long lasting wars. In 1669, the conquest of Crete was achieved after years of war which depleted the food and money reserves of the Empire. In 1697, the most important administrative issue was still about war. The army was engaged in the campaign of Belgrade, which would end soon with the tragic defeat of the Empire. There was need for soldiers, food and money. Not only the Belgrade campaign, but also the navy consumed most of the resources of the Empire. In the spring of 1698, the navy sailed to Azak and it had to be supplied with men and ship biscuit. The frontier castles of the Empire like Eğriboz also needed materials to protect the cities against Western forces. Therefore, the Sultan ordered men, money and food to be sent for the needs of the navy and castles. It must have been a hard time for the people of the city. Some of them were taken into the army regardless of their religion. Although they were paid money, we do not know whether these wages were equal or inferior to the standard wages or under the standard salary. Unfortunately no consistent information about wages in this century is available. In one of the fermans, the wages of men from different ethnic and occupational groups can be seen. The recruitment of 40 people from the porters guild

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38 Although the population of Istanbul did not serve in the army, members of guilds were often recruited as a part of the logistic support of the army.
(hammalat taifesı), 50 people from the Greek community of Istanbul, 43 people from the Greek community of Galata, 93 from Jews, 100 Armenians as oarsmen was ordered by the kadi. In another ferman, the Sultan ordered 3000 kantar of ship biscuit to be baked for the price of 6000 akçe, the maintenance of the food supply was an important issue: In five of the cases, the need for baking bread was stressed. Even the bakeries in Istanbul, Galata and Üsküdar were ordered to pay additional taxes of 500 guruş. This must have been be a kind of avarız tax collected exceptionally in times of war when the state treasury could no longer meet the needs of army. Also in this category fermans fell about the processing of gunpowder coming from Egypt.

b) Fermans about taxes: With the new tax reform, the subjects of the Empire were forced to pay more taxes than before. Most of the taxes were increased by more than half because of the prevailing financial crisis. We found twelve fermans about tax collection. Most of them were about the proper collection of taxes. They were sent both to the kadi of Istanbul and to other provincial kadıs. Although tax collection was not mentioned among the kadi’s duties by historians, our court records clearly show that the kadi was responsible for the implementation of tax collection. In one of the fermans, the Sultan informed the kadi that some sheep owners form among the askeri and esраф, did not pay their taxes properly. The kadi was ordered to register the number of sheep they owned. He was also ordered to collect taxes even by force if necessary.

39 In a ferman, the Sultan ordered the production of better gunpowder than the ones of Egypt, but the head of the gunpowder factory said that it was impossible to process that gunpowder because chemical elements in it reduced its fertility. “...hala tabi olunan barut bundan ziyade olmamakla bad-el-yevm işlenen barut İngiliz barutundan ala işlenmek üzere rekap-ı hümayun şevket-i makrun tarafından husus-u mezkur içün hasil olan ferman-ı cellil-ül-sadır mucibince ve nazir efendiden eger ocaklık tarafından gelen taşra kah gühercileleri baruthane-i Amirede vaki kalhanede tekrar kal olup ala işlenmek üzere her birimiz kul ve ithak ve ahd ve misak eylelık dediklerinde...” (13 A)
Because Istanbul had a harbor, the kadi of Istanbul was also ordered to collect customs. He was also ordered to collect the citye tax, which was taken from non-Muslim citizens of the Empire. In two cases, the Sultan mentioned illegal tax collection from the people by the officials. He ordered the kadi of Istanbul to find these officials who did not comply with his orders. There were also two fermans about the collection of taxes from two towns outside Istanbul, but why these fermans were registered in the court records of Istanbul remain unclear.

c) Fermans about the minting of coins; One of the most common types of fermans were about the adjustments of the value of money. These fermans were generally written to the vizier who was responsible for monetary matters, the kadi of Istanbul, the head of treasury (Hazine-i Amire Emini), the head of the mint (Darphane-i Amire Emini), and the head of guilds in the mint such as kepçeciler kethüdası and kazancılar kethüdası. Although minting money was not the kadi’s duty, orders about it were sent to him like other fermans about administrative issues. It is a known fact that low standart gold coins were brought from Egypt in increasing quantities in the late seventeenth century so that the Sultan ordered regulations upon the minting of coinage. The ideal measurement in fineness of gold was the Venetian ducce, 100 of which were equal to 110 dirhem. But Egyptian gold coins were of a lower standard. 100 of them weighing 106, 107 or 108 dirhems. There was also gold coming from Hungary, France and Kufre. These were of a proper standard of 110 pieces to 100 dirhem. Gold from Aleppo also had lower standard of 100 coins to 108 dirhem. The number of Fermans (14) on this issue showed the constant necessity to adjust gold and mint coins from this low standard gold. The most common types of coinages at that time as it was reflected in the fermans were the cedid eşref altını (equal to 2.5 guruş), the yaldız altını (equal to 2 guruş), and the silver esedi guruş. The fermans about minting money were written to the vizier who was responsible for this task to

the kadi of Istanbul to the head of the mint and to kethüdas of guilds in the mint such as kepçeci and kazancı.

d) Fermans about vakıfs; There are five fermans concerning the vakıf institutions in Istanbul. Four of them are about the transfer of money and land from deceased people to the state treasury or vakıfs. They include large sums of money reaching, in one of the cases, the transfer of twenty küfe of gold, because the deceased did not have any inheritors. One of the fermans deals with the replacement of a vakıf land with another. This was called istibdal and constituted a common procedure in Ottoman times.

e) Fermans about kethüdas; The leaders of the guilds were generally chosen by the members of these occupational groups. Some important and effective members of guilds came to the court and declared their wish to appoint their own kethüdas. The kadi of Istanbul usually registered this deposition and referred to the Sultan. The Sultan generally ordered the appointment of kethüdas according to the will of guild members. There are two fermans about the appointment of kethüdas. The doğmeci, mintancı and ibrişimci guilds thus chose their kethüdas and the Sultan confirmed this nomination. In another one, the son of the Sarachane kebiri claimed the leadership after the death of his father. The Sultan sent a ferman and nominated him kethüda.

f) Fermans about the repair of churches; As a result of a fire in 1105 (1695 AD), many buildings including religious ones were burnt in Galata. Two fermans were thus issued to grant permission to do repair work in the churches. In one of them, the ambassador of France had applied to the Sultan and asked for permission to repair churches belonging to the Jesuit and Capuchin priests in Galata. The ferman authorized these repairs. In the second one, the Sultan ordered the repair of Hızır İlyas church in Yenikapı.

We have also come across one ferman about gardeners. The Sultan ordered the registration of non-Muslim gardeners, who were working without
sureties in the vegetable gardens of YeniBağçe. Apart from the fermans listed above, there is one buyruldu from the Grand Vizier, ordering the transfer of 3500 gurus from a deceased man to the state treasury. It is interesting for a historian to have only one buyruldu in the records. This fact may support the vision of the kadi as a major provincial administrator, as the Sultan sent the fermans directly to the kadi of Istanbul, while the Grand Vizier only rarely took part in city problems, as indicated by the absence of buyruldu.

İlams and Hüccets

There are 110 ilams including the decisions of the kadi and 95 hüccets. Most of the ilams consist of debt contracts (70 cases) and problems about servants (14), the remaining few concerning other matters on different issues. Hüccets by definition include sulh akdis, the mutual agreement between conflicting parties about business transactions and property exchanges such as the selling and renting of houses and fields. There are also records concerning the recruitment of men and food by the kadi, inheritance shares, the registration of goods and money belonging to people who had disappeared and decisions by architects on the amount of money required to repair vakif buildings such as mosques and shops. There were also hüccets about choosing leaders of guilds both from Muslim and non-Muslim populations.

These of ilams and hüccets will be presented according to their subject content and distribution of findings.

Vakıfs

Founders of public institutions usually created them as vakıfs -deeds of endowment- drawn up before a kadi, entered in his register and confirmed by the Sultan. In fact, in Islamic society, charitable institutions were nearly always established as vakıfs. This ensured the continued existence of public service or
institutions, since a vakif devoted in perpetuity the profits from any source to some charitable purpose, without impairing the founding capital. In the vakfiyes recorded in the kadi's register, the founder of a vakif determined its purpose, its conditions and forms of management, and appointed its mütevelli or chief trustee. In the Ottoman Empire, however, the state controlled and confirmed all vakifs, since they had the character of freehold property. The state, through the local kadi or a specially appointed inspector, audited the accounts of each vakif. The aim of these precautions was to ensure that the institution continued to fulfill its proper functions.

In the 1107-1108 Istanbul court records, there are 23 documents on problems relating to vakif institutions. Twelve of them are concerned with the repair of vakif buildings. Traces of the 1105 fire was still to be seen, and the mütevellis usually came to court in order to determine the amount of money necessary for repairs. According to this decision, the kadi of Istanbul appointed two architects for investigation. They went to the location of the building, took the necessary measures and decided on the amount of money needed to repair the vakif building. In most of the cases, the mütevelli declared that he had already paid the money needed for repairs, and asked the architects to approve the amount already disbursed. He then demanded the money from the revenue of the vakif.

There are two documents about the investigation by the architects whether certain churches needed repairs or not. These two records are related to the fermans mentioned above. The Sultan had ordered the repair of two churches in Galata belonging to the Jesuit and Capuchin priests as well as the Hızır İlyas church in Yenikapı. The procedure was the same as for other Muslim buildings. Two architects were sent there and decided that the churches needed repair. The only difference between Muslim vakif buildings and non-Muslim religious constructions was that Muslims did not need the permission of the Sultan for repair work. They went to

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41 İnalçık, H. (1973). The Ottoman cities and road network, urban population, guilds and merchants. The Ottoman Empire, the classical age, 1300-1600. Weidenfeld and Nicolson. p. 142.
court only to register their expenditures, while non-Muslims had to get the permission of the Sultan before doing any repairs. This permission was granted if the architects accepted the decision after a careful investigation of the building.

One should also mention the existence of cases of endowment of money vakıfs. From these documents, it is clear that the owners of these endowments gave large sums of money for the salaries of the officials of some of the vakıfs. İmams of the mescids and mosques were paid by these vakıfs. It is certain that a particular stratum of society achieved capital accumulation through these means, and organized vakıfs like companies of our times. But the things did not run smoothly every time. With the financial crisis of the time, corruption had begun among vakıfs personnel. In one of the cases, the kadi noted that the son of a vakıf mütevelli claimed that the katib of the vakıf had spent the vakıf’s money illegally for his own benefit. He proved this through the deposition of witnesses. The kadi of Istanbul found the katib guilty and ordered him to pay back the sum involved.

Sale Contracts

There are 27 sale contracts in the 1107-1108 Istanbul court records representing 11% of all documents. Everything could be sold and bought; houses, land and slaves. Three of the contracts were about land sale. According to the documents, generally land, businesses and vineyards were sold. One of them was about the sale of the belongings of a bakery: the wood, oven, and other bakery implements were sold out to another person. The sale of slaves are excluded here because they belong to another category. Of the 27 contracts four involved non-Muslims. Of these four cases, two dealt with the sale of houses from Muslims to non-Muslims. Three were about the sale from non-Muslim to Muslim, and three of them were sales between two non-Muslims. The overall percentage of non-Muslims in sale contracts was 27% while the change of property from one religion to another occurred in 16% of the cases.
Women were also actively involved in sale contracts. They were usually involved in the sale of inheritance shares. In 8 of the cases, they personally appeared at court, meaning that 30% of sale contracts concerned on women as buyers or sellers. However, women tended to sell rather than to buy. In five cases, they sold their shares. In three cases, they bought houses or land. Further investigation on this issue can lead to important conclusions. These documents also include information on the prices of the houses in each street and the types of houses sold. It is generally accepted that people of Istanbul lived in separate districts of residence according to their religion. A careful analysis of the districts specified in sale contracts might yield some information on the demographic structure of these districts. In the fourth chapter, the structure of the districts will be analyzed in the context of social history.

Debts and Loans

Before the availability and wider use of the court records, because of the absence or inaccessibility of judicial and business archives, loans and credits in the history of Muslim peoples were essentially studied through religious law and its commentary (sharia and fikih). Although such literature may constitute a good source for legal and religious theory or even intellectual history, they often are far removed from the reality of business and commercial practices at a socio-economic level. The study of debts and loan in this study is based on 70 cases in 1107-1108 Istanbul court records. 27% of all the cases consisted of debt problems. In most of the cases, debts were stated with the amount of money involved, but it is very difficult to understand what the real core of the problem was. In some cases, commodities such as furs, slaves, jewels and gold were mentioned as a subject of debt problem. But the economic character of the region as a prime trading center leads us to think that most of the debt problems in the records were related to trade. Some people in the records came from different origins. They were not residents of Istanbul, but came from many different cities and regions such as Trabzon, Edirne, Bursa, Uşak and Bosnia.
The formula of *mahmiye-i İstanbul'da misafiren sakin* showed that these people were in Istanbul for a short time, probably as a trader who came to sell or buy some commodities.

*Sulh Akdi*

*Sulh akdi* was the mutual agreement between two parties, claimant and defendant. They agreed upon the existence and the solution of conflict. Both sides admitted the debt, but they reached a consensus on its amount. Like debts and loans, they had an important role in the records. 26 of the cases were described as *sulh akdi*. The purpose of analyzing them as a separate category from debt trials is to show the existence of mechanisms of agreement in the society. Five of them shows at least one party as non-Muslim. In most of the cases, agreement was reached about the sum of money involved. But agreement about slaves and jewels was also common. Two women were involved in the *sulh akids*. Both of them were there because of inheritance shares. The common rule in *sulh akids* was that agreement was reached on a lower amount than the expected debt. Sometimes a period of grace was also mentioned. For example, in one of the cases the debt was to be paid after seventeen days. When smaller amounts of money were concerned, the acceptable limit for the sulh could change according to the ability of the debtor to pay his debt.

By looking at the overall total of debts and *sulh* contracts containing information about money amounts, it can be said that mostly problems involving higher amounts of money were taken to court. 12 of them included sums below 100 *guruş*. 34 were between 100 and 1000 *guruş*, and 31 were above 1000 *guruş*. It should not come as surprise that the living standards of the residents of Istanbul were higher than in Anatolian cities. On the other hand, it should not be forgotten that people usually went to court for more important issues. Small amounts of money problems could probably be easily solved within the informal framework of city life.
But higher amounts of money needed more careful consideration, and the powerful kadi could help solve these problems.

Inheritance

Although some problems about inheritance patterns have been considered in the debts and loans section, a separate part is necessary because there are fourteen cases showing the distribution of the inheritance of a deceased person. There were also problems about inheritors mentioned in the trials. The distribution of inheritance followed the regular pattern of Islamic law. Both male and female relatives had shares in it but as a general rule men took shares twice as important as women. If the deceased was a man— as is always the case in the records of 1107-1108 —, then, the inheritors could be his wife, mother, son and daughter. If the person was not married, his wealth belonged to his parents. If he was married without children, inheritance was shared between his mother and his wife.

Moreover, it seems that large inheritances were more common than modest ones. A kethūda of a vizier died, and he left 2800 gurūs as a cash. There are also cases about registering the wealth of a deceased person without relatives. In these cases, a kayyum was appointed to assess the wealth of the person. Later, these goods were generally given to the state treasury or were endowed as vakīfs.

When a person died without children and only with a wife, his brother’s son became an inheritor. If the brother did not have any sons, his daughters were considered as inheritors. This fact is visible in some of the cases. Even cousins could be representatives of the deceased person’s wife and claimed rights on the inheritance on her behalf. Documents on inheritance patterns are also important for defining the household size of families. Not only was the dead person’s family mentioned, but his relatives and their family sizes are also visible in the records when they were inheritors.
In these fourteen cases, only one of them was about a non-Muslim subject, a merchant from Bahkqazari. A kayyum was appointed to register his wealth, which consisted of stocks of cheese, oil and other foodstuffs from different cities. Although there were not many non-Muslims in this part, their debts from inheritance shares were seen among debts and loans documents. It should be remembered that non-Muslims were subject to the same inheritance pattern of Islamic law in Ottoman society. Zimni women took half the share of zimni men and other inheritors such as the mother, brothers or cousins could become inheritors according to the marital status of the deceased person.

Slaves and Servants

Both male and female servants took an important place in the court records of 1107-1108. Among fourteen cases in this category, three were about the sale of female servants. Cariyes could be bought and sold like any other commodity. The slave trade still had a big market in seventeenth-century Istanbul. Most of the slaves came to court to claim their freedom. When the slave proved that he was born from a known and free parents with the deposition of witnesses, he was accepted as a free man. He or she could not be a slave any longer.

Who owned these servants is an important question for defining the class structure of the society. However, no real answer can be provided. In only one case do we find a vizier emancipating his male slave. In other cases, nothing is mentioned about the social origin of the owner. There were no non-Muslim owner of slaves in the records. But, it is a known fact that non-Muslim people also owned servants—even if not as frequently as the Muslim population. Women also could buy and sell slaves. In one of the cases, a woman owner set her female servant free. In another case, a woman, Rabia, came to the court as a representative of her father who owned a female slave. Rabia said that her father had bought that female slave from another man, but the cariye claimed her freedom and proved it with the help of witnesses. So
Rabia wanted her father’s money, another female slave which worth 150 *gurus* and *four yaldız altını*, back from the seller and proved her claim with witnesses. The *kadi* of Istanbul accepted her claim and ordered the seller to give his father’s money back.

There were two cases about slaves demanding a salary from their owners. In one of them, the slaves of the Koca Mustafa Paşa *vakıf* demanded 14 *akçe* for each of them. In another one, servants demanded 30 *gurus* from the inheritors because their owner was dead. The minority of salary demands by servants shows that this problem was most probably solved within the relationships between the owner and slaves, who did not make it a public issue. Slaves might not have been courageous enough to come to the court for this issue.

**Recruitment Of Men and Food for the Army**

The recruitment of soldiers and labourers for different works was one of the *kadi*’s duties. Unfortunately, the purpose of recruitment was not mentioned in any of the documents. But from the types of workers, we can speculate that they were recruited either for the army or for the construction of buildings and roads. There are nine records about labor and food collection in the records of 1107-1108. In one of them, fourteen *lağınçın* and *suvacı* were recruited and were paid 6 *akçes* daily. The total sum paid by the state treasury was 25 *gurus*. In another one, fifteen diggers, five *hazinecis*, two *suyolcus*, two *kapucu* and one architect were called on duty, probably for a construction work. They were paid eight *gurus* daily for five days. There were also 500 people recruited for the army. Their total salaries were 774 *gurus* and 13 *para*, however we do not know the duration of their duty, so we cannot find their daily wages.

Besides people, food and material were also collected. Even during peace time, gunpowder and cannons had be sent for the protection of the castles. Therefore, ammunition was sent to Eğriboz and Özü castles by ship.

**Guilds**
In near eastern society, groups with common ideals and interests had
since ancient times organized themselves according to a definite pattern, the same
pattern and usually the same terminology being found in the palace, army, medreses,
religious orders or guilds. The most important member of a group thus organized was
usually the man who represented it to the outside world and directed its external
affairs. He was called kethüda by the Ottomans. In the guilds the master craftsmen
chose as kethüda one of their own number who would execute the guild regulations
and successfully petition the government on their behalf. When a group of craftsmen
within a guild wished to establish themselves as a separate body, they elected a
kethüda and went before the local kadi who registered them as an independent guild.
The master craftsmen could, if they wished, remove a kethüda, and they always
resisted government interference in the election of a new one.

In the court records of 1107-1108, the Istanbul court supported the
actions mentioned above. Mainly craftsmen had the right to choose their own
kethüdas as in the case of keman oduncuları. Both Muslim and zurni craftsmen
from this guild also came to the court and complained about their kethüdas,
mentioning their desire to replace them with a new leader. Non-Muslim religious
communities also at least partly depended on the state. Members of the Armenian
Meryem Ana cemaati came to the court and dismissed one of its members’ claim for
becoming a leader (cemaat başı).

Kethüdas and master craftsmen also came to the court to complain
about illegal competition among guild members. Among eight cases concerning
guilds, five dealt with the complaints of kethüdas about certain members of the guilds.

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42 “... bundan akdem kethüdamız olan gaib-i an-ül-meclis Mustafa nam kimesne umurumuzda
nekaisti olduğundan maıda hizmet-i mezbure uhdesinden gelmeğe kadır olmamakla kethüdalıktan
azl olup ve yerine kethüdalık hizmete cadır ve her vechle ibadullahha enifa ve cümlemizin muhtarı
olan mezbur Hüseyin Beşe’yi beynimizde kethüda ihtiyar eyledik, hala mezbur Hüseyin Beşe kabı’t-
şer’iden kethüda-i nusb ve husus-u mezbur natık ketb ve tahrir olunmak matlubumuzdur...” (53A)
For example, the kethûda and master of tanners (Değbağ taifesî) came to the court and complained that some tanners were illegally producing hides outside the slaughterhouse in Yedikule. They had complained about these illegal procedure twice before, and the kadi had prohibited this, but tanners did not listen to the kadi and continued their activities forcing the kadi of Istanbul to prohibit again the illegal slaughtering outside Yedikule. There were also similar problems brought by sailors and wax producers. It is certain that guilds were trying to restrict the economic activities of their members by preventing competition with the help and support of the state. On the other hand, there also was a sector of “outsiders” who were trying to earn their living by selling goods at lower prices.

Marriage and Divorce

Although marriage and divorce was not often carried out by the court, we have come across six cases about it. Among them, three were about divorce. In two of them, divorced women claimed a right in the property of their husbands. In one of them, the woman demanded alimony from her husband for the upbringing of his son. The kadi decided that the husband would pay his wife four akçes per day. In one of the cases, a man demanded back his property given to his fiancee as a gift of engagement. There was also a case of sulh akdi on bride’s money (mehr-i muacele) between the wife and the husband.

All these women were Muslims. Because there are no cases about the marriage or divorce of non-Muslim women, it is impossible to speculate on their family relations. One reason for the minority of cases about private life can be the economic activities of the region. Because this region was the trade center of Istanbul, it might be only normal that commercial and financial concerns should have dominated over private affairs.

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43 for a whole text see appendix.


Neighborhood

The street, and to a larger degree the mahalle were the defining units in the urban life of Ottoman society. Muslim people settled around a mosque which was the center of public life within a neighborhood. It is generally accepted that religious communities had separate districts. Thus Jewish districts and Armenian districts were located in different places. However, most of the aspects of the internal dynamics of mahalle life remain unknown. What was the class structure of a mahalle? Was there a class division within the mahalle? Did certain groups of people live together or not?

Documents in the court records are very useful for a better understanding of mahalle relations. First of all, people at the court were defined by their cities and the districts they lived in. Therefore, we can provide information about the living standards of different mahalles. If the occupation of the person was mentioned, it is relatively easy to place him on the social ladder. Even if the occupation is uncertain, the content of the trial can provide some hints. For example, if the trial is about a debt, by looking at the amount of money involved, the socio-economic status of people can be assessed even if very vaguely.

Secondly, five cases in the 1107-1108 court records contain information about neighborhood relationships. In one example, some residents of the district came to the kadi and claimed that the waterway of the fountain had been damaged by another resident. The kadi sent two architects to the fountain and they decided after investigation that no harm had been done to the fountain by this person. In another trial, the issue was a wooden partition between two houses. One of the houseowners came to the court and said that this wooden fence was so thin that the women in the house could be seen by the neighbor. The kadi ordered the neighbor to thicken the fence.

The remaining trial was about room tenants in an inn. The tenants were against the repair of some of the rooms in the building. But the mütevelli of the
vakıf proved that these rooms were in common use and one of them was the room of doorkeeper. As a result, the kadi of Istanbul ordered the repair of the rooms.

Crime

At the beginning of the study my expectation was to find more cases about crime and criminals because of the increasing urban disturbance as a result of fiscal crisis in the seventeenth century. However, only six cases of crimes were brought to the court. The first of them was about the public disturbance by the bandits in an inn in the district. The residents of the neighborhood came to the court and complained about the bandits. The kadi of Istanbul decided on the exile of the bandits from the district.

There were two cases about injured Janissaries. Their relatives, parents, came to the court and complained about the people who injured their sons. There is also a burglary. A servant took his owner's jewels and gave them to another people. On the complaint from the owner, officials went to the house of that person and found the jewels. The kadi ordered him to pay the money back. There is also another case which can be written in this category. Parents of a janissary came to the court and claimed that another Janissary performed an operation on their son. But, at the end of operation, the intestines of the boy remained outside the body so that he died a few days later. The kadi wanted witnesses for this trial.

Missing people and Animals

People who disappeared and were not seen for a long time were called kayıp. Because there wasn't any information of their death, their belongings were registered in the court. There were four records of missing people and animals. Two of them were about missing people and registers of their commodities. Two of them were about animals and commodities most probably stolen from the owners. In one of the cases, Musa came to the court and said that he had lost his donkey on his way
to Istanbul. Later, he learnt that his donkey was taken by another person and he proved it with witnesses. The kadi ordered the man to give the donkey back to its previous owner.
Table 2.4. Contents of the Istanbul court records of 1107-1108.

