INFORMATION TO USERS

This manuscript has been reproduced from the microfilm master. UMI films the text directly from the original or copy submitted. Thus, some thesis and dissertation copies are in typewriter face, while others may be from any type of computer printer.

The quality of this reproduction is dependent upon the quality of the copy submitted. Broken or indistinct print, colored or poor quality illustrations and photographs, print bleedthrough, substandard margins, and improper alignment can adversely affect reproduction.

In the unlikely event that the author did not send UMI a complete manuscript and there are missing pages, these will be noted. Also, if unauthorized copyright material had to be removed, a note will indicate the deletion.

Oversize materials (e.g., maps, drawings, charts) are reproduced by sectioning the original, beginning at the upper left-hand corner and continuing from left to right in equal sections with small overlaps. Each original is also photographed in one exposure and is included in reduced form at the back of the book.

Photographs included in the original manuscript have been reproduced xerographically in this copy. Higher quality 6" x 9" black and white photographic prints are available for any photographs or illustrations appearing in this copy for an additional charge. Contact UMI directly to order.

UMI
A Bell & Howell Information Company
300 North Zeeb Road, Ann Arbor MI 48106-1346 USA
313/761-4700  800/521-0600
THE PROHIBITION OF SUNNI-SHI'I MARRIAGES IN THE OTTOMAN EMPIRE: A STUDY OF IDEOLOGIES

Karen M. Kern

Submitted in partial fulfillment of the requirements for the degree of Doctor of Philosophy in the Graduate School of Arts and Sciences

COLUMBIA UNIVERSITY
1999
ABSTRACT

The Prohibition of Sunni-Shi'i Marriages
in the Ottoman Empire:
a study of ideologies

Karen M. Kern

The prohibition of Sunni-Shi'i marriages in the Ottoman Empire spanned a period of four and a half centuries from 1512 C.E. until 1926 C.E. This fact, in itself, is remarkable. However, even more striking is the continuation of two ideologies — that of Shi'i heresy and of Ottoman universalist imperial legitimation — that initially supported the prohibition and were utilized throughout this period to reassert and reconstruct the ban on marriages.

This is a study of these two ideologies which went through a process of elaboration, continuum, loss from the collective consciousness and reconstruction. They were originally constructed in a period when Ottoman authority was under attack both internationally — by a newly-established Shi'i, Persian state on its eastern borders — and domestically — by tribes in eastern provinces of the empire that had questionably loyalty to the Ottoman center. From the beginning and throughout the centuries, the ideologies speak directly to issues of Realpolitik that confronted the Ottoman empire in its relations with Persia. As Ottoman power declined, and Persian-Ottoman relations developed, these ideologies were reconstructed in such a manner that speaks volumes about the reassertion of authority and legitimacy in an ever-shifting political landscape.

The prohibition of marriages between Sunnis and Shi'is was part of a package of sanctions enacted against the Shi'i both inside and outside of the Ottoman Empire. This was a pragmatic response to ideological and geopolitical
challenges from Persia. The duration of the prohibition was the direct result of unresolved rivalries between the two states. Significantly, during periods of normalization between the states, the prohibition was reasserted and strengthened within the traditional framework of Shi‘i heresy and Ottoman universalist legitimacy. Even at the end of the empire, when these ideologies no longer were even a part of the official discourse, laws strengthening the prohibition on the original religio-ideological basis continued to be enacted.

In the early 20th century, as the Ottomans were trying to forestall the disintegration of the empire, there were discussions concerning the annulment of the prohibition of marriages. Yet, the final step to annul the prohibition could not be taken. It was not until the collapse of the empire and the establishment of the Turkish Republic that the prohibition could, once and for all, be repealed. This fact suggests that the binary opposition between Sunni and Shi‘i — between the Ottomans and Iranians, established so long ago, was stronger than the ideologies that created the definition of difference.
# Table of Contents

List of Abbreviations .................................................................................................................. ii

Notes on transliteration ................................................................................................................. iii

Introduction: Ideologies of hegemony ............................................................................................ 1

Chapter One: The orthodox/heterodox dialectic ........................................................................... 17
  The defining moments ................................................................................................................. 19
  The ķızılbaş in Ottoman rhetoric ............................................................................................... 29
  The production of anti-ķızılbaş fetvas ......................................................................................... 34

Chapter Two: The Ottoman dilemma: authority in a divided ümmet ........................................... 46
  Classical theory of state in Islam and the problem of inter-Muslim territorial division .......... 48
  Ottoman claims to universal legitimacy ....................................................................................... 54

Chapter Three: Buyruldu-ı Âli .................................................................................................... 75
  The rhetoric of heresy within the framework of national ideology ........................................... 79
  State relations with the ilmiye ...................................................................................................... 88
  The Treaties of Erzurum .............................................................................................................. 93

Chapter Four: Conversion .......................................................................................................... 99
  Shi'i propaganda ......................................................................................................................... 105
  Sunni counter-propaganda .......................................................................................................... 115

Chapter Five: Subjecthood to citizenship ................................................................................ 130
  Citizenship and marriage ........................................................................................................... 140
  Confusion and contradictions .................................................................................................... 147
  Procedures and punishments ..................................................................................................... 153
  Disposition of estates .................................................................................................................. 158
  Loyalty of the army ..................................................................................................................... 163

Conclusion: Continuity and change ............................................................................................. 175

Bibliography ............................................................................................................................... 183
LIST OF ABBREVIATIONS

BBA  Başbakanlık Arşivi (Prime Minister's Archives)
BSOAS Bulletin of the School of Oriental and African Studies
EI†  The Encyclopedia of Islam, 1st edition
İA  İslam Ansiklopedisi
IC  Islamic Culture
IJMES International Journal of Middle East Studies
IS  Iranian Studies
JAOS Journal of the American Oriental Society
JSIS Journal of the Society for Iranian Studies
JTS Journal of Turkish Studies
MES Middle Eastern Studies
SI  Studia Islamica
TSAB Turkish Studies Association Bulletin
Notes on transliteration

When transliterating words from various languages, consistency has been preferred to the use of multiple systems appropriate to the original languages. Therefore, forms currently in use for the transliteration of Turkish have been preferred whether the word is of Turkic or non-Turkic origin. For example, long vowels in Arabic and Turkish are reproduced with a carat instead of a long dash over the letter.

Additionally, for the sake of consistency, the Turkish spelling for words of non-Turkish origin has been preferred. For example, "fatva" is used instead of "fatwa," and, with the exception of the discussion of classical Islamic law, "Şeriat" is used instead of "Shari'a."

Arabic, Turkish and Persian titles, personal names and technical terms familiar to English speakers, such as "sultan," "shah," "Selim," "Muhammad," and "Sunni," "Shi'i," have been reproduced in Anglicized form without diacritics.
Introduction:
I...eologies of hegem...y

...the 'lived' relation between men and the world, including History (in political action or inaction) passes through ideology, or better, *is ideology itself.

This is the sense in which Marx said that it is in ideology (as the locus of political struggle) that men *become conscious* of their place in the world and in history, it is within this ideological consciousness that men succeed in altering the 'lived' relation between them and the world and acquire that new form of specific unconsciousness called 'consciousness'.¹

This is a study of the "lived relation" between the Ottomans and their world. At the center of this relationship were two interrelated ideologies which utilized historical memory as a call to political action. It is within this historical memory that the Ottomans became conscious of their place in the world and created their own place in history.

But this is also a study of the evolution of those ideologies — ideologies that once defined went through a process of reassessment and redefinition. These ideologies were often in conflict with the geopolitical realities. They were, on occasion, left to repose in the national consciousness — as memories from a remote time that had no apparent relevance to current conditions. But they were also, when circumstances warranted, snatched from memory. The reassembly of these ideologies brought innovation. Ideologies in confrontation with innovation led to irreconcilable differences between the original basis of the ideologies and the

contemporaneous needs that demanded their recall and reconstruction. So this is also a story about the "living" relationship between the Ottomans and their world -- a process by which they altered themselves and their world by acquiring new forms of consciousness.

The two ideologies under study here -- that of Shi'i heresy and of Ottoman universal imperial legitimacy -- went through a process of elaboration, continuum, loss from the collective consciousness and reconstruction. They were not monolithic -- unchanging and static. Nor were they immaterial -- without a raison d'être. These two ideologies were originally constructed within a specific historical period when Ottoman authority and legitimacy were under attack both domestically and internationally. They were tangible and can be dated. We know the names and can see the faces of those who "invented" these ideologies, of those who brought them to full articulation and of those who reclaimed and reconstructed them. Therefore, there can be no claim that these ideologies were the function of "false consciousness" -- an inversion of reality -- in the sense that Marx and Engels used it. They give reference to very real geopolitical concerns. When the ideologies were reasserted they spoke directly to a changing geopolitical reality, in some cases more successfully than in others. And the evolutionary process itself speaks volumes about the reassertion of authority and legitimacy in an ever-shifting political landscape.

Since this study is concerned with the construction of ideologies within the environment of Realpolitik, it is an examination of intellectual history -- although not to the exclusion of social history. This is an analysis of ideology as an interpreter of the political world as articulated by those who had the authority to utilize ideological discourses to establish and maintain power and legitimacy. As a
result, this inquiry will fall outside of the mainstream of sociological theory where the tendency has been to discuss the role of ideology in "making sense" of the social reality — as Geertz would say in "providing maps" that make meaningful an individual's place within his society. Sociological theory, stressing the function of ideologies as a social element, has led to a movement away from earlier discussions of ideology as somehow fraudulent — as "creating" belief systems or national myths. This study, however, evaluates belief systems and national myths, not in the pejorative sense of "false consciousness," but as pragmatic responses to very real political challenges.

The prohibition of marriages between Shi'ites and Sunnis in the Ottoman Empire was just such a pragmatic response to challenges in the arena of Realpolitik. The rise of the Safavid state in 1501 C.E. was without a doubt a defining moment for the Ottomans — an event that challenged the very foundations of their empire and forced an Ottoman declaration of imperial legitimacy and a definition of suzerainty over the entire Muslim community. Within this geopolitical contest the Ottomans established their ideological position vis-a-vis the Safavid state.

In considering the prohibition of marriages one is immediately struck by two facts: the duration of the prohibition, which lasted for more than four centuries, and the persistence of the two ideologies that supported the prohibition — the ideology of heresy and the ideology of universalist imperial legitimacy. The duration of the prohibition and the persistence of the ideologies were the direct

---

result of unresolved geopolitical rivalries between the Ottoman and Persian states. The ideology of heresy was delineated within the framework of the Ottoman-Hanafi belief system, while the ideology of universalist imperial legitimacy was founded on a mythological notion of the transfer of caliphal authority. Both of these ideologies provided a moral basis for the exercise of power and the creation of community solidarity and legitimized Ottoman social engineering such as the prohibition of marriages.

The ideologies in question — like the prohibition itself — must be continually revisited at the different stages in which they were used and in light of Ottoman responses to geopolitical pressures. The ideologies as originally asserted were not monolithic and cannot provide a unitary road map for the long epoch of Ottoman-Persian relations. They must be reexamined in each context in which they were reasserted. An ideological commitment to heresy and universalism remained throughout Ottoman history, but its shape and form was continually redefined in relation to changing Ottoman-Persian relations.

In attempting to understand the enactment and persistence of the prohibition, it is essential to understand its underlying rational. This will be accomplished through textual analysis of political and legal discourses — the discourses of power. In the polemic of the early imperial orders and fetva literature we find the first proclamations of the Ottoman claim to caliphal authority, the designation of the Shi’a as the heretical "other" and the prohibition of Shi’ite-Sunni marriages. Later, in the rhetoric of treaties, imperial mandates and kanunnames we find the reassertion of universalist legitimacy, and the heresy of the Shi’a as well as a reconstruction of the prohibition of marriages. All of these texts expose an Ottoman world-view that exhibited concern about legitimacy and imperial
authority. These ideologies, as constructed, were set in binary opposition to a Shi‘i state that challenged Ottoman supremacy on both the ideological and political levels.

These political and legal texts were the proclamations of the leaders of the most powerful Muslim state. The laws, imperial orders and treaties were filled with images of the heretical. They rationalized, as necessary and just, an Ottoman political and social order that was under threat from a competing ideology of divinely-sanctioned legitimacy — the Safavid genealogical claim to authority from the family of the Prophet. The rhetoric separated the Shi’a as the "other" who was dangerous to the righteous Sunni community. It legitimized domestic political repression of Ottoman Shi’a — that included attempts at social engineering such as the prohibition of marriages with Shi‘ites — as well as supported wars with the Safavid state, all in the name of a "true" Islam.

The ideology of heresy, examined contextually within the rhetoric of the law, reveals the logic behind the prohibition of marriages. In studying the discourse of the laws one immediately discovers the political conflict and competition with the Shi‘i ideology of divinely-sanctioned authority. In the earliest expositions of the prohibition by fetwas in the 16th century, the age-old Sunni/Shi‘i conflict over authority and legitimacy is recontested and reconstructed. But on this occasion the conflict takes on the appearance that is specific to a particular time and place — a world in which the most powerful Muslim state, the Ottoman, is confronted in 1501 C.E. by the rise of an upstart Shi‘i state, the Safavid. Yet at the basis of the ideology of heresy is an even more pervasive claim that directly challenged Safavid authority — the claim of Ottoman centrality and the belief in a universalist Muslim state. This universalist ideology was utilized to legitimate a weaker
Ottoman entitlement to imperial authority and maintain the social inequity inherent in the prohibition of marriages.

In the imperial orders that were issued during the 16th century, we find the basis for the assertion of the Ottoman sultan as caliph in the invention of a tradition that the caliphate has been transferred from the last `Abbasid caliph to Sultan Selim I. The myth of the transfer of the caliphate at the basis of the ideology of universalism was surely constructed for domestic purposes — in order to establish a social consensus within a society composed of diverse ethnic and religious groupings with questionable loyalty to central Ottoman authority. But the myth was also directed towards international challenges and intended to segregate groups outside of the empire that were competing with, or challenging, the central authority.

The 16th century was a glorious age of strong sultans and expanding empire when the ideologies of heresy and universalism were utilized for the purpose of legitimizing imperial authority when institutions alone were not enough to secure a collective identity. In the 17th and early 18th centuries, as the empire went into a period of decline marked by weak leadership and territorial defeats, these ideologies continued. The ideologies maintained their authority through routinization in the treaties with the Persian state. The rhetoric in these treaties continued the discourse of heresy as well as the Ottoman's exclusive claim to the caliphate.

By the middle of the 18th century, however, Ottoman-Persian relations were entering a new era marked by the recognition of inter-Muslim territorial division. The political rapprochement between the Ottomans and Persians was the result of geopolitical factors, particularly the rise of the new ideology of the nation-state,
that demanded the establishment of a political and economic working relationship. Analysis of the treaties enacted between the two states during this period shows an absence of the long-held rhetoric of heresy and exclusive Ottoman claim to the caliphate. Yet remarkably the prohibition of marriages continued during this period of normalization. Although the prohibition is not reaffirmed or reinforced on the executive level, it is maintained by the religious establishment — the carriers of tradition — on the local level. The complexity inherent in an era where new ideologies are emerging leads to uncertainty and contradiction in social practice.