<table>
<thead>
<tr>
<th>Category</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Debts and loans</td>
<td>70</td>
</tr>
<tr>
<td><em>Fermans</em></td>
<td>53</td>
</tr>
<tr>
<td>Sale contracts</td>
<td>27</td>
</tr>
<tr>
<td><em>Sulh akdi</em></td>
<td>26</td>
</tr>
<tr>
<td><em>Vakif</em></td>
<td>23</td>
</tr>
<tr>
<td>Inheritance</td>
<td>14</td>
</tr>
<tr>
<td>Slaves and servants</td>
<td>14</td>
</tr>
<tr>
<td>Recruitment of men and food for the army</td>
<td>9</td>
</tr>
<tr>
<td>Guilds</td>
<td>8</td>
</tr>
<tr>
<td>Marriage and divorce</td>
<td>6</td>
</tr>
<tr>
<td>Crime</td>
<td>6</td>
</tr>
<tr>
<td>Neighborhood</td>
<td>5</td>
</tr>
<tr>
<td><em>İltizam</em></td>
<td>5</td>
</tr>
</tbody>
</table>

Total 258 (Some cases concern more than one subject)

Table 2.5. Contents of the *fermans* in the Istanbul court records of 1107-1108.

<table>
<thead>
<tr>
<th>Category</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Warfare</td>
<td>15</td>
</tr>
<tr>
<td>Money</td>
<td>14</td>
</tr>
<tr>
<td>Taxes</td>
<td>12</td>
</tr>
<tr>
<td><em>Vakif</em></td>
<td>5</td>
</tr>
<tr>
<td>Repair and loan of churches</td>
<td>2</td>
</tr>
<tr>
<td>Guilds</td>
<td>3</td>
</tr>
<tr>
<td>Debts</td>
<td>2</td>
</tr>
</tbody>
</table>

Total 53 *fermans*
III. ECONOMIC LIFE IN LATE-SEVENTEENTH-CENTURY ISTANBUL

III. A The Ottoman Empire in the Seventeenth Century

During this last decade, historians have been debating the causal linkage between the arrival of large amounts of gold and silver from the Americas and the rise of prices in Europe during the sixteenth and seventeenth centuries, which was first stated by Braudel. New evidence by Morineau has shown that there is serious doubt about the causal linkage between the influx of gold and silver, and the rise of prices. Although the reasons of the fiscal crisis have not been proven, there is a relationship between the rise of prices and a population boom. Therefore the sixteenth century was considered as a period of profound changes through which the socio-economic structure of the old world was affected by a severe economic crisis. At the beginning of the seventeenth century, the tax collection system of the Empire began to lose its control over the reaya. These and other changes cannot be separately studied from overall changing economic conditions of the world. Barkan, the first historian who studied the effects of the price revolution on the Ottoman Empire, emphasized that prices in Europe had risen as a result of the arrival of large amounts of gold and silver to the continent from America and the necessary money adjustments made by governments. This rise in prices in Europe also affected the Ottoman Empire. The

first result of this was the gradual integration of the Empire — which constituted an attractive market for the Europeans because of low priced raw materials. The prices of wool, cotton, silk and wax in the Ottoman Empire were lower than in Europe. Therefore, Europeans preferred to buy raw materials instead of finished goods, and they challenged the Empire's products on foreign markets. Decreasing production also led to an increase in the prices of many goods⁴⁵. Apart from this rising inflation rate, the sixteenth century until the 1580's was also a period of relative fiscal and monetary stability coupled with demographic and economic expansion in the Ottoman Empire. According to Pamuk, the territorial conquests generated additional fiscal revenues for the state especially from Egypt. Along with increases in population, land under cultivation and internal as well as long distance trade expanded. The increasing monetary needs of this economy were apparently met by gold and silver arriving from Americas by way of Europe. However, these favorable trends in the sixteenth century were reversed at the beginning of the seventeenth century. The long term increase in population and economic activity came to an end. Although there is no solid proof of it, population and economic activity may have declined because of social and political upheavals and the inability to conquer new lands. The value of money, the akçe, decreased sharply at that time⁴⁶. Thus, the seventeenth century was a period of crisis and transformation in the economic structures of the state.

Internal structures of the state were affected by this transmission too. According to Inalcik, there was a military and fiscal transformation in the seventeenth century Ottoman Empire. During the long period of wars, the state was in need of more and more soldiers. Because of the protracted wars, many soldiers were recruited. With the new improvements in the technology, fire arms like muskets were used by the


Europeans. The Ottoman Empire also preferred to recruit *levends* instead of *sipahis*, who could not use fire arms. Also more than adventure, the need to survive led poor peasants to join the army⁴⁷.

In the seventeenth century, the Ottoman Empire was no longer able to finance its own expenditures. There was a great depression. The period of conquest had finished. After the sixteenth century, the Ottoman Empire lost most of the wars that it engaged in. Protracted wars in Crete and Austria deflected the resources of the Empire. By 1697, the army had been engaged in the Austrian war for fifteen years. These wars caused frequent debasements of Ottoman coinage and led to a fiscal crisis. A natural result of this was the flight of many people from their lands. Most of the people had to migrate to the cities because they were no longer able to live off their land. Therefore, they chose to come to the cities. Many of these people either joined the army and became *levends* or entered religious schools (*medreses*) with the hope of becoming judge-like officials. The *femans* coming to the *kadi* of Istanbul show that the army was in a continuous need of soldiers and levends. At the beginning of the seventeenth century, migration must have increased by a large percentage. This fact must have been clearly felt in Istanbul. High migration rates and difficulties in supplying goods and substances for the huge population of the capital city must have worried state officials.

Besides the transformation in the military system, which was now dominated by the restless Janissaries, there was an important change in the fiscal system. In the classical period, when the *tumar*-holding *sipahis* formed the backbone of the Ottoman army, a major part—30 to 40 percent—of military expenses was met by way of *tumar* assignments, that is through the collection of state taxes by the *sipahis* from *tumars* assigned to them in the provinces. In the era following the classical period one witnesses a considerable accumulation of military expenses

befalling the central treasury. The reason for this change was partly the growing number of kapukulu, which had all but tripled by that time, and partly the growing number of sarca and sekban troops, which increased with each military campaign. Thus, by this time, the main concern of the government was to secure additional revenues, paid to and collected by the central treasury regularly and in cash, so as to be able to make large payments without delay. In other words, the government was faced with the major task of reorganizing state finances to meet the challenging needs of changing times. Also the rise of prices with the influx of silver from Europe and the devaluation of the akçe forced the government to introduce changes in the taxation system. First, the avarız-i divaniye, which had been collected in the previous centuries in times of war and emergencies, were transformed into a regular annual cash-tax. Additional taxes such as the tekalîf-i örfîyye and tekalîf-i şakka were imposed on the inhabitants by the local authorities. These taxes were collected by local governors as representatives of the Sultan’s executive authority based on custom. As a result, local governors became important elements of the administration. The illegitimate use of authority by these governors was common. They earnt money by bribery and the extraordinary burden of the taxes. Some of the important government officials were given hasses in this century for the successful fulfillment of duties. They generally rented this land to múltezims to collect taxes. This procedure was in common practice also in state owned lands. Múltezims farmed out the lands and collected taxes for a regular amount. This land was rented for a limited period - at most three years. However, at the end of the seventeenth century this procedure began to change.

One of the changes of major consequence that had taken place within the iltizam system was the extension of the strict time limit earlier applied to mukata’a holdings. The period of tax farming was extended to life time. The state sold the tax farming units to múltezims for long periods because it was deeply in

48 Inalcı, H. ibid. p. 316.
need of capital to finance long lasting wars. Especially when the farm revenues were dues on land, this new practice, known as malikane, gave the mültezims rights over extended territories. Thus, Inalcık pointed out that in the following century the malikane system made a major contribution to the emergence of a landlord class with rights over state (miri) lands. Not only the state but also hass holders such as viziers and kads also benefited from the mültezims. Most of them resided in large cities such as Istanbul and Bursa, and cultivated their lands with the help of the mültezims. By dividing their territories into small units (mukata’as), they farmed out revenues to local mültezims. There were problems of course between the mültezims and the owners of the hass on many occasions, and these were recorded in the Istanbul court. However, this section is only a brief review of the changes in the seventeenth century. This subject will be discussed more fully later.

All the studies that I mentioned above saw the seventeenth century as a time of crisis and decline. However, there is not sufficient information to check the accuracy of these findings. Later studies pointed out the importance of the seventeenth century as a transition period. Faroqhi emphasized the population decline in the rural areas, and the settlement of nomads in the villages and towns. Although there was a decline in the textile and other industries, some revivals also were witnessed in the second half of the seventeenth century. Cities such as Filibe and Ankara, which were famous for their textile products, showed an economic growth. The cost of wars played a crucial role in the genesis of the Ottoman economic crisis. However, she also mentioned that all theories were questionable because of the lack of sufficient documents⁴⁹.

Braudel introduced “the world economy” concept. World economies were dominated by a single developed city. The countryside that remains

underdeveloped constitutes the periphery. The major function of the periphery is to supply the huge population of the center with grain and food stocks. Braudel considered the Ottoman Empire to be a world economy with Istanbul as its center. However, the Ottoman state had more than one developed city. Beside Istanbul, Aleppo and Cairo each were centers in their own right. Moreover, the countryside around Istanbul had not grown into a prosperous zone. According to Faroqhi, the Ottoman Empire cannot be called a world economy. Wallerstein made a strong argument on the concept of "world Empire". Like Faroqhi, I find this argument very interesting. In the world economy, while the state apparatus dominates the scene, merchants play second fiddle. In the Ottoman Empire, foreign merchants dealt with lower level officials (emin or mülțezím). This could have been the result of the state officials’ self-perception of themselves as a dominant factor over the foreign merchants and traders. Therefore, it is meaningful to consider the seventeenth century as an intermediate period on the way to procuring entry into European market. Some regions of the Empire imported heavily from Europe, but all the Empire did not depend on Europe completely. The description of the seventeenth century as a time of decline and decentralization is a doubtful one. More studies on the economic life of the cities have to be done to understand the impact of the crisis, prevailing in Europe and Asia, on the seventeenth century Ottoman Empire.

What was the effect of these profound changes in the seventeenth century at the local level remains an unanswered question. It is necessary to mention that there are many things remaining to be done on the history of the seventeenth-century Ottoman Empire. Because of the lack of first hand sources and insufficient use of them, many points remain unclear. We do not know the impact on the cities of the transformation of military and fiscal institutions. Few studies emphasize this issue. Jenning's study on seventeenth-century Kayseri and Gerber's study of Bursa in the


51 Faroqhi, S. ibid, p. 447.
seventeenth century are introductory stages for further studies. In his study, Jennings is concerned with the use of credit and loans in Kayseri. He is also interested in the social history of the city and found that Ottoman women made credit arrangements. He also conducted research on professional money lenders, who were all but unknown although some widows and single women supported themselves by lending money at interest.\footnote{Gerber, H. (1988). Economy and society in an Anatolian city, Bursa 1600-1700. The Hebrew University.}

Gerber's study on Bursa is very interesting at this point. He concluded that there were professional big money lenders in Bursa. By looking at the \textit{terekes} of deceased people, he found that some merchants had debts to many different people. He also looked at the structure of guilds in seventeenth-century Bursa. He found that craftsmen's organizations in this commercial center were more flexible in their admission policies than seems to have been the case in Istanbul or possibly in some of the smaller Ottoman towns.\footnote{Faroqhi, S. (1984). Towns and townsmen of Ottoman Anatolia, trade, crafts and food production in an urban setting 1520-1550. Cambridge.}

Faroqhi's study "Towns and Townsmen of Ottoman Anatolia" was also concerned with the urbanization of western and central Anatolia in the sixteenth century. The urban network of Anatolia developed in that time while Aleppo, Damascus, Cairo and Istanbul remained economic centers in their own rights. The population in Istanbul increased as a result of immigration from rural areas. As Inalcik said, supplying foodstuffs and manufactured goods to the capital city became the most important issue, and inter-regional trade was oriented towards Istanbul.\footnote{Jennings, R. (1973). Loans and credits in early 17th century Ottoman judicial records- The Sharia court of Ottoman Kayseri. \textit{Journal of the Economic and Social History of the Orient}, 16. (3), 168-216.}
Although Istanbul was the capital city and the commercial center of the Empire, too little work has been done on the economic and social history of seventeenth century Istanbul. Most of the articles and books written on Istanbul show a high rate of nostalgia, which seems to me very political. Nowadays dreaming about a perfect past has become a common element of everyday life. Monographs of Istanbul are often full of descriptions of a peaceful, clean and perfect city. However, their accuracy should be questioned through the evidence of the archives. The following is a brief summary of economic life in late-seventeenth-century Istanbul.

III. B Economic Activities in Late-Seventeenth-Century Istanbul

Although there are very few studies on the seventeenth-century Ottoman Empire, there is even a lesser number of studies on Istanbul for this time period. Therefore, this subject is open to speculation. Only the introduction of more archival documents may help in understanding the economic life of the capital city. Because the residents of Istanbul were not subject to taxes, we do not have any information about its population in the seventeenth century. This lack of demographic data made it impossible to compare the ratio of economic groups to the overall population of the city. Travel books of voyagers are the only sources of information, but their reliability is questionable. According to İnalcık, after the conquest, Mehmed II. took steps to transform Istanbul into the world’s greatest capital. Before the conquest, the population of the city had fallen to between thirty and forty thousand souls. Mehmed sought to induce the refugees to return by promising them the restoration of their property, freedom of worship and work. Secondly, he ordered provincial governors to send four thousand families from Rumelia and Anatolia to settle in Istanbul. As a result, in a census of Istanbul and Galata taken in 1477 the population of the city was of 16,324 households (hane)\(^5\). The total population of

Istanbul must have been between eighty and one hundred thousand people. However, we do not have further information about the preceding centuries. One of the sources for the seventeenth century was a journey account written by a Muslim traveler, Evliya Çelebi. He said that the total population of Istanbul was between seven and eight hundred thousand people in the seventeenth century. However, it is a known fact that Evliya Çelebi exaggerated the numbers most of the times. For example, according to him, 70,000 sheep were cut daily in Istanbul, which was equal to 25 million in a year. Naturally, this number cannot be true. Therefore, it is very difficult to guess the population of that time. Lack of knowledge about the population limits further studies. Because there is nothing known about the number of the residents in the city, it is very difficult to compare the ratio of occupational groups to the overall population of the city.

One of the most detailed works done on the history of Istanbul is Mantran's book *Istanbul in the Second Half of the Seventeenth Century*. It is an introductory study on the social and economic life of the city in the seventeenth century. He surveyed the population of Istanbul in the seventeenth century. For this purpose, he used the numbers given by Evliya Çelebi. As a result, he presupposed a number of 700,000 residents. Accepting this total directed him to the conclusion that Istanbul, with this huge population, was a place of expenditure and consumption.

According to Mantran, Istanbul was a "stomach city". What he meant by this notion is that the people of Istanbul did not produce much. Because the population was so immense, people were more in need of subsistence goods. Besides this, there weren't any large factories and developed industry except for some state-owned factories. The needs of the inhabitants were mainly met by importing

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commodities from other cities and foreign countries. Therefore consumption more heavily defined the economic life of the city than production. Most of the commodities were brought from other parts of the Empire.

Luxury consumption goods also had a market in Istanbul. Because a large proportion of the population consisted of officials, bureaucrats and merchants, they liked to possess luxury goods as a symbol of their status. The Imperial palace created an important market for luxury goods. It was likely that the state saw the prevalence of European goods in the market of Istanbul, but did not consider this as an important event. In fact they benefited from these imports. To conserve the stable life of the society, they did not encourage Muslim producers to produce more. On the other hand, this situation decreased the power of producers in the Ottoman Empire. As a result Istanbul was a consumption city, where people tended to consume more than those of other cities of the Empire. In fact, the density of population made the city a natural place of consumption because it was very difficult to supply this huge population with local products.

There was a small number of workshops and small factories in the city. They belonged to both the state and civilian guilds. But the biggest and the most developed ones were owned by the state. There was a cannon factory in the Tophane district, and five gunpowder factories in different parts of the city. The most important of the state factories in Istanbul was the shipyard in the Kasımpaşa district. These factories employed the largest numbers of workers in the city. According to Evliya Çelebi, state factories employed ten thousand people from the city. Workers in these state factories were grouped under guilds as were other civilian workers. Both Muslim and non-Muslims were included in each guild58. In the ferman of 1107-1108 court records, some information can be found about the organization of these guilds.

58 Mantran, R. ibid, p. 330.
Guilds

The organization of the guilds has become an important subject of study in recent years. In classical theory on near eastern societies, guilds were seen as institutions that maintained the stability of society. All the workers in a certain occupational group had to be members of the guild, which prevented competition among the masters for workers. With only limited raw materials available, it was necessary to restrict the number of shops and workshops. The Ottomans always supported the senior masters of the guilds and sought to preserve the traditional guild structure. This conservative policy stemmed from the idea that any innovation would plunge society into disorder and anarchy, and that as a result the state treasury could lose its sources of revenue. Moreover, administrative and military interests required the stability in the prices and quality of the goods.\(^59\)

However recent studies have shown that in the largest cities of the Empire, which accomplished some capital accumulation, both state officials and guild members tended to be more flexible. In his well known study on Bursa, Gerber showed that the recruitment procedure of the guilds were flexible. Craftsmen were free to change their field of activity without too many bureaucratic difficulties. Guilds were often prepared to recognize any master actually exercising a given craft and regularly paying his taxes as a guild member.\(^60\)

Whether these conditions were identical in Istanbul or not is a matter of question. Little has been written about the guilds in Istanbul. Mantran was the first one who considered the place and functions of guilds in Istanbul. According to him, the guild structure was a strict one in that every laborer on a specific job had to be a

\(^59\) İnalçık, H. (1973). The Ottoman cities and road network, urban population, guilds and merchants. In The Ottoman Empire, the classical age 1300-1600. London, Weidenfeld and Nicolson.

member of the related craftsmen organization. This assumption excludes any possibility of the existence of laborers who were not recruited into the guilds, a point of view similar to classical Ottoman thought. But to deny the existence of illegal labor would be to deny the existence of a free labor market. If all the labourers were guild members, entrepreneurship would not exist. However, it is difficult to accept the nonexistence of illegal labor in the capital city. Istanbul was a very crowded city, even if the numbers of Evliya Çelebi were incorrect, it still was one of the largest city of Europe, and it received large numbers of immigrants as can be verified from the court records and other documents. Because it must have been difficult for newcomers to obtain membership in a guild, illegal workers who were not recruited into any guild had to be present. Otherwise, we have to accept that membership into the craftsmen unions was an easy practice, and their guilds had flexible mechanisms to adapt to the changing conditions of economic life. Unfortunately, because of the lack of archives that could have given clues on this issue, the ideas we are left with are pure assumptions. An important reason for the absence of documents could be quite low income level of the assumed illegal labor, who had come from rural origins with little money in their pockets. Because they were poor and did not know the legal mechanisms of the city, they might not apply to the judge for any matter.

However, there were some documents about the inter communal relationships of the guilds. In the court records of 1107-1108, the leaders of the guilds (kethüda) came to the court to complain about other members of the craftsmen's union. In one of the cases, the kethüda of tanners (Debbag taifesli) and master craftsmen came to the court and complained that two members were cutting and processing hides outside the slaughterhouse. They had complained about this matter twice before, they had the written documents prohibiting this illegal process and they wanted the kadi to punish them. The kadi of Istanbul accepted this claim and prohibited the processing hides outside the slaughterhouse by these people. Similar
cases were brought by wax producers, sailors, and sherbet shopkeepers. On the one hand the masters of the guilds were trying to control the economic activities of their members, and on the other, artisans were attempting to preserve their rights and make a profit through a mercantile mentality. The state was always on the side of master craftsmen because the main purpose of the state officials was to maintain stable prices. When guild membership had to be restricted, it was usually by limiting the numbers of shops that could be opened. In his study, Gerber mentioned two such cases over a period of a century. But, in Istanbul, as I mentioned above, there were five cases about limiting the number of shops in a year period. One conclusion could be the existence of a strict control mechanism by the master artisans in Istanbul guilds. On the other hand, hearings on the limitations of private entrepreneurs could be an indicator to the resistance of members to the orders of the guilds. The second dimension that permits us to examine restrictions on guild membership are the references made to the guilds on the transactions of materials or shops. Like in Bursa, in the number of shop transactions recorded in the *sıcils*, no mention is made that such transactions were subject to the guild’s acquiescence. However, the data was limited to a short time period. Therefore, more detailed analysis over a longer duration can strengthen this argument. Another interesting

61 “...İstanbulda ve etrafında hasil olan mum yağlarını alup evlerinde ve dükkânlarında muradları üzerine mum döküp bey etmeleriyle mumcu taifesine adar itmeleriyle hariçden kimesne mum yağı almayıp ve mum işleme yıp ve ellerinde bulunan yağları miri için kireş olunup men olunanlara babında 1027 tarihiyle bir kata ve 1072 tarihiyle ikı kata emr-i şerif-i alısan ve muciblerince müteaddid-i şeriye virilüp, men-i şehriyari ve ferman-i nacodari ile husus-u mezbur memnun ıken mezburan Hüseyin ve Mustafa mahmiye-i mezburedede merhum Sultan Bayezad Camii Şerif-i kurbunda Dürzi Mustafa Ağa Sarayı dimekle maruf harabe saray dahilinde bundan akdem hilaf-i emr-i şerif mum döküp, muradları üzere narc-i cariden ziyadeye men idüp beynimizde ihtilaf baki olmakla 1100 sesesinde mezburan Hüseyin ve Mustafa husus-u mezburdan men olunanlara babında yeddimizde bir kata emr-i şerif-i alısan ihsan olunup mucibiyle canib-i miriden hüküm-i şer'iye dahı tahrir olunup men olunmuşlar idi...” (135A)
point in guild membership as it appeared in the records is that very little mention was made of the guild of the artisans at the court. In some debt and loan cases, it is certain that either the claimant or defendant must have been a member of a guild. Sometimes the subject of the debt claim referred to a kind of material such as cloth (çuka) and paint (boya). In these cases, it is certain that guild members were the subject of hearings. But, except for a few cases, nothing is said about guild membership. This can also be a proof of more flexible relations in money exchanges. To sum up, the place and the flexibility of the guilds in Istanbul still remains as a question. From one standpoint, stricter prevention was used on shop owners with the purpose of controlling prices and preventing free market. From another, shop transactions and money exchanges were not limited and controlled by master craftsmen. There is still lack of data. Because the Istanbul court records of 1107-1108 only show the relationships of a limited district for a short time period, further work is necessary to identify the structure of Istanbul guilds.

The state’s authority over the guilds was also an interesting point of study. The leaders of the guilds were generally called kethüdas. Leaders were chosen by the master craftsmen within the guilds. In the records, the term ihtiyarlar appears as a reference to the master artisans. The elders are always mentioned so ambiguously that it is impossible to determine their function or formal status in Istanbul. Guilds' officials and kethüdas were subject to the guild members' selection concerning both their appointment and dismissal. The appointment was made in court, always on the initiative of guild members. The appointee was specified by them and was then

62 In the case about paint (boya) there is a reference about the guilds' membership. “...Mahmiye-i İstanbulda Kefeli mahallesinde sakin İbrahim Çelebi ibn-i Mehmed meclisi-ı şer-i şerif-i emerde atar taifesinden Elhac Hasan bin Abdullah mahzara üzerine dava ve takrîr-i kelâm idâp...”. However, the guild membership of the witnesses is not mentioned, they are only described with their districts. “... mahrusa-i Galata municatından kaza-i Kasampaşada Piyale Paşa mahallesinde sakin Elhac Mustafa bin Eyüp ve mahmiye-i mezbûrede Laleçesme kurbunda sakin Elhac Hasan bin Abdullah nam kimseler ...”
appointed by the kadi. In the court records of 1107-1108, there is a ferma about the appointment of kethüdas to the düğmeci, mintancı and ibrişimci guilds by the Sultan.63 The choices of the kethüdas were made by the members and the state accepted these choices. Sometimes, the appointment of kethüdas could be hereditary.

The son of Saraçhane kebiri came to the court and demanded his appointment as kethüda in the place of his deceased father. The Sultan accepted this offer and by a ferma assigned him as kethüda. However, we do not have information about the attitudes of guild members to this new kethüda.

Unfortunately, the number of guilds and the number of their members in seventeenth-century Istanbul is not known. There are no written documents, the only things we had were the descriptions of travelers of that time, which are very difficult to accept regarding exact numbers. According to Evliya Çelebi, there were 57 artisan organizations and they included 1109 sub guilds. Eremya Çelebi, another famous traveler of the time, mentioned that there were 23 organizations, which he explains in detail. Moreover, he gave 30 more organizations only by their name. The total 53 is similar to Evliya Çelebi's numbers.64 But, it is very difficult to check the accuracy of this total. Travelers always tended to exaggerate numbers.

63 “... mahrusa-i mezburede vaki düğmeci ve mintancı ve ibrişimci ahalisi dergah-i muallama arzu hal idap bunlar kethüdaları kadımden hüccet-i şer’iye ve marifet-i şer’iye ile beylerinde ihtiyaç çiledükleri kimesleri ile gelip sair esnaflı kadime mügayir bunlara kethüda ola gelmiş değil iken senki vezir müşarun ileyhun, kethüdalık kulakçalar esnaflıdan olup bunların sanatıyla vukuflu olmayan kimesneye kethüdalık ru’us verdiğinden sonra, bunların kulakçalar yedilerinde olan hüccet ve beratları dahi fuzuli ellerinden alup kadime mügayir taaddit olunduğunu bildirüp ol bebda hükmü hümayunum rica ıledükleri ... her esnaf kendü beylerinde ihtiyaç çiledükleri kimseyi marifet-i şer’iye ile kethüda eyleyip asitanede ru’us dahi virülür ise amel olunmayup rencide olunmamak emrım olmuştur buyuruldu.” (28)

In conclusion, any study that tries to give a numerical analysis is hindered by the lack of archives. Thus, studies concerning the structure of guilds in Istanbul have to be qualitative rather than quantitative. Further analysis of the court records could give a picture of the guild structure of seventeenth century Istanbul. My findings here were limited to a short time period. However, it can be said that the traditional structure of Istanbul guilds, which are considered by the historians to be even stricter than the guilds of other cities, could have some flexible mechanism for adapting the market conditions. Although there was a control by the kethüdas on prices and shops, interguild relations were more manageable. Transactions between the members of the guilds did not refer to the knowledge of master craftsmen. As Mantran pointed out, there must have been conflicts between the members of different guilds, but we cannot find them in the records because generally nothing is mentioned in the records about the people's occupations.

The Value and Use of Money

The seventeenth century was a time of fiscal crisis. Ottoman state finances began to experience periods of difficulty. The inability to conquer new lands, long-lasting wars and the effects of world-wide inflation on state revenues intensified fiscal difficulties. The assumed arrival of silver and gold from Americas led to the closure of silver mines in Serbia and Bosnia that had served as the principle sources for Ottoman coins until the sixteenth century. As a result, the akçe was devalued in 1600, 1618, 1624, and 1640. With its weight and silver-content reduced from 0.7 grams in the 1580s to less than 0.3 grams, the akçe became a very small and very thin coin. This period of instability led to a loss of confidence in Ottoman currency. People preferred to use foreign coins. According to Pamuk, the most common foreign silver coin was the Dutch thaler, which was called esedi gurus or aslanlı gurus. Even more important were the Spanish "pieces of eight" (reales de a ocho) called the riyal gurus, which was, in fact the most widely used coin in the world
economy during the sixteenth and seventeenth centuries. There were others such as the *kara guruş* and the Polish isolette, or *zolata*. The Venetian gold ducat remained the most important gold coin. Mantran identified another foreign coin, Hungarian ducat as an important foreign coin in use. The Ottoman government made no attempt to restrict the circulation of these coins. It regularly accepted payments in foreign currencies.

The spread in the usage of foreign coins led to the emergence of debased versions of these coins in the Empire. Because the people relied more on European coins, counterfeit or debased versions of small European coins began to arrive literally in shiploads. This practice reached its peak in the time of wars, especially during the Venetian war. European merchants were the first traders of these debased coins. This smuggling is clear in European archives, in French documents in 1668 and 1669, and in the Venetian archives for 1670. Some prohibitions on the debased money trade were supposed to be operating in the capital city, but there is no record of this amongst the Ottoman documents.

In the second half of the seventeenth century, the Ottoman *akçe* was frequently debases. In 1699, the *akçe* was devalued by 25% against the Venetian ducat. As the series of wars began to wind down towards the end of the century, the Ottoman government tried hard to establish a new monetary system around a new and larger unit. This unit, which was equal to 120 *akçe*, was called the Ottoman *guruş*. Pamuk gauged the minting of the first Ottoman *guruş* to be in 1697. Mantran pointed out that the minting of first *guruş* was in 1687-88 and it was equal to 160 *guruş*. Another new *guruş* was minted in 1696-1698 in the reign of . Mustafa II. Mustafa II. tried to limit the number of debased foreign coins in the Empire. The time of the minting of *guruş* is very important for the purpose of my study because the relevance and the usage of these new coins define the acceptability of state authority

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on trade. According to Pamuk, because of fiscal and economic difficulties, it took a long time for the new unit to establish itself in the provinces. In many parts of the empire, but possibly not in Istanbul, the Ottoman gurüş did not become the leading currency until the second half of the eighteenth century. The acceptability of this new unit is still in a question, but by looking at the Istanbul court records of 1107-1108, it can be said that the gurüş was in full use at that time.

Of the 130 cases noted in the 1107-1108 court records, the prevalent usage and distribution of the coins used in money transactions between people are given below.

<table>
<thead>
<tr>
<th>Coins</th>
<th>Number of cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gurüş</td>
<td>112</td>
</tr>
<tr>
<td>Akçe</td>
<td>16</td>
</tr>
<tr>
<td>Esedi gurüş</td>
<td>7</td>
</tr>
<tr>
<td>Yalnız Altını</td>
<td>4</td>
</tr>
<tr>
<td>Para</td>
<td>2</td>
</tr>
<tr>
<td>Şerif Altını</td>
<td>1</td>
</tr>
<tr>
<td>Refi Gurüş</td>
<td>1</td>
</tr>
<tr>
<td>Riyal gurüş</td>
<td>1</td>
</tr>
</tbody>
</table>

130 cases (some of the hearings have more than one type of coin)

Table 3.1. The distribution of coins in the Istanbul court records.

According to this table, the most common type of currency was the gurüş in 1697-1698. The Akçe was still in use in some of the cases. The akçe was especially used in state related business. For example, the amount included to repair the vakıf buildings and wages paid to the soldiers were reported in terms of the akçe. However, although some money amounts were recorded in terms of the akçe legally, gurüş probably used in daily transactions in these cases. Most of the people preferred to use the gurüş as a legitimate currency. Therefore, the date of minting the gurüş should be accepted as 1691, an earlier date than 1697. However, it is impossible to speculate on the akçe value of this new unit. The data does not permit me this kind of speculation. The important point here is that there were surprisingly lesser amounts of European coinage mentioned in the court. It is certain that European coins, even the
debased ones, were in common use by the people of the empire. However, the
Istanbul court records of 1107-1108 do not show many cases mentioning foreign
currency. Most of the money transactions were recorded in the *gurus*. One reason for
this can be the sudden acceptance of this new currency. People must have accepted it
as a reliable unit because it was more valuable than the *akçe*. There may have been
some procedures in the court, which restricted the use of foreign currency in legal
matters. But, this possibility has little validity because of the existence of a few cases
including European coins, thus demolishing this probability.

In the court records of Istanbul there were many *fermans* sent for the
minting of money. The state ordered adjustments on the money most of the time. The
mint in Istanbul still struck money, even if in smaller quantities. Gold came from
different regions; Hungary, Egypt, Aleppo and Venice were the main resources for
gold. Gold came from Egypt but at a lower standard than Venetian gold causing the
government to try to equalize this standard to Venetian gold. This was a time of
renewal for the currency. Up until then the coins, *akçes*, were continually being
debased, but now, the new Sultan, Mustafa II., tried to regulate the flow of debased
foreign currency into the Empire. For this purpose, he ordered the minting of a new
currency. In addition to the *gurus*, *cedid eşref alını*, which was equal to 2.5 *gurus*,
was also produced by the Istanbul mint.

The influences of the debasement of coins on wages was very
pronounced on the political life. The decrease in the value of the *akçe* led to revolts of
the Janissaries in the first half of the century. Janissaries demanded their wages not in
*akçes* but in *gurus*. In 1652-53, the wage of Janissaries was 5.5 *akçe* per day. This
amount had reached 8.9 *akçes* in 1690-91. In the court records of 1697-98, a few
cases are recorded about the salaries of soldiers and laborers. Only in two cases, are
the daily earnings of laborers recorded. Fourteen laborers who were working in the
construction business (*lağumci, sivaçi*) were paid 6 *akçes* daily. In another one,
fifteen workers in construction (*kazıcı, kazineci, su yolcu* and an architect) were paid
8 gurus for five days. These numbers are far from giving a detailed picture of labor wages. Further studies on this subject could help define the class structure of Ottoman society.

Credit Relationships

Until recently, very few studies have been done on credit relationships in the Ottoman Empire. The first study concerning the court records of Kayseri by Jennings introduced a new and inspiring field of study. Jennings' article "Loans and Credit in Early 17th Century Ottoman Judicial Records" has acted as a turning point, for he has demonstrated that the ordinary inhabitants of seventeenth-century Anatolian towns, including women, lent out money at interest and saw no need to hide the fact. Contrary to the stereotypes concerning Muslim Ottomans' alleged lack of economic initiative in certain quarters, he showed that Muslim citizens of the Empire had a mercantile mentality. After the introduction of the court records of many cities and towns, further studies were carried out by historians.

Gerber, in his study of Bursa, pointed out the broad use of credit relationships. As in Kayseri, lending money at interest was a legal procedure, and people did not hide it in court. There was a professional class of money lenders in Bursa, which was absent in Kayseri. In the terekess of some wealthy people, there were more than one hundred debts. For an individual, it is difficult to know all those people, including women. Gerber concluded that some professional money lenders were present in Bursa. He also mentioned that the vakıfs' role in credit relations was a minor one. Similar to Jennings' findings in Kayseri (11 percent), vakıf officials generally were not money lenders in Bursa.


Before attempting to make broad interpretations of loans and credit relationships in the Empire, more data from different cities, from the Balkan and Arab provinces, is needed. It would be most useful to have data from large cities such as Istanbul. However, no studies have been made by historians on Istanbul. Lack of data and interpretations left us faced with many kinds of speculation. Before giving a detailed picture of credit relations in late-seventeenth-century Istanbul, it is necessary to mention the limited time period. The data is limited to only two years, and it covers the records of the Istanbul court. Therefore, it is not possible to compare changing patterns of credit relationships in different times and different districts of Istanbul. Even if we had sufficient data to observe changing credit relationships, it is still questionable whether the court records are accurate. How many of the cases were heard in the court cannot easily be determined due to the lack of demographic information of Istanbul. As I mentioned earlier, most people coming to the court were members of the middle and upper classes. The presence of the lower classes in the courts was limited to a few cases. Therefore, an analysis of credit relationships in late-seventeenth-century Istanbul would be the analysis of the middle and upper classes.

According to the Istanbul court records of 1107-1108, the value of debts was generally high. People came to the court to claim large sums of money. Among 77 debt and sulh akdi cases containing information about money amounts, 12 were below one hundred gurus, 34 were between one hundred and one thousand gurus and 31 were above one thousand gurus. In other words, 40 percent of the cases were above one thousand gurus. If we consider that the average price of a house was 500 gurus, we can understand the high value of debt claims. The loans given in Istanbul were generally much larger than those in Bursa and Kayseri. That is very natural. Because Istanbul was the capital city, and capital accumulation was in the hands of officials and merchants in Istanbul — state officials especially preferred to
live in Istanbul even if their _hasses_ were in the provinces — credit relations in Istanbul could be expected to develop much more than in other provinces.

Inheritors' debt claims took a large place in all the cases. 27 percent of debt and credit cases were brought to the court by the beneficiaries of deceased people. Some difficulties must have been felt in claims on inheritance, due to the reliance, in most cases, upon real testimony.

Another important dimension of credit relationships in the seventeenth-century Istanbul was the prevalence of single individual ownership. 98 percent of all debts registered in the records were recorded as the responsibility of single individual debtors, only 2 percent were represented as the responsibility of two or more debtors. This atomistic nature of the credit relations was also prevalent in Jenning's Kayseri. 97 percent of the cases included single individual debtors, and only 3 percent of the cases were about two or more individual debtors.

For a long time the role of _evkaf_ in the city life has often been discussed by historians. They were seen as the primary sources of economic and social activities in the cities. However, this point of view has been reversed by the recent findings. Even in the provincial cities, the _vakif_ role was a minor one. In seventeenth century Kayseri, only 11 percent of debt and loans, not involving a single individual, involved _evkaf_. The same is true for seventeenth century Bursa: Only 15 percent of debt in the records were carried out by _vakif_ officials. Although the percentage of city revenues in Istanbul which came from _evkaf_ is not known, similar things can be said about the role of _vakıfs_ in credit relations. Only 7 percent of all debt claims in the court records involve _vakıf_ institutions. However, this is not surprising for Istanbul, and a concentration of money in the hands of wealthy people cannot be denied. Istanbul already had a developed international trade, and individual ownership was developed to a high degree. Therefore, the existence of _vakıf_ institutions did not affect the economy too much.
To examine the accumulation of capital by the wealthy, it is necessary to find out professional money lenders. As it was pointed out earlier, the absence of professional money lenders defined the credit relationships in Kayseri. Gerber concluded that credit was more institutionalized in Bursa than Kayseri as a result of the presence of professional money lenders. The same things can be examined in seventeenth-century Istanbul. But, inheritance records are of a limited number in our Istanbul court records so that it is very difficult to distinguish professional money lenders from others. The only way to look at money lending was to search for the existence of the same person in two or more credit relationships. Two women fitting this category were found: One of them, Zeynep Hanım, a daughter of a high-ranked state official, lent her money and jewels in two cases. Another one, Rukiye Hanım, as a money lender, was using a woman representative for solving her debt problems.

It is a known fact women beneficiaries of wealthy people tended to lend their money at interest, so they could earn money. This was a consumption oriented activity rather than a production oriented one. The other woman was also present in court to claim her deceased husband’s money from two different people. The large amounts of

69 Gerber, H. ibid, p. 167.

money demanded by the wife show that her husband was probably a professional money lender. However, these are rare cases, and they do not lead us to any concrete interpretations.

Non-Muslims were seen frequently in the court for credit relationships. In 35 percent of the cases, at least one participant was of non-Muslim origin. They comprised a high percentage of the population in Istanbul, and were frequently involved in credit relations. Court cases involving zimmis were handled in exactly the same way as cases involving Muslims only. Among the cases involving non-Muslims, 75 percent were about inter communal relations, occurring between Muslim and non-Muslim people. Credits were generally given by Muslim people (68 percent) while the non-Muslims were taking credits. To sum up all these findings, a comprehensive table comparing Kayseri and Istanbul is given below.

<table>
<thead>
<tr>
<th></th>
<th>Muslim</th>
<th>Non-Muslim</th>
<th>Zimmis to</th>
<th>Inter</th>
<th>Muslim</th>
<th>Non-Muslim</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Zimmis</td>
<td>Communal</td>
<td>Creditors</td>
<td>Creditors</td>
</tr>
<tr>
<td>Istanbul</td>
<td>65</td>
<td>35</td>
<td>12</td>
<td>21</td>
<td>68</td>
<td>32</td>
</tr>
<tr>
<td>Kayseri</td>
<td>75</td>
<td>25</td>
<td>15</td>
<td>18</td>
<td>82</td>
<td>18</td>
</tr>
</tbody>
</table>

Table 3.2. Istanbul and Kayseri comparison in percentage

As it is seen from the table, Muslims played the most important role in credit relations. Contrary to the stereotype of non-Muslim dominance in economic domain in the Ottoman Empire, Muslim people were actively involved in economic relations. These stereotypes were challenged by Halil İnalcık. According to him,

İnalcık, H. (1969). The Ottoman cities and road network, urban population, guilds and merchants. In The Ottoman Empire, the classical age 1300-1600. (pp.121-140) Weidenfeld and Nicolson, London.
mercantile mentality was the prevalent motive in Muslims' minds. They liked being a part of economic activities. However, non-Muslims in Istanbul were more active than the ones in Kayseri. Although debts were dominated by Muslim creditors in Istanbul, non-Muslims also tended to be credit givers much more than in Kayseri. In his book on Istanbul, Mantran mentioned that the internal trade was dominated by Muslims while the foreign trade was in the hands of non-Muslim population. The accuracy of this argument cannot be tested here, but the existence of non-Muslims in credit relations could be the result of their prevalence in foreign trade. In one of the cases in the court records, a Jew demanded his credit from two English merchants. The kadi of Istanbul decided that he could not make a decision on this matter since according to the Imperial orders foreign citizens were not judged without written evidence (hüccet). It is certain, however, that non-Muslims played a more important role in Istanbul than they did in the provinces.

Although the Sharia prohibited charging interest rate in debt claims, it is a proved fact that interest rate was frequently applied in credit relations by the Ottomans. In the court records of Bursa and Kayseri, a lot of references were made to an interest rate by other words. Vade, which was used in the court records of Kayseri referred to the interest rate. In Bursa, an interest rate of 10 or 15 percent was accepted as a legal practice. However all the cases about debts in the Istanbul court records were called karz-ı şeriyye, which referred to interest-free loans. In most of the cases, debts were divided into loans, but interest rate was not calculated in any of them. Generally, the payments were made over eight months without mentioning the interest rate. But, the absence of interest rate in the written documents does not mean the total rejection of it in the credit relations of Istanbul. Probably, people included interest in the total amount without a specific reference to it. In some hearings, beside the debts mentioned in monetary terms such as gurus or akçe, there were additional debts such as jewels and clothes. These additional loans could be the legal naming of interest in a different way. Moreover, the presence of cases involving a conflict over
the amount of the debts could be proof of an interest rate. In cases like this, both the creditor and borrower accepted the existence of a credit relation. But, they did not agree on the actual amount of the debt. The creditor may have calculated the debt including interest rate, but the debtor rejected it. Whatever the real situation is there is no reference to interest rate in the Istanbul court records of 1107-1108.

Accepting loans from family members was a common procedure. Even wife and husband could have debts to each other. This fact was not so frequent, but again it shows the existence of a mercantile mentality. Money claims were generally made in the name of individuals. In some cases debt demands were made in the name of families. Sometimes one of the beneficiaries of the deceased person claimed rights from debtors. Although it was not a common practice, relatives outside the nuclear family such as cousins and uncles could be the representatives of other inheritors. They could even be representatives of the wife and the children of the deceased. However, in the whole of the data, ownership of individual property dominated over family (collective) ownership in the middle and upper classes of Istanbul. This is a criterion showing how effective mercantile mentality was in the urban society.

Women played an active role in credit relationships. In 20 percent of all debt claims; women came to the court to get their money back. In all the cases related to them, women had given credit. Some women even came to the court more than once. As mentioned earlier, these women can be categorized as professional money lenders, who claimed money mostly coming from inheritance shares. Both Muslim and non-Muslim women were heard in the court and were treated equally. Unfortunately, the occupations of the creditor and the debtor were not written in almost all records. Therefore, the distribution of debts and the occupations of the money owners cannot be found from the documents. Whether military classes, such as Janissaries and sipahis and Ulema were involved in credit relations or not is an open question. From some cases, it can be understood that high ranking officials sometimes gave credits.
The flow of capital within the city appears in the court records because the origins of both the creditor and debtor were written down along with the names of the city and district. According to the given names of the cities and districts, the most dynamic parts of Istanbul in economic relations were the districts that ranged from the seaside of Unkapanı to the Suleymaniye and Beyazıt mosques. This is a logical conclusion of the gathering of artisans and merchants in the same districts. Even today, these parts, beginning from Mahmud Paşa, going up the hill to Vezneciler are places of production and trade. Beyazıt, which was not a center for merchants and artisans was one of the most important areas giving credit. It is known that Beyazıt was highly populated with the wealthy state officials of the time. This necessitates involving high ranked state officials in credit relations, and shows that the accumulation of wealth began in the hands of high-ranking state officials. The district around Ali Paşa-i Atik Mosque was also a center for monetary activities, but the people here were generally debtors. Sultan Mehmed Han Mosque, in other words the district of Fatih, was also highly involved in debt relations. This part of the city was known as a place for lower ranked religious officials and students. Knowing that religious officials also enjoyed the privileges of debts and loans, I can conclude that state officials and the ulema gave and took credits.

Not only inter-city relations, but also giving credits within the same district was a common practice. Thus, the people who lived in the same neighborhood, did not remain as a group living in inertia. Neighbors saw each other also as potential economic partners, often engaging in credit relationships.

Istanbul was an open city for both internal and international trade. Supplying the needs of this huge population required economic relations with most of the European states. Inhabitants of other cities both gave and took debts and loans. Cities such as Cairo, Sarajevo, Trabzon and Bursa appear most frequently in the court records. In particular, economic relations between Istanbul and Cairo were

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highly developed. Muslim merchants from Cairo came to the city and took part in its economic life.

The inhabitants of neighboring towns and villages by the Bosphorus played an important part in money claims. People from Üsküdar, Anadolu Hisarı and Beykoz generally took credits from the people of Istanbul. Galata was the only exception. The inhabitants of Galata both gave and took loans in an equal ratio from those of Istanbul. The advanced economic relations in Galata become evident here. Contrary to the high proportion of non-Muslim population of Galata, people from Galata in the Istanbul court were Muslims.

In conclusion, debts and loans were the institutionalized forms of economic life in the seventeenth century Istanbul. First of all, the value of the debts was higher than the ones in Kayseri and Bursa. Secondly, inhabitants from all social classes, merchants, artisans and state officials, were involved in credit relations. However, the data is limited over a short time period. It is not known whether all the social classes were involved, or debts were given and taken only within the limited circle of the middle and upper classes. Additional studies are needed for a clear definition of capital circulation in debts and loans.

**War Economy**

What effects did warfare have on the Ottoman economy in the seventeenth century? It is a known fact that protracted wars put additional burdens on the artisans. They were forced to pay extra taxes during wars and epidemics. This tax, called *avariz*, became an annual practice in the seventeenth century. Given the scarcity of money and the high cost of transportation, the Ottoman state regularly demanded many war-related goods and services directly from the producers, against a low or non-existent remuneration. But such an arrangement damaged the economic activities of larger producers. As a result, a long war led to a contraction of all economic activity, not just of those branches working for civilian customers.
Moreover, in the long run this contraction resulted in military defeats, as it became much more difficult to supply the armies at the front. The artisans in Istanbul were also forced to pay additional taxes. In an Imperial order dated 1108, 23 different guilds were ordered to buy 73 tents for the army. The food supply of the army was also an important problem. The Istanbul court records were full of *fermans* by the Sultan to reserve bread for the needs of the soldiers. Even the bakeries in Istanbul were ordered to pay an additional 500 *gurus* for the foodstuffs of the army. The artisans must have had very difficult times during the wars. On the one hand, they had to pay large amounts in taxes. On the other hand, some of them, who were chosen by the guild members, were sent to the war. They generally did not serve as soldiers, they opened shops to supply the needs of soldiers when the army stayed in a place for a long time, but the remaining artisans in Istanbul were in difficulty too. They had to pay taxes, and they were also responsible for the management of shops that belonged to the artisans in the army. However, we cannot know exactly the level of difficulty the artisans faced in the time of the wars. Except for some *fermans* demanding additional taxes and recruitment of the artisans to the army, there is no document about the total impact of the wars on city life. This kind of study can be possible only if a comparative research on the economy over a long period (before and after war periods) is carried out.

On the other hand, warfare did not bring decline to all classes of the society. Some of the state officials seemed to profit from this war economy. In one of the *fermans*, it is stated to the *kadi* that there were some officials (*mübaşır*), who acted as a mediator between the bakeries and captains of the navy. These officials were making a profit by selling of high prices bread that they had bought cheaply. The *kadi* of Istanbul was ordered to find out the name of the captains who had bought the highly priced bread. The *kadi* also had to register how much bread was bought

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by the ships. Unfortunately, we do not know whether or not these state officials and navy captains were punished.

In addition to the state officials, some sectors of the economy related to the production of armament were likely to be developed. With the technological changes, muskets and other fire arms became a necessary weapon for warfare. Their production in some parts of Anatolia was a known fact. Iron for the manufacture of cannon balls came from the smaller mines of Anatolia such as the town of Kiği south of Erzurum. Most of the people working in war related sectors probably were employed in transportation. In the seventeenth century, districts located far away from the route that the army was to follow paid a sum of money instead of delivering grain to the military.⁷⁴

State owned factories in Istanbul like shipyards and gunpowder factories probably developed more rapidly in times of war. Mantran mentioned the big capacity of two factories with 10,000 employers working there. Thus, at least a considerable number of the workers got working opportunities thanks to warfare. As a conclusion, although the long term wars led to the crisis and decline in most sectors of economy, it is necessary to keep in the mind that certain parts of the society benefitted in wartime, especially state officials.⁷⁵

Accepting that the wars led to economic decline in the seventeenth century, we are confronted with a further question. If the wars caused the decline of economic activities in the seventeenth century, why did the same things not happen in the long warfare of the sixteenth century? Faroqi gave an answer to this question yet it does not seem fully adequate to me. Timar holders did not possess the right to requisition supplies, but had to pay for whatever they needed beyond grains and other foodstuff delivered to them by their peasants. As a result, the burden that they


⁷⁵ Mantran, R. 17. yüzyılın ikinci yarısında İstanbul. p. 145.
placed upon the economy may have been lesser than that caused by a centrally financed army. Thus, she assigns more importance on the decline of the system. This explanation neglects the role of the cities in the economic activities, but before drawing a conclusion, the impact of the decline of the tumar holders should be studied carefully.