Beginning in the 19th century the Ottoman Empire embarked on programs of reform that profoundly changed the traditional basis of imperial legitimacy from a divinely-sanctioned empire to nation-state where all subjects irrespective of religious affiliation or ethnicity were accorded equal rights as citizens. This process did not occur in an instant. The change from subjecthood to citizenship — of redefining the state from empire to an Ottoman nationality — was a long process that took over a century to achieve, if indeed it was ever achieved. Ottoman-Iranian relations also developed concomitantly with the Ottoman program of modernization along the lines of a nation-state. On the diplomatic and political levels the Iranians were finally recognized as a separate nation and given capitulatory rights similar to those accorded European nations. Various treaties attempted to settle long-standing problems such as border disputes and economic matters. Yet the process of the "secularization" of empire was not without its difficulties. In fact during this period the rise of nation-state ideology weakened the solidarity of social unity.

The Ottoman experiment with nationalism — the creation of a common membership — occurred during a period of change from the traditional to modern
form of social life. It is impossible to look upon this period as a continuum — i.e. as a process of progression from one step to the next towards the establishment of a "modern" nation. The social dislocations that occurred demanded a continual reassessment of legitimacy and authority. In the early stage of modernization, under one of the greatest Ottoman reformers, Mahmud II, we find the return to the traditional ideology of heresy vis-a-vis the Iranian state. The declaration by imperial mandate in 1822 prohibiting marriages with Iranians is the clearest indication that a competition existed between two ideologies.

The return to the ideology of heresy at this very important stage in the modernization of the empire suggests the need to exert an historical logic over the events that were occurring — in other words to utilize traditional ideology in order to maintain a continuity with the past and ameliorate the social dislocations that were taking place. However, the rhetoric of the 1822 mandate also gives reference to issues of Realpolitik that arose as the result of the normalization of Ottoman-Iranian relations. In this respect the ideology of heresy was reassembled and reconstructed to fit the needs of a developing nation-state ideology. The process of reconstructing a definition of heresy was not without its difficulties. Although Mahmud II utilized the traditional binary opposition between Sunnis and Shi'ites in order to confront geopolitical realities specific to the new nation-state ideology, the reassertion of the rhetoric of heresy created an obstacle to full normalization between the Ottoman and Iranian states. On the diplomatic level relations between the two states would continue to progress along the lines of nation-states. On an ideological level, however, the Ottomans would not be able to free themselves from the age-old Shi'i-Sunni conflict over authority and legitimacy. The remnants of this division would be an obstacle to a final and full recognition of the Iranian
state as an equal partner in the Muslim community. The twin ideologies of heresy and universalism found a powerful advocate at the twilight of the empire.

After a long process of modernization known as the Tanzimat (1839-1876), during which time there is no mention of marriages between Ottomans and Iranians, Sultan Abdülhamid II (1876-1909) ascended the throne and the empire entered into a long period of re-islamification. Although there could be no overturning the decades of reform, Abdülhamid did reclaim the title of caliph. But even though there was certainly no longer any realistic hope for a universal caliphate, the islamification program of Abdülhamid supported a reassertion of the traditional binary opposition between the Ottoman and Iranian states. During this period we find the most active and continual reassertion of the prohibition of marriages between Ottomans and Iranians. The legal basis for the prohibition continued to rest more on traditional notions of heresy as propounded in the early fetha literature and in the 1822 imperial mandate than on a claim to universalism. Even so, the traditional basis of heresy was a shadow of its former self. Although the laws enacted during this period utilize the traditional basis to add authority to the prohibition of marriages, in fact the rhetoric of heresy no longer carried its former force. Instead, the logic behind the reassertion of the prohibition of marriages was the serious domestic and international challenges that confronted the empire, in particular a threat to the integrity of the eastern borders of the empire.

Remarkably, at the end of the empire when the ideologies of heresy and universalism were no longer even a part of the official discourse, the prohibition of marriages continued to be enforced. At a time when the Ottomans were trying to forestall the disintegration of the empire there were discussions concerning
annulling the prohibition of marriages. The discourse surrounding these discussions made note that times had changed and that there was no longer any need to continue preventing Ottomans from marrying Iranians. Yet the final step to annul the prohibition could not be taken. Certainly this fact could only mean that the binary opposition long ago established by the Ottoman state was stronger than the ideologies that created the definition of difference.

This study is a highly selective narrative that does not aim to cover all of the events in Ottoman history or even all of the events in Ottoman-Iranian relations. Instead, it is an attempt to follow the trajectory of the prohibition of Shi‘i-Sunni marriages throughout the centuries by analyzing the rhetoric of the political and legal discourse. These discourses were based on the "rhetoric of the ideology of hegemony," to use Carol Gluck's words, within the geopolitical context for authority and legitimation.

This study is composed of six chapters. Chapter One looks at the orthodox/heterodox confrontation that established the Ottoman definition of heresy. A wealth of scholarly studies have appeared in recent years that have added significantly to our knowledge of the formative centuries of Ottoman history. The studies expose and analyze a wide range of issues including broadly-based questions such as the Ottoman interpretation of the establishment and the rise and decline of empire to more narrowly-defined problems such as the Ottoman-Safavid contest for political authority over the Muslim community and the effect of this struggle on the Shi‘ite population in the empire.

---

When looking specifically at the Ottoman-Safavid rivalry and its effect on
Ottoman Shi'a, these scholars⁴ have scrutinized archival documents to produce
detailed studies of the discourse of heresy with regard to Shi'ism. Most of this
research, however, has been confined to discussion of the Ottoman-Safavid
equation without a more broadly-based analysis of the development of the
discourse of heresy itself. In Chapter One it will be argued that prior to the
Safavid challenge definitions of heresy were being debated as the result of earlier
domestic challenges to Ottoman state-centralization. An analysis of the
heresiographic literature from the 15th century will reveal the establishment of a
rhetoric of heresy that was refined and hardened in light of the Safavid challenge.
It will be argued that the discourse of Shi'i heresy directed against the Safavid
Empire and Ottoman Shi'a, or ḵuzilbaş, was a continuation of earlier rhetoric that
became routinized by the time of Ebussuud, the most prolific of Şeyhülislams, with
regard to his production of anti-Shi'ite fetvas. His discourse acquired a quality of

⁴R.C. Repp, *The Mufi of Istanbul. A Study in the Development of the Ottoman Learned
Hierarchy* (London: Ithaca Press, 1986); C. Edmund Bosworth, "Bahā' al-Dīn al-'Amili in
the Two Worlds of the Ottomans and Safavids," *Convegno Sul Tema La Shi'a
Nell'Impero Ottomano*, Roma, 15 Aprile 1991 (Roma: 1993); C.H. Imber, "The
Persecution of Ottoman Shi'ites according to the Mūhimme defterleri, 1565-1585," *Der
Islam* 56 (1979); Fariba Zarinebaf-Shahr, "Qizilbash 'Heresy' and Rebellion in Ottoman
Anatolia During the Sixteenth Century," *Anatolia Moderna, Yeni Anadolu* vii (1997);
Bruce Masters, "The Treaties of Erzurum (1823 and 1848) and the Changing Status of
Iranians in the Ottoman Empire," *JSIS* xxiv.14 (1991); Devin J. Stewart, "The First
Shaykh al-Islām of the Safavid Capital Qazvin," *JAOS* 116.3 (1996); idem, "A
Biographical Notice on Bahā' al-Dīn al-'Amili (d. 1030/1621)," *JAOS* 111.3 (1991); and
Abdul-Rahim Abu Husayn, "The Shiites in Lebanon and the Ottomans in the 16th and
17th Centuries," *Convegno Sul Tema La Shi'a Nell'Impero Ottomano*, Roma, 15 Aprile
1991 (Roma: 1993); Marco Salati, "Toleration, Persecution and Local Realities:
Observations on the Shiism in the Holy Places and the Bilād al-Shām (16th-17th
Centuries)," *Convegno Sul Tema La Shi'a Nell'Impero Ottomano*, Roma, 15 Aprile 1991
non-specificity that would serve well Ottoman geopolitical purposes. It will be shown that within the routinization of the heretical discourse the prohibition of marriages between Sunnis and Shi’ites achieved legitimation and also acquired an authority based on a tradition of classical heresiography as well as earlier Ottoman formulations.

Scholars who have studied the development of Ottoman state theory\(^5\) have correctly noted the problems of imperial legitimacy specific to the Ottoman case. The Ottoman state emerged and expanded in a period when there existed a number of regional empires that challenged classical notions of a universalist Islamic state. The Ottomans themselves had a weak dynastic claim that could not compete with the genealogical claims of the other great Sunni empires — the Özbek and the Mughals. With the rise of the Safavids in 1501, the Ottomans were confronted with a newly-forming state on its eastern border that claimed legitimacy on the basis of descent from the Prophet. Research in late 16th century Ottoman historiographic writings\(^6\) reveals that the Ottomans were aware of their particular dilemma and developed a theory of state that invented a genealogical lineage that could be traced to their Central Asian-Oğuz steppe origins. But the weakness of this claim for legitimacy was evident even to the Ottomans who also developed an authority based on a claim to be the purveyors of universal justice as based on their dual legal system of Şeriat and Kanun.

---


\(^6\)See Fleischer, *Bureaucrat and Intellectual*. 
These studies have de-emphasized the importance of a universalist theory of state and of caliphal legitimacy in the maintenance of power. While there is no question of Ottoman usage of dynastic authority and universal justice to strengthen its legitimacy to rule, it will be argued in Chapter Two that in the 16th century the Ottoman usage of a caliphal right was established when the Safavid state threatened its position as the largest Muslim empire. The universalist theory of legitimacy was utilized effectively for geopolitical purposes in the 16th century when the Ottoman empire was expanding and facing ideological challenges from the Shi'i state to the east. But it is also important with respect to understanding the persistence of the prohibition of marriages throughout the following centuries. Whether or not the Ottomans truly believed the caliphate had been transferred to Selim I is irrelevant. What is important is that it established an ideological position that created a binary opposition with the Safavid state. After the 16th century, when caliphal authority no longer held any political cache, the ideology of universalism nevertheless retained a moral authority and was called upon when geopolitical circumstances warranted, thereby continuing the binary opposition with the Shi'i state.

Even as nation-state ideology began to take hold in the early 19th century and Ottoman-Iranian relations entered a stage first of rapprochement and later normalization, the Ottoman belief in its own centrality in the greater ummet supported the continuation of the prohibition of marriages between Sunnis and Shi'ites. One can even find the last remnants of universalist ideology in late 19th and early 20th century enactments that reaffirmed the prohibition on the basis of geopolitical expediencies.
After the flurry of _fetvas_ in the 16th century prohibiting marriages between Sunnis and Shi‘ites, there were two centuries of official benign neglect of this issue. During this period there is evidence that the prohibition continued to be reaffirmed and enforced, periodically and selectively, on the regional level by lower-ranking _ulema_. So it might seem something of an anomaly when on January 5, 1822 Sultan Mahmud II chose to proclaim by _kanunname_ a supreme mandate continuing the prohibition of marriages with Iranians. The 1822 mandate is the subject of Chapter Three. The rhetoric of this mandate strongly suggests that it was enacted during a period of great political and social change in society. The Ottomans were confronted with challenges to the traditional basis of imperial legitimacy from a nation-state ideology that was taking hold in the empire. The discourse of the mandate, harkening back to "ancient times" and the traditional notion of Shi‘i heresy, lent authority to the prohibition and promoted a sense of continuity with the past.

The fact that Mahmud II chose to reaffirm and reinforce the prohibition on the level of _kanunname_ suggests that on an ideological level he was reinforcing his own imperial legitimacy on the basis of the traditional Sunni and Shi‘i binary opposition. However, Mahmud II was one of the great Ottoman reformers and usage of the discourse of heresy appears out of character with the programs of reforms instituted by this progressive sultan. Additionally, by 1822 Ottoman-Iranian relations had normalized to such a point that reference to the "ancient" heretical basis of their mutual opposition was contrary to the secularization of their discourse that had been developing on the diplomatic level over the previous half-century. The fact that the 1822 mandate utilized the traditional discourse of heresy during a period of _rapprochement_ suggests that during a period of great political
changes the discourse was utilized to make sense of a rapidly changing political and social order. More importantly, although this mandate may seem to be returning to the traditional status quo between the Ottoman and Persian empires, Mahmud II's utilization of the traditional rhetoric, in reality, overturned these traditional standards of reference. A close textual analysis reveals that the traditional rhetoric of sectarian division was utilized to confront issues of Realpolitik that could only have developed as the result of the normalization of relations between the Ottoman and Iranian states. Of primary importance was the growing Shi‘i missionary activity and an active program of Shi‘i conversion of the Sunni population in Iraq.

Chapter Four deals exclusively with the problem of conversion in the Ottoman Empire. This issue did not draw attention from the Ottoman government until early in the reign of Mahmud II which explains the renewal of interest in the question of Sunni-Shi‘ite marriages and the continuation of the traditional rhetoric of heresy in the 1822 mandate. During this period of increased missionary activity, the Ottoman government was reasserting central authority over the province. For ideological and pragmatic reasons maintenance of Iraq was essential to the integrity of the empire. In this chapter, Shi‘i propaganda and missionary activity is examined and contrasted with Ottoman counter-propaganda and attempts to hold on to a province that was increasingly being lost through interference not only from Iran but also as the result of geopolitical rivalries of Great Britain and Russia.

The problem of conversion remained throughout the 19th and into the 20th century. It was the central issue that fueled a reassertion of the prohibition of marriages during the reign of Abdülhamid II (1876-1909). The 1874 "Prohibition of Marriages between Ottomans and Iranians" reaffirmed the ban on the religio-
ideological basis of the 1822 mandate and the earlier fērvās. But the discourse of
the 1874 law was firmly based on an ideology of nation-state. Chapter Five
examines the ideological shift from empire to nation and the confusion that
resulted as the Ottomans reconstructed the prohibition of marriages on an
ideological basis from an "ancient past." By 1874, however, the attempt to call
upon traditional authority no longer served the purpose of legitimizing the
prohibition. The resulting confusion, as the Ottomans confronted pragmatic issues
such as citizenship rights, mixed-marriages, conscription, taxation and hereditary
rights are the subjects of this chapter.