The corruption of the tumar system reached its peak at the end of the seventeenth century. The first introduction of the malikane system was announced in this period. Tax farmers began to rent lands for life-long periods. There were several reasons for the dissolution of the tumar system. Mc Gowan identified three processes in the emergence of çiftlikis in the Balkans, which were also applicable to the general decline of tumar holders. The usurpation (permanent alienation) of land from the treasury, the dispossession of the peasantry who had formerly worked the land, and the reorganization of consolidated estates for commercial production were all simultaneous, coordinated processes effecting the dissolution of the tumar system in the Balkans. One way of usurpation was conversion meaning all manoeuvres to take land out of the decaying tax farming system. A common way of conversion occurred with the frequent distribution of lands as life leases and of property-like grants to high ranked officials. Most of these officials preferred to live in the big cities like Istanbul, and a mültezim completed the tax farming. Because Istanbul was a city full of state-related institutions, cases about the disorders of tax farming system were usually heard in court. Life lease holders gave their lands for tax farming annually or at most for three year periods. There were conflicts between the holders and mültezims. Mültezims had difficulty in paying rents probably because of the additional tax burden in times of warfare. Lease holders gave their land to another mültezim if the present tax farmer was unable to pay his dues to them. In some of the

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cases in Istanbul court records, the *mültezim* of an estate, who could not pay the rent to the property owner, transferred the right of tax farming to another *mültezim*. This transfer of tax farming was called *havale*. Although there are only two cases registered, I presume it was a rather common procedure. Because of the extra tax burdens, peasants were unable to pay taxes. Thus, the *mültezim* was unable to pay the rent to the estate owner, and transferred the debt to a wealthier and more effective one. Even third hand tax farmers were possibly in existence. To manage tax farming under the limited payment capacity of peasants needed more skills; acquaintance with the inhabitants, and authority over the peasants, which in turn could be major factors leading in the emergence of local powers. The absence of the property owners from their estates also gave *mültezims* opportunities to increase their power in the regions. As a result of the dissolution of the *tumar* system, life long tax farming (*malikane*) became the accepted form of tax farming. The state also deeply needed this revenue so that it could finance the wars.

State owned lands were in no better condition. In one of the cases, the relatives of a deceased gardener, who worked in Abdurrahman Paşa Bostani, complained about the state official (*emin*) in charge. He said that the state official took 6000 *akçe* from his deceased brother as an amount for the gardening right, and after his brother's death sold this right to another gardener. The *emin* argued that the claimant was not a relative of the deceased person. But the claimant proved the relationship with the help of witnesses, and took his brother's money back. As it is seen from this example, state officials tended to gain profit in the administration of state lands.

In conclusion, the seventeenth century was a time of crisis. Istanbul, as an important part of the Empire, was influenced by the long-lasting wars. This crisis situation especially related with the Ottoman state. Documents about the disorders in taxation and corrupt behaviour of state officials were probably more common in the

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78 For the whole text, see appendix.
state-related documents. Therefore it may be easy to exaggerate the crisis situation in that time. However, defining of the seventeenth century as a period of decline can be a false assumption. Although the impacts of crisis were certain, some sectors of the economy showed improvements. This century was rather a transitory period during the process of integration into the world market. All the findings in this section could be an introductory step for a comparative study of the changes in Ottoman Istanbul. Since Istanbul was the capital city and one of the most dominant ones in the economic life of the Empire, studying its economic activities and changes would contribute to studies on the economic policies and realities of the Ottoman state.
IV. SOCIAL LIFE IN SEVENTEENTH CENTURY
ISTANBUL

IV.A The City and Social History

The historical development of cities within the context of the development of capitalism is an old field of urban history. Historians have mostly concentrated on the emergence of modern cities as a leading event in the development of capitalism. There have been many different approaches, but the most common ones were concentrated on the typology of cities. Max Weber argued that the city consists of a collection of one or more separate dwellings, but is a relatively closed settlement. The mediæval city was defined by the inhabitants, living primarily off trade and commerce. According to him, this economic versatility was guaranteed either by a feudal estate or a market place, where people regularly exchanged goods. The existence of the market was also preserved by a lord or prince. What Weber did was essentially to create ideal types of cities. He primarily differentiated between two types of cities. The first one is the Occidental city, referring to the European cities which gave birth to the capitalism. There are some necessary characteristics of the Occidental city: fortifications, a market place, at least partially autonomous law, a related form of association, partial autonomy and autocephally meaning the election of the authorities by burghers. The Oriental city is defined by the dominance of local

governors and extended families. Professional associations were vehicles of communal actions. The Oriental city, which he found in the East and Islamic societies, did not have city representation. The central authority of the state had an absolute control over the inhabitants, and the merchants and traders with their limited existence had no rights in the administration of the city.

Sjoberg, like Weber, tried to identify the main types of cities. He classified them as feudal, pre-industrial and industrial cities by looking at the common elements of societies and cultures. Pre-industrial cities had a slow population growth, the center of the city was the hub of governmental and religious activity more than of commercial ventures. The pre-industrial urbanite functioned within the family system and subordinated himself to it. However, he also mentioned that this kind of description can contain more flexibility, and some differentials exist among pre-industrial cities.

The above argument classifies cities according to their common characteristics. However, this kind of thinking excludes the internal dynamics of cities. Each city has different geographical, social and economic conditions. The interaction of all these factors creates different histories in each city. Although the methodology is attractive, it is a false assumption that all the regions of the world will follow the same pattern of urbanization. This view has recently been challenged by some historians. Murphey, as a geographer, approached the subject as a locational problem. He emphasizes the distribution of activities over territory and employs an implicit model of urbanization as the diffusion of different kinds of influence from cities to the regions around them. The fundamental contrast to which Murphey calls our attention sets the traditional inland capital against the colonial ports through which

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Westerners gained access to the markets, goods, and raw materials of the Asian interiors. So the seaports become crucial entry points for outside goods, ideas, models and political pressures. By the end of the colonial period, Murphey points out, the dominant city in almost every Asian country was a port founded, or at least developed, by Westerners.

Accepting the importance of the specific region and the characteristic of every city leads us one step further. Integration to the market found different ways in each city because of its specific features. However, taking market integration as a point of study does not necessitate the exclusion of the internal dynamics of the cities. Because power takes different shapes in each culture, capitalist accumulation can follow different paths. The purpose of this chapter will be to find an intermediate way between the external impact of Europe and the internal dynamics of the Ottoman society in the seventeenth century. The social life of Istanbul will be studied through keeping these points in mind. The impacts of regional and foreign trade in Istanbul of course indicates the changes in the definition of social life in the city.

**IV. B Urban Studies on the Ottoman Empire**

In an earlier chapter, one of the weakness of this study was mentioned: unfortunately, little research have been carried out by historians on the seventeenth century. If the works on the economic life of the seventeenth century cities are rare, studies on the social life are even more less frequent. That is mainly because of the limited access to the archives. Moreover, documents, usually written by the state officials, seldom give hints about the social life of their times. Under these conditions, researches on the social life of Ottoman cities remain as mere descriptions.

Recently, the introduction of the sharia court registers has given a new perspective to studies on the social history of the Empire. The court records not only involved *fermans* from the Sultans, but also included cases about real life situations. Conflicts between people on every issue one can think of were carried to the court.
Unfortunately, this wide range of data has not yet been well-researched. Because the introduction of the court records for the attention of the historians is rather recent, more effective methodology to use them will be improved in the near future.

Works on the social life of Ottoman cities are rare. Faroqhi wrote a chapter on the social life in the cities in *An Economic and Social History of the Ottoman Empire*[^82]. In this chapter, she talked about the general characteristic of the Ottoman cities in the seventeenth century. She differentiated Istanbul from other cities of the Empire, because it was administrated and strictly controlled by the central government. Anatolian and Balkan towns constituted a middle group, and described as semi-dependent. Although she mentioned the existence of differentiation even among cities of a same region, she fell into the same trap as other historians. She created a typology of an Ottoman city, and described all Ottoman cities in the same way. Towns clustered around the mosque, citadel and business district. Valuable houses were located near citadels that also had a garrison and jail. More important towns had markets and cover bazaars. Residential districts were divided into quarters, containing from ten up to a few thousand families each. Possession of a house made an individual liable for the payment of *avarız* taxes, and constituted official residency. Public baths, tanneries, *hans* and covered bazaars are perceived as indicators of urban growth. *Hans* and covered bazaars were vulnerable if the trade of a town declined. In the seventeenth century, most of the *bedestans* and *hans* were ordered to be repaired, which can show the decline of the urban growth at this time. The seventeenth century also witnessed the decline of construction works in the cities. In Istanbul, only the *Valide* Mosque was constructed in this century with the order of Sultan Ahmed[^83]. This was possibly the result of the declining economic and social life in the city. Residential quarters only had a few shops. The separation of business and residential


quarters related to the value of family privacy by Islam. Although privacy was important, it was not a determining factor.

After this general overview of the classical perception of Ottoman social life, which completely overlaps with the Oriental city of Weber, I want to concentrate on some recent studies challenging this traditional view. Gerber, in his study on Bursa, showed that society could develop more flexible ways to adapt to changing conditions. In classical thought, guilds were seen as fully dependent on the central state, and the existence of autonomous decision making groups was denied as a result of this. However, Gerber pointed out that the leaders and the masters of the guilds experienced some kind of autonomy. The members of the guilds chose their own kethūdas, and the state generally accepted this choice except in some rare cases. In addition, kethūdas and master artisans participated in decision making in the city such as the determination of prices and the safety of the cities. Although these were limited functions, they still constituted important mechanisms, showing a more flexible structure of the city than earlier assumptions.

Rhoads Murphey made a strong argument against the classical Orientalist views of traditional separation in the spheres of private and public life. In the sharia, maslaha (public benefit) showed a strongly developed sense of social welfare. The spheres in which private and individual rights could prevail were strictly delimited. Nonetheless, the sanctity of those spheres was all the more jealously guarded precisely because it was so exceptional. A person’s house was supposed to be a safe haven in a threatening world and the law guaranteed its immunity from unreasonable or unwanted entry. Contrary to this belief, in the fetvas, which Murphey investigated, individual rights were subordinated to more basic rights such

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as economic justice. Even the appearance of women in front of men, considered to be very unlawful in Islam, was often subordinated to the public interest.

Jennings was also interested in the social roles of rather marginal groups in Ottoman society. According to the Kayseri court records, he found that women and *zimmis* were active participants at court. The non-Muslim population did not dominate the economic realm contrary to the general belief, and women were effective in the society. They dealt with many kinds of matters such as debt and loans, divorce and inheritance shares. Even they could be creditors.\(^86\)

All these findings force us to adopt a new point of view when looking at social life in Ottoman cities. The closed nature of Ottoman society, which resisted every kind of change has to be accepted because the prevailing rules of Islam in society necessitated a certain degree of control over the social and economic realms of the culture. However, changes always existed because foreign trade and the internal dynamics of the city forced the opening of channels of transformation. In a transitory period like the seventeenth century, some changes resulting from market integration must have caused the adoption of more flexible mechanisms so that the state survived in the changing world. Moreover, the presence of the Muslim and non-Muslim population living in the same city and the high rates of migration as a result of financial crisis certainly affected the social life in the city. The existence of the merchantile mentality as a norm in the society also provided the improvement of the economic and social relations in the city.

The most difficult part of this study is to follow up from the court records the changes happening during that time period. Before giving more interpretation on the findings about the social life of Istanbul, it is necessary to point out some methodological problems in my data. First of all, the period of the study was limited to two years. Although 1696-1697 was a period witnessing a lot of

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changes in the economical structures, it is still very difficult to observe whether these social conditions of life were persistent over the years or were limited and changed after a short period. Secondly, because our knowledge of the social life of Istanbul — also of the whole Empire—is very unsatisfactory, most of the time we have to consider stereotypes about Ottoman social life as a point of reference. Therefore, we can only observe diversions from accepted beliefs. My aim is to handle this study beside its difficulties so as to attract more attention to this topic. This can only be an introductory step for a new subject of study.

IV. C Istanbul as a Center of Social Life

Too little is known about the city. How strange there are not sufficient studies for making interpretations on the capital city of the Ottomans? This is partly because of the lack of archives and other documents. A very few years ago, the Istanbul Müftülüğü opened the court records of Istanbul for the interest of historians. After that time, studies sprang up, but most of them were generally concerned with the economic life of the cities. The content of the data in the court records forced the researchers to concentrate on the economic realm of the society because the records are full of debt and loan problems, and sale contracts. Nonetheless, these kinds of documents can be useful if a new methodology is to be developed to use them efficiently. The new methodology will have to be qualitative, depending on subjective interpretations of the documents.

Concerning the integration of the Ottoman economy to the European market, historians looked upon Istanbul as the center of the Empire dominating regional and foreign trade. Other parts of the state were the hinterland of Istanbul, and all production activities were oriented to supplying the needs of Istanbul. A capital with a huge population such as Istanbul must have been very influential in defining the living patterns of provincial cities. In a recent work, Faroqui showed that inhabitants of Ankara began to imitate the construction design of Istanbul in building
their houses. To what extent was the impact of the capital noticed in the provincial cities? Beside maintaining the economic needs of Istanbul, some towns and cities were certainly affected by the lifestyle of Istanbul. The state officials in the provincial centers lived at least one or more years in Istanbul to complete their education. These officials were likely to copy the living standards of local notables. Certainly this was a limited influence, and more things are needed to explain the impact of Istanbul shown even in the resemblance of provincial houses. Another explanation could be that high rates of migration to Istanbul provided a link between provincial cities and the capital. The Istanbul court records of 1107-1108 were full of immigrants from many cities. In some cases, it is certain that these people, often wealthier ones still had ties with their original cities. More important than that was the existence of merchants and traders from provincial towns in Istanbul. They did not come to settle in the city, but rather to work and return to their cities. Generally their relationships were on a par with the inhabitants of Istanbul. They gave and took debts from the residents of the city. The channels between the capital city and its hinterland were open, and the state probably preferred to have a high rate of mobility towards Istanbul with migrants and merchants so that both economic and social impacts of the state could be felt in the provinces. Cities that had developed trade relations with the capital must have noticed the impact of Istanbul culture more heavily than the other cities that did not have strong economic relations with the capital. As in Kayseri and Ankara, which heavily exported textiles to Istanbul, residents of chief trade centers were affected by the social life of Istanbul.

What was the impact of newcomers in the culture of Istanbul? The answer to this question will be pure speculation. But one can say that state officials had difficulty in supplying public services to this huge population. The existence of


88 In the Istanbul court records of 1107-1108, merchants from Tirebolu, Bursa, Trabzon, Sivas and Cairo involved in the credit relations.
ferrals written to the kadi for keeping streets safe shows that disorder was rather frequent.

Neighborhoods

One of the most important parts of the Ottoman city was the mahalle. Ergenç defined the mahalle as a place of settlement where all residents knew each other and shared a common sense of social support. In other words, the mahalle is a residence settled around a mosque, or a mescid for ensuring Islamic practice. Therefore, the quarters were separated according to the religion and ethnic background of the inhabitants. This view has been challenged recently. From the documents in the court records, it is understood that people from different religions could be the residents of the same district.

How valid was this argument for Istanbul? It is believed that Istanbul was an exceptional case and inhabitance according to religion was more dominant than in the other cities of the Empire. This is partly because of the writings of the seventeenth-century travelers. Evliya Çelebi described the city as being divided into quarters such as Müslüman mahallesi and Yahudi mahallesi. Another sixteenth-century traveler, the private doctor of Sinan Paşa, Cristobal calculated a number, 60,000 Muslim, 40,000 Christian and 4,000 Jewish houses in 1550. Mantran interpreted this data and concluded that in 1550, 57.7 percent of the population was Muslim. The remaining number, 42.3 percent of population, consisted of non-Muslim population. However, this estimation cannot be extended to the seventeenth century. We have to rely on Evliya Çelebi’s findings. According to him, there were 999 Muslim, 304 Greek, 657 Jewish, 27 Armenian, and 17 European quarters in Istanbul. Although it seems unlikely, the proportion of the non-Muslims in the total

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89 Mantran, “İstanbul toplumu”, in 17. Yüzyılın İkinci Yarısında İstanbul.

population can be estimated; 41.18 percent of the population was non-Muslim, thus repeating the same percentage for the sixteenth century. This high percentage of non-Muslims in the community brings a question to the mind. Was it possible for this high ratio to live completely separately? In the Istanbul court records of 1107-1108, there are some hints describing the neighborhood relations within the city. The sale contracts of the houses include the names of the neighbors of the houses that were subject to the contract. Only in four of the cases -among 27 total sale contracts did the described house have both Muslim and non-Muslim neighbors. In addition to this, in eight of the debt cases, occurring between Muslim and non-Muslims, both sides of the hearing were living in the same neighborhood. Therefore, a moderate level of inter-communal living probably existed in the seventeenth century Istanbul. Increasing economic relationships between Muslim and non-Muslim population necessitated more interaction between the religious groups. On the other hand, it is certain that some districts were closed to the settlement of non-Muslims. For example, Eyüp was considered a sacred place for the Muslims because the grave of Eyüp el Ensari was there, and was mostly populated by Muslims. In the Istanbul court records of 1107-1108, non-Muslim districts are also visible. The Miri Ahur district was highly populated by non-Muslim subjects, mostly by Jewish ones. The people who came to the court from this quarter were generally non-Muslims. In one of the cases, a Muslim resident of Miri Ahur sold his house to a non-Muslim person for 150 riyal gurus. It is likely that some districts that had previously been occupied by Muslim groups were changing owners. In Miri Ahur, non-Muslims tended to buy houses and settle in a previously Muslim quarter. This fact must have increased in the following years as the non-Muslim population took larger parts in trade. In a ferman dated 1142, the sale of houses by Muslims to ummis was prohibited by the Sultan. Evidently non-Muslims tried to expand into the central parts of the city as they became the dominant element.

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of economic life. But, the state was disturbed by this growth that was challenging the division lines between two different religious communities.

Nonetheless, relationships between Muslims and non-Muslims had already developed by the end of the seventeenth century. As I mentioned earlier, there were many economic relations between the two parties. Muslims and non-Muslims tended to give and take credit from each other, which can only be the result of developed social relationships between them. Although it probably was not the preferred choice, people from different religious and ethnic origins could live in the same district. From my point of view, this fact was more prevalent in the towns surrounding the Bosphorus. From the four cases that had both Muslim and non-Muslim neighbors, two of them were taken to the court by residents of the surrounding districts of Tophane and Anadolu Hisari. For a long time towns by the shores of the Bosphorus were settlements of non-Muslim people. But, high-ranked state officials began to buy new lands there as their earnings increased. These lands generally included small palaces and gardens or vineyards around them. Mostly, they were used as summer houses. Galata was also known as the settlement of non-Muslims and foreign citizens. Because of this non-Muslim existence, Galata is considered as a pure European city. In a recent study, Eldem pointed out the Muslims existence in Galata in the nineteenth century. By looking at the distribution of mosques and other religious buildings, he said that there was an important number of Muslims living in the area. This case was also prevalent in the seventeenth century. In Istanbul court records, there are many cases concerning the Muslim people of Galata. In most of the cases, however, one party was non-Muslim. Thus, Muslim people of Galata seemed to have a more flexible and accessible socio-economic relations with non-Muslims as a result of the higher presence of non-Muslims in the district. Mahalles of the old Istanbul intraneuros may have had more homogeneous

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districts according to religious or ethnic differentiation while the *mahalles* of Galata and other surrounding towns were experiencing a more inter-communal life. However, it is just a hypothesis, and the accuracy of this needs much more careful investigation of other court records of Istanbul.

The state’s approach to this situation was a prudent one. On the one hand, the state wanted no trouble in the city so that it supported peaceful relations between the communities. On the other hand, the state always tried to keep a smooth distance between them because Muslim people had a priority in the very essence of the Empire. Even the shapes of the houses were defined according to the religious origins. In a *ferman* dated 1131, the *kadi* of Istanbul was ordered to prevent the construction of a third floor in *zimmi* houses because the third floor was the right of Muslim residents only. Thus, the state preferred a Muslim community living side by side without any assimilation of non-Muslim communities. A measure of these assimilations can be the ratio of conversions to Islam. Jennings pointed out the existence of conversions in the Kayseri court records. While some of them experienced total rejection of their families and parents, mostly they continued to communicate with non-Muslims or other converted people. Conversion was visible in the Istanbul court records too. These people were given both their non-Muslim names and new Islamic names, and their new names were associated with the patronym of Abdullah. They came to the court mostly to solve their debt and loan problems; no specific case of conversion procedure being recorded in the Istanbul court records of 1107-1108. Moreover, people converted to Islam were in trouble with other non-Muslims. Therefore, it can be said that although conversion probably

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93 Refik, A., Istanbul hayatı (1000-1100).

common procedure in Istanbul, converted ones generally continued their relations with non-Muslim residents of the city as it is appeared in the court records.\textsuperscript{55}

Was there a residential segregation according to wealth in Istanbul? It is a known fact that wealthy officials resided in the vicinity of the palace. Ortaylı mentioned that Fatih and Çarşamba were the places of konaks of wealthy ulema members. The area around Süleymaniye was also occupied by the wealthier medrese students and the ulema. Poor medrese students settled in the rooms around the Mehmed II Mosque, which had been a center of suhte revolts in the past.\textsuperscript{96} Mantran gave the names of two "elite" districts. One of them was Divan Yolu near Aya Sofya, At Meydanı, and the other was lying in a triangle limited by the Süleymaniye Mosque, Vefa and Bayezid Mosque. The area near the Bayezid Mosque was also seen as an important credit giving center in the Istanbul court records. One of the inhabitants of this district, Zeynep Hanım who was the daughter of a vizier, sold her house. In the sale contract, the neighbors mentioned were Muslims, and two of them

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\textsuperscript{96} Ortaylı, İ. (1990). Ulema semtlerinde gezinti. Tarih ve Toplum, 36-42.
\end{center}
were state officials. The house that had two floors, six rooms, two sofas, a kitchen, two toilets and a mahzen cost 1000 gurus. A similar house in Iskender Paşa district, having two floors, six rooms, three sofas, two kitchens, one toilet and a garden cost only 800 gurus. It is certain that some quarters of the city were considered more valuable because of wealthy people living there, and the houses in such districts cost more than in others. Another interesting case in the records is about another sale contract. The head translator of the English embassy, Antonio, bought a house in Pirinçci Sinan Mahallesesi. Whether he bought the house for himself or acted as a mediator for a foreign trader is unknown, but the house was very big. It had three floors, eighteen rooms, four sofas, a kitchen, three toilets, a steward room, a well, a mahzen, a bakery and a garden. This palace-like building cost him 3000 gurus.

Living in this kind of house necessitated an important amount of capital accumulation. Generally, the houses of the Muslims were more valuable than those of the zimmis. However, the data is limited so that making interpretations about the status difference between Muslim and non-Muslim districts is not wise. An average cost of a house (both for Muslim and non-Muslim houses) was 844 gurus. Women could also own houses. They were free to buy and sell the houses they owned. The table on the other page indicates the owners and types of the houses that were registered with their costs in the Istanbul court.

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... Pirinçci Sinan mahallesinde vaki bir tarafdan hamamçı kuzu dönmekle maruf hatun mülkü ve bir tarafdan bazen Hafız Paşa vakfı olan odalar ve bazen Abdurrahman veresi müllkleri ve iki tarafdan tarık-ı am ile mahhud fëvkani altı bab oda ve bir köşk ve iki soфа ve kenev ve ahur ve bir hizmetkar odası ve kanavat mistan ile bir dolab kuyusu ve tahminen 4000 ziraa içsar bahçe ve dokuz bab oda ve iki kenev ve iki soфа ve bir cımlık ve fevkani ve tahtani kargir mahzen ve vestade iki bab oda ve altında bir oda ve mutbah ve firından müstümil olan memzili cemi-ül-tevabî ile 1107 senesi rebi-ül-evvelisinin başıncı gününü yedimde olan temessükü notik olduğu üzere vakf-ı mezburen kaimmakam mütevellisi olan işbu hazir-ül-meclis Mehmèd bin Abdurrahmanın ızın ve marifetiyle 3000 guruş mukabeesinde bana ferag-ı kati ile ferag ve tenviz ben dahî ber vech-i muharrer tnevuz ve kabul ve tarih-i mezkurda ber vech-i muharrer kabul-u mezbur ... temessük-lü mezburen kenarına tahrir etirdikden sonra....” (11A)
State officials were also involved in purchasing houses. For example, a state official (*kaptan-i Derya*) purchased a house and a field in Sakız. 2500 *gurus* and 2000 *gurus* were an important amounts showing the concentration of money in the hands of state officials. Whether they invested their money in relatively unproductive activities such as buying houses or they were actively involved in trade is not known. However, the absence of the emergence of capitalists among them certainly showed that state officials were mostly consumption oriented groups.

Until now, the general characteristics of a *mahalle* were given by pointing out the open structure and flexible relationships between different groups. Inhabitants of a certain quarter could have economic and social relationships with people from different districts and towns. They even had economic relations with the inhabitants of other cities. This-semi open structure probably brought some kind of

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<table>
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<tr>
<th>Name of the district</th>
<th>No. of rooms</th>
<th>No. of sofa</th>
<th>No. of mahzen</th>
<th>No. of matbah</th>
<th>No. of toilets</th>
<th>Other rooms</th>
<th>Religion of the owner</th>
<th>cost (in terms of gurus)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bayezid</td>
<td>6</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>Muslim</td>
<td>1000</td>
</tr>
<tr>
<td>Miri Ahur</td>
<td>4</td>
<td>1</td>
<td>-</td>
<td>1</td>
<td>1</td>
<td>barn</td>
<td>Non-Muslim</td>
<td>395</td>
</tr>
<tr>
<td>Miri Ahur</td>
<td>4</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>Non-Muslim</td>
<td>500</td>
</tr>
<tr>
<td>Pirinçici Sinan</td>
<td>18</td>
<td>4</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>garden, bakery, steward room, well</td>
<td>Non-Muslim</td>
<td>3000</td>
</tr>
<tr>
<td>Taşıçı Mustafa Beğ</td>
<td>2</td>
<td>1</td>
<td>-</td>
<td>1</td>
<td>2</td>
<td>barn</td>
<td>Muslim</td>
<td>600 esedi gurus</td>
</tr>
<tr>
<td>Muhtesib Iskender</td>
<td>8</td>
<td>2</td>
<td>-</td>
<td>1</td>
<td>2</td>
<td>-</td>
<td>Muslim</td>
<td>1000 esedi gurus</td>
</tr>
<tr>
<td>Kabasakal</td>
<td>8</td>
<td>1</td>
<td>-</td>
<td>1</td>
<td>1</td>
<td>-</td>
<td>Muslim</td>
<td>2600</td>
</tr>
<tr>
<td>Miri Ahur</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Shop</td>
<td>Non-Muslim</td>
<td>80</td>
</tr>
<tr>
<td>Sakız</td>
<td>4</td>
<td>2</td>
<td>?</td>
<td>1</td>
<td>?</td>
<td>garden, field, 2şahrane</td>
<td>Muslim</td>
<td>2500</td>
</tr>
<tr>
<td>Sakız</td>
<td>3</td>
<td>?</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>-</td>
<td>Muslim</td>
<td>2000</td>
</tr>
<tr>
<td>Samatya</td>
<td>3</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>Non-Muslim</td>
<td>140</td>
</tr>
<tr>
<td>Hoca Muhiddin</td>
<td>3</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>Muslim</td>
<td>95</td>
</tr>
<tr>
<td>Kaziha ne</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>field</td>
<td>Muslim</td>
<td>175</td>
</tr>
</tbody>
</table>

*Table 4.1. House purchases in the Istanbul court records.*
flexibility to the social relations so that people from different religious origins sometimes lived in the same quarter. At this point an objection to this hypothesis comes to mind. It is believed that while shops, workshops and living quarters in European cities of the medieval or early modern period often formed part of one building, sixteenth, seventeenth and eighteenth century Ottoman cities exhibited a different pattern. The business district with its hans, shops and covered bazaars emptied at night, except for a limited number of transients residing in the hans. Residential units contained only a few shops selling everyday needs, such as groceries or bakeries, served by a multitude of peddlers. Strict separation of business and residential quarters has been linked to the value placed upon family privacy in an Islamic context, although in the recent literature this view is no longer defended without qualification. In Istanbul or western Anatolia, windows overlooking the street were common, and privacy was protected by using first and second floors as living space, while the ground floor was mostly employed as a service area. This is the close access to the family heart. According to Murphey, individual rights were subordinated to more basic rights like economic justice. The aim was to maintain an equilibrium, not domination over each other. By looking at the fetva examples he mentioned, I can conclude that in maintaining the equilibrium, the stable nature of society was more important than subordination of individual rights to economic justice. He mentioned a case about the closure of a shop in which costumers could see women of the neighboring house. The Seyhüislam rejected the case and decided in favour of the shop. However, the fact here is not the dominance of economic rights over individuals, but rather that the pre-existing ones always had a priority. Because the shop was built before the house, the Seyhüislam rejected the case. Maintaining an equilibrium was a necessity because of fires. The boundaries of the houses should be protected because fires could destroy the whole building, and it was

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100 Murphey. R. Communal living in Ottoman Istanbul. p.130.
very difficult to solve problems with neighbours. In the Istanbul court records, a few cases about boundary problems were recorded. In one of the cases, a neighbor placed some wastes in his neighbor’s garden while he was demolishing the wall between the two gardens, and his neighbor demanded compensation for the damage in his garden. The kadi accepted this demand, and the neighbor was told to pay money. In another case, there was a space occupied by neither of the neighbors. Both neighbors of the land came to the court and demanded him to share the land. The kadi said that the land would be divided into half, and a wall would be constructed between two neighbors. In another case, a man came to the court and said that the women of his house could be seen by his neighbor because the wooden partition between the houses was very thin. The kadi appointed two architects and sent them to investigate the partition. When they came back to the court, they said that women could be seen through it because it was very thin. The kadi of Istanbul then decided that the neighbor should make the partition thicker so that the women in the neighboring house could not be seen by the men\textsuperscript{101}. In all these cases enclosures of the property gained importance. It is interesting to find this developed sense of private ownership in a society where all lands belonged to the Sultan. Next-door-neighbors came to the court, but because of a strong sense of ownership. In most of the court records where the subject is about a house or land, the descriptions of the places are given with the\textit{ mülk menzil} expression, the exact meaning of which is private

\textsuperscript{101} "...Mustafa Efendinin menzilinin benim menzilim tarafında olan iş bu bir bab tahtasının benim menzilimin nisanına havalesi olmakla kadımda tahta perídesi olup murur-u ayıla münhadım olmakla hala mahdul bina eyeledikde vary-i kadim üzere bina eyeleyıp benim menzilimin nisan olmak... havasından havale-i mezkureyi mendif olmakla bad-ez-zikr sual olmak havale-i mezkureyi Mustafa Efendiye tembii olunmak matlıubumdur didikde, gab-üs-sual mezbur Mustafa Efendi cevabında havale-i mezkurenin kadımda tahta períde olduğu bad-el-ikrar mimar-i mezbur ile müslibin-i mezkuru mudi-i mezkurun menzilinin nisanı nazır eylediklerinde fil hakika mezbur Mustafa Efendinin zikr olunan pencere havalesini defi mezbur Mustafa Efendiye tembii olundu.
property. This kind of perception showed a strong sense of private property ownership, that is one of the major factors in the emergence of capitalism.

There seemed to be strong control and acquaintance in the mahalle. In most of the hearings, the reliability of the defendant was asked from the imam and other residents in the district. Most people in the same district probably had social relationships with each other. However, in cases in which surety (kefalet) was necessary, most of the defendants had sureties from different mahalles. These cases were generally concerned with credit relations and problems. Although the residents of the same quarter knew each other, sureties from different districts were more common. There can be several reasons for it. Firstly, guild membership could be an important factor. Although the occupations of sureties were not mentioned most of the time, one can assume that kefils living in different neighborhoods could be in the same guild as one of the parties. Secondly, the characteristic of a mahalle as a religious center outweighs the economic aspect of it. Inhabitants of the same place may have had only slight economic relations. However, the existence of credit relationships within the mahalle weakens our second argument.

Another important question comes to mind at this point. Were there any mediatories who regulated relations between the residents? In the court records, it is certain that some notable persons like the imam and ihtiyarlar acted as controllers of city life. When a disturbance such as burglary and banditry occurred in their districts, they came to the court and complained to the kadi. In one of the cases, notable residents of the city obtained the expulsion of bandits from a han in their district. The existence of sulh akdis—mutual agreement on a problem by two parties—in a high ratio leads us to assume the presence of some mediatories between the people. Who they were is a very difficult question to answer. They probably were notables of the district. But, that leaves us still with another question. Who were the notable or elderly people of a mahalle? The most important one certainly was the imam. As a religious leader, he was seen as an effective person by both the kadi and
residents. Others were socially powerful residents in the area. *Vakif* officials certainly had an important role in daily life. In one case in the Istanbul court records, a *mütevelli* of a *vakif* was accused of not paying his debt. He denied this accusation. The *kadi* asked the *imam* and the elders of the street he lived in if this person was reliable. After he learnt he was reliable, he refused the trial. This is an exceptional case. The *kadi* asked the residents without giving any chance to the claimant to prove his claim. Certainly, this is an indicator of power and credibility. *Vakif* officials created a definite degree of power in their living areas. Pious foundations had control over social, economic and religious life.

One of the obstacles in Near Eastern societies in preventing the emergence of free cities that gave birth to the bourgeoisie in Europe was the absence of civilian decision making groups. Classically, it is believed that the central authority had a strict control over the society. Except for state officials, local powers did not have any right in city planning. Until the emergence of *ayans* in the eighteenth century, the Ottomans also experienced this fact. Therefore, no civilian government was maintained in the cities. Even in the capital city which required a widespread local administration, the emergence of the first municipality only dates from the nineteenth century. In the seventeenth century, the absence of decision making groups was filled by the mutual relationship among the *kadi*, local notables and Janissaries. The civilian part of this trio, local notables consisted of religious leaders, elders, *vakif* officials, and guild masters. We talked about the role of *imams*, elders and *vakif* officials before. Among them, the guilds had the utmost importance. They were the main defining factor in the economic life, and their role in the social life must have been a considerable one. As I mentioned earlier, the functioning of Istanbul guilds was more flexible than expected. In Istanbul court records, nothing is mentioned about *kethüdas* or elder members of guilds acting as mediators between defendant and claimant. Even the issue was an economic one—in some cases it is understood from the type of material, and the subject of the trial that both of the parties were
guild members, no kethidas or master craftsmen came to court to mediate about the problem. The kadi never asked the kethida of the guild the defendant was a member of about his reliability, but rather people from the same district became witnesses of his reliability. This is partly because of the religious superiority of the imam to kethidas. The absence of kethidas as mediators even in cases about the trade between two members of the same occupation, on the one hand, showed the more open nature of economic relations within the guild. On the other hand, it pointed out a weaker position of guilds in the social life of the city than it could be expected. But, this does not mean a total absence of power of guilds in the social domain. Most of the time, kethidas acted as mediators between the reaya and the state. They collected necessary taxes from their members, and carried the complaints of their members about the state officials to the court. However, these kinds of documents do not exist in the Istanbul court records. Probably, kethidas managed to solve the problems without reaching the court. In conclusion, the role of guilds as civilian groups in Istanbul was limited. They contributed to some activities of the kadi such as deciding on the prices of some goods and controlling shops. However, their activities as intermediaries in social life were limited. Both the inhabitants and the state tended to regard religion and custom as an essential mechanism in social life. However, the data is limited to the Istanbul court. More distant regions of the city could probably give more autonomy and power to the guilds. Lack of data did not allow me to reach further conclusions.

**Households**

In seventeenth-century Istanbul, a house was usually known as menzil or simply ev. Mülk (freehold property) was also a common word for house. When referring to the properties bordering a given house, the documents commonly called

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the former "mülk of someone". Mülk menzil, a term which frequently appears in the records, means a household known as freehold property.

A mülk in our data regularly consisted of rooms, sofas (halls), kitchens, toilets and store rooms. Sometimes, the surrounding area of the house like the garden and vineyard were included in a mülk. Although our data is not sufficient enough to make generalizations about house types in seventeenth-century Istanbul, we can give some useful hints about the internal division and functions of the rooms. While doing this, we have to remember that most of the houses in the court records were owned by the urban middle and upper classes. All houses in the data have more than two rooms, and the average room number is 6.45 which is a relatively high number. One feels that the lower and even middle classes did not go to the kadi to register the sale of their houses. The high number of rooms goes hand in hand with the number of sofas. Studies of eighteenth to twentieth century vernacular housing in Anatolia show the sofa as a partially open or completely enclosed room providing access to other rooms in the house. As the documents do not contain any evidence to the contrary, "hall" seems to be a reasonably appropriate translation. Most of the houses in the court records contain one or two sofas. If we consider sofas as common living areas, the existence of two sofas can be the result of the existence of separate living places for men and women. Although there were no references to haremlik and selamlık, separate rooms for genders even in konak-like houses, the existence of two different sofas may refer to different common places for men and women. Rooms, odas, on the contrary, refer to more privacy of the individual. Because of the number of the rooms in the houses, we can conclude that family members generally had their own rooms. Privacy more than communal living defined the way of life in the households in seventeenth-century Istanbul.

Most of the buildings in the Istanbul court records have two floors. Our only evidence on this respect consists of the fact that the documents usually refer to such and such room as being located on top of another (fevkani). However, the existence of three floors or more is rare. The houses with more rooms could have three floors. Thus, the urban upper classes, who owned konaks, probably had three floors in their houses. Rooms and sometimes sofas were described as fevkani and were located on the upper level. The parts of the houses on the ground floor were described as the kitchen, storehouse and corridors (dehliz). In some cases, especially in smaller houses, there were one or two rooms on the ground floor. In larger houses, the ground floor was completely devoted to the servants' rooms, bakeries, and kitchens. It can be said that urban upper classes kept their privacy and family life on the upper floors since the ground floor was seen to be more related to public life. In contrast, the middle classes tended to use all floors of the houses because of the limited living space. This led to the expanding of privacy to all sections of the house. The existence of shops and economic activities on the ground floor and the private life on the upper floor together is a questionable one. Generally, the Istanbul court records did not mention shops as part of a house. However, this is speculation and must be checked with more expanded data on Istanbul.

Who lived in these houses and what the average size of the household was, has been discussed by historians for a long time. It was generally believed that Istanbul households showed a different pattern of fertility. Rich men there owned slaves, and polygyny was supposedly common. Therefore, the fertility rate was very high. Recent studies reversed this general belief. Duben in his study on nineteenth century Istanbul found that the marriage age for a female was 20 and for the male was 30, which were quite high to have many children. According to the 1907 census, half of the population was not born Istanbul. Contrary to the strong belief of the prevalence of joint households (konak) in Istanbul, he found that only 12 percent of households were multiple households, consisting of parents' and sons' families living
in the same house. Forty percent of all households were simple nuclear family households, and the household size was 4.221 for a family consisting of wife, husband and children\textsuperscript{104}. We also know that the fertility rate in late Ottoman Istanbul was lower; around 2.4\textsuperscript{105}. This number is lower than the fertility rate of Istanbul today. What were the marriage patterns and fertility rate in the seventeenth century? The absence of population statistics for that century makes it very difficult to give an exact number. But the Istanbul court records of 1107-1108 include some information about the household size of Istanbul families. In cases concerning inheritance problems and shares, the beneficiaries of a deceased person were written down with their names and degree of relation in the records. Generally, the deceased person was a male so that it is easy to trace his wife and children. From 31 cases that included a whole description of the family members, it is understood that inhabitants of Istanbul tended to form nuclear families. Polygyny was not as common in seventeenth century Istanbul as it is assumed. Among 31 families, only two of them showed the existence of the second wife. Both men who had two wives were wealthy ones. One of them was a state official, head of the shipyards (tersane-i amire emini), and the other one was a rich merchant from Sivas who died in Istanbul while he was trading furs. In the remaining data both Muslims and non-Muslims had only one wife. The average number of children was also very low. It was 2.4 with almost equal shares of sons and daughters (1.323 for a male child and 1.133 for a female child). However, this data is limited to the urban middle and upper classes, and little is mentioned about lower classes. The only exception was about the inheritance of janissaries who died in Istanbul (three cases). All three cases pointed to early deaths because their inheritors mentioned in the court records were either parents or young


wives without children. One can assume that the mortality rate was very high because of the prevailing wars. Of course the slaves of wealthy men were not considered as beneficiaries according to Islamic law, so they cannot be accepted as spouses of deceased men in the court. However, the children of slaves from their owners were free individuals, and beneficiaries of their fathers. Even under these conditions, the number of children per couple was very low. It is interesting to find a low level of fertility and polygyny in seventeenth-century Istanbul. It can be assumed that a low level of fertility and nuclear family were persistent patterns prevailing from the seventeenth to the early twentieth centuries. With these characteristics, Istanbul seems to fit into a Mediterranean type of marriage where the nuclear family is common.

Furthermore, the high rate of migration had to be taken into consideration. With the Celali revolts and disturbance in rural areas, many peasants had come to the capital city. It is a known fact that Armenians came to the city in an increasing proportion in the seventeenth century. It is impossible to give the exact amount, but the Istanbul court records were full of people from different origins. A considerable number of these people came to Istanbul for trade and returned to their cities after a short time. They were generally mentioned as mahmiye-i Istanbul‘da misafiren sakin in the records. But most of the people from other cities were immigrants, and were written down in the records with both their hometown and their residential districts in Istanbul. The immigration from Anatolia to Istanbul must have reached such enormous numbers in the following years that in 1145 a ferman was sent to provincial kads ordering them to prevent migration to the capital city. Unfortunately, the occupation of the newcomers was not mentioned in the records. Thus, we cannot know where these immigrants worked in Istanbul. However, it can be understood that some of the newcomers were involved in trade so that there are many cases about their credit relationships in the court records.

High immigration is supposed to lead to disorders in city life. Large numbers of rural youth flocking to the city since the end of the previous century presented a special challenge to the municipal authority charged with the delicate task of preserving public morals, as it is reflected in the Üsküdar court records of 1636 which Murphey investigated. Tales of counterfeiting rings, smuggling partnerships, and organized gangs of housebreakers fill every volume of these records. Surprisingly, criminal matters took little place in the Istanbul court records of 1107-1108. The disorders of city life were rarely seen in the court. Generally, the inhabitants of a district were responsible for the safety of their area. When a disorder occurred such as burglary or banditry, the imam and elders of the district came to the court and demanded the kadi to take the necessary measures. Crime was punished when it was harmful to the public moral. If a person swore to God and the Prophet in front of witnesses, he was punished by execution (kadi). The rarity of criminal cases in the court records does not necessarily deny their existence. In most of the cases, the inhabitants of the district must have handled the cases without bringing them to court. Military troops such as Janissaries were also a source of disorder. In three cases, murder and injury were recorded among janissaries.

Besides family households, many men were living alone in hans as another result of migration. Newcomers to the city tended to come to the city without their families. This communal living in the hans, also known as bekar odaları, also produced gangs of young rural immigrants. However, from the given documents we cannot judge to which extent migration resulted in disorder affecting city life.

In conclusion, Istanbul exhibited a unique development. The dominance of simple households, and increasing migration gave the city a particular dimension. Household patterns bear some relation to those found in Anatolia but they also resemble in certain respects patterns found in the past among some Mediterranean

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107 Murphey, R. Communal living in Ottoman Istanbul: Searching for the foundations of an urban tradition. p.125.
neighbors. Among those influences was a city trying to survive with a population of different ethnic origins.

Women

Thanks to Jennings, we know that women in Ottoman society were active parties at court^{108}. There was no special court date for women. They could come to the court the same day as the men. In the Islamic tradition, the kadi had to be the protector of women. This idea was carried out in practice. Women were treated equally with men. When suits were initiated against women, they were able to defend themselves.

Among the 258 cases in the Istanbul court records of 1107-1108, 58 (20%) include at least one female litigant. Of those cases, 76% involved Muslim women and 24% non-Muslim (zummi) ones. The name of women can be seen in different type of cases such as money lending, inheritance shares, sulh akdi, marriage and divorce, crime, and sale contracts. According to Jennings, women occasionally participated in the economic world of men. Women as landholders, landladies, money lenders and capitalist were rare cases in Kayseri. In the Istanbul court records, we can see some women acting as professional money lenders. They were generally using their inheritance shares from their husbands or fathers, and making profit by lending money. In the legal procedure, no relatives could sell, rent, or make use of her property without her consent. Therefore, women had to be personally involved in sale and debt contracts. Women also came to the court to claim their credits. In 13 debt trials, women came to the court (20% of all debt records). Women were creditors in all these cases. They claimed their money mostly coming from inheritance shares. However, in some of the cases, nothing is mentioned about the source of the

conflict. So we cannot know whether these women were inheritors or had some kind of economic activity.

Moreover, their use of vekils in the court was not frequent. Only 27% of women in the court used representatives. 73% preferred to come to the court and defend themselves. Considering that the use of vekils in Kayseri increased from 20% in earlier years to 50% in 1620, I can say that women in Istanbul tended to come to the court instead of using representatives, and experienced a relatively high degree of autonomy. The women who were using representatives in the Istanbul court were usually from wealthy families. The daughters of high-ranking state officials frequently used representatives as did wealthier women. Most of the time, they sent their kethūdas as representatives to the court. Thus, the tendency of wealthy women to use vekils was more dependent on their socio-economic status than gender discrimination. In two cases in the court records, women even used women representatives. Women could be vekils, but the witnessing of women in the hearings was rare although it was theoretically possible. In the sharia, two women witnesses were equal to one male witness. But, this procedure was never used in the court records. Women could be the representatives of their mother, sister, daughter, husband and father. In one of the court records, a woman was the representative of her father who was in the army. She could also be the guardians (vası) of her children after her husband died. They could also find pious endowments like men. In one of the cases in the court records, the owner of the vakuf was Ayşe Hanım, and she lent money to another woman.

Women generally came to court to solve their problems about inheritance. In the sharia law, women took half of what male heirs of the same relationship received. The properties of a deceased man were inherited by his mother, his spouse and his children. If he did not have any children, the elder son of his brother would become a beneficiary. If the brother of the deceased man did not have
any son, then the beneficiary was his brother’s daughter. In the absence of an adult son, the daughters or mothers handled the business of settlement. In the Istanbul court records of inheritance distribution, the names of grown sons usually came before grown daughters of the deceased people. Most women came to the court to demand their inheritance rights. Among all cases about them, 76% was women claimants, demanding their rights. Only 24% of women were defendants. Women came to court frequently, but this was not because of their power in social life. Rather the powerless situation of women led them to the court. They were demanding their rights from the court because the kadi was the protector of women in the Islam tradition.

Women litigants took oaths under the same circumstances as men did, when acceptable witnesses and valid written evidence was lacking. However, women did not become an important factor in economic life. Women in late-seventeenth-century Istanbul did not achieve any sort of consistent public exposure or notability. Only occasionally as landholders, renters and money lenders did they participate in the economic world of men. One common subject of hearings where women can be seen in a high ratio (33%) is the purchasing of houses. In 62% of the cases they involved in, women sold their house partly because of the transferring of inheritance shares they possessed.

Women came to the court for criminal cases too. In two of the cases, mothers of deceased Janissaries were present in the court to find the murderer of their sons. Murder was an important issue, and the women expected to represent them with a vekil for a more careful defence. However, one woman did not have any vekil and she gave her deposition by herself. Women, especially older ones, were able to defend themselves in important issue.

Another important subject concerning women was marriage and divorce. It is known that traditionally the dowry was the property of women, and marriage had to be voluntary. In Islamic law, no woman could marry without her consent. Divorce was generally performed outside the court and unfortunately we do not have any divorce statistics. In cases of divorce the usual Islamic formula was followed. The mehr-i muaccel reverted to the woman, who was then supported by the husband’s nafaka-i iddet and other zevciyyet during the three months she was unable to remarry until it was canonically determined that she was not pregnant (iddet). Then she was free to marry whenever and whomever she wanted. The legal impediment most obviously to a woman’s disadvantage was her inability to initiate divorce on her own, as could the husband. The hul divorce offered her relief only if her husband consented. A woman might take her property and go live with her parents or other relatives, or even set up a household of her own and be assured that her husband would not be allowed to bother her, but divorce was something that only he could grant\(^{110}\). In the Istanbul court records, women occasionally came to the court to demand their rights emerging from divorce. A woman or her guarantor might insist that a husband had agreed to give some money to his wife prior to divorce. When the agreed amount of money was not paid, women complained to the kadi. In some cases, a husband could also claim that his wife was using his money, although the divorce had occurred many months ago\(^{111}\). In other cases, a fiancé

\(^{110}\) Jennings, R., Women in early 17th century Ottoman judicial court records. p. 112.

\(^{111}\) “...tarih-i kitabdan döküz ay yukaddem ben zevcem mezbur Ayşe'yi tatlık etmekle bundan akdem zevciyet beynimizde kaima iken mezbur Ayşenin mahalle-i mezburde vaki kendi malından 200 guruş harc ve sarf iyledikden maida mezbur Ayşeye 12 guruş kıymetli bir altun kolye dahi teslim ol dahi ahz-ü kabz ve istihlak etmekle hala meblag-i mezbur 200 guruş ile zikr olunan kolyenin kıymeti olan 12 guruşunu ceman 212 guruşunu mezbur Ayşeden taleb iyledikde sual olunsun didikde, gab-us-sual Ayşe cevabında hisse-i mezkur bilkililije inkar iyledikden maida mudi-i mezkur Yusuf tarih-i kitabdan on gün yukaddem hukuk-u zevciyyet-i mezkureyi tatlık ve benim zimmetim mahzarına ibra-i am itmişdir dey...” (33A)
claimed that his former fiancée had not returned his gifts and money that he had
given her. The kadi was also responsible for defending the rights of women. A
woman who demanded nafaka from her ex-husband to look after his son would be
given four akçes daily by her husband according to the decision of the kadi.