In the end the Ottomans, themselves, recognized that the prohibition was no
longer politically, socially or legally tenable. The conclusion of this study focuses
on the discussions that occurred in the final decade of the empire over the need to
cancel the prohibition. The very fact of these discussions highlights the awareness
of Ottoman officials that the original heretical and universalist foundations of the
prohibition no longer carried authority. Yet, the fact remains that the Ottomans
could not take this final step to annul the prohibition. They could not,
psychologically, move beyond the binary opposition that had been so long ago
established between the Ottoman-Sunni and Persian-Shi'i empires. It would take
the loss of empire and the creation of a true nation-state — the Turkish Republic —
for the annulment of the prohibition of marriages to be realized.
Chapter One

The orthodox/heterodox dialectic

Definitions of heresy and who was to be considered beyond the boundaries of orthodoxy were questions much contested by the classical theologians. The inclusiveness of Sunni Islam made these questions even more problematic since a heretical designation would lead to such theological questions as who was a Muslim and who was to be excluded from the community, and what was grave sin or simply error.

Discussions of heresy in classical heresiographic literature were normally concerned with four main groups — the Khawārij, the Murjiyyah, the Mu’tazilah and the Shi‘a. Within these categories were many sects as well as many theological variations. The doctrines of each sect were analyzed for error on the most detailed points of law, yet even those who had seriously erred were considered Muslims who were still entitled to all the rights and privileges of membership in the community. Only those whose doctrines were excessive (ghulāṭ-ghālī) — who denied the prophecy of Muhammad, refused the revelation or the supremacy of the Shari‘a, or whose teachings were pantheistic — were denounced and condemned in this world and the next.

Without a doubt questions of heresy were not confined to theological disputes alone; such questions were intimately connected to the geopolitical realities of the day. The prominent place of Shi‘ism (and its many manifestations) in the heresiographic literature signifies its important role, first as a dissenting
movement and subsequently as an oppositional one, in challenging the Sunni status quo. After various other groups had come and gone, the Shi'a continued to present a point of opposition to a unified Sunni community. The first serious threat to Sunni orthodoxy – the Buyids in the 10th century – had a limited effect since they preserved the Sunni 'Abbasid caliphate in Baghdad. In the 11th century the Fāṭimids, and their adherence to a form of Ismā'īlī Shi'ism, presented a much more serious challenge until their removal by Šalāḥ al-Dīn in 1171 C.E..

From the 10th to 12th centuries the most comprehensive expositions of orthodoxy were laid down by scholars from traditions as diverse as the strict literalism of Ibn Ḥazm of the Zahirite school to al-Baghdādī’s exposition of mainstream Ash'āri doctrine to the ever so inclusive Al-Ghazālī.1 Their positions were wide in scope and they made fine distinctions between the various sects of Shi'ism. Yet each of these scholars followed a tradition that had been established as early as the 8th century in calling specific sects within the Shi'a rafidīyah (rafidites). This term was used to designate the Imāmiyah who considered 'Ali the true successor to Muhammad and Abu Bakr, 'Uthman and 'Umar as usurpers. The word rafidite was not used in an exclusionary sense at this stage since the Imāmiyah were still considered Muslims who were entitled to all the privileges of membership in the community. It was only the extremists among the Imāmiyah,

who believed in the divinity of the imams, who were to be thrown out of the community.

By the 15th century, however, the historian al-Maqrizī (d. 1442) noted that the word rawāfiḍ had become synonymous with Shi‘ism in general. Israel Friedlaender has proposed that the joining of these terms occurred during a period of growing hostility towards Shi‘ism, although he does not explain what the causes may have been for this animosity. It will be suggested in this chapter that the acquisition of non-specificity of this term was part of a broader generalization of the discourse of heresy that reached its culmination in 16th century Ottoman heresiographic literature. The non-specific use of heresiographic terminology was to serve Ottoman geopolitical purposes by excluding, en masse, the bulk of Shi‘ites from the orthodoxy thereby legitimizing and reinforcing both policies of suppression of Shi‘a within the empire and wars with the Safavid state.

The defining moments

Defining heterodoxy in the first two centuries (13th and 14th C.E.) of the Ottoman state is a difficult task. The nascent state in this early period existed in border regions between the Islamic and Byzantine empires that had long been a haven to marginal "heterodox" sects from both religious traditions. During this period state-formation was evolving and had not reached the point of centralization

---

whereby an authoritative declaration of orthodoxy was required. Therefore, the establishment of an official definition of heterodoxy was also not forthcoming. Instead, the relationship between sects and the state remained fluid. Accommodation with various modes of religious expression was the norm in early Ottoman history. Dervishes and Sufi mentors were well-represented in the imperial Ottoman courts where many of the highest officials were adherents to Sufi orders. Opposition movements of a religious nature that may have challenged Ottoman suzerainty were local in terms of their influence. As a result, religious challenges to the state that did exist were usually dealt with on a case by case basis and did not lead to a normative definition of either orthodoxy or heterodoxy.

Discussion of heterodoxy and orthodoxy is perhaps a false one for this period. Cemal Kafadar has proposed a better description of state-sect relations as a metadoxy — "a state of being beyond doxies, a combination of being doxy-naive and not being doxy-minded, as well as the absence of a state that was interested in rigorously defining and strictly enforcing an orthodoxy."4

In the 15th century, just prior to the rise of the Safavid state and before the first significant ideological challenge to its rulership, the Ottomans began to establish definitions of heterodoxy and its place at the center of the orthodoxy.5

---

3For example, Murad II, Bayezid II, Selim I and Murad III were Mevlevis, Mehmmed II was attracted to the Hürüfs and Murad II also was interested in the Bayramis.

4Cemal Kafadar, Between Two Worlds. The Construction of the Ottoman State (Berkeley: University of California Press, 1995), 76.

5At this point it should be noted that terms such as orthodoxy and heterodoxy tend to be reductionist and mask the inclusive nature of Ottoman society vis-a-vis religious practices in this period. However, my argument is that in the 15th century, state-centralization
During this period of state-centralization, the Ottomans designated the Sunni-Ḥanafī mezhep as the official orthodoxy of the state. Along with centralization came a number of important domestic threats to the Ottoman's position as regional rulers and to their definition of orthodoxy which delineated who was to be included within the process of state-formation, and who was to be excluded on the basis of ideological challenges to the legitimacy of the Ottoman state. The boundaries between orthodoxy and heterodoxy would serve the Ottomans well when confronted with the Shi‘ite-Safavid challenge.

The growing anti-Ottomanism of domestic dervish orders, in particular the Bedreddînî, the Bayramî, the Hurûfî and Bektaşı orders, offered the first serious internal ideological challenges to Ottoman-Sunni legitimacy.6 The anti-statist activities of these sects were considered a direct challenge to state-centralization and to the authority of the Sultan and the ilmiye (the religious establishment) as leaders and consolidators of the emerging empire.

The earliest of these challenges was the revolt in 1416 of Şeyh Bedreddîn Simavî, a follower of the teachings of Ibn 'Arabî whose ideas attracted many of the disposed among gâzîs, sipâhis, medrese students and Christian peasants. This

---

6Kafadar, Between Two Worlds, 98. See also Halil İnalcık, The Ottoman Empire. The Classical Age 1300-1600, Norman Itzkowitz and Colin Imber, trans. (London: Weidenfeld and Nicolson, 1973), 186-94.
movement, which began as an ideological challenge to the orthodoxy, became a
direct political threat to the centralizing state when Bedreddin's forces attacked
Edirne, the imperial capital, allegedly with the goal of overthrowing the Ottoman
dynasty and ruling in its place. Mehmed II (1413-21) confronted a particularly
difficult problem with Şeyh Bedreddin who, as a member of the ulema and a
famous religious scholar with a long history of service to the Ottoman state, could
not, under normal circumstances, be executed. Therefore, the question of his
punishment was presented to Burhaneddin Haydar Herevî,\(^7\) the mûftî of Edirne
who was close to the imperial throne and whose fetva approved Şeyh Bedreddin's
execution.\(^8\)

Not all such political or ideological confrontations were to end in execution
however. The Ottoman response to sectarian challenges was situationally
determined and often showed cognizance of issues of Realpolitik. Such was the
response to the Bayramî movement which had been founded by Haci Bayram (d.
1430) as a religious and social movement that preached economic self-sufficiency.
As this sect grew, it came to the attention of the government. Haci Bayram was
brought before Murad II (1421-44 and 1446-51) who showed leniency and

\(^7\)For this early period, scholars are not certain whether this fetva was the work of a single
scholar or a committee of ulema. See R.C. Repp, The Müftî of Istanbul. A Study in the
Development of the Ottoman Learned Hierarchy (London: Ithaca Press, 1986), 87, 106,
114, 216-17, citing Aşıkpaşazade, Tevârîkh-i Âli 'Othmândan 'Âshîkpaşazâde ta'rikhi,
ed. 'Âli Bey (İstanbul, 1332).

\(^8\)The threat from the Bedreddînîüs continued in the 16th and 17th centuries. They were
later to be identified with the kûzîbâş, heretics par excellence in Ottoman rhetoric, and in
the 17th century a Sunni şeyh, Hüdayî Mahmûd, called for the extermination of this
movement and the execution of one of their şeyhs as a warning to all their followers. See
İnalci, The Ottoman Empire, 190.
pardoned him and his followers, as Halil İnalcık suggests, out of political interests
in an attempt to bring this sect into the mainstream and extend the sultan's own
popularity among the people.\(^9\) This move was only partially successful because
not all members of the sect accepted Sunni Islam. Şeyh Akşemseddin, for
example, became counsel to Mehmed II and aided in the conquest of
Constantinople, but other Bayramis did not join the orthodoxy and later presented
serious problems for the growing empire by remaining a secret sect with power
among urban guilds and influence outside of central control. In 1529 accusations
of heresy were brought against Oğlan Şeyh, the son of a Bayrami şeyh, who was
preaching the doctrine of vahdat al-vücüt in the mosques in Istanbul and Edirne.
His immense popularity had brought him to the attention of the authorities who
accused him of proclaiming himself God, "Allahum," during zikir. He was
examined, declared guilty of ilhad (heresy) and sentenced to death by a fetva of
Kemalpaşazade, who then held the müftülük. He was beheaded along with twelve
of his disciples.\(^{10}\)

---

\(^9\)İnalcık, *The Ottoman Empire*, 192. Clemency was not unknown in early Ottoman
history. Examples of clemency for apostates who had abandoned Islam and taken to
raiding other Muslim tribes could be found in sources from the 13th century.
Contradictions over the correct punishment for apostasy in these three centuries of early
Ottoman state-formation also evidenced the process of working out a definition of
orthodoxy, which state-formation necessarily demanded. Such inconsistencies as may
have existed over this issue, also reflected situational responses to issues of Realpolitik as
they arose. See Kafadar, *Between Two Worlds*, 66 citing the Dânîşmendnâme. Although
the Dânîşmendnâme was not a chronicle of the House of Osman, it was a
contemporaneous source. Kafadar has shown many instances where the decisions of one
tribe was not necessarily unknown to other tribes in Anatolia, and may well have
evidenced common modes of behavior. Certainly such a major and important decision as
clemency in the face of apostasy would have been know to neighboring tribes.

\(^{10}\)Repp, *Müfti*, 236-38, citing Atâ'i, *Hadâ'ik al-ḥakâ'îk fi takmilat al-Shaḳa'îk* (İstanbul
1268). See also İnalcık, *The Ottoman Empire*, 192.
The fluidity between heterodoxy and the imperial court could be seen most clearly during the reign of Mehmed II (1413–21). The Hürâfî sect was founded by Fadlullâh (d.1394) who claimed to be the Mahdi that would unite Muslims, Christians and Jews. Under persecution in Astarabad, Persia, this sect migrated to Anatolia and Rumelia in the 15th century where they embarked on an active conversion campaign that even attempted to reach into the imperial court of Edirne. The Hürâfîs gained the confidence of Mehmed II which caused great concern to his tutor, Mahmud Paşa, who consulted with Fahreddin Acemî, the mûftû at the time. Fahreddin Acemî proclaimed that he had "exposed [their] vain beliefs, adjudged them guilty of unbelief and heresy, and gave judgment that the killing of them was incumbent and that such as aided in the slaying of them would be greatly rewarded."11 Clearly in this instance, the mûftû was asked to rule on a "heresy" that reached the highest level of the state, namely Mehmed II himself. If Mehmed II was so enamored of the Hürâfî teachings, such an infiltration into the imperial palace would certainly have political ramifications that could call into question state adherence to orthodox Sunni Islam at a time when the religious establishment was attempting to bring heterodox sects under state control..12

11Repp, Mûftî, 109, citing Atâî, Shâ'dîk. See also İnalçik, The Ottoman Empire, 193.

12Persecution of this group continued into the 16th century culminating in a massacre of Hûrûfîs in Bulgaria in 1576 after which they were apparently absorbed into the Bedreddinlûs and kûzîbaş.
The most serious challenges to Ottoman orthodoxy and centralization was to come from the Bektasîs,\textsuperscript{13} the strongest of all the heterodox sects which, by the 15th century, had extended its influence all the way into the Janissary corps. This populist form of religion had been especially attractive amongst the Shi'i Türkmen tribes of Anatolia and, at the end of the 15th century when the kuzulbaş-Shi'i sect of Şafî-al-Dîn in Ardabil gained popularity among the Türkmen tribes, the Bektasî-kuzulbaş merger that resulted presented the most serious challenge to Ottoman centralization. Bektasî-kuzulbaş-ism was to become the main focus of anti-Ottoman statism and, with the rise of the Safavids in 1501, what originally had been a domestic threat took on an urgency of international proportions. However, before turning to a full discussion of kuzulbaş-ism it is necessary to discuss the Ottoman response to the only other significant international challenge to the emerging state, the wars with the Egyptian-Mamluk dynasty.

Domestic threats to state formation and centralization were not the only problems the Ottomans had to deal with during this period. As mentioned earlier there was an international dimension as well (although domestic and international challenges were not unrelated, as will be seen below). There were two major challenges in the international arena that called for the intervention of the müftülük in support of Ottoman policy. The first was a territorial challenge from the Egyptian-Mamluk dynasty and the second was the appearance of the Shi'ite-Safavid state.

\textsuperscript{13}The Bektasîs were founded by Haci Bektas in the second half of the 13th century. Kafadar, \textit{Between Two Worlds}, 97-98; İnalçık, \textit{The Ottoman Empire}, 193-99.
During the reign of Bayezid II in the 1460s as the Ottomans were extending their territory, they came into direct conflict with the Mamluks. In the three decades that were to follow, six campaigns left both sides depleted and without a formal resolution to territorial disputes. In making a decision whether to continue these battles or to make peace, Bayezid consulted the ulema, most of whom declared that "shedding the blood of enemies" was lawful, thereby implicitly arguing for the continuation of the war. However, Bayezid opted for the minority opinion of Molla Arab, who held the müftülük at the time of the campaign. He believed the other opinions to be in error and cited the desire of the Mamluks for peace as a reason for ending the hostilities.\textsuperscript{14}

Peace prevailed until hostilities again broke out during the reign of Selim I (1512-20) when, on a campaign against the Safavids in southern Anatolia, he came into conflict with the Mamluks. While preparing for the campaign against the Safavids,\textsuperscript{15} Selim had requested rulings from "all the chiefs of the ulema" regarding the righteousness of a campaign against the Mamluks. As R.C. Repp has pointed out, this was an extremely serious matter since Selim was seeking support for war against another Sunni dynasty. Ali Cemâlî, who held the müftülük, accused the Egyptians of being highway robbers (kât' al-ṭarîkh), adding that war against them would be considered a jihād.\textsuperscript{16} He maintained that the campaign was

\textsuperscript{14}Repp, \textit{Müfti}, 181-82, 217-18.