The frequency with which women appeared at the Istanbul court is in
some ways a testimony to the weakness of their position in the social and economic
order. The women of Istanbul needed the legal intervention of the court to establish
and to maintain their rights. However, although it was rare (24%), the existence of
women as defendants against the claims of men also showed the dominance of law
and order over force in the court.

Another marginal category in the Ottoman Istanbul were slaves. The
existence of slaves in the Ottoman Empire is a known fact. They were first used for
military purposes. With the rise of the centralist state, Ottomans faced with the need
for men for their kapakulus, palace servants and divisions of the standing army at the
Porte, and, since war did not bring slaves in sufficient numbers, they had to resort to
the unusual method of the devshirme, a levy of boys from among their own Christian
subjects, the reaya. In general the Ottomans did not regard the devshirme as
enslavement, but rather as one of the extraordinary services imposed by the state in an
evacuation. The demand for warrior slaves in Ottoman society was intensified by the
fact that members of the tumar holding army in the provinces, from the beşlerbeyi,
governor general, down to the simple sipahi, cavalryman, were required by regulation
to train and to bring to the Sultan's army a certain number of cavalrymen in
proportion to the amount of their tumar revenue. Inalcı said that at least one fifth of
the population was estimated to be kuls of the Sultan and of the grandees in Istanbul.

Slaves, as private property, were employed in the crafts and domestic
service. It was rather exceptional for the rich not to have slaves either in domestic

occupations or employed as laborers in certain crafts. The *mukataba* system, which increased the use of servile labor in crafts, was prevalent in the Ottoman Empire. The *mukataba* is recommended by the Coran. It consisted in the master's granting his slave his freedom in return for the payment of a mutually agreed upon sum of money. Many slave owners preferred this system because it guaranteed good and profitable service for a certain period of time since, as a rule, lifetime slaves tended to run away or to be indolent. Freed slaves could be merchants and rich men in the long run.

In provincial cities, slaves were used in farms and pious endowments. However, their situation was different in Istanbul and deserves another study. In the Istanbul court records of 1107-1108, slaves were frequently mentioned. Slaves in Istanbul were identified by *abd* or *uteka*, and *cariye* whom applied to all females. Unlike Cyprus, black slaves were not mentioned in the court records. Slaves were treated as ordinary commodities. Like money and gold, they could be the subject of debt claims. Although some merchants trading in slaves were in existence, the sale of slaves among ordinary owners was also common. When the owner did not like his slave, he could sell this slave and by adding more money buy a new one. Female slaves especially were subjects of sale and debt contracts. Women owners of female slaves were also frequent. Women were free to be involved in the slave trade. There were even women slave traders, who travelled around the city and marketed *cariyes* to rich households.

The slave trade was concentrated in Esirci *Han* (slave inn) from the early seventeenth century on. Slave traders established a separate guild, and had their own *kethüdas*. This acceptance of the slave trade as a legal mechanism by the state was sometimes limited by religious restrictions. Seyhülislam Ebusuud Efendi limited the ownership of slaves to non-Muslims. The state also tried to regulate the slave trade. In the *İhtisab* regulations, the slave traders were ordered not to put make up on

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female slaves, and also ordered not to take their clothes off\textsuperscript{114}. However, the slave trade was very common in the seventeenth century Istanbul.

The price of male slaves changed according to their ages and working capacities. Female slaves, on the contrary, had prices according to their beauty and attractiveness. Mantran said that in the reign of İbrahim I. the price of çarîyes ranged between 500 and 2000 gürüs\textsuperscript{115}. Eremya Çelebi mentioned that the price of çarîyes was 700 gürüs, but there were çarîyes sold to 500 gürüs. The price of female slaves in my data ranges between 35 and 167 gürüs. These relatively low prices compared to Mantran and Eremya Çelebi could be because of age and beauty differences of the slaves. Moreover, the sale contracts registered in the records contained contracts between slave owners, not professional slave traders. There is only one male slave among fourteen cases concerning slaves, and his price was 40 gürüs. Mantran and Eremya Çelebi’s numbers seem exaggerated since the prices of slaves, especially black ones, in Cyprus ranged between 40–120 gürüs in the first half of the 17th century, which seems reasonable after comparing them with those of late-seventeenth-century Istanbul.

Slaves were brought from many different places of the Empire. Lewis pointed out that Russia and Circassia were the main centers of the slave trade. Such is also the case in the records. But besides Russian and Circassian women, there were female slaves from Bosnia, Köstendil, Üsküp and Uşak. Because the enslavement of Muslim people and non-Muslims who have definite parents was impossible according to Islamic law, warriors generally enslaved males and females from the lands in which they fought. The existence of Russian and Circassians women as a primary supply to Istanbul slave market is evident in that the Sultan ordered the collection and emancipation of Russian slaves in Istanbul in the eighteenth century\textsuperscript{116}. Most of the


\textsuperscript{115} Mantan, R., 17. yüzyılın İkinci Yarısında İstanbul Hayatı. p. 456.

\textsuperscript{116} Refik, A. (1931). \textit{İstanbul Hayatı (1000-1100)}, İstanbul Devlet Matbaası.
time their enslavement included illegal mechanisms so that the court registers are full of depositions of slaves claiming unlawful enslavement. When the slave found witnesses proving his or her freedom, he or she came to the court and demanded freedom. This was a common procedure in the Istanbul court records of 1107-1108. Especially cariyes came to the court and claimed freedom. These cariyes were written in the records with their names—mostly Muslim names because they had converted to Islam, their physical descriptions, and origins. Muslim personal names, which usually had some religious significance, were distinguished in the court records by the use of bin or ibn, (son of), and bint with the same meaning for women. So Mustafa, the son of Mehmed, was specified as Mustafa bin Mehmed, a Muslim by implication. Female slaves converted to Islam had names like “Fatma bint-i Abdullah” because their fathers were unknown. But when the cariye with the help of witnesses proved that her mother and father were known by name and were freemen, the kadi decided upon her emancipation. The witnesses she found generally had the same city origin as her. Knowing that the approval of freedom of a cariye was a common procedure, I cannot find any answer to the question of how the cariyes found witnesses from their original towns in Istanbul.

Not only did slaves prove their freedom at the court, but also their owners frequently emancipated (azad) them. I mentioned the mukataba procedure as a profitable way both for the owner and the slave. Emancipation by the owner was a common procedure in Istanbul. Women as well as men emancipated their slaves. Conflict between the owner and servile labor over wages is rare in the court records. There are only two cases recorded where servile labors came to the court to demand their daily salaries. Most probably, problems within the household were solved by the dominance of the master. Sometimes, slaves were involved in crime. In one of the cases, a slave of a rich house stole jewelry and gold from his owner’s house and sold
them to another one. Because he managed to escape, we do not know what punishment was given to him.

When I first began to this study, my first aim was to find if there was a high rate of crime in the records. The lawlessness as a result of immigration must have led to the increasing appearance of criminal matters in the court records. But the rare existence of crime in the court surprised me. The social structure of Istanbul at that time was open to every kind of economic relations and money transactions so that crime would be only a second or third important issue in the records. The economically well developed character of the city, as a center of trade and commerce, minimized the disorders of city life. Certainly, by looking at the given data it is not wise to conclude that Istanbul was a safe city without disorders. I would rather point out the existence of mechanisms outside the court. The closely knit structure of the mahalle probably solved the problems without bringing them to the court. Moreover, disorders were seen as a public issue, complaints about disorders or even marginal members of the community were carried to the court by all residents of a quarter. However, the prevalence of check by jowl economic relations and close communal tie does not make the mahalle and the whole city life a closed structure to the existence of others. On the contrary, what I found interesting in the records is that the economic relationship between people living in different quarters of the city was very well developed. The close economic relations show the existence of social relations between different social groups although we cannot question to what extent these interactions affected the daily life of the people. Economic relations between different ethnic groups also forced them to live side by side in the same community.

At this point I can assume by looking at the Ankara, Kayseri and Istanbul court records that there is a considerable similarity between Ankara and Kayseri court records. In Ankara and Kayseri, beside economic relations, people did not avoid bringing cases about their private lives to the court. There are many cases about the kidnapping of women, their marriage and divorce relations. Women even
registered that they had their periods three times after their divorce. Although the aim here was to show non-pregnancy in the waiting period for remarriage, it is still interesting to find the extent of the effects of law on the lives of residents. By contrast, however, both men and women in Istanbul seem to have avoided bringing cases about their private lives to the court unless economic relationships made them public. Two conclusions came to my mind on this point. Firstly, that the power of Islamic law and the courts in the provincial cities were more effective in the lives of provincial people. Therefore, it was easy for the kadi to reach the level of a local governor, a powerful state and Islamic agent in the eyes of the local people. Furthermore, the effects of religion and custom were prevalent in all spheres of life in provincial cities, and the community ethic seemed to be more developed. Secondly, we can conclude that the mentalities of provincial residents and the capital city inhabitants was quite different. While the people in Istanbul were attributing a high value to their privacy, provincial city residents were more influenced by the Islamic idea of dominance of community rights over privacy. They tended to bring all their problems about private life to the court and make them public. Inhabitants of Istanbul saw the Islamic court more as an agent for solving their economic and public problems, but Ankara and Kayseri residents considered the court as a control mechanism over all domains of life, both public and private. Before concluding this chapter, I have to admit that these ideas need more clarification. Records from different parts of the Empire will help us in understanding the mentalities of people at that time. More extended studies over time will create a history of the mentalities of the Ottoman society. But for now, time and resources for this kind of study are limited.
V. THE LANGUAGE AND SEMIOTICS OF THE DOCUMENTS

At the beginning of this study, my first aim was to find some information about the daily life of people in the seventeenth century. Most of the researches on this issue have given a description of social life in the Ottoman Empire. However, all these studies remained as pure descriptions. None of them achieved to establish a deep understanding of culture and mentalities of the people at their time. Historians talk about the dominance of central state and the Sultan on the inhabitants of the Empire, the *reaya*. Under this simplified approach, the characteristics of the *reaya* are not sufficiently questioned. No attempts have been made for a better understanding of the mentalities of the masses in the Ottoman Empire.

Who, in fact were these poorly identified seventeenth-century men? Were they humanists, merchants, artisans, peasants? What were their perceptions of the world? Trying to discover their way of thinking is very difficult. On the one hand, there exist very few archives concerning the ordinary people of the Ottomans. The existing ones are mainly written by state officials, and do not give any hints about the life and understanding of the common man. On the other hand, most of the present studies about the Ottoman Empire assumed that the lives of people, and therefore, their culture was dominated by the strong control of the state. The ideal types of Weber have been very influential in Ottoman studies, and most of the students in that field accepted that there was absolute control of the state over the social life and the culture of the ordinary people. This view was recently challenged by some historians with the release of the sharia court records. Today, it is
gradually being accepted that Ottoman society in the cities—there is too little knowledge about the social life and culture in the rural areas—was able to develop some flexible mechanisms to adapt to the state’s control. However, this new approach does not deny the existence of state dominant mechanisms. On the last point the existence of state control over society gave birth to the emergence of adaptable mechanisms in that society. Lack of interest in the interaction between the state and the common people, which create the culture of society, led historians to neglect the role of the reaya in the Ottoman state. Before focusing on that subject, I want to introduce the approaches concerning this issue in the world conjecture briefly.

There is an apparent confusion in the concept of “popular culture”. First, there is the attribution to the subordinate classes of preindustrial society of a passive accommodation to the cultural sub-products by the dominant classes (Mandrou), then an implied suggestion of at least partly autonomous values in respect to the culture of the latter (Bolieme), and finally an absolute extraneousness that places the subordinate class actually beyond, or better yet, in a state prior to culture (Foucault)\textsuperscript{117}. To be sure, Bakhtin’s hypothesis of a reciprocal influence between lower class and dominant cultures is much more fruitful. Hence, the acceptance of reciprocal relations between the dominated and dominant ones does not exclude the extraneous of some cases in the society. For Ginzburg, Foucault denied the existence of a popular culture, he was interested in the criteria of exclusion, not with the excluded. In my view, the criticisms of Ginzburg are not sufficient. Foucault’s skepticism of evidence does not necessitate the denial of popular culture. Foucault is critical about the reality which is a part of interpretation for him, and all historical documents represent interpretation of their ages. His skepticism is necessary for understanding the power relations in the creation of discourse that is

necessary for analyzing the excluded masses. Thus, on the one hand, it is better to search for reciprocal effects between the state and the masses. On the other hand, it is necessary to remember that any study that concentrates on the marginal parts of the society helps us understand the popular culture of the given society.

However, to specify the methods and the period of this mutual relationship means running into the problem caused by the documentation, which in the case of popular culture, is always almost indirect. To what extent are the possible elements of the dominant culture the result of a more or less deliberate acculturation, or of a more or less spontaneous convergence, rather than of an unconscious distortion of the source, inclined obviously to lead what is unknown back to the known and the familiar?

All the documents in the Ottoman archives were written by state officials. All we found in these documents is totally the state’s view about the masses. The introduction of sharia court archives gave a chance to view the life of the common people because the records include daily interactions among local people. However, we still have part of the same difficulty. All the cases in the court records were written by the kadi, and he preferred to use summaries instead of the actual depositions of people. Summaries can be helpful, but the kadi of Istanbul used a standard format for each case. The kadi ordered the document in such a way that documents dealing with the same kinds of problems are totally alike. The words and the format are totally the same in these cases. This rational attitude of the kadi completely excludes the being of the people in the court. The documents are as formal as today’s bureaucratic writings. One really is suprised at the rational and bureaucratic attitude of the kadi. Not only the cases about minor problems concerning small bargaining conflicts between two parties, but also more private issues like marriage and divorce were written without giving any hint about the way of thinking.

of the claimant and defendant. In the preceding chapter, I mentioned that the residents of Istanbul did not carry private cases to court unless an economic relationship was included. Divorce was possible, but the only hearing about divorce was heard in the court because of the problems about sharing money or other goods. Thus, the cases about private life were considered in the court as economic issues. The language of these cases was totally the same as the cases about economical problems. Generally, the amount of the debt and the reason for it were mentioned by the claimant in the court. The defendant accepted the case or rejected it. If he admitted the accuracy of the deposition of the claimant, there would be no longer problems, and the claimant won the case. When the defendant denied the existence of the problem, then he gave the reasons for his denial. After that, the claimant or defendant showed their witnesses. At the end of the case, the kadi made a decision. When the claimant won the case, the defendant was admonished (tenbih) to do something. When the claimant lost the case, he was prohibited from his claim (men") by the kadi. This procedure was exactly the same in all the cases. And, when the case included an economic claim like debt and loans problems— even in cases about private life such as marriage—, the vocabulary of the case would be the same each time. Thus, it is impossible to find a hint about the mentalities of the people.

Accepting this fact, we are only left with the most subjective area of law; criminal law. In the sharia, any harm to public welfare is strongly punished. Tazir, execution of the murderer, exists in Islamic law. Fornication and burglary is also severely punished by lapidation and by the cutting off hands. However, the Ottoman state established less severe punishments for certain criminal offences.

Adjudication according to custom was considered as a part of Sharia in the ancient times. Whenever a case occurred, if Islamic law could not have a punishment, the religious leaders of the society could decide according to custom.\(^{119}\)

The existence of ictihat in Islamic law led the Sultans to establish their own laws. For a long time, the kanun of the Sultan and the sharia prevailed side by side in Ottoman society. Contrary to Islamic law, kanun gave lesser punishments to crimes. For example, in Islamic law the penalty for fornication is lapidation. But, kanun accepted the payment of money from the convicted people if the claimant accepted this payment. This alternative law created some tensions between the religious officials (ulema), but it never reached a climax because the state always strictly controlled these religious officials. More important than that the very essence of kanun was hidden. Kanun was only a mechanism fulfilling the gap between sharia and the conditions of the society. Certainly the social existence of Ottoman society was different from that of the Arabs. As a result, there had to be a mediator between the society and Islam, since both the state and the ulema needed it. Moreover, the kanun never created any threat to the Islamic law. Even the existence of different punishments on the same subject like criminal cases does not challenge the existence of the sharia because kanun was only another choice offered to the people. For example, the application of tazir or the taking payment from the guilty depended on the choice of the claimant. There was no forcing by the kanun, the state just wanted to give additional choices to the people. The presence of the kanun mediated the relations between the state and masses. In addition, it regulated some domains of life where the sharia did not order anything.

Crimes were punished if harm occurred to the public welfare. Burglary and disorders were crimes as long as they were aimed at the order of society. However, murder was a different type; because the aim in murder is a singular person, not the whole society, it was accepted as a trial like debt problems. Like other cases, the claimant had to be present at the court, and he had to demand the punishment of the murderer. While criminal cases like burglary and drunkenness could be carried to the court by the residents of the district, by a lot of people, knowing the harm against public welfare, cases about murders were taken to the court by the relatives of the
deceased person. In the case of murders, it was very difficult for the claimant to prove the accuracy of his argument whereas the cases about other crimes were generally easily accepted by the kadi. When a closer look is taken to cases about murders, one can see the same language as used in other records of non criminal cases. No word of the claimant was written, all we found in those cases were short summaries about the events. Unfortunately the same is also true for other criminal cases. The residents of the district came to the court with the imam of the mahalle, and claimed that public harm had occurred. Their depositions were still given in the form of short summaries. Therefore it is impossible to find the real ideas of people. However, even the short summaries can be very useful if a careful look is given to the emergence of the cases. For example, the case below gives a good summary of the perception of guilt in Ottoman society.

The residents of Edyeci han in Çadırçı Ahmet mahallesi, Osman Beşec ibn Mehmed and Mahmud beşec ibn Mehmed came to the court, took an oath against Ali ibn Ali, and said that Ali was always drunk, took women and young boys into his room. When we asked him whether he was not afraid of God, he swore to God and the Prophet. We are witnesses of it. Fourteen inhabitants of the same district confirmed the event, and wanted him expelled from the district. Ali repeated and said that he would not do it again. However, the kadi of Istanbul did not accept his repentance and decided his execution.\(^{120}\)

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As it is seen from this example, crimes always go hand in hand with public order. Swearing to the religion could do the biggest harm to the welfare of the society since religion was the essential part of Ottoman Istanbul. But these are rare cases. Since there are only five cases about crime, and it is very difficult to find the concrete perception of crime and criminals in society. Nonetheless, it can be said that the inhabitants of Istanbul were very sensitive to the well-being of their society. On the one hand they were living side by side with non-Muslims. On the other hand, the stable nature of the Muslim community had to be preserved, and the essential element of this was respect of religion.

The absence of criminal cases in the Istanbul court records of 1107-1108 certainly was not the result of peaceful relations in the community. Istanbul was not a safe haven at that time. Murphey showed that the Üsküdar court records of 1635 were full of disorders and crimes in the society. Counterfeiting, fornication and other kinds of crime were frequently taken to court. The situation cannot be assumed to have changed in fifty years because the Ottoman Empire was experiencing serious economic crisis. Can we assume an administrative difference between the Üsküdar and Istanbul courts? The area of the Istanbul court was probably strictly controlled because the Sultan's palace was there, and most of the state officials were living in this area. However, Üsküdar is also very close to Istanbul. Assuming weaker state control in Üsküdar is somewhat to undervalue the Ottoman state, which cannot be true. More probably, the core area of Istanbul was populated by the urban middle and upper stratum, and these stratum maintained a strict control of the society in their living areas. New immigrants, the urban poor were strictly controlled by the inhabitants and the imam of the mahalle. Disorders of daily life must have been

1 mezburan ihracını taleb ıderüz deyi, gab-üs-sual mezbur Ali cevabunda tövbe idüp, tövbesi maktul sayılmayıp, katli hüküm olundu. 1108.” (159A)
solved within the mahalle itself, and only very important cases had to be carried to court.

The absence of any hints about the mentalities of the ordinary people in the seventeenth-century Istanbul court records disappointed me at first. I had a serious problem about getting the feel of how Istanbul residents thought. However discovering the importance of the short summaries in the court records led me one step further. First of all, the short summaries in each case tells the happening of events. At first glance, the standardized way of the summaries seems to exclude any subjective interpretation of the data. But after a careful reading of each case again and again, I understood that there were many hints about the perception of the events by the kadi. Although it is impossible to have any information about the mentalities of the common people, one can reach some conclusions about the lines of thought of the kadi of Istanbul. The kadi’s understanding as a representative of the state’s authority can tell us the way in which the state perceived and continued its relations with society. More important than this, the personality of the kadi himself is a perfect representation of the urban upper class individual in the seventeenth century Istanbul. Moreover, cases were not heard in pure conditions in the courts. There must have been an interaction between the kadi and the people in the court. This interaction must be reflected somewhere in the court records. My first aim, then, was to find clues about the different attitudes of the kadi. Did the kadi of Istanbul have a neutral point of view to both classes of people? Were the upper and the lower classes of Istanbul treated equally at court? The answer to these questions is related to the predictability of the result in each record.

**Predictability of the Results**

Gerber found a bureaucratic and formal aspect in the court records. According to him, this rational procedure of judgment is a dimension of legal law in the Ottomans. He used this rational law for demolishing Weber’s idea of
patrimonialism. According to Weber Eastern societies can be defined as patrimonial states, with a strict control of the ruler over his subjects. Weber’s argument is that a lack of a strict logical structure permeating the entire code of laws necessarily resulted in unprincipled adjudication based on nothing more than intuition. He was interested in law because he held the notion that rational, predictable, and dependable law was a root cause of the rise of capitalism in the West from the sixteenth century on. The legal system in the West was based on formal rational law, which includes logical analysis of meaning and fixed legal concepts in the form of highly abstract rules. On the other hand, the legal system of Near Eastern societies is described with substantive rationality, which have two main features; arbitrariness and excessive individualism of the kadi, and heavy intervention by the state in legal processes. At this point, Gerber made some rejections about these two main characteristics of the legal system of Eastern societies. He refused the arbitrariness and the individualism of the kadi in favor of Sharia. One example here is Rosen’s study of the Moroccan legal system. The kadi of Morocco who acted as a mediator between two parties, did not judge them. He concluded that Moroccan legal system was suffused by Moroccan culture and ethical preferences, and it was in this sense that the Moroccan legal system was said to be based on substantive rather than formal rationality. Gerber used the same methodology, tried to identify the role of the kadi in society and looked at family, criminal and commercial law. Contrary to Morocco, he said that the kadi adjudicated heavily with the sharia. In the first place, intrafamilial cases were not found to be prevalent at all; the overwhelming majority of the cases were


between total strangers. Secondly, there is no sign whatsoever that the court was relating to the parties holistically. The social relations of the parties were never weighed. The kadi himself is in no case on record the authority who mediated between the parties. As a result of these given facts, Gerber saw that the kadi of Bursa and Istanbul were not similar to the ones in Morocco, and in contrast to Weber’s ideas the judgments of these kadıs contained formal rationality.

Gerber’s argument is an important one: the kadıs of the core area of the state had some kind of a rational authority. However, before reaching this kind of conclusion, it is necessary to look at the facts behind this. First of all, Gerber said that the kadi was not just a mediator between two parties, but he could judge them. Although he tended to agree that in practice it is possible that the judge had a certain role in mediation, he pointed out the clear separation between these two spheres. However, in my point of view, the judgement capacity of the kadi of Istanbul and Bursa was not borne out of their legal rational thinking. Because the kadıs of Istanbul, Bursa and Edirne were the highest ranking kadıs in the Ottoman Empire, they had much more authority than provincial kadıs. The court records of Ankara and Kayseri in the sixteenth century did not contain any judgment by kadıs. They only registered the cases as they happened. The high adjudication capacity of Istanbul and Bursa kadıs depended essentially on their official rank. The kadi of Istanbul was the kadiasker and the highest religious judge at the same time. Therefore, he could give decisions on every issue, he could even decide upon execution. Because Istanbul and Bursa were the biggest cities of the Empire, the state appointed more powerful kadıs there as a symbol of superiority of these cities over other ones. Moreover, the high population rate also created a need for more powerful kadıs since the administration of a highly populated city is very difficult. Whatever the reason is, it is necessary to mention that the adjudication capacity of Istanbul and Bursa kadıs was an exception to the whole legal system of the Ottomans. Gerber certainly mentioned that his study was limited to the core area of the Empire. But, there were differences in the
adjudication capacity of kadis between Istanbul and Bursa too. When the kadi of Bursa generally did not give any decision on criminal cases, the kadi of Istanbul always made decisions in criminal cases. As a result, basing the argument against patrimonialism on the kadi's authority is not a very valid argument.

What Gerber did not see in his argument about the legal rational thinking of the kadis, unfortunately in a very Weberian way, is the interaction between the kadis and local people. There must have been an important relationship between the residents and the kadi since he was also a resident in the city. It cannot be assumed that the presence of the claimant and the defendant did not affect the kadi. Certainly, the credibility of the people must have affected the kadi. Because he was not only a judge, but also one of the administrators of the city, the kadi must have had close relations with the inhabitants. The predictability of the results of the cases is important here, because the supposed unpredictability of Ottoman law was an expression of a patrimonial system, one in which the government was all powerful and the citizens totally powerless. According to Gerber, the extent to which this legal system was predictable would seem to indicate that the Ottoman system was, in fact, much less harsh than it is usually supposed. As a result of this argument, he pointed out the democratic atmosphere of the Ottoman urban scene. With this respect I consider the predictability of the results of the cases is more dependant on the language and format of the documents than the legal rational consideration of the kadi.

First of all, as I mentioned earlier, records were written in the form of short summaries. Thus, records show the understanding of the kadi rather than the individuals themselves. How neutral and rational was the kadi in his decisions? For my point of view, the rationality and fairness of the kadi is limited because he was involved in face to face relations with the people in the court. There are three types of records in the Istanbul court records. Reviewing them is useful for showing the judgment criteria of the kadi.
The kâdis of Istanbul was responsible for listening to both the claimant and the defendant in the court. First the claimant told the event and the reason of the conflict, then the defendant accepted or rejected the claim. If he accepted the claim, there would be no problems. The kâdi automatically found the defendant guilty, and the defendant was ordered \((\text{tenbih})\) to do something. In this type of document, the deposition of the claimant was given longer with more details, and the deposition of the defendant was very short, only admitting his guilt \((\text{ittiraf})\). An example of this type of document is given below:

The representative of Rukiye bent Miri Efendi from İbrahim Paşa street of Istanbul, Ismihan bent Abdullah brought a suit against Hasan Çelebi bin Ahmed, and said that her client Rukiye had a debt of 404 gurûş from Hasan Çelebi, and she took 44 gurûş of this debt. Now I demanded 360 gurûş from my client. In his answer, Hasan Çelebi admitted the debt of 360 gurûş. Hasan Çelebi was ordered by the kâdi to pay his debt\(^{124}\).

As is seen from this example, the admission of the guilt by the defendant is very short. One cannot have any idea about the reason of admission of the case. Probably, the defendant was sure that the claimant had some witnesses to prove the case, or he was ready to pay his debt immediately. There may have been some mediating mechanisms by the kâdis and other people in the court. Whatever the reason is, the kâdis registered the cases very formally.

In the second type of document, the defendant generally rejected the claim \((\text{înkar})\) so that witnesses were demanded from the claimant. When I read the documents, a strange case attracted my attention. If the deposition of the defendant who rejected the case was written in a long and detailed way, he generally won the cases, and the claimant was prohibited from the claim. This seems to be a rule that the result of the court can be predicted without even looking at the deposition of the witnesses every time. An example of this type is given below:

\(^{124}\) For the whole text, see appendix.
The representative of Elhac Süleyman Ağa ibn Abdullah ibn Abdulkerim from Hüdagar street of Istanbul, Osman Beğ ibn Yunus brought a suit against Ali Beğ ibn Yusuf, who had the tamar of Kumarili village of Biga. He said that Ali Beğ took this tamar from my client for 600 gurus in 1105. He promised to pay the money, and the client accepted the rent. However, Mahmud Ağa captured the tamar, and his client could not take his money. In his answer, Ali Beğ admitted that he bought the tamar for 600 gurus. But, as he was in the Belgrade war in 1104, 1105 and 1106, Elhac Süleyman Ağa did not give this land to Mahmud Ağa, and I had a written document (emr-i serif). The representative of Elhac Süleyman Ağa accepted this fact, and was prohibited from the hearing.  

Like this example, the result of the case would seem to be certain if the defendant had a lot of things to say. In this case, the defendant had a written document, an emr-i serif, which is an important document written by high ranking state officials. The existence of written documents always influenced the final decision because either party was forced to accept the claims of people who possessed written evidence. However, contrarily to Gerber, I believed that the impact of written documents was secondary to witnesses. In one of the cases, one party of the case had a huccet from the kadi of Edirne in favor of his claim, but the kadi of Istanbul did not pay attention to this document and asked for witnesses. There are many cases like this one showing the superiority of witnesses over written documents. Nonetheless, the presence of written documents at court was very important as a force over the other party in the trial to accept the case. In most of the cases, the person who had the written document won the case with the help of witnesses. However, when the deposition of the defendant was given in a short form by which he rejected the blame, the claimant won the cases in almost every instance. In my view, this is the most important type of document because it brings to mind the subjective understanding of the kadi. Before writing the document, the kadi made up

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125 For the whole text, see appendix.
his mind, and he wrote a very short denial of the case by the defendant. Although the defendant may have had nothing to say to prove his rejection in some of the cases, there must have been some cases showing the reasons of his denial. But, the kadi did not give too much notice to what the guilty one said about the facts as in the example below:

The brother of Kosta veled-i Yani veled-i Istonyaki from Yeniköy of Atik kazası, Mutki veled-i Yani, brought a suit to the court against subaşı Ömer Ağa ibn Osman. He said that after his brother Kosta’s death, Ömer Ağa took his inheritance of 10000 akçe by claiming that Kosta had no beneficiaries, and now he wanted this money from Ömer Ağa. In his answer, Ömer Ağa admitted that he took the inheritance, but he rejected the existence of relationship between the claimant and Kosta. Mutki proved the relationship with witnesses, and Ömer Ağa was told to pay Kosta’s money to him¹²⁶.

There must be some processes after the rejection of the case by the defendant, at least, he must have tried to explain the reasons of his denial, but the attitude of the kadi has an individualistic approach. The important point here is to decide when the kadi wrote the court records. If he registered each case immediately after the hearing, it could be more logical to talk about the subjective understanding of the kadi. However, if the register of cases occurred after the completion of the day, the kadi could be assumed to take notes during each trial, and probably registered all cases at the end of the day by using summaries. In the later situation the individualism of the kadi is limited. Like the modern officials, he practically preferred to register short summaries at the end of the day. Whatever the real situation was, the kadi of Istanbul registered the cases after making up his mind, leading to the predictability of the results.

Gerber’s second argument is that state intervention did not exist in court. There was no class control by the upper classes. Custom and rule prevailed in

¹²⁶ For the whole text, see appendix.
the society. In Gerber's data, the common people won as many cases as the members of the elite class. The court is seen mainly as a tool of common people to defend a modicum of legal rights. However, the Istanbul court records of 1107-1108 show some influence of elite members over the decisions of the kadi. In one of the cases, an official of a vakif (mütevelli) was blamed for not paying his debt. In that case, the kadi directly asked the inhabitants of the same mahalle including the imam and elders about his reliability. When they agreed that he was reliable, he rejected the case without giving any chance to the claimant to prove his claim. In another case, the accuracy of the defendant's claim was proved by witnesses, again in a debt problem. The kadi asked for the reliability of the witnesses from residents of their district, and they proved their reliability. This is an extra-ordinary case. Among all cases in the court records, there are only a few cases including any suspicion of the kadi about witnesses. In my point of view, this doubtful attitude of the kadi is related to their credibility. Because they were immigrants with a poor peasant appeal, the kadi was indecisive about their reliability. Whatever the reason is he did not mention the purpose of this act in the court records. A legal rational thinking necessitates the existence of purposes which is absent in the court records.

Furthermore, the different valuation of the elite and common people by the kadi is visible in other ways in the court records. Like other state officials, the court records have different labels for elites and reaya. Common people are called mezbur, mezkur and mesfur meaning “this people”. Women were also called by these expressions by adding -e at the end like mez bure, mez kure and mes fure. The most common form of address used by the kadi regardless of class status was mez bur and mez bure. The members of the elite received their full title and generally the names of their father and grandfather like Ali ibn Abdullah ibn Abdulkerim were mentioned whereas the common people are mentioned only with the name of their father such as Ahmed ibn Yusuf. This could be the result of the value attributed to the family origin of the elite circles.
When the referred person is a deceased man, the status difference is more visible. A common person is called *vefat eden* or *fevt olan* meaning “dead”. But, the members of elite are called *merhum* meaning a person who had God’s mercy. Non-Muslim people had a lower status. Deceased non-Muslims are described as *halik olan* meaning both dead and nonexistent. The division of the people is so certain that even a slave needed witnesses to prove his or her existence in the court.

Although there are certain cases when the power of an elite member is seen as mentioned earlier, class control over court must have been rather limited. In total, the *kadi* of Istanbul seems to have adjudicated equally by looking at the deposition of the witnesses. Whoever had witnesses to prove his or her case could easily won the case. On the other hand, the availability of witnesses for the powerful personages, especially for elite members must have been easier than for common people. At this point, an important point should be kept in the mind. All these findings are based on the assumption that people from all strata of the city used to come to the court. However, the Istanbul court records of 1107-1108 only include the urban upper and middle classes. As it was pointed earlier, the amount of debt problems, sale contracts and the high numbers of officials and merchants in the court demonstrate that the income level and status of the persons involved in the court were very high. Therefore, what I mean here by common people is the relatively lower classes of the city according to my data. Gerber’s conclusion on the non-existence of class control on the court is partly validated by my data if we accept the presence of relatively lower classes in the court—it may be meaningful to call them the lower middle class of the society.

The absence of state intervention and class control is not a surprising fact. Although their absence can be connected to the denial of patrimonialism in the Ottoman Empire, there must be something more than this. Curran made a strong argument about the development of the Western Christian church in the middle
ages. He began with this question: How did the See of Rome, which even in the early fourth century was merely a local bishopric with no special aim to legal or constitutional pre-eminence, become the undisputed sovereign head of the western Christian Church? He found some mechanisms used by the papacy for this upheaval. Papal and ecclesiastical propaganda provided a teleological view of existence in which all actions of Christians were directed towards the attainment of salvation. The papacy introduced a new rite, the anointing of the emperor with the holy oil, in order to symbolize the central theme of papal propaganda that imperial power “descended” from God through the mediation of the papacy. In addition to non-verbal techniques of communication, the ecclesiastical authorities actively proselytized their congregation through conventional methods. It was thus not simply the power of religious faith that sustained papal authority. The success of the ecclesiastical hierarchy in shaping the dominant culture led, for a long time, to the general (but not total) exclusion of ideas and concepts that might undermine papal ascendancy. Scholars were induced to perceive and, therefore, to experience reality in a way that sustained papal rule regardless of whether they were or were not pious members of the church. In short, the rise of papal government in the early and central middle ages was based ultimately on the papacy’s successful manipulation of elite and mass media to transmit not merely its claims to church leadership but an ideological perspective of the world that legitimized its domination of Christendom. In the Ottoman case, one of the means of maintaining the authority of the state was law. The state had to respect and maintain justice for everyone. In the very essence of the Empire, there was a theoretical belief that the state was responsible for law and order. Through its close link with Islam, the sharia remained as an important source of legitimizing the state. The Ottoman state needed stronger mechanisms to connect the masses to the Empire. Administrative duties of the cities such as the construction of mosques and

collecting taxes did not fulfill the gap between the people and the state. The Ottomans managed to rule for a long time. The long duration of the Ottoman state cannot be explained only by the strict control of the Sultan over the whole population. Otherwise, there would have been many more uprisings in the Empire. The state must have created other mechanisms to legitimize itself in the eyes of the common people. Like the papacy who used a successful propaganda both by using confession and salvation, the Ottomans preferred to use law as a mediating mechanism between the state and the masses. The kadi was a powerful agent of the Ottoman administration. Frequent use of the court by the inhabitants of the city meant the acceptance of the kadi's authority, and, of course, the legitimacy of the state. With the help of the court, people could tell of their problems in every domain of their lives. Even the private life of the individual could reach the court. Then, on the one hand, the state could control the social and economic life of the masses through the court. On the other hand, the existence of the court acted as a mechanism that reduced the level of tension between the state and the masses. In the seventeenth century, the state was inflicting a serious tax burden on the people. It needed money because of wars, and the simplest way to maintain this was to collect taxes. Officials who were responsible for tax collection did not seem too fair. Under these worsening economic conditions, the existence of law and the sharia court must have reduced the number of revolts especially in the periphery. People went there and complained about the unfair administration of the officials, and heavy tax burdens. They could even demand the kadi to reduce the rate of tax. In Şikayet Defterleri, which contain documents directly addressed to Istanbul, there are many complaints about the state officials in the provinces. Thus, the court acted as a confession mechanism. On the one hand, inhabitants considered the court to be a mechanism providing a link to the center, and as a result they accepted the legitimacy of the state. On the other hand, by coming to the court and telling their wishes, people strengthened their belief in the sharia and state. Therefore, the rate of revolts did not necessarily threaten the being of the state.
to a great extent. Under these conditions, any kind of visible state intervention or class control could destroy the legitimacy of the state. If people began to believe that the court was not fair enough to preserve their rights, their belief in law and state would decrease. To sum it all up, whatever the nature of the Ottoman Empire was, patrimonial or absolute, the center had to regard the court as a just mechanism with the minimum intervention and class control in order to prevent increasing disorders in the society.

This function of the kadi and court was probably more visible in the provincial cities. The state had more difficulty in controlling them whereas the core areas like Istanbul and Bursa did not need the court to legitimize the state’s authority because there were many state officials there, and the core areas were economically the beneficiaries of the Empire. Thus, the provincial kadıs were expected to be more influential for the continuity of the state’s power. A close look at the court records of provincial cities like Ankara showed that the provincial kadıs successfully fulfilled their functions at least until the end of the sixteenth century. The existence of cases about marriage, divorce and safety problems in a high ratio pointed to the importance of the kadi and the court in the daily life of provincial city residents. In conclusion, from my point of view, the absence of state intervention and class control on the court was a necessity rather than an indicator of the “democratic” character of the Ottoman Empire.

According to Gerber, the fetva, a legal opinion given by a professional jurist, is a specifically Islamic legal institution that played a certain role in the development of Islamic law, and more specifically, in the adjudication of every subculture within Islam. According to the Weberian theory and the anthropological models presented in his study, the more important the role of the fetva, the more important became the role of theoretical, faceless, context-free considerations in the process of adjudication. This is because the fetva was a question submitted to the religious scholar without

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identifying details such as place, names of the litigants, and so on. According to him, *fetvas* were very widely used in the Ottoman courts. The party presenting a *fetva* in court always won the case. He also mentioned that in the court records of eighteenth-century Istanbul, too, one often came across *fetvas* as an integral part of the legal process. Contrary to this finding, there is no reference to *fetvas* in the Istanbul court records of 1107-1108. Since Gerber did not mention which court records he used in his book, the absence of *fetvas* in the Istanbul court records could partly be because of the kadiusker status of the *kadi* of Istanbul. Since he was the highest ranking *kadi*, the *kadi* of Istanbul did not need to ask the opinions of the Seyhülislam. He tended to judge cases in line with the high responsibilities given to him. Thus, I can conclude that *fetvas*, the most important institution of Islamic law, was not used in the Istanbul court. In contrast, the *kadi* was always suspicious of written documents. As I mentioned earlier, hüccets taken from *kads* or *naibs* of other cities were not accepted unless witnesses proved their accuracy.

In conclusion, this chapter is concentrated on the review and the critics of Gerber’s interpretation of the Ottoman state and society, which is the only study done on the mentality of the state with an anthropological approach. Although I do not favor the Weberian methodology of Gerber, the presence of this study is a very important development for further researches on the sociological understanding of the functions of the court and the state.

What I do not like in Gerber’s study is the absence of social classes, and the interaction between them and the state. On the one hand, he criticizes Weber because of his generalization of patrimonialism over all parts of the Empire. On the other hand, in a very Weberian way, he creates a typology of the core area of the Ottoman Empire from the viewpoint of the state. He creates an ideal type of the Ottoman state by emphasizing its democratic virtue. However, not only the state shaped the ideas and the ways of thinking of the masses. The inhabitants of the cities must have affected the state itself. Therefore, the court had to have a relatively fair
mechanism with a minimum level of state intervention. Like the papacy in Rome, the
Ottoman state maintained its legitimization with a successful propaganda by using the
sharia court. Whether the state achieved this successful campaign consciously or it
was merely a spontaneous institution emerging from the needs of the common
people is not an important problem here. The most important thing is to situate the
masses in the framework of the state. Otherwise, one has to remain in the
patrimonialism argument with the absolute control of the ruler over his subjects.

I am aware of the fact that I cannot give sufficient evidence about the
perception of the world by the common people because of the limited capacity of my
data. But, at least, the absence of documents including the actual words of the people
points to a high degree of bureaucratization of the state. Although in many instances
the *kadi* of Istanbul might have been individualistic, adding his ideas to his judgments,
on the whole, he tried to remain impartial. Even the recording of the data in a formal
way as modern-day documents, shows the tendency to create a more legal rational
law in the empire. At this point, I agree with Gerber that it is impossible to
understand the Ottoman state and law within the generalizations about
patrimonialism. Rather more dynamic studies concentrated on the local level can help
understand the functions of the Ottoman state. Geertz made a strong argument that
law differs not only from one culture to another but even within one culture, broadly
conceived, because law is an expression of the internal logic and structure of a
culture\(^{129}\). The different practices of the documents in the core areas and provinces
are good examples of this idea in the Ottoman Empire. As I mentioned earlier, there
were differences in adjudication procedures even between Istanbul and Bursa. In
conclusion, concentrating on the local analysis of power with the help of the court
records can give important clues about the internal logic of Ottoman society.

VI- CONCLUSION

The "dark ages" of the Ottoman Empire, the seventeenth and eighteenth centuries are the least studied periods of the Empire. Very few historians have concentrated on the seventeenth-century Ottomans, and their works unfortunately remain purely as descriptions because of the lack of data. Moreover, most of the studies on the Ottoman Empire gave the state the utmost importance. But, by considering the state as the strict controller of city life has resulted in inadequate studies on the relations between the state and society. Researches on the urban life of the capital and provincial cities are also limited in numbers. Only after the availability of the Sharia court records have some studies about urban life begun. However, in my view, the existing studies are mostly concerned with the economic history of the cities, and the relations between the capital city and the provincial cities are studied through trade relations. Even the studies about the history of Istanbul observe the city as a center of trade and commerce. Thus, the social life and the daily practices in the city seem to me neglected by the historians. My choice to work on Istanbul is primarily the result of this idea. It is my belief that much more than just economic relations in the capital city is to be found in the archives if a careful methodology is developed.

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130 One of the most interested historians on the seventeenth century is Süreyya Faroqhi. For more information about the seventeenth century look at Faroqhi, S. (1994). Crisis and change 1590-1699. In H. Inalcık & D. Quartaert (Eds.), An economic and social history of the Ottoman Empire 1300-1914. Cambridge University Press.
This study has concentrated on seventeenth century Istanbul in the light of the Istanbul court records of 1107-1108. Although the court records are limited to two years, they give a picture of their times. Since the records include daily relations between the residents of the city, many things about the social and economic life of the people are reflected in them. But, this does not enable us to reach even general conclusions about seventeenth-century Istanbul. Our court records only cover two years, and it is therefore impossible to observe changes over time. Although it is generally accepted that the Ottoman society was closed to change, I am unable to agree with this idea. The changes most probably did take place in a society that seems to have been very adaptable to every social condition. A wider study concerning a long period of time would probably show more of the changes within the society. Moreover, the court registers are not wholly reliable resources. What I have seen in the work of historians who are studying the court records is a full reliance on the accuracy of the records. Because the court records were written by state officials, it is natural to find the view of the state in the records. Some cases that went against the good of these officials and the state may not have been written at all or might have been written in a subjective way. All we find in the court records are the perception of the kadi in the name of the state. Although the court records seem very formal, bureaucratic and fair, it is necessary to suspect the objectivity of the data because the recording process depended on the kadi. In addition to this, it cannot be accepted that all the social groups came to the court in equal proportions. What I found in the Istanbul court records is that the lower classes did not use the court as frequently as others. The upper classes of society, regardless of religion, ethnic origin and gender, such as military classes, merchants and state officials often came to the court whereas the lower levels of society are almost absent from the court except for a few cases about criminal matters. Thus, it can be concluded that the Istanbul court was essentially the legal mechanism of the urban middle and upper classes. As a result, this
study has to be limited to the history of urban middle and upper groups. It is not an indicator of all strata of society.

Historians studying court records have tended to generalize their findings to all Ottoman cities. It is true that the court records of many different cities have some common characteristics and studying one provincial city can give some important hints about the economic and social life of their times. However, there are many differences in the court practices among cities. Especially, the provincial cities and the core area of the Empire had totally different law practices. In the provincial cities kâdis never recorded their decisions, it is not sure even if they reached a verdict in any case. The recordings of the testimonies of the claimant, defendant and witnesses are direct, and the words are written in the same way they were told, and there is much less of a common bureaucratic format for the writing. However, the Istanbul court records are recorded in a very formal way. The depositions are given in the form of short summaries by the kâdi. The kâdi always adjudicated in the cases. Gerber considered Istanbul and Bursa as core areas of the Empire showing the same pattern of legal practices. However, there are differences between Bursa and Istanbul court records. Related to his higher status as the kâdusker, the kâdi of Istanbul could make decisions on criminal matters. In the Istanbul court records, the kâdi adjudicated on every case that was brought to him, whereas the kâdi of Bursa was more limited in his decisions, and could not adjudicate in criminal matters. Even the courts in Istanbul show different patterns of recording and legal practices. Murphey mentioned that the Üsküdar court records of 1635 are full of cases about criminals and disorders, but the Istanbul court records of 1696-1697 have very few cases of criminals and unrest. The Galata court records, which I took a short look at, have a lot of debts and loans contracts, including mostly cases about guilds and trade. Therefore, it is necessary to limit the area of the study. Generalization of the data to the core areas of the Empire,

even to all parts of Istanbul can lead us to false conclusions. The subject of this study is limited to the Istanbul court records of 1696-1697.

From the very beginning of the study, I believed that studying law and the court records would give me a new understanding of the social life and the political order of the Ottoman Empire. Sharia court records are our best source for the social history of the common people in the Middle East before the nineteenth century. In addition, the structure of law in a society reflects the nature of the regime, and of the political order. Therefore, the organization of the chapters follows my thinking process. Findings in the court records show a great range of variety, and collecting all of them under a total perspective is very difficult. Thus, this study involves some descriptive findings. First, I tried to categorize the findings in meaningful groups. Then, related categories were arranged in more general chapters on the economic and social life of late seventeenth century Istanbul. Only after these procedures was I able to make comments on the state and society relations under the impact of the legal system. Because working on Ottoman archival documents is a really difficult job as a result of some difficulties of Ottoman Turkish, I first concentrated on the content and format of the data. Thus, I introduced the types of the documents such as ferman, ilam and hüccet. A general review on the concepts of the kadı, court and the people is given in this study. It is necessary to accept that this part of the study is fully based on an empirical analysis giving the description of the findings in the data. Yet, this kind of study is necessary. Since the introduction of the sharia archives for the use of historians is rather recent, our knowledge of the sharia court records is still very limited. Only with the help of much more studies on the court documents can some new methods that are needed for their efficient use be developed.

Secondly, I intended to categorize my findings about the economic life of late-seventeenth-century Istanbul. Although Istanbul was the capital city of the Ottoman Empire, there are few studies on the economic life of the city. The existing ones
consider Istanbul as a center of international and regional trade\textsuperscript{132}. The economic activities of the city are searched to the extent of its trade with the hinterland and abroad\textsuperscript{133}. Therefore, it is very difficult to find the internal dynamics of the economic relations in the city. Although it is necessary to consider Istanbul as a center for trade, the relations within the city have to be studied because the class distribution and more importantly, the structure of the state formation can be understood by this way. In the light of the Istanbul court records, I found some flexible mechanisms that made the economic life very dynamic in the city. Guilds, that are accepted to practice strict control over their members were more flexible than it is assumed. The kethûdos and elders of the guilds never interrupted the money transactions and trade between guild members. The guruş, a new coin minted instead of the akçe, was in full use in Istanbul, and the European coins that were assumed to be more popular than the guruş and akçe, were not frequently used in money transactions.

Some districts seem to be credit givers while others remain as credit takers. That is a good indicator of settlement according to economic status. The most detailed research about the economic and social history of Istanbul was Mantran's \textit{Istanbul in the second half of the seventeenth century}. He emphasized the economic life of the city. However, the description of the economic life of the city by Mantran seems to overlook certain aspects. While he was making a generalization of economic life under the strict control of state and guilds, he did not pay attention to the adaptable mechanisms that were mediating relations between the inhabitants and the state.


In this study, an attempt to give some hints about the social life of the city is made. Studies on the social history of the Ottoman cities are very limited in number. As a result, any descriptive study at this point can be helpful for further research. Although my findings are descriptions of the social life, to set them into an analytical framework is often difficult. Generalizations from the limited number of documents can lead us to wrong conclusions. But I hope that my findings about the role of women, household size and the structure of the mahalle will help future studies on the social history of Istanbul. What I found very interesting is that contrary to the general belief of the static and closed structure of the Ottoman social life, daily life as it is reflected in the court records is very dynamic. Inhabitants of the city regardless of their ethnic and religious origins interacted with other residents of different districts. There are only a few cases about intrafamilial relations in the court records. The majority of the cases are dominated by non-relatives, and even cases about inheritance are limited. This is a good dimension showing that both economic and social relations among inhabitants were very developed. The Istanbul society of the seventeenth century was more flexible and dynamic than it is assumed.