\textsuperscript{15}The exact point at which Selim requested supportive \textit{fetwas} — whether while preparing for campaign in Istanbul or while already on campaign — is in dispute, see Repp, \textit{Mufti}, 212-14.

lawful because of their heresy and killing them was incumbent on every Muslim. On this occasion the Mamluks were defeated and Selim marched through Syria and on to Egypt itself. The Egyptian campaign was a major turning point in Ottoman history because as a result of Selim's successes on the battlefield, the Ottomans went from being a regional dynasty to the rulers of the Islamic caliphate.\textsuperscript{17}

In the 15th and early 16th centuries, the decision of the state to implement death or grant clemency as well as questions of war and peace were based on political necessity. Renegade \textit{seyhs} whose challenges to state centralization were deemed serious enough would be executed, while others would be pardoned if it was in the state's interests and they could be brought into the orthodoxy. In an expanding empire, war or peace would be religiously sanctioned if political interests were at stake. In each case, questions of war or peace and death or life would be presented to the chief \textit{m"uft"u}. To what degree the legal opinion of the \textit{m"uft"u} established or effected change in state policy remains an open question for this early period when there was no central figure such as the \textit{Seyh"ulislam} at the head of the religious hierarchy.\textsuperscript{18} However, the \textit{m"uft"u}'s legal opinions were a

\textsuperscript{17}İnalçık, \textit{The Ottoman Empire}, 31-34.

\textsuperscript{18}The question of the influence of the \textit{m"uft"u} on state policy is an especially interesting and problematic one for the 15th century since up until this time there was no designated official at the head of the religious establishment. The hierarchy was composed of various \textit{kadiliks} in the major urban centers — in particular the three Ottoman capitals of Bursa, Edirne and Istanbul; and by the end of the reign of Mehmed II (1481) two main \textit{kazaskerlik}s, one for Rumeli and the other for Anadolu, had been established with Rumeli being considered the more important position. See Repp, \textit{M"uft"i}, 27-72. See also İsmail Hakkı Uzunçarşılı, \textit{Osmanlı Devletinin İlimiye Teskilati} (Ankara: Türk Tarih Kurumu Basimevi, 1965); David Kushner, "The Place of the Ulema in the Ottoman Empire during the Age of Reform (1839-1918)," \textit{Turcica} 19 (1987): 51-53 for a discussion of the literature on the ulema in the Ottoman Empire; J. H. Kramers, "Shaikh al-Islam," \textit{EI}\textsuperscript{1} (Leiden: E.J. Brill, 1934); Michael M. Pixley, "The Development and Role of the
confirmation or exposition of state policy on domestic affairs such as the execution of religious officials who should have been immune from such punishment. Additionally, these fetvas were called for and used in support of policies of the state against international threats such as that of the Mamluks and, as will be seen, the Safavids. More importantly, these legal opinions set forth the boundaries between orthodoxy and heterodoxy that were necessary for state-centralization. These boundaries were to become important in the struggle of the Ottoman state against its most important challenge, that of the rise of the Shi‘ite-Safavid state.

In setting definitions for both orthodoxy and heterodoxy in 15th and 16th centuries, the Ottoman government established an exclusivity\(^{19}\) that permitted domestic suppression of heterodox sects and "Ottoman Shi‘a" and denied the kızilbaş (Safavi sympathizers) access to representation as members of the Ottoman state. These definitions also separated Shi‘i Muslims in Safavi Persia from membership in the greater Muslim community (as defined by the Ottoman Sultan). In excluding certain groups from the umbrella of Sunni orthodoxy, the Ottoman government could justify mass persecution, individual repression within the State, and forays into wars with the Safavids. The decrees and fetvas defining heresy would legitimize government interference into the minute details of the lives of its subjects, including confiscation of property and prohibition of marriages.

\(^{19}\)This exclusivity was in sharp contrast to the generally inclusive nature of the Ottoman state, evidenced by other inclusive structures with respect to Christian subjects — such as the devşirme system.
The ḳızılbaş in Ottoman rhetoric

The proliferation of government documents and fetvas defining heresy in the 16th century against the Shi'a and ḳızılbaş evinced growing Ottoman concern about domestic turmoil. But these fetvas were also a manifestation of the need to present a definitive statement of orthodoxy as new challenges to Ottoman political authority and moral leadership of the ʿummet emerged. Clearly, the rhetoric of heresy showed a conflict between two differing religious ideologies — the Safavids having established their legitimacy as a Shi'i state thereby posing a direct challenge to Sunni domination of the ʿummet.²⁰ The appearance of the Safavids presented a point of opposition to a Sunni-orthodox world view that held that the leadership of the Ottoman Sultan should "ideally" encompass the entire Muslim world. It will become apparent that this ideology of universalism was based on circumstances of Realpolitik.

The rise of the Shi'i state seriously undermined Ottoman foreign policy towards militarily and economically strong Christian states in Europe, in particular the Spanish Empire which presented an obstacle to the expansion of the Ottoman Empire in North Africa. As a counter-balance to these newly-forming European

---

²⁰See J.R. Walsh, "The Historiography of Ottoman-Safavid Relations," in Historians of the Middle East, eds. Bernard Lewis and P.M. Holt (London: Oxford University Press, 1962), 200-210 for a description of the Ottoman campaigns against the Safavids; the repression of tribes in Anatolia; and the polemic against Shi'ism. He claims that these activities were the result of the understanding by the Ottomans that the borders of Islam had reached their limits and that security of the empire now depended on Muslim unity against Christian Europe. It was against this backdrop that the Ottomans sought to strengthen the empire's legitimacy based on the foundations of an "orthodox" Sunni establishment, which took many forms including opulent displays of spirituality, support of mosques, schools and hospitals.
states, the Ottomans established a regional policy based on a unified Muslim state to offset the Christian threat on its western borders. As a result of the direct challenge of the Safavids to Ottoman ideological and political domination of the Islamic world, the Sultans in the 16th century turned their attention to internal security and became less tolerant of the heterodox orders in Anatolia. The Ottoman government began an intentional suppression of қазылбаз, including the deportation and deaths of tens of thousands of Safavî sympathizers in Anatolia. This persecution was begun in preparation for an anticipated battle between Ottoman and Safavid armies at Çağırca in 1514. In the period prior to and immediately following this conflict, a series of important, anti-Shi'a fatwas emanating from the highest religious officials in the empire were produced in support of government repression of the Shi'a and wars with the Safavid state.

Scholars have disagreed as to the extent to which "Ottoman Shi'a" were persecuted by the State. Although more work needs to be done on this period, research has shown that Süleyman I ordered persecutions of individual Shi'i ulama in the Baalbek region of Lebanon. Some scholars have argued that although

---

21 Fariba Zarinbeaf-Shahr, "Qizilbash 'Heresy' and Rebellion in Ottoman Anatolia During the Sixteenth Century," Anatolia Moderna, Yeni Anadolu vii (1997): 1-15. In this article she refers to more than 100 imperial orders in the Mühimme defterleri sent to local officials instructing them to search out and punish the қазылбаз. She also discusses the killing and exile of some 40,000 thousand қазылбаз by Sultan Selim I (1512-1520). See also Bruce Masters, "The Treaties of Erzurum (1823 and 1848) and the Changing Status of Iranians in the Ottoman Empire," JSIS xxiv.14 (1991): 4 regarding the events in 1512 when Yavuz Selim arrested Iranian silk merchants in Bursa and had them deported to Istanbul and Rumeli.

there may have been individual cases of persecution there was no Ottoman policy of mass deportations or executions of Ottoman Shi'a as there was in the case of the *küzelbas*. Others offer opinions that fall somewhere in the middle maintaining that any distinction in the *fetväs* between Shi'ism and *küzelbas*-ism had little importance to the Ottoman sultans since both the Shi'a and *küzelbas* cursed the Orthodox Caliphs. In the opinion of these scholars, incidents of harassment and killing of Ottoman Shi'a were locally motivated and evidenced political and religious rivalries more than central policy.

No matter the disagreements, the rhetoric of the Ottoman *fetväs* was so forceful as to leave no doubt about the official position of "orthodox" Sunni-*ism* with regard to the *küzelbas* and other heretical sects, many of whom adhered to the Shi'ite *mezhep*. The state considered them infidels (*kuffar*) and people of ignorance (*cehele-i nası*), who belonged to a heretical sect (*rafızı mezhep*) that deviated from the obligatory precepts of Islam. The *küzelbas* in particular were singled out as heretics (*rafızı*) who repudiated Allah (*mühlhid*); they were called

---


25 Irène Mélikoff has shown how the use of these terms denoted a particular type of Türkmen, Twelver Shi'ites that professed extremist views such as *tecelli*, the manifestation of God to man in human form; and *tenassuh*, metempsychosis or a soul passing into the body of another at death. See "Le Problème Kizilbas," *Turcica* 6 (1975): 50.
bandits of the mountains (eşktya) — no doubt alluding to their popularity in rural Anatolia.

It has been noted that the word rafidite long pre-dated its appearance in Ottoman documents.\textsuperscript{26} In Ottoman fetvas the rafidites were accused of believing that 'Ali was a God and the true successor to the Prophet and that the first three Caliphs were not true imams.\textsuperscript{27} This was deemed a heresy against the basic principles of Sunni Islam that required the death penalty. Denial of the first three Caliphs was the most common accusation against the kızılbaş in Ottoman documents.\textsuperscript{28} Usage of the term rafizî had, at this point, become so generalized as to be synonymous with Shi'ism with no distinction made between sects.

*Kızılbaş\textsuperscript{29}* was a name used both derogatorily by Ottoman authorities and with pride by peoples who expressed loyalty to the Shi'i-Safavî tarikat.\textsuperscript{30} In the

\textsuperscript{26}W. Montgomery Watt, "The Raffid: A Preliminary Study," *Oriens* 16 (1963): 116, 120.


\textsuperscript{28}Elke Eberhard, *Osmanische Polemik gegen die Safawiden im 16. Jahrhundert nach arabischen Handschriften* (Freiburg: Klaus Schwarz, 1970), 104-10. Ottoman documents were also filled with vivid descriptions of kızılbaş crimes against Islam, such as desecration of Qur'ans, mosques and other pious institutions, and especially sexual impropriety.


\textsuperscript{30}This tarikat was founded by Shaykh Şâfi' al-Dîn (1300-34). See Walsh, "Historiography," 202-204 for a discussion of the loyalty question. Walsh suggests that the Anatolian tribes were independent of state control and devoted to the interests of the
Ottoman Empire, the *kızılbaş* could be found among the Türkmen tribes in the eastern parts of the empire, and in the recently acquired border regions of Iraq where loyalty to the Safavī regime was particularly pronounced. The tribes in these areas had strong theological, ethnic, political and cultural ties to Persia. The popularity of *kızılbaş-*ism within the empire was displayed in a series of uprisings by tribal leaders in Anatolia which drew serious attention from the Ottoman authorities. Clearly, these uprisings were an obstacle to Ottoman expansion in Anatolia. But particular attention was directed towards the Shiʿa in Iraq, especially the provinces of southern Iraq which contained sacred Shiʿi shrines at Najaf and Karbala that — outside of Mecca and Medina — were two of the most important Shiʿite shrines for pilgrimages.

tribes above all else. He also shows how Safavid propaganda in Anatolia was not well organized and the local uprisings, prevalent in the area during this period, were the result of initiatives taken by local shaykhs, more that any Safavid policy of control of the region.

31 The three provinces bordering on Iran - Basra, Bağhdad and Sehrizol - had previously been ruled by the Safavids and had only come under Ottoman control in 1538. The term *kızılbaş* first appears in the *Mühimme Defterleri* in relation to Iraq in 1577. See C.H. Imber, "The Persecution of Ottoman Shiʿites according to the *Mühimme defterleri*, 1565-1585," *Der Islam* 56 (1979): 248-49.
The production of anti-ḳızılbaş fetvas

The rhetoric of heresy, although having strong precedents in the earlier Ottoman fetva literature with reference to heterodox sects, became most clearly delineated and routinized in the imperial orders, fetvas and letters directed towards ḳızılbaş and the Safavid state in the 16th century. The rise of the Shi‘i state challenged the Ottoman world-view in a way that other regional Sunni empires had not. The Ottoman struggle with the Safavids was not only based on a struggle for territorial control, but also closely connected to the question of leadership of the Muslim community and loyalty of the ḳızılbaş and "Ottoman Shi‘a." The literature that will be discussed shows that, from the beginning of the establishment of the Shi‘ite state, the Ottomans were immersed in an ideological struggle the result of which was a rhetorical creation of a binary opposition between the question of "true" Islam (Sunni orthodoxy) and Shi‘i "unbelief."

Several imperial orders that were issued concurrently with the establishment of the Safavid state in 1501 have been cited as evidence of a hardening of attitude on the part of the central Ottoman government towards Shi‘ism.32 Undoubtedly, they highlight the Ottoman perception that an immediate and severe response was necessary to counterbalance potential threats to the state from tribes that might aligned themselves with the newly-formed Shi‘i state. The following imperial order sent to the sancakbeyi of Sivas in May, 1501 authorized the arrest, punishment and confiscation of the goods of "Sufis" loyal to Shah ʻİsma‘îl:

---

...An imperial order has already been issued to the effect that whoever captures one of the Sufis of Ardabil, he can seize his goods without being punished. Now, the prince has sent his kul and considers fining them the correct punishment. He has ordered me not to interfere in this matter, and has ordered the aforesaid kul to fine the Sufis 400 akçe each and the khalifes [agents of the Shah] 2000 akçe each. I have submitted this petition out of caution. If that is the case, my orders on the Sufi followers of the Ardabil-oğlu [Shah Isma'îl] are still in effect. Take caution and order your sipahis and men to capture any Sufis on their way to Ardabil-oğlu, to strip them and confiscate their goods for themselves. But your sipahis should be careful not to use this as a source of income and take their goods away without punishing the captives. It is clear to you how wretched these Sufis are and what calamities they have committed in Iran. You must immediately forbid them from going to Iran. Upon receiving this order, send a report on those who have been captured, and have been stripped so that your rectitude on this matter may become apparent.33

This order, written during the reign of Bayezid II, makes reference to "the prince," Selim, who was to become Selim I (1512-20). As noted in this order, Prince Selim had imposed fines on those whose loyalty to the Safavids could be proven. The order increased the punishment to confiscation of property with the proviso that this should not become simply a way of increasing income. Confiscation of property was to become one of the components of a package of punishments to be levied on kizilbash.

Prince Selim's interest in this matter at such an early stage was a precursor to a state of affairs that was to consume a major part of his reign. In 1514, at a point just prior to the first major conflict with the Safavids at Çaldıran, Selim I sent the following letter to Shah İsma'îl (1501-24) in which he outlined the Shah's heresy:

...It has been heard repeatedly that you have subjected the upright community of Muhammad (Prayers and salutations upon its founder!) to your devious

33Zarinebaf-Shahr, "Qizilbash," 6-7.
will, that you have undermined the firm foundation of the Faith, that you have unfurled the banner of oppression in the cause of aggression, that you no longer uphold the commandments and prohibitions of the Divine Law, that you have incited your abominable Shi‘i faction to unsanctified sexual union and to the shedding of innocent blood, that like they "Who listen to falsehood and consume the unlawful" [Qur‘an V:42] you have given ear to idle deceitful words and have eaten that which is forbidden:

He laid waste to mosques, as it is said,

Constructing idol temples in their stead,

that you have rent the noble stuff of Islam with the hand of tyranny, and that you have called the Glorious Qur‘an the myths of the Ancients. The rumor of these abominations has caused your name to become like that of Harith deceived by Satan.

Indeed, as both the fatwas of distinguished ‘ulama’ who base their opinion on reason and tradition alike and the consensus of the Sunni community agree that the ancient obligation of expiration, extermination, and expulsion of evil innovation must be the aim of our exalted aspiration, for "Religious zeal is a victory for the Faith of God the Beneficent," then, in accordance with the words of the Prophet (Peace upon him!) "Whosoever introduces evil innovation into our order must be expelled" and "Whosoever does aught against our order must be expelled," action has become necessary and exigent. Thus, when the Divine Decree of Eternal Destiny commended the eradication of the infamously wicked infidels into our capable hands, we set out for their lands like ineluctable fate itself to enforce order "Leave not upon the earth of the Unbelievers even one." [Qur‘an LXXI:26]...34 (italics added).

The accusations are clear and quite detailed and set the tone for the fetvas and orders that were to follow. The Shi‘a had threatened the foundations of the Faith (Sunni Islam) by their evil actions, their oppression and their failure to adhere to the commandments and prohibitions of the Šeriat. They had killed innocent (Sunni) Muslims, had destroyed (Sunni) mosques and had built idol temples (Shi‘i mosques). Indeed, they had even gone so far as to deny the authority of the Qur‘an

and had allowed unlawful sexual unions. The Sultan was the rightful leader of the
community and on the basis of Qur'anic injunctions, the consensus of the Sunni
community (ijmā'), reason (ḥikāya) and tradition (sunna), was enjoined to expel or
exterminate this evil innovation (bid'ā) of "infamously wicked infidels" that had
infiltrated the Sunni order.

Selim I's letter is instructive in that it established the right of the Ottoman
Sultan to leadership of the Muslim community thereby legalizing Ottoman wars
against the Shi'i state. Political and military actions by the Ottoman state will be
discussed in detail in Chapter Two. Furthermore, the letter detailed accusations
against the Shi'a that were to become commonplace in the rhetoric of imperial
orders and fetvas against both the Safavids and ķuzilaš. These documents were
filled with vivid descriptions of Shi'i crimes against Islam, such as desecration of
Qur'ans, mosques and other pious institutions, and especially sexual impropriety.
It is this discourse that will now be analyzed within the context of both Sunni
heresiography and the on-going Ottoman-Safavid conflict.

The earliest known Ottoman anti-Shi'i fetvas were those authored by Müftü
Hamza (Molla Nûr al-Dîn b. Yûsuf al-Ḵarašîwî, known as Saru Görez, d.1521)
who held the kadîlik of Istanbul. His most famous fetva was issued in response to
a ķuzilaš revolt in 1511-12. This insurgency, under the command of Shah Kulu
an agent of Shah Īsma'îl, began in south-western Anatolia and extended into the
central heartland of the state. The ķuzilaš burned and destroyed everything in
their path and the reverberations of the revolt reached all the way to Istanbul. The
rebellion was eventually suppressed but only after a long struggle which led to the
execution and banishment of some 40,000 ķuzilaš in Anatolia. Müftü Hamza's
fetva legitimized the suppression of the ķuzilaš and sanctioned war with the
Safavids that led to their defeat at Çalgıran in 1514. He maintained that the 
ḳizilbaş were infidels and heretics (kāfir ve mūḥīd), and that their murder was
incumbent upon every Muslim. Most important for this study, he judged that
marriages amongst them, as well as their marriages with others, were not legally
valid; there could be no inheritance from them; and the state could legally
confiscate their property, wives and children.35

Müftü Hamza's declaration that capital punishment was required for kūfr
(unbelief) followed the consensus among classical legal scholars who on the basis
of several Qur'anic injunctions and many Traditions held that the death penalty
was required for all unbelievers.36 Yet calling for the death penalty, even for those
who had repented, was a severe sanction in so far as most classical scholars, and
Malik in particular, allowed murtad (apostates) to be given time to rethink their
apostasy and to repent and return to Islam.37

In pronouncing marriages forbidden amongst heretics [ḳizilbaş] and between
them and others, Müftü Hamza was following the long tradition of Ash'arī
scholarship, one of whose most brilliant exponents, 'Abd-al-Ḳâhir ibn-Ṭâhir al-

35"...dahi nikâhları gerekse kendülerden ve gerekse gayrden alsunlar batıldur'; dahi
bunlar kimseden miras yemek yoktur'; and "bunların (ricâllerin katl ûdûb) mallarını ve
nisâlarının ve evlâdlarını guzâ-i İslâm arasında kismet ide," reproduced in M.C.
Sahabeddin Tekindağ, "Yeni Kaynak ve Vesikaların Işığlı Altında, Yavuz Sultan Selim'in
Îran Seferi," Tarih Dergisi (İstanbul Üniversitesi Edebiyat Fakültesi) xvii.22 (Mart,

36According to al-Baghdâdî, three crimes required the death sentence - adultery in
marriage, reprisal for a murdered person who was one's equal, and apostasy. See Halkin,
Moslem Sects, Part II, 216.

37Majid Khadduri, War and Peace in the Law of Islam (Baltimore: The Johns Hopkins
Press, 1955), 149-52; also Halkin, Moslem Sects, Part II, 224.
Baghdādī, held that an unorthodox Muslim man may not marry an orthodox woman. Likewise, an orthodox man may not marry a woman from a heretical sect.\textsuperscript{38}

With respect to confiscation of property and inheritance, al-Baghdādī also held that a Muslim could not inherit from an apostate (kāfir) and their property could be seized as spoils of war. Opinions of the classical scholars diverged however on the seizure and enslavement of wives and children. On this matter the Ottomans followed the rulings of Abū-Ḥanīfa who permitted enslavement on the basis of a precedent set by Khālid ibn al-Walīd who enslaved the wives and children of the followers of Musaylima after he had been defeated and killed.\textsuperscript{39}

Müftū Hamza's fetva established the tone for all anti-Shi'i fetvas that were to follow in the 16th century. The most famous anti-Shi'i fetvas were those of Ebussuud, the Şeyhülislam who served from 1545-1574.\textsuperscript{40} Because of his long service as chief müftü, as well as his close personal relationship with Sultans Süleyman the Magnificent (1520-1566) and Selim II (1566-1574), the office of the Şeyhülislam reached its peak in terms of power over the affairs of state. The anti-Safavid rhetoric of his fetvas also carried an authority not seen before or since.

\textsuperscript{38}al-Baghdādī in Seeyye, \textit{Moslem Schisms}, Part I, 12-13, 30.

\textsuperscript{39}al-Baghdādī, in Halkin, \textit{Moslem Schisms}, Part II, 224 and note 4, and 225.

\textsuperscript{40}By the late 16th century, the Şeyhülislâm had attained the position as head of all the ulema. By this time he was in a position equal to the Sadrazam (Grand Vizier), and had become a member of the Divan-i Hümayun (Imperial Council). In addition, the Şeyhülislâm also acted as an advisor to the Sultan and to the Grand Vizier. He judged cases brought before him, and he participated in discussions on matters of state. He was authorized to appoint all high-ranking ulema. The Sultan went to him for his fetva in important matters concerning the state. In theory the Şeyhülislâm had final authority over the actions of the government.
These *fetvas* closely paralleled imperial orders relating to the suppression of the *kızılbaş* that appeared at the same time,\(^{41}\) and as a result a direct connection can be noted between policies of state and his legal rulings.

Ebussuûd's accusations of apostasy against the *kızılbaş* were issued to support government domestic policies as well as to justify a war that was expected with Persia. The Safavid defeat at Battle of Çaldiran in 1514 had not put an end to *kızılbaş* disturbances or Safavid interference in Anatolia or Iraq; nor had it settled border problems between the two empires. Shah Ṭahmâsp I (1533-76) continued to appoint *khalifas* as propaganda agents and missionaries, and used the shrines in Iraq as focal points for anti-Sunni, anti-Ottoman activity. Dervish orders in Anatolia and Iraq were closely inspected in order to search out those who had sympathy with the Safavid state.\(^{42}\) Süleyman the Magnificent conducted three campaigns, from 1533-35, in 1548 and from 1553-55, against the Safavids that correspond to the *fetwas* issued by Ebussuûd. In his *fetva* collections the *kızılbaş* were listed under the heading of apostates (*mürtedler*). He charged them with unbelief (*küfür*), and repeatedly called them heretics (*zindika*) who deviated from the right path (*ilhad*) because they cursed the companions of the Prophet.

Ebussuûd's *fetva*, dated 1548, compared the *kızılbaş* with both the apostates who turned against Muhammad and his companions in the early years after having converted to Islam and with the *khawārij*, a group who supported 'Ali and then

\(^{41}\) See Imber, "Persecution," 245-73.

\(^{42}\) Many were co-opted through offers of land, titles and honors, the *Bektashi* and *Mevlevi* orders in particular. Others such as *Qalendars*, *Haydarîs*, *Abdâls*, *Jâmis*, and *Shams-i Tabrizîs* disappeared from the historical record. See Zarinebaf-Shahr, "Qizilbash," 8.
turned against him in his quest for rightful leadership of the community. The comparison with these groups was intended to compare the Shi‘a with persons that had been held up as heretics, par excellence, in classical Sunni heresiography.

With respect to punishment for such heresy, Ebussuud confirmed the earlier fetva of Miftah Hamza by pronouncing the death sentence on infidels. Additionally, he strengthened the penalty by firmly basing his decision on principles of classical Sunni jurisprudence. He pronounced that even Ahmad ibn-Hanbal allowed "killing this group (which) is more important than killing other groups," because like the false prophet Musaylima they lead Muslims to error. In making reference to the war against Musaylima which led to his murder and that of his followers, Ebussuud was again basing his decision on the authority of orthodox Sunni doctrine which demanded the imposition of the death penalty on those who curse the companions of the Prophet, no matter that they may later repent their sin. The proclamation of the penalty of death in the 16th century fetvas also undoubtedly evidenced the particular insecurities of the Ottomans who were faced during this period with such a serious ideological challenge from the Safavids that the only solution they could envision to maintain their own religious legitimacy and political domination was to sanction death to all those who followed and supported Shi‘ism.


44Duzdag, Seyhulislem Ebussuud, 109-11. See also Seelye, Moslem Schisms, Part I, 32.
Ebussuûd's most important pronouncement, for the subject of this study, was his declaration that marriage in accordance with the canonical law (şeriat) was not permitted with a heretic (kûfûr) and would incur severe punishment (tâ'zîr-i şedîd).\(^{45}\) If the precedent was set by Müftû Hamza in prohibiting marriages between Sunnis and Shi'ites, it was confirmed and strengthened by Ebussuûd and would carry the force of law for another three and a half centuries.

After Ebussuûd, anti-şezilbaş fetvas continued to be issued in support of persecutions of the şezilbaş and wars with the Safavid state. In many of these cases, the prohibition of marriages was reaffirmed. In 1578, as the Ottoman army was preparing for war with the Safavids, a domestic revolt occurred which shook the foundations of government. A man appeared among the Türkmen in southeastern Anatolia who claimed to be Shah İsma'il, gathering many followers and terrorizing the countryside. The leader of this "false İsma'il" revolt, as the insurrection was to become known, was suspected of being an agent of the Safavids, sent to divert the Ottoman army from its campaign against the Shi'i state.\(^{46}\) It was in this period of unrest and war that Şeyh Seyyid Mutahhar declared "as for this group who are called şezilbaş, may Allah eradicate them and ruin them."\(^{47}\) In the tradition of the earlier fetvas, he allowed the imposition of the death penalty for their crime of cursing the companions of the Prophet. Following

\(^{45}\)Düzdağ, Şeyhülislâm Ebussuûd, 118.

\(^{46}\)Imber, "Persecution," 253-54 citing Mühimme Defterleri.

the rhetoric of earlier fertas, Sheykh Seyyid warned against marriages between the küzilbaş and Sunni Muslims.

A few years later, in 1581, a government order to the sancakbeyi and kadi of Amasya and the kadi of Rum was sent to officials to assist them in searching out, identifying and detaining those who might be küzilbaş or Safavî sympathizers. This order described five characteristics that could be used to identify a küzilbaş:

first: they curse and revile the Four Chosen Friends.
second: they openly address Muslims with the words "Yezid geldi." [Yezid has come.]
third: they assemble at night, bringing wives and daughters to their assemblies, where they have disposal of each other's wives and daughters.
fourth: they know neither prayer nor fasting.
fifth: they never call their sons Abu Bakr, ‘Umar or ‘Uthman.48

This order clearly delineated "orthodox" opinion that the küzilbaş were transgressors against the true principles of "Sunni" Islam, e.g. their refusal to pray or fast and their cursing of the "Four Chosen Friends" (the three successors to Muhammad and the Ottoman Sultan). The küzilbaş usage of the words "Yezid geldi," refers to the alleged hatred of the Shi’a towards Yezid, the son of Mu‘âwiya, and the second Umayyad Caliph, who planned the murder of ‘Ali’s two sons. The government order stressed Shi‘i animosity towards Sunni authority by highlighting their comparison of the Sultan with Yezid.

In addition to their transgressions against Islamic principles, the küzilbaş were often accused by Ottoman authorities of immoral behavior. Separation of the sexes was not strictly observed among Sufi sects in Anatolia, and it was normal for

48Imber, "Persecution," 261; and Gölpinarlı "Kızıl-baş."
them to include wives and daughters in ceremonies. Such activity could easily, where necessary, lead to accusations of sexual impropriety. Ottoman religious authority's view of questions of sexual propriety must certainly have been influenced by classical orthodox scholarship which accused specific sects, the Maimūnīyah of the Khawārīj in particular, of unlawful sexual relations with women in the forbidden degrees of consanguinity. But Ottoman legal scholars also may have had access to 4th and 5th century A.H. Ḥanafī heresiographic literature from eastern Iran and Transoxiana. In this literature, Sunni scholars denounced the Shi'a and other sects as heretical because of their practice of mut'a marriages. Such sexual impropriety allegedly included making women available to men without formal marriages; marriages that were contracted without guardians or witnesses; and permitting marriages to one's granddaughters and nieces.

In the imperial orders to officials, Ottoman authorities were certainly trying to draw a picture of the kezilbaş not only as unbelievers but as peoples who were a threat to the state and to Muslim society because of their anti-Sunni activities and

---

49 In fact, some scholars contend that the Ottomans knew very little about the Shi'a other than information they had gathered about tribes in the border areas. Their research has shown that Ottoman accusations of unbelief against the Shi'a were in fact based more on the activities of the dervishes in Anatolia, whose practices contained many elements of pre-Islamic shamanist beliefs. See Walsh, "The Historiography," 206; see also Mélikoff, "L'Islam Hétérodoxe en Anatolie," 142-54.

50 Seelye, Moslem Schisms, Part I, 29. See also Halkin, Moslem Schisms, Part II, 105-6.

51 Keith Lewinstein, "Notes on Eastern Hanafite Heresiography," JAOS 114.4 (1994): 584, 597-98. Ottoman scholars from as early as the 15th century may have had access to such material. From the reign of Mehmed the Conqueror, who established an imperial university, through the period of Süleyman I, sultans had carried on a policy of importing scholars from other regions into the center for religious learning. Nevertheless, more research needs to be undertaken to establish a direct connection.
their immoral behavior. By placing the kuzilbaş in a position of inferiority in relation to the rest of the community, the authorities could more easily justify their repressive activities and could call on all "true believers" to participate in a suppression of these "infidels." In denying the right of Sunnis and Shi'ites to marry, the Ottoman government and religious authorities were, ideologically, creating a separation between Muslims that had no basis in canonical law. This exclusion, although originally based on accusations of heresy, was in fact fueled by both domestic and geopolitical concerns. Once the prohibition was established in the fetva literature, it became routinized and called upon as circumstances warranted. The 16th century fetvas were authoritative enough to carry the force of law well into the 18th century. In Chapter Three it will be shown that the ideology of heresy established in the fetvas would also extend into the 19th century and not be challenged until the empire itself was on the verge of collapse.

In designating the kuzilbaş and Safavids as heretics, the Ottoman government was responding to very real political challenges to state centralization and expansion. The hegemonic rise of the Ottoman state had encountered no serious challenge for over two centuries, until the establishment of the Safavid-Shi'i state. Not only did the Safavid state contest territory in Anatolia and Iraq, but it also presented the first great ideological challenge to the Ottoman's notion of legitimate rulership. As a result of this challenge, the Ottomans had to define their own theory of empire. We will now address this important question because within the Ottoman definition of imperial legitimacy is found the motivation for the establishment and continuation of the prohibition of marriages between Sunnis and Shi'ites.
Chapter Two

The Ottoman dilemma: authority in a divided ümmet

In delineating the boundaries between orthodoxy and heterodoxy, the Ottoman government was responding to both the requirements of state-formation as well as to ideological challenges in the arena of domestic and international politics. As discussed in the previous chapter, the question of Ottoman legitimacy to leadership of the ümmet was contested not only on a political level but on an ideological level as well by the appearance of a Shi‘i state to the east. The anti-Shi‘ite and anti-ḳızılbaş rhetoric, and the denunciation of marriages amongst the ḳızılbaş, and between them and Sunnis, was an Ottoman declaration of legitimacy based on Sunni orthodox Islam.

The discourse in the fetva literature and the imperial orders was only one aspect of the orthodox/heterodox dynamic. Concomitant with the rise of the Safavid state, the Ottomans put forth a tradition that was to strengthen their own legitimacy to rule and broaden their claim as the leaders and protectors of the Muslim community. The Ottoman declaration that the caliphate had been transferred from the last ‘Abbasid caliph to Selim I, established a claim to the title of caliph that was to be used periodically and selectively whenever imperial legitimacy was threatened by external forces.

The alignment of imperial legitimacy with the Islamic universalist right to rulership took place originally during a period of rapidly changing circumstances when the Ottoman Empire was expanding but confronted with the most serious
sectarian threat to its place at the center of Islam. Shah Ísmail had proclaimed the basis of the Safavid state as Imâmî Shi’ism, and his legitimacy to rule as a direct descendant in the male line from the seventh imam, Músâ al-Kázim. His claim to the imamate immediately established an opposition to the Ottoman Sultan as the sole leader of the community.

Selim I’s adoption of the caliphal title, and his claim to the universalist right to leadership, was directed eastward towards the Safavid state as a response to Safavid ideological opposition. This claim was supported and strengthened by the binary opposition between ideologies — the designation of the Shi’ites as heretics and Sunni Islam as the "true" religion — that was being asserted in the ferva literature and imperial orders. The importance of the universalist claim to the Shi’i-Sunni dynamic should not be underestimated. This claim strengthened the orthodox/heterodox dialectic and was, at least on the geopolitical level, an obstacle to full diplomatic relations between the two states. This claim supported the continuation of the prohibition of marriages between Sunnis and Shi’is by excluding, or marginalizing, küzülbaş supporters of the Shah from the ummet. As long as the Ottomans held on to the notion of a unified Muslim community, normalization of inter-state relations between the Sunni and Shi’i empires would be virtually impossible.

In an era before nation-states, the Ottoman ideology of unity was a proclamation of its own legitimacy and greatness, and belief in itself as the center of its expanding world. In later centuries during the period of Ottoman decline and contraction of the empire, this ideology was called upon to support the imperial regime when confronted with new circumstances that demanded a redefinition of its relationship with its subjects and with its neighbors. In a sense, it became a
reassertion of a moral legitimacy when territorial division of the ümme could no longer be ignored. The persistence of the ideology of unity in the middle centuries of the empire, when for political and economic exigencies the Ottomans needed to develop mechanisms for the normalization of inter-Muslim state relations, is the subject of this chapter.

**Classical theory of state in Islam and the problem of inter-Muslim territorial division**

The Ottoman state emerged and consolidated in a period when regional Muslim dynasties were the norm. Within the Ottoman geopolitical environment there existed, in addition to the Safavid state, two other regional-Sunni empires — the Timurid Mughals and the Jengizid Özbek. Ottoman officials surely must have considered the question of how to define the legal obligations and political or economic questions that would arise between separate Muslim empires. However, classical Islamic political theory would not have offered many answers to such questions; and, more importantly, fewer solutions could be found in the classical literature for the establishment of relations between states such as the Ottomans and Safavids with such different ideological conceptions of legitimacy and authority.

Classical theory was expounded during a time of weak central administration in Baghdad. Theorists recognized territorial pluralism and accorded the caliph the
role of defender of the community and protector of Muslim lands.\textsuperscript{1} Al-Māwardī, a Shāfī’i qādi (d.1058),\textsuperscript{2} wrote the seminal work on Islamic state theory at a time when the central ʿAbbasid caliphate was under direct threat from the Fāṭimids, and was subject to Buyid amirs. In an effort to protect and strengthen the institution of the caliphate, which was under siege from so many directions, al-Māwardī rejected the possibility of two or more imams and held that ideally there should be only one ruler of the dār al-Islām. His position on this question was challenged by other theories that more directly reflected the political realities. His contemporary al-Baghdādī (d.1037), an Ashʿarī, and other later theorists such as al-Juwaynī (d.1105), also an Ashʿarī and one of al-Ghazālī's teachers, recognized the geopolitical realities and concluded that two rulers could be in power and enforce law in their own realms if their domains were far apart and separated by sea so that they could not wage war against one another.\textsuperscript{3} This thesis legitimized Umayyad control of Spain which was not a direct threat to the central institutions of the state; yet it was aimed more directly towards the Fāṭimid challenge which was a more immediate and serious concern.

\textsuperscript{1}During the ʿAbbasid period, the umma had been politically divided as a consequence of dynastic rule in the far-flung provinces. Spain had come under the control of the Umayyads, Tunisia under the Aghlabids, and Egypt and Syria under the Fatimids, the Ayyubids and later the Mamluks.


\textsuperscript{3}Lambton, \textit{State and Government}, 78-79 citing al-Baghdādī, \textit{Uṣūl al-dīn} (İstanbul, 1928) and idem, 105 citing \textit{El-Irshad par Imam el-haramein, Ve siècle (hégire)}, ed. and trans. by J.D. Luciani, Paris 1938, Arabic text 231ff.
In the ensuing centuries theorists were concerned not so much with the problem of more than one caliph, but with finding a solution to the fragmentation of territory by military commanders and chieftains. Al-Ghazâlî (d.1111), writing at a time when the caliphate was no longer the central political institution, spoke directly to the problem of dual authority — the moral leadership of the caliph and the military power of the amirs. In seeking to theorize the balance of power between these forces, and aiming to avoid civil chaos (fitna), al-Ghazâlî maintained that the caliphate belonged to the ‘Abbasids who protected the religious and cultural unity of Islam. But the amirs who were central to the functioning of the state could hold real power if they accepted the authority of the caliph by swearing allegiance to him, and made certain that the caliph was mentioned in Friday prayers and his name was recorded on all coinage. For al-Ghazâlî it was better to accept the political realities than to have civil war. It should also be noted that al-Ghazâlî was living during a period when there was a resurgence of Sunni orthodoxy after the fall of the Shi‘i Buyids. His thesis reasserted the supremacy of the caliph as the head of the umma while finding a place for the amirates within his ideal government. However, after the fall of the ‘Abbasid caliphate in 1258, with few exceptions five discussion of the caliphate as a central institution — religious,

---


5For example, Ibn Jamâ’a (d. 1333), a Shâfi‘i qadi, was indeed a voice in the wilderness. He accepted the possibility for less than qualified caliphs to rule but refused to allow the rulership of two imams at the same time. See Lambton, *State and Government*, 142 citing "Handbuch des islamischen Staats-und Verwaltungsrechtes von Badr-al-Din Ibn Ğamâ‘ah,", (text and trans. by H. Kofler) in *Islamica* vi (1934), viii (1935) and in Schlussheft (1938).
cultural or political — ceased. The Mongol invasions had finally put an end to the myth of a universal caliphate.

Ibn Taymîyya (d.1327), a Hanbali jurist, found a solution to the problem of Muslim unity in the absence of a central caliphate by declaring religious unity as the overriding factor in maintaining the aggregate in a politically-divided territory. Sovereignty was no longer in the hands of one imam, but was held by scholars like himself whose learning and virtue required them to interpret the law and apply it to changing circumstances. These scholars would unify Muslims by keeping alive the Shari'a as the foundation of the state. Ibn Khaldûn (d. 1406), chief qadi of the Mâlikîs in Cairo, returned the discussion to the role of a caliph in Muslim society but his analysis was based on the particular milieu in which he worked — the lands of North Africa where civil disorders and rapid change of dynasties were the norm. In line with his theory of the rise and decline of states, he found that territorial divisions were in conformity with Islam. He even went so far as to maintain that competent leadership was preferred to weak dynastic claims. The caliphate no longer need belong to the Quraysh, since through corruption and decadence they had shown that they no longer possessed the 'âshabîyya required for leadership.

---


Others had long since replaced the Quraysh with the requisite spirit to rule. Scholars have suggested that by the 15th century Ibn Khaldûn's work was well-known to Ottoman historians. The issue is debated, but certainly by the late 16th century the Ottomans were well-acquainted with his theories. It will be shown later how his work on the cycles of states would support Ottoman claims to rightful leadership of the ümmet.

Before turning to the problem of Ottoman legitimacy it is worthwhile to look at one last theorist, Faḍl Allâh b. Rûzbihân Khunqî (d.1521), a Sunni jurist who was writing from Özbek territory at the time of Ottoman expansion and Safavid ascendancy. During his early years there were no claimants to the caliphate and it was only at the very end of his life that the Ottoman Sultan, Selîm I, would lay claim to the caliphal title. He followed the long tradition of Sunni state theory by declaring that the role of the caliph was the defender of Islamic lands and protector of the Shari'a. Although ideally the caliph should be from the Bani Quraysh, Faḍl Allâh was speaking to the powers of the day when he maintained that if there was no Quraysh with the qualifications then an 'ajam, even a Turk, could be appointed. Again, being aware of the shifting political winds of his time, he allowed an imamate by both nomination and by military force. Faḍl Allâh was living in a land caught between two warring states — the Ottomans and Safavids,

---


9Lambton, State and Government, 182-83 citing Faḍl Allâh's Sulûk al-mulûk, British Library manuscript, or. 253, 15, written in 1514 for 'Ubayd Allâh, the Özbek khan of Bukhârâ.
and resident of a Sunni state that had recently been established by military force. He may well have been aware of the Ottoman Sultan's claim to transfer of the caliphate, and most certainly knew that military force had recently established both the Safavid state and his own khanate. Therefore geopolitical circumstances required that he not hold to the classical theory of a singular caliphate.¹⁰

The one problem that all these theories possessed is that they did not discuss the practical problems of inter-Muslim state relations. The theorists did not outline the legal obligations between two Muslim rulers, or the mechanisms necessary to establish working relations on the political and economic levels. This was to be the Ottoman dilemma when confronted with the rise of the Safavids in 1501. Beyond the ideological struggle over the issue of leadership of the ʿummeth between two strong empires with such different views of imperial legitimacy (which will be discussed in detail below), the Ottomans had to confront the geopolitical reality and find a path towards normalization of relations that would not jeopardize their claim as the legitimate rulers of the Muslim community. Before discussing the mechanisms of normalization and success or failure of Ottoman universalist claims to rule, we will turn to the ideology that initially propelled Ottomans towards greatness only later to become an obstacle to their ability to adapt to changing circumstances.

¹⁰Lambton, *State and Government*, 184-85 citing *Sulůk*, 16-17. Lambton argues that Faḫl Allâh's lack of insistence on one *imam* was due to the fact that there were none at the time. Yet this ignores the fact that he was well-traveled and may certainly have known about the Ottoman Sultan's recent claims to the title of Caliph. The fact that he also accused Shah Ismaʿīl and the *kizilbaş* of heresy shows allegiance to current Sunni theories of heresy against the Safavids, and suggests that he would have known and supported the Ottoman claims to sovereignty.
Ottoman claims to universal legitimacy

Majid Khadduri has suggested that the foundation of the Shi’ite state changed the Ottoman world-view from that of a universal empire to one where Muslim states with separate nationalities existed. Yet, more recent studies have challenged this view and held that by the 13th century, when the Ottoman state emerged, separate dynastic rulership had long been the norm and the ideal of a universal empire had ceased. Cornell Fleischer has argued that certainly by the late 16th century the Ottomans had accepted territorial pluralism and any notion of a universal caliphate had long since ceased to exist; in fact the existence of local dynasties would have allowed the Ottomans to control regions of their empire, such as Egypt, that were distant from the center and which were effectively under the suzerainty of dynastic regimes such as the Mamluks. Nevertheless, it will be argued in this chapter that the establishment of the Safavid state did have a profound effect on the Ottoman world-view which demanded that the Ottomans question their own legitimacy to rulership in a way not previously seen in their 200 year history. As a result they discovered, or invented, a claim to a universalist

---

11 Khadduri, War and Peace, 270.

notion of the caliphate which aided their consolidation of empire and strengthened their ideological struggle with the Safavids.

As Fleischer has shown, in comparison with the three other Muslim empires the Ottomans had a more difficult problem in establishing their political legitimacy. Since they were not from a major branch of the Oğuz tribe, their authority could not compete with Özbek genealogical right; and unlike the Safavids, the Ottomans could not claim legitimacy on the basis of descent from the Prophet. Nevertheless, the Ottomans would call upon both a genealogical and a caliphal right, and would invent a new notion of authority to support its legitimacy to rule. With respect to genealogical right, Ottoman historians long maintained that the Sultans were descended from Şeyh Edabali, one of the most powerful şeyhs in Anatolia who was purported to have been the father-in-law of Osman I and the person who predicted the success of the Ottoman dynasty. After the conquests of Syria, Egypt and Arabia, Selim I laid claim to the title of caliph

---


14Genealogical legitimacy held that specific nomadic groups were given divine authority to rule on the basis of dynastic succession.

15Fleischer, "Royal Authority," 210. Fleischer has shown that Ottoman historiographic writings from the late 16th century highlight the claim of the sultans to a long dynastic heritage that originated from their Oğuz steppe heritage. Nevertheless, in light of the weakness of this claim, he has articulated how the Ottomans went beyond religious and tribal legitimacy by basing their authority on a notion of universal justice in the two-tiered system of Şeriat and kanun.

whereupon came the tradition that the last ‘Abbasid caliph, al-Mutawakki, had transferred the title to the Ottoman Sultan. A precise definition of "caliph" in the Ottoman context has not been articulated and Halil İnalcık has argued that Selim’s acquisition of the title did not mean a classical idea of descent from the Quraysh but, more likely, was intended to invent a new definition of supreme protector of the community — the so-called gâzi spirit. 17 Whether or not they intended to invent a new definition, classical theory of state had long maintained that the caliph was the defender of the ümmet and protector of Muslim lands. Although the Ottomans certainly could not claim genealogical right, classical theory would support their claim as defenders and protectors. Whatever Selim’s original intention for designating himself caliph, he was to use his role as protector of the ümmet to support his wars against the Safavids. The caliphal claim would be re-constructed by future Sultans during extraordinary times when geopolitical rivalries threatened the empire. Unlike the caliphal claim of Selim I when the empire was reaching its grandeur, during the long period of Ottoman decline the claim to a caliphal legitimacy would become a moral one not based on political reality.

Selim I’s claim to the caliphate was in direct response to the emergence of the Shi‘i-based Safavid empire. The rise of the Shi‘i state presented a different set of problems for the Ottomans than the presence of other regional Sunni empires. Whereas the other empires might challenge the Ottomans politically, the challenge of the Shi‘i state was both political and ideological. The Ottomans struggled with the Shi‘ite state over the question of the leadership of the Muslim community and the fetvas and imperial orders discussed earlier clearly show that the Ottomans

17 İnalcık, The Ottoman Empire, 57.
took up this challenge by designating the Safavid shahs as unbelievers. Ottoman rhetoric established a binary opposition between the struggle of "true" Islam (Sunni orthodoxy) and Shi'ite "unbelief." Selim's claim to universalist legitimacy served the Ottoman regime well and also strengthened the orthodox/heterodox dynamic under the umbrella of Sunni orthodoxy. Such religious legitimacy not only justified, on a universalist basis, wars with the Safavids, but also allowed domestic control over "Ottoman Shi'ites" and Safavid sympathizers who lived in the empire. Such control was most clearly articulated in the prohibition of marriages between the kızılbaş and Sunnis. This prohibition would later be extended to all Shi'is — Ottoman and Persian alike — and would, theoretically, allow the government to regulate the minutiae of life for its non-Sunni, Muslim subjects.

In an undated letter from Selim I to Shah Isma'il prior to the battle of Çaldıran (1514), we find the first exposition of the Sultan's claim to universalist legitimacy as the leader and protector of the faithful:

...This missive which is stamped with the seal of victory and which is, like inspiration descending from the heavens, witness to the verse "We never chastise until We send forth a Messenger" (Qur'an XII:15) has been graciously issued by our most glorious majesty—we who are the Caliph of God Most High in this world, far and wide; the proof of the verse "And what profits men abides in the earth" (Qur'an XIII:17) the Solomon of Splendor, the Alexander of eminence; haloes in victory, Faridun triumphant; slayer of the wicked and the infidel, guardian of the noble and the pious; warrior in the Path, the defender of the Faith; the champion, the conqueror; the lion, son and grandson of the lion; standard-bearer of justice and righteousness, Sultan Selim Shah, son of Sultan Bayezid, son of Sultan Muhammad Khan—and is addressed to the ruler of the kingdom of the Persians, the possessor of the land of tyranny and perversion, the captain of the vicious, the chief of the malicious, the usurping
Darius of the time, the malevolent Zahhak of the age, the peer of Cain, Prince Isma‘il. (italics added)\textsuperscript{18}

As clearly stated, this message was inspired from the heavens and the Holy Qur’an, proclaiming the Sultan as caliph "far and wide" as with the other great victorious rulers of the world, Solomon and Alexander. The Sultan was protector of the faithful and the Faith against Shah Īsma‘il, the promoter of evil \textit{par excellence}. The binary opposition was clearly set forth – the Sultan as caliph supreme and the shah as evil incarnate. In the 16th century, rhetoric in the official documents institutionalized a form that was to become a standard polemic against the Persian shahs and their supporters. For example, the \textit{ķızılbaş} had strayed from and destroyed the true faith (\textit{ķızılbaş-ı dînharas-ı dalâletmaaş}) and the shah was a heretic (\textit{sâh-ı gümrah}).\textsuperscript{19}

Selim I had not succeeded in forcing the Safavids into submission, and his successor, Süleyman the Magnificent, was confronted with continued Shi‘i propaganda in Anatolia; border disputes and incursions into Ottoman territory; and many heterodox sects with Shi‘i tendencies in the empire’s eastern provinces. Süleyman also laid claim to the Supreme Caliphate — claiming the title of "Caliph


of all Muslims" – in order to reaffirm Ottoman imperial legitimacy and to protect the ümmet.20

After many years of indecisive wars, the Ottomans and Persians negotiated a peace treaty at Amasya in 1555. This was the first of a series of agreements that attempted to formulate mechanisms for resolving some of the outstanding problems between the two states. Yet these treaties were formulated at a time when the Ottoman polemic of unity was at its peak and the Persians were urged to respect and stop cursing of the Companions of the Prophet. The Ottoman Sultan maintained his claim as protector of the ümmet including all pilgrims who were journeying to Mecca and Medina (umum-ı müslimin). In this declaration he was careful not to explicitly or implicitly accord the Persians any official status. In essence, the Persians were reduced to a position of official non-recognition.21 Later treaties of 1590, 1613 and 1619 continued to try to resolve the main sectarian problems while not according Persians any official status. They set the borders between the empires and dealt with problems of rebels and refugees.22 The 1619 treaty was particularly interesting in that it reaffirmed the Ottoman Sultan's role as protector of all Muslims but instructed all pilgrims coming from or "via" Persia (vilâyetinizden) to go by way of Damascus and Aleppo and not through Baghdad and Basra where their security could not be guaranteed due to insecure road conditions. As Ernest Tucker has pointed out, the very ambiguity of this phrase

20İnlıcık, The Ottoman Empire, 57.


failed to accord any recognition to Persia since "all" Muslims included Sunnis from Central Asia and India as well. The denial of access to Baghdad and Basra also cut the Shi’a off from their important pilgrimage sites in Najaf and Karbala. During the 17th century, Safavid infiltration into Ottoman territories was so feared that the over-land routes to Mecca were periodically closed to Persian pilgrims. When conflict between the Ottomans and Shah ‘Abbas I broke out at the beginning of the 17th century, the Șeyhülislam, Mehmed Es'ad Efendi, issued fetvas that continued the past rhetoric of declaring Safavids as infidels. They were accused of cursing the Companions of the Prophet, and also of drinking wine and unlawfully enslaving and killing Sunni Muslims. In 1638, Sultan Murad IV issued an order that not only expelled all Shi‘i pilgrims from Mecca but prohibited them from making the journey in the coming years. This order preceded an anticipated state of war with Persia that led to the Ottomans second conquest of Baghdad in the same year. The problems of Shi‘i pilgrimages and their access to the shrine cities in southern Iraq became an important point of contention between the empires.

The Ottoman position of non-recognition towards the Safavid state and Safavid subjects was in sharp contrast to the development of relations with Christian states to its north and west. Initially, Süleyman’s notion of universalist

---


legitimacy evidenced not only the continuing threat from the Safavids, but also suggested wider geopolitical problems confronting the empire during his reign. In an inscription dated 1538 on the citadel in Benderi, Moldavia — at the very northern border of the Ottoman Empire — Süleyman laid his claim to world leadership:

I am God’s slave and sultan of this world. By the grace of God I am head of Muhammad’s community. God’s might and Muhammad’s miracles are my companions. I am Süleyman, in whose name the hubbe is read in Mecca and Medina. In Baghdad I am the shah, in Byzantine realms the Caesar, and in Egypt the sultan; who sends his fleets to the seas of Europe, the Maghrib and India. I am the sultan who took the crown and throne of Hungary and granted them to a humble slave. The voivoda Petru raised his head in revolt, but my horse’s hoofs ground him into dust, and I conquered the land of Moldavia. (italics added)²⁶

It was during Süleyman’s reign that the Ottoman state reached its limits of expansion, after having been halted at the gates of Vienna. Scholars have suggested that when he realized that defeat of European states was not achievable, Süleyman accepted territorial pluralism and the permanent division between the dâr al-Islâm and the dâr al-ḥarb. In the Treaty of 1535 between Süleyman and Francis I of France, the Sultan accepted the King as an equal monarch:

...they have negotiated and agreed upon the following chapters and conventions in the name and on the honor of the said monarchs which are the protectors of their component States and benefactors of their subjects.²⁷

²⁶İnalçık, The Ottoman Empire, 41, citing M. Guboğlu, Paleografia si diplomatica Turco-Osmana (Bucarest, 1958), 167, facsimile no. 7.

The Sultan recognized "subjects" of France who were given extra-territorial privileges that were based on the principle of the personality rather than the territoriality of law. Such rights included exemptions from tax and the right to adjudicate cases between themselves in their own courts:

...Likewise, whenever the King shall send to Constantinople or Pera or other places in the Empire a bailiff...the said bailiff and counsel shall be received and maintained in proper authority so that each one of them may in his locality, and without being hindered by any judge, cadi, soubashi, or other, according to his faith and law, hear, judge, and determine all cases, suits, and differences, both civil and criminal which might arise between merchants and other subjects of the King.  

The recognition of extra-territoriality suggests that the Sultan had accepted that the world had irrevocably changed, that European states were unconquerable and that the *dār al-Islām* also could now be divided into territories with separate rulers. Yet, that was certainly not the case with Ottoman-Persian relations and the Ottoman assertion of non-recognition.

Classical Muslim law of nations had traditionally accepted the personality rather than the territoriality of law whereby rights accrued as the result of the group the person belonged to, rather than the territory from which he came. This law fit

---

28Hurewitz, *The Middle East and North Africa*, "Draft Treaty," 1:3. See also Piscatori, *Nation-States*, 50-51, 62. Other Christian rulers were to receive the same rights as those given to France under this treaty. In the early 16th century, British and Dutch citizens would receive the same recognition and by 1648 the Treaty of Westphalia would formally accept the division of Europe into independent and secular nations. One year later, in 1649, the French were given certain, limited rights to protect Maronite Christians in Lebanon. As Piscatori has shown, by recognizing distinctive, separate nationalities within the empire, and by allowing European states the right to "interfere" in the domestic affairs of the empire, the Ottomans set a policy contrary to classical and medieval legal theory by recognizing outside authority over "foreign" *zimmis*. He suggests that these concessions reflected acceptance of "territorial pluralism;" see also Khadduri, *War and Peace*, 272-75.
naturally with the reality of separate European nationalities and made the establishment of relations relatively easy. However, the same rights did not hold true for the kuzulbaş, or Safavid subjects, living within the empire since, on a theoretical level, they were fellow Muslims who held allegiance to the same faith. Persia did not hold any capitulatory status with regard to its "subjects" since Persians living within the empire were not considered a separate nationality; nor was Persia given any right to claim protection over the Persian-Shi‘ite minority who resided within Ottoman borders. Ottoman Shi‘ites and Persians also remained under the jurisdiction of Hanafi mezhep with regard to questions of their personal status. Any claims or cases they might bring between themselves, or between themselves and Ottoman subjects, were tried in the religious courts under Hanafi law. The Ottoman identification of Persians as fellow Muslims would remain in place until the 19th century when Iranians would finally, officially, be recognized as a separate nationality and would be given certain concessions under the capitulatory regime. This aspect of the capitulatory regime will be discussed in detail in Chapter Five.

Throughout the 17th century the Ottomans and Safavids made no further progress towards normalizing relations on the basis of equality of states. After nearly 50 years of repeated wars and the Ottoman reconquest of Baghdad, in 1639 the last important agreement, the Treaty of Zuhab, was concluded between Sultan Murad IV (1623–40) and Shah Safi which again dealt with the problem of cursing

---
29By the middle of the 18th century the concept of personality of law had been extended to include special concessions to European states for more wide-reaching protection over Christian subjects of the Ottoman Empire.
the Companions of the Prophet. The opening paragraph affirmed the Sunni position on the legitimacy of the successors to the Prophet:

Blessings and benedictions...upon his Prophet who has fully and clearly manifested the faith, and with the auspicious advent of Islam was greatly rejoiced, and upon his family, children and companions, who have been active in propagating that Faith.\textsuperscript{30} (italics added).

But importantly there was agreement on the definition of borders which was to hold for 75 years.\textsuperscript{31} The equilibrium between states would be shaken only in 1722 when the Safavids were overthrown, and the Ottomans would take advantage of the disintegration of the empire to seize territory it had formerly controlled. After years of chaos an Afghani named Ashraf ascended the Persian throne in 1735 and forced the Ottomans to consider, once again, the possibility of more than one caliph. As a result Sultan Ahmed III claimed the title of Supreme Caliph in the face of this new threat from the east. Ottoman-Persian relations were about to enter a new phase.

The Ottomans and Safavids had settled into a working relationship, although one still filled with religiously-based diatribes. They were long familiar with each other and knew how to maintain a balance of both ideological and political power. Ashraf, on the other hand, was an unknown factor, and he set off alarms in the center of Ottoman power when he sent nineteen Afghani ulema to Istanbul to demand recognition as the conqueror of Persia and as the rightful ruler of all of its


provinces. Ashraf asserted that he had lawfully acquired Persian territory on the basis of *istilâ* — the right to ownership of property that has no owner (*res nullis*) — and he based his claim on Ottoman *fetvas* which declared the Shi‘a as heretics with no legal right to ownership.32 These claims should not have been considered a serious problem since Ashraf conceded that the Sultan was the rightful *imam* in his own territories, but Ashraf also demanded that the Ottomans return all of the territory they had annexed from Persia.33 To make matters worse, reports were reaching the palace that Ashraf’s agents were infiltrating the Ottoman army and soldiers were now questioning if it was lawful to fight against fellow Sunnis.34 Ashraf’s claims were presented to a panel of distinguished *ulema* including the Şeyhülislam, Abdullah Efendi, and the two chief judges of Mecca and Madina. They were asked first to consider whether it was lawful for true believers to obey two *imams* at the same time. Following classical theory, the judges unanimously agreed that two *imams* could not reign simultaneously unless their lands were separated by some natural barrier such as the Indian Ocean. The second question they considered was the proper course of action for the Sultan, who was recognized as the rightful Imam by all Muslims. Ashraf was found to have

---


illegally usurped Persian territory and had unlawfully demanded that the Ottomans return territory they had "delivered from the yoke of the heretical Persians." He was branded a rebel who had declared himself imam, and war was decreed lawful against the Sunni usurper. But he could be spared if he declared his allegiance to the Shadow of God (the Sultan). If he insisted on his unlawful path, his fate was written, "If one of them wrongs the other, then wage war upon him who does the wrong until he returns to the order of God," (Qur'an, XLIX:9).35 Here we see a reasserting of Ottoman legitimacy based on an ideology of universality when confronted with new threats from the east, this time in the guise of a Sunni "rebel." The Sultan was recognized by all Muslims as protector and defender who has lawfully fought against heresy and would now fight against a usurper who had illegitimately claimed the imamate. This was a clear case of ideology being utilized in the face of geopolitical challenges to the territorial integrity of the empire. The issue of the loyalty of the Ottoman army, however, was a particularly important one which, as will be seen below, was not a new concern nor one that would disappear with the fall of Ashraf. Indeed, the loyalty of the army would become a growing problem and would remain of central importance until the end of the empire.

The Ottomans went to war against the Afghans and, without a definitive victory, concluded a peace treaty which sought to reestablish a status quo similar to the one that had existed with the Safavids. The Sultan's role as protector of all

Muslims was reasserted without specific reference to Persians or Afghans, which again accorded their eastern neighbors a status of non-recognition. This equilibrium was not to last for long, however. In 1729, Ashraf was overthrown by the forces of Nadir Shah. After five years of warfare, shifting borders, and Ottoman preoccupation with impending Russian advances on its territories in Europe, peace negotiations were begun which eventually led to a treaty that was to change Ottoman-Persian and inter-Muslim relations forever.

The Treaty of Kurdan of 1746 set a precedent by recognizing the possibility for independent Muslim states to exist. The problem of the cursing of the Companions was resolved when Nadir Shah attempted to gain Ottoman acceptance of a fifth sect of Sunni Islam which he called the Ja‘faris after Imam Ja‘far. Although the new sect was not recognized by the Ottomans, the treaty accepted that "the Persian people, having totally abandoned the unseemly innovations introduced in the time of the Safavids and having embraced the religion of the Sunnis, shall mention the Orthodox Caliphs, of blessed memory, with respect and veneration." Inter-state relations were formalized through the exchange ambassadors every three years. In addition, the treaty established working relations between the states, allowing Persians to appoint an emir‘l-hac for Persian pilgrims on their yearly journey to the Holy cities via routes through Baghdad and Damascus, and also allowing the Shi‘a to visit the sacred shrines in Iraq. Persians were accorded equal rights with other Muslims when traveling in Ottoman lands.

36 This precedent, however, did not deny the Sultan his position as the head of Sunni Islam and protector of the Holy cities of Mecca and Medina.

The treaty again addressed territorial disputes by reaffirming the borders as they
had been set by Sultan Murad IV in the 1639 treaty, permitting exchanges of
prisoners of war, and prohibiting the sale of prisoners. For the first time Persian
prisoners of war were no longer to be considered infidels (kūffar).

But most importantly the Treaty of Kurdan established a mechanism for
peace between two equal states. Persia was given equal status with the Ottoman
Empire as evidenced by the important phrase ışbu iki devleteyn (these two
countries). In other words, Persia was allowed to enter the dār-al-Islām and
Persians went from being considered heretics to being recognized as fellow
Muslims.38 Under this treaty the formerly unstable relationship between the states,
with conflicts often sanctioned by religious rhetoric, was replaced by a mutually-
beneficial recognition of the rights of each state to exist and to determine its own
affairs.

Although Nadir Shah was assassinated in 1747 before the Treaty of Kurdan
could be ratified, the spirit of this treaty was to withstand further territorial
conflicts. From this time forward, the Ottomans and Persians would deal with
each other as equals and problems between them would to be resolved on the basis
of equality. This is not to deny that the Sultan would still maintain his right to be
considered protector of all Muslims, and that the new Qajar shahs, who came to

38Tucker, "Peace Negotiations," 29-34; and Bruce Masters, "The Treaties of Erzurum
(1823 and 1848) and the Changing Status of Iranians in the Ottoman Empire," JSIS
xxiv.14 (1991): 8-9. This new view of Ottoman-Iranian relations would withstand the
pressures of war when Karim Khan Zand, who had taken over part of Iraq after the death
of Nadir Shah in 1747, occupied Basra in 1775, and rededicated many mosques as Shi'i
centers. In Ottoman documents, Karim Khan Zand was declared simply as a rebel with
no mention made to Shi'ism or to heresy.
power at the end of the 18th century, would also consider themselves the Shadow of God. But the Qajars could not claim rulership on the basis of descent from imams, nor rulership even on behalf of imams. By the late 18th century, the Qajar and Ottoman claims to the caliphate evidenced moral rather than political authority and implied an absolutist form of government rather than universalism.

The change in Ottoman-Persian relations, from one filled with animosity, disparaging rhetoric and official non-recognition to one of equal status as separate states evidenced the change in Ottoman imperial ideology from universality of the āmmet to acceptance of inter-Muslim territorial division. As a result one would expect dramatic changes that would positively impact on Ottoman and Persian Shi‘a who lived, traveled or settled in Ottoman territories. Indeed, with respect to the Persian Shi‘a that was the case. As noted above, the 18th century Treaty of Kurdan accorded Persians equal status with Ottoman subjects with respect to their access to the pilgrimage and the shrine cities of Iraq. Now, regulations regarding Persian traders were eased and brought in line with those of Ottoman traders, and Ottoman officials in the provinces were instructed not to unduly interfere with the comings and goings of Persian traders and pilgrims.

After the flurry of prohibitions by fetva in the 16th century, the question of marriages between Sunnis and Shi‘a did not re-surface in the fetva collections of the Office of the Şeyhülislam. However, the threat to the integrity of the empire from Safavid loyalists in the border regions had not ceased after the 16th century. There were periodic uprisings and infiltration by agents of the shah in Ottoman territory. Yet Ottoman officials and the religious establishment no longer saw the

---

39See in particular Tucker, "Peace Negotiations," and Masters, "Treaties."
need to reassert the prohibition. The question remains as to why the prohibition was not reasserted or strengthened by central religious authorities. Some scholars have suggested that the definitions of heresy put forth in the 16th century were sufficiently delineated at that time and, as a result, there was no need to produce an official treatise on heresy.\(^{40}\) This proposition is supported by the routinizing of the rhetoric of heresy in the official treaties mentioned earlier. Therefore, it would be expected that the prohibition, as one component in a rhetorical package of heresy, would also need no reassertion on the level of \textit{fetva}. The fact that no \textit{fetvas} prohibiting marriages between Sunnis and Shi'is were issued by the central administration in the 17th and 18th centuries also suggests that the rhetoric of heresy had become institutionalized and no longer held the ideological force of the 16th century discourse. The lack of reassertion of the prohibition strengthens the position that the ideology behind the original package of heresy was eventually abandoned as recognition of a unified community disintegrated. The prohibition had outlived its usefulness on an ideological level. Therefore, it may come as a surprise to discover that the prohibition continued on the local level during this period of \textit{rapprochement} between the two empires.

In the 18th century, the prohibition of marriages between Shi'is and Sunnis was again asserted by \textit{fetva} from the chief mufti of Damascus. Although this was not a pronouncement emanating from the central office of the \textit{Şeyhülislam}, it was important nonetheless because of the time and place it was issued and motivation behind its declaration. Local officials had become concerned over the apparent

\(^{40}\)See Fariba Zarinebaf-Shahr, "Qizilbash 'Heresy' and Rebellion in Ottoman Anatolia During the Sixteenth Century," \textit{Anatolia Moderna, Yeni Anadolu} vii (1997): 12.
spread of intermarriage between Ottoman Sunnis and Persian Shi‘i pilgrims from
the *haj* who were settling in Damascus. As previously noted, the question of
Persian access to the Holy cities had always been an issue between the two
governments. During periods when they were at war, the cities of Arabia, as well
as sacred Shi‘i shrines in southern Iraq, were closed to Persian pilgrims. In
peacetime the Ottoman government strictly controlled Persian access by carefully
delineating overland routes that would steer Persian caravans away from Baghdad
and the shrine cities of southern Iraq. The Ottomans were aware that the Safavids
sent spies and agitators along with the caravans who were to contact Safavid
loyalists on Ottoman territory in order to create disturbances. Ottoman control of
Persian travelers was clearly presented in a rescript from 1564-5 during the reign
of Süleyman I:

> It is not permissible to enter my well-guarded territories at any time outside of
> the [pilgrimage] season...May they all appear at the previously determined
time. Their arrival should be reported to [the Ottoman authorities] so that
> [the pilgrims] can be met at the border.41

As previously mentioned, the right of Persian pilgrims to access the *haj* had
been established by the Treaty of Kordgan. Damascus remained one of the main
routes for pilgrims coming from the east. Often, if pilgrims arrived too late to join
the caravans, they would settle in Damascus until the following year, or sometimes
permanently, rather than risk traveling over insecure roads that were often attacked
by bandits. Whether settling temporarily or permanently, Persian Shi‘ites often
intereistributed with Ottoman Sunnis — which was apparently a cause of concern. At

41Suraiya Faroqhi, *Pilgrims and Sultans. The Hajj under the Ottomans. 1517-1683*
the request of the Damascus judge, the mufti, ʿAlī al-Murādī, issued a treatise titled al-Rawḍ al-rāʾīḍ ft ʿadam šīḥṣat nikāḥ ahl al-Sunna lil rawāfiḍ that invalidated all marriages between Shiʿis and Sunnis.\(^{42}\)

Although this is only one example of a practical application of the marriage prohibition, it is nevertheless an instructive case in two respects.\(^{43}\) The prohibition did not emanate as state policy from the central religious establishment, and it was utilized by local religious officials in response to a practical problem. In the 18th century, the ulema was a force to be reckoned with since the religious establishment and the şeyhülislams had reached their apex of influence, privilege, and political power. This so-called period of Ottoman decline was marked by weak rulers, decentralization, and internal disputes, when the power of the sultans was greatly diminished in comparison to their authority in earlier times.\(^{44}\) With the exception of the 16th century, it was during this period that the ulema exerted their


\(^{43}\)To date this is the only case that I have been able to identify. No doubt more such examples will come to light as scholars continue to comb the documents from this period.

strongest influence on affairs of the State. With regard to the prohibition of marriages, the *ulema* were the protectors of traditional standards even when they, themselves, and their standards might be in contradiction or confrontation with central policy towards political normalization between two Muslim states.

The most important point is that this treatise designated the Shi’a as *rawāfiḍ* thereby continuing the prohibition of marriages between Sunnis and Shi‘is by using the traditional rhetoric of heresy. This prohibition was restated in the 18th century when the rhetoric of heresy had disappeared in the official discourse and relations between the Ottomans and Persians were well on the road to normalization. It would have been expected that the normalization of relations and the acceptance of territorial pluralism would have also normalized personal status issues between Ottoman and Persian subjects. Yet, it is suggested here that acceptance and normalization of inter-Muslim relations on the part of the Ottomans did not transfer into normalization of questions of personal status because along with the acceptance of division came a whole new set of concerns which were only beginning to appear in the late 18th century. The change in the conceptual relations on the political level forced a reassertion of the ideology of heresy with regard to social issues because, while ideological questions over Muslim unity may have been resolved, fundamental geopolitical problems still remained. By the 19th

---

century age-old questions of contested territory and influence in the border regions of both empires, as well as more immediate internal threats to territorial integrity such as loyalty of the army and the population in the eastern provinces, were the main concerns that fueled the continuation of the prohibition. After two centuries of official benign neglect towards the question of these marriages, the Ottomans would reconsider and strengthen the prohibition when geopolitical circumstances demanded such action. It is the prohibition of marriages in the context of nation-states, and all of the particular problems that devolved from that conceptual change, that will now be addressed.
Chapter Three

Buyruldu-i Ali

After the 16th century, no official exposition of state policy by fetva of the prohibition of marriages between Iranians and Ottomans has been discovered in archival material. This fact suggests that the importance of the issue had subsided, at least on an official level, as Ottomans and Iranians established mechanisms for inter-state relations. Nevertheless, the prohibition had the force of law which was known to religious officials. As was pointed out in the previous chapter, the ulema, as protectors of tradition, carried on the prohibition, and, when circumstances warranted, selectively used the traditional rhetoric of anti-Shi'i heresy.

The role of the ilmiye as carriers of tradition should not be underestimated. During periods when imperial authority was weakened by lack of strong leadership and territorial defeats at the hands of foreign powers, the ilmiye was one of the institutions whose conservative ideology leant a measure of security to a society that was undergoing physical and psychological displacement. Although the conservative nature of the ilmiye can be critiqued with respect to the obstacles it presented to the modernization of Ottoman society, for the purposes of this study, this formidable institution played a part in the continuation of the prohibition of marriages. Even after the inauguration of a modernization program that included a redefinition of imperial legitimacy within the framework of a nation-state, as well as acceptance of territorial division and the equality of the Iranian state, the ilmiye had an important role as protectors of the traditional binary opposition of religious division that included enforcement of the prohibition of these marriages. During
the reign of Mahmud II (1808-39), whose