Until the last part of the study, all the work done is empirical research based on descriptions. The main aim of this study has revolved around the problems in the relations between the state and law in the Ottoman Empire, mainly in the seventeenth century. Following the path of Gerber, the picture of extreme despotism that pervades the secondary literature on the Ottoman Empire in this period is highly exaggerated and widely off the mark. The urban society that I saw in my research was very flexibly controlled. Weber pointed out that law in the Eastern societies based on substantive rationality is one of the most important factors affecting their dissimilarity to Western societies, and a proof of patrimonialism in. The Western


law system is based on instrumental rationality which necessitates a more formal, predictable, and dependable law. The legal system of Eastern societies—and of course of the Ottoman Empire—is defined by the arbitrariness and excessive individualism of the kadi and a heavy state intervention and class control. Gerber emphasized that this oversimplification is not true for the core areas of the Ottoman Empire. The kadi generally acted in such a formal and bureaucratic way that no arbitrariness can be found in the court records. The kadi of Bursa and Istanbul gave importance to the written documents and fetva, which resulted in a more equal judgment for all classes of the society. As a result, state intervention and class control were limited. Gerber brought this argument as a contrast to Weber’s patrimonialism idea. If state control was absent in law, the most important mechanism between the state and the common people, the strict control of the state could not be thought in the Ottoman case. From my point of view, this is a rather broad conclusion. It is my belief that the state used a “fair court” as a way of controlling the reaya. When the common people believed in the justice and the equity of the court, they frequently went there to solve their problems, so that the kadi and the state were legitimized in the eyes of common people. Thus, the power of the court and the kadi was a result of successful state propaganda. The necessities of the state rather than the non-patrimonial nature of the state led to the emergence of semi-autonomous courts. Hence, it cannot be said that the kadıs were not under any kind of state intervention and class control. They were the residents of the city and had contacts with the other inhabitants of the city. Contrary to Gerber’s findings in Bursa, the Istanbul court records of 1696-1697 have some cases showing the influence of powerful state officials and the subjective adjudication of the kadi. Although in total the kadi seems just, the existence of exceptions should be kept in mind.

At this point, the deterioration of the law system and the kadıs appear as an important question. If we accept that the legal system of the Ottomans was just, the general belief that the kadıs and other state officials degenerated has to be denied.
Gerber mentioned that the role of the kādis increased in the seventeenth and eighteenth centuries in contrast to Uriel Heyd’s view that the Ottoman kādis rapidly declined after the sixteenth century. In Bursa, kādis who did not adjudicate in the sixteenth century began to record their decisions about the cases in the seventeenth century. This fact is also true for Istanbul. The kādi of Istanbul was always powerful, and made decisions because of his kadiasker status. A comparative study on the court records of provincial cities in the sixteenth and eighteenth centuries can prove the accuracy of this argument. From the existing studies, it can be said that kādis were powerful state officials and administrators in seventeenth-century cities especially in the core areas of the Empire. Although deterioration of some of the kādis was present, it must have had only minor effects on the legal system of the Empire, and in any case the Sharia courts remained as just and important mechanisms in the eyes of the common people. Studies emphasizing the decline and degeneration of the kādis and courts seem to be exaggerated with the exception of a few cases.

In fact, the assumed decline of the kādis’ power is closely related to the consideration of the seventeenth century as a decline and decentralization period by some historians. Most studies on the seventeenth-century Ottoman Empire see a general decline both in economic and political activities of the state. This consideration resulted in the assumed decline in the moral values of state officials. If everything was corrupt at that time, how could the Ottoman state have survived for more a further three hundred years? It is certain that defeats in the wars and the declining importance of the Ottoman trade routes and the integration to the European market resulted in a very deep crisis in the state. However, the seventeenth century should be viewed as a transitory period when the impacts of fiscal and economic crisis were noticed, and the governors tried to take some precautions against them. Their unsuccessful attempts to adapt to the new economic conditions led to the decline of the Empire in the following centuries. The court as part of the state mechanism tried

to mediate the relations between the state and people. Only by trying to be lawful could the kadi and court become a good agent of state propaganda, and a necessary mechanism to legitimize the state in the daily lives of the common people.

However, the rejection of decline and decentralization theories does not necessitate us to consider the seventeenth century as a golden age of the Empire. Gerber sees this century as a period when everything was going quite well, and he tried to find the roots of a democratic regime of Turkey in the seventeenth-century Ottoman Empire. His well-defined methodology fell into a trap here: On the one hand, he is trying to undermine the methodology of Weber, on the other hand, he is creating another ideal type of the Ottoman Empire in a fully democratic character. In my view, generalizations and ideal types are not good ways of understanding the state and the society. It is more accurate to concentrate on the mechanisms and their functions that are necessary to adapt the changes at the local level. Regarding the seventeenth century as a transitory period, one should look at what kinds of mechanisms the state created to adapt to the crisis conditions because the most important thing I learnt from this study is that the Ottoman state was not as rigid as it first appears. For me, the long duration of the Empire depended on the creations of some mechanisms in times of crisis. The success or failure of these mechanisms in the seventeenth century defined the future of the Ottoman state. From my findings, I can say that the legal system of the Empire was functioning quite well in seventeenth-century Istanbul.

In conclusion, the strength of the Istanbul court records lies in the possibility of viewing the community of Istanbul in both context and action. The registers do not isolate the members of the Ottoman society, but show how various groups intermeshed. What is vital in these court records are the interactions of the community and the manner in which it used the law to enforce those relationships. As a last point, it is necessary to mention that, in this study, the court records have been used in a unidimensional sense, relying on internal evidence to examine the reality of
one part of Istanbul in the late seventeenth century. However, used in parallel with other sources, such as *sikayet defterleri* and chronicles, they should yield an even richer picture.
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APPENDIX

I- A case about guilds (111A)

Mahmiye-i İstanbul'da Yedi Kule kapusunun hariçinde vaki Ayasofya kebir evkafi mesfukatından olan debbağ dükkânlarının müşterileri ve debbağ taifesinin babaları Elhac Mehmed Ağa bin Elhac Bayram ve kethüdaları Hasan Çelebi bin Ahmed ve bin başları İsmail Çelebi ibn-i Yusuf ve ihtiyarlarından Esseýid Elhac Mehmed ve Elhac Hüseyin bin Mehmed ve Mehmed Çelebi bin Mehmed ve Ali Çelebi bin Mehmed vesaireleri meclis-i şer-i şerif-i enverde mahmiye-i mezburede Cibali Kapusunun kurumbosu sakin Mustafa bin Ramazan ve Yenibağçe kurumbosu sakin Mehmed Çelebi bin Mustafa meclis-i şer-i şerif-i enverde takrir-i kelam idüp, feth-i hakanıden ila hiza-el-ân mahmiye-i mezburede vaki salhhanelerde zebh olunan sığır ve koyun ve kuzu derilerinin cem ve zikr olunan debbağhanelerde vaki lonca tabir olunur mevziye götürüp udullu-û katib ütère tevezi ve taksim ve her birimiz hissesini kabz ve vakf-i mezburda icaret eyn-i mahumeteyn ile tasarrufunda olan diğkanında debağet ve tathirden sonra ulufesiz miriye mütalaallık múhimmat-i seferiyye eda ve ma'dayî sair ibadullaha fırıht idüp ve tirşeci ve güderici taifesleri dahi kezalik hissesine düşen derileri zikr olunan Yedikule hariçinde vakf-i mezbur dekakininde debağet ide gelüp mahal-i mezburdan gayri mahallerde debaughık sanati işlenmek men-i sultani ile memnû olup hatta 1072 senesinde zikr olunan Yenibağçe kurumbosu sakin berber Mehmed bin Yusuf bize mahsus olan yükülü ve kanlı derileri alup kendi menzilinde debaughet ve tirşe idüp beynimizde ihtilale bais olmakla tarih-i mezburda İstanbul kadısı olan merhum damat Abdurrahman Efendi mezbur berber Mehmedi husus-u mezburdan men idüp iş bu hüccet-i şer'iyye tahrir itmiş idi ve 1074 senesinde güderici taifesinden Mehmed Çavuş ve Abdullah güderilige salih tola tabir
olunur yolunuş koyun derilerini kendi menzilinde debağaet ve güderi itmekle tarih-i mezbürda İstanbul kadısı olan merhum Bosnevi Isa Efendi merkumu dahi men idüp iştı bu hücçet-i şer’iye tahrih ve muciblerince müteaddit evamır-i aliye virülüp nizam-i halimiz bu vech üzere muntazam iken mezburan Mustafa ve Mehmed Çelebi kadımden ola gelene muhalif kasap taifesinin zebb ittikleri derileri alup kendi menzilinde debaeat ve tirše ve güderi işlemeleriyle beynimizde külli ihtilale badiler olmuşlar idi, hala mezburan Mustafa ve Mehmed Çelebi bais-i ihtilal olmamak için kadımden ola geldiği vech üzere bad-el-yevm zikir olunan Yedikulede vakf-i mezbur müsakkafatından olan debbağhanelere çikup,sanatları olan tirše ve güdericiliği anda bizimle maen işleyip hafşyeteyn kendi menzillerinde debağaet itmemege herbiri razı ve müteahhid olmuşlardır, hala sual olunup takirleri tahrih olunmak matlubumuzdur didiklerinde, gabb-üs-suval mezburan Mustafa ve Mehmed Çelebi cevablarında fil hakika kaziye-i balada tafsir ve beyan ve şer ve ayan olunan vech üzere olup bad-el-yevm biz Yedikulede vakf-i mezbur müsakkafatından olan debbağhanelere çikup sanatlarımızı mezburun ile maen işleyip bais-i ihtilal olmamak için kendi menzillerimizde debağaet itmemege razı ve müteahhid olduk didikde ma vaki bit taleb ketb olundu.

II- A case won by the claimant (itiraf) (64A)


III- A case won by the claimant (inkar) (74A)


IV- A case won by the defendant (inkar) (93A)


V- A Ferman (29)

Misir canibinden kalıvolar levendati içün ocalık olup gelen 500 kese Misir altûnum ve Misir hazinesinden haric gelüp ol tarafda umur-u mühimme içün havale olûman altûnum ihtiza iden harzi tevecüh idenlerden mûri içün tahsil olunmak üzere icab iden norske bu defa mûriden tekîm olumup virilüp gerek kaptan paşada
dirhem altun ve 170 dirhem gümüş hasil olup ve zikr olunan 860 dirhem altun çeşniye mutabik ve irsal olunan numuneye göre kat ve tuğra-i hümayununla meskuk olundukda 781 aded altun ve 14 kırat altun olmakla zikr olunan 860 dirhem altun ve 170 dirhem gümüş ki ceman 1030 dirhemden maada 1100 dirheme varınca lazım gelen 70 dirhem toprağı kalkılarım 900 akçe masraf ve ücretlerine takas olump zikr-i mürur iden 170 dirhem gümüşün behası olan beher dirhem on yedişer akçeden muctemi 24 guruşun her 100 meskuk altuna birer dirhem harc-i darbıhane... üzere 18 guruş aşağı varılıp kalan 6 guruş astına zam ve ilhak olunmakla zikr olunan 1100 dirhem gelen 1000 Misir altından sıkke-i hümayun ile meskuk 784 cedid altunki bi hesab-i esedi 1960 guruş hasil olup 290 guruş zarar ahir ve mütebeyyin olmagın bu hesab üzere mecmu olan 30500 Misir altından çeşniye mutabik ve irsal olunan numuneye göre tuğralu sıkke-i hümayun ile meskuk ancak 23912 cedid altun hasil olup 3538 altunki bi hesab-i esedi 8845 guruş zarar iktıza iylediği cümle muvacehesinde zahir ve numeyan olmakla ma hüvell-vaki hifz-ül-mükad ketb olundu.
Yevm-ül-öşür vel eşri heri receb-ul-ırad. 1108.

VI- A Debt Case About a Bureaucrat (165A)

mezbur Mehmed Çelebiyi meclisi ehir ve iştira malından yeddinde olan 300
guruşu taleb ve daha iyledikde mezbur Mehmed Çelebi daha ikrar itmekle ben dahi
meblağ-i mezburu emin-i merkum Ali Ağaya teslim itmek üzere mezbur Mehmed
Çelebi üzerine hüküm-i ser'i ve meblağ-i mezburu tahsil ve mezbur Ali Ağaya teslim
idüp meblağ-i mezbur mutalibesinden ve... yeridir deryecek kadi muma ileyh
Mahmud Efendinin keyfiyet hali ve vukuflu tami olan sika-tı makbulet-ül-kelimatdan
istifsar olundukda mezbur Mahmud Efendi adil ve alim olup hıyanyet ve hata
töhmetinden beri olmakla kavall ile musaddakı olduğun meclisi-i ser'de cem-i gafir
cem-i kesir haber vermeğin mezbur Mahmud Efendi husus-u mezburde kali ile
musaddaik olmakla mucibitle müddde-i mezbur Mehmed Çelebi bi vech-i muarezeden
birile men ma vâki bit taleb ketb olundu. 1108.

VII- An Inheritance Case (864)
Mahmiye-i İstanbul'uda Balatkapusı kurbunda sakin iken bundan akdem
halik olan Manas veled Mihail nam zimmnin veraseti sulbi kebir oğlu Mihail ve
Papa Manas ve sulbiye kebir kızları Melek ve Duruhi ve Narliye münhasara
oldukdan sonra mezbur Mihailin sulb-i kebir oğlu Avram nam zimmı divan-tı
kâmmakam-ı hâzret-i sadr-ı azamide meclisi-i ser'i hatır-ı lazım-ül-tevkirde mezbur
Papa Manas mahzarında Mimar Ömer vakfinin mütevellisi olan Mehmed hâzir
olduğu halde üzerine data ve takrir-i kelam idiup, vakf-ı mezburda mehr-i beher mah
ellişer âkçe icare-i mucecelile ile ... mezbur Manasın mahalle-i mezburda vâki bir
tarfından Arakel?bir tarafdan Kosti nam zimmiler mülkleri ve iki tarafdan tarık-ı am
ile mahhûd bir menzil ile-l-helak taht-ı tasarrufunda olup bad-ı helake menzil-i
mezbur intikal-i adı ile mezburlar Melek ve Duhuri ve Nazliye ve mezbur Papa
Manas ve babam mezbur Mihaila intikal itmegın menzil-i mezburun beş sehminden
bir sehm hisse-i şatyasına babam mezbur Mihail mutasarrıf iken halik olup olup zikr
olunan bir sehm hisse-imezbur intikal-i adı ile bana intikal itmekle mezbur Papa
Manas ağılı hak ve vaz-i yed ider sual olunup yeddine tembih olunmak
matlubumdur didikde, gab-üş-sual mezbur Papa Manas cevabında fil hakika hal-i
minval muharrer üzere olup lakin müdde-i mezbur Avramın babası halik-i mezbur
Mihail menzil-i mezkurda olan beş sehmdan bir sehın hissesini ızn-i mütevelli ile
huyutunda tarih-i kitabdan otuz sene mukaddem kazkarındaalarım mezburat Melek ve
duhuri ve Nazliye ale-i-iştirak-ül sevi bedel-i maluma ferağ ve tafviz onlar dahi
tefevvür ve kabul eylerindiklerinden sonra mezburat Melek ve Duhuri ve Nazli ızn-i
mütevelli ile bedel-i malum-u makbuza bana ferağ ve tafviz ben dahi tefevvuz ve
kabul iyledikden sonra ben ve kazkarındaalarım mezburatı menzil-i mezkur
Avramın müdddeası olan bir sehın hisse-i şayi-i otuz seneden beri mezburun
muvacehesinde bila niza zahit ve tasarruf idiüp daima birbirimize melami olur ıkın
husus-u mezbur mütaleke-i mezbur Avram bir sene dava itmeyüp otuz seneden berı
bila özr-i şer-i sukid ızmîdir deyicek gab-ül-istintak mezbur Avram cevabında
.žaziye-i balada zikri mürur itdıği vech üzere olpr husus-u mezbur mütaleke dava
sadedinde olmayup otuz seneden beri bila özr-ü şer-i sukid iyledigiini ikrar ve itiraf
itmeğin ikrarı mucibince bila özr-ü şer-i on sene mürur iden vakf davasının bila emr-i
sultan istíma memnu olmağın bi vech muarazadan men birile ma vaki bit taleb ketb
olundu. 1108.

VIII- A Sulh Akdi About a Boundary Problem (18A)

Husus-u ati-ül-beyann mahalinde ketb ve tahriri babinda ferman-i ali
varid olmakla meclis-i şer-i ızrîf-i enverde keșf naibi olan fahr-ül-müderrisin-ül-
kiram Abdullah Efendi bin Ali ırsal olumup ol dahi hassa mimarlarından Mehmed
Halife bin Abdullah ve Osman Halife bin Abdulmennan ile mahmiye-i İstanbulda
Tahta Minare mahallesinde vaki iki tarafdan Ahmed Beşe nam kimse tasarrufunda
olan cenhine ve bir tarafdan Yusuf nam kimse menzili ve bir tarafdan tarîk-i am ile
mahdud menzil üzerine varup zeyl-i vesikada muharrer-ül-esami müslimin
mahzarlarinda akd-i meclis-i şer-i-i mübeyrin iliyyedikde menzil-i mahdûdu mezbur
...olur zayi Ali Efendi bin Mustafa ve Mehmed Çelebi bin Halil marifetleri ile marife

**IX- A Sale Contract (145A)**

Mahmiye-i İstanbulda Hoca Muhiddin mahallesinde sakin Hüseyin Beşe ibn-i Ali meclis-i şer'i serif-i enverde taşçı taifesinden Hüseyin bin Ali mahfaraında ikrar-ı tam ve takrir-i kelam idip, yeddinde mülk-ü ..olup mahmiye-i mezburede Karabaş mahallesinde vaki iki tarafдан Halil Çelebi ve bir tarafdan vakif odalar ve bir tarafdan tarık-ı am ile mahdud sagır ve kebir üç bab odalı ve kenev ve cenine? müştemil menzilimi bil cümlet-il-tevabi vel tevahik ve kafet-ül-hukuk
tarefeyinden icab ve kabulu havi bey-i kati ile mezbur Hüseyine 95 guruşa bey ve
temlik ve testim ol dahi ber vech-i muharrer iştıra ve temellik ve tesellüm ve kabul
ittiğinden sonra semeni olan meblağ-ı mezbur 95 guruğu mezbur Hüseyin yeddinden
bittamam velkemal ahz-ü kabz itidim bad-el-yevm menzil-i mahbud-u mezburda kata
alakam kalmayıp mezbur Hüseyinin mülki-ü müsterasi ve sarfı olmuşdur keyfema
yasa tasarruf olur didikde gab-ul-tasdiq-ul şeri‘i ma vaki bit taleb ketb olundu. fi 12
Şaban-ul-azim 1108.

X- Emancipation of a Cariye (904)

Ber vech-i atı davaya kablı şer‘den mezune olan açık kaşlı, kara
gözü, orta boylu baiyet-i mez-ul-kitab Rosa bent Miloş divan-i kaim makam hazret-i
sadır azamide makud-u meclis-i şer‘-i şerif-i enverde mahrusa-i Galatada cami-i
kebir mahallesi sükkannından Elhac Ali ibn-i Abdelmecid mızarında üzerine dava ve
takrir-i kelam idüp, ben fil asıl vilayet-i Rumilinde Zisova kazasına tabi Haro티e
nam kariyede sakın hürret-ul-asıl olan Miloş veled-i Petro nam zimminin feraşından
hasila ve zevesi olup hürret-ul-asıl olan Lobe bint-i Hristodan mütevellide. sulbiye
kızı olup bana ve ebeveyenime kata rrük tari olmamış hürre-ul-asıl olup tarih-i
kitabından altı sene mukaddem kariye-i mezbureye ... ve ala müstemili olmakla
İstanbula gelmek için kariye-i mezburede kendi rızam ve hüsn-ü ihtiyarım ile çıkp
sefayın-i sultaniyeden fırka kapudan olan Aşçı Fettah Mehmed Paşanın sefinesine
geldiğimde levend taifesı beni ahz-ü haфиyeteyn Elhac Ahmed Kapudan ol dahi
Manol zimmi ol dahi Elhac Selime ol dahi işbu mezbur Elhac Aliye bey iyle dikden
sonra mezbur Elhac Ali rük olmak üzere bi gayr-i hakkın ve vaz-i yed-i bedel-i
kitabet olmak üzere 125 guruşumu bila vech-i şer‘i ahz-ü kabz itmişdir. Hala sual
olumup beni tenbih ve testim-i tahliye ve ber vech-i muharrer mehuzu olan meblağ-ı
mezburun alıverilmesi matlıbumbur didikde, gab-üs-suval mezbur Elhac Ali
cevabında mevsüfe-i mezbureyi merkum Elhac Selimden 120 guruşa rük olmak üzere
iştıra ve tesellüm itmiş idim deyı vaz-i yeddini ve ber vech-i ...müddiye-i
mezburenin 125 guruşunu bedel-i kitabet olmak üzere ahz-ü kabz ... muddey-i

In the following pages, the original texts of the above cases are given according to their previous order.
توضیحاتی درباره تاریخچه و تاریخ کتاب نویسنده نیست.

در این صفحه، نویسنده به بررسی و تحلیل اهمیت و کاربرد روزنامه‌های دوره قاجاریه پرداخته است. او به نظر می‌رسد که روزنامه‌ها به عنوان یکی از پیشروی‌های مهم در زمینه اطلاع‌رسانی و ارتباطات بوده و نقش مهمی در انقلاب سیاسی و فرهنگی دوره قاجاریه داشته‌اند.

نویسنده با استناد به منابع فرهنگی و تاریخی، به نتایجی که در این دوره جشن‌گرفته شده، پایبند می‌باشد. او به بررسی و تحلیل این روزنامه‌ها و نقش آن‌ها در تأثیر بر سیاست‌های دولتی و سیاست‌های اجتماعی، پرداخته است.

پیام‌هایی که در این صفحه نوشته شده می‌توانند به عنوان آوازه‌هایی از تغییرات سیاسی و فرهنگی در دوره قاجاریه به‌تاریخ نشان دهند. نویسنده به نظر می‌رسد که این روزنامه‌ها نقش مهمی در تأثیر بر سیاست‌های دولتی و سیاست‌های اجتماعی داشته‌اند.

در کل، این صفحه به عنوان یک نگاهی به تاریخچه و تأثیرات روزنامه‌ها در دوره قاجاریه نیست. نویسنده به درک و تحلیل این موضوعات پرداخته است.
همراه هسته‌های داده‌ها با هر گونه تغییر فرم آنها نمی‌توانند. که این مسئله آن‌ها با داده‌های دیگر ارتباط دارند. علی‌رغم این‌که داده‌های دیگر ممکن است از جمله داده‌های دیگر، اما در اینجا به‌طور خاص به آن‌ها اشاره نمی‌شود.

به‌طور کلی، داده‌های داده‌ها با داده‌های دیگر ارتباط دارند. به‌طور خاص، در اینجا به آن‌ها اشاره نمی‌شود.

به‌طور کلی، داده‌های داده‌ها با داده‌های دیگر ارتباط دارند. به‌طور خاص، در اینجا به آن‌ها اشاره نمی‌شود.

به‌طور کلی، داده‌های داده‌ها با داده‌های دیگر ارتباط دارند. به‌طور خاص، در اینجا به آن‌ها اشاره نمی‌شود.
در حال حاضر، عدم وجود صور در این متن از لحاظ ظاهری، نمی‌تواند این متن را قابل فهم کردن سازد. بهتر است برای جلوگیری از این‌طوری مشکلات، سندی را با استفاده از نرم‌افزارهای موجود در زمینه خودرسانی نوری، ذخیره و ارائه دهید.
متن تاریخی که در این صفحه نوشته شده است، به زبان فارسی است. متن به صورت شامل روزنامه‌ای می‌باشد که به طور کامل خواندنی و قابل فهم است. متن این تاریخی به طور کامل شامل موضوعات مختلفی را پوشش می‌دهد و تاکنون بلافاصله به راحتی قابل خواندن است. متن به طور کامل شامل موضوعات مختلفی را پوشش می‌دهد و تاکنون بلافاصله به راحتی قابل خواندن است.
حسن خان سلسله مرکز و خان بنیان دارای نقش و فنون آسیا در این سریال است. در این دو فصل از سریال، خان و همکارانش می‌توانند با کمکی از امکانات منابع فنی و سیاست‌گذاری‌های ایده‌آل خود در این دو دفتر به مبارزه با حریم مخفی و فلک‌های ناسازگاری بازی کنند. 

امکانات و سیاست‌گذاری‌های ایده‌آل خان و همکارانش در سریال الهام‌بخش و در مبارزه با حریم مخفی می‌باشد.

کمکی از منابع فنی و سیاست‌گذاری‌های ایده‌آل خان و همکارانش در این دو دفتر به مبارزه با حریم مخفی بازی کنند.

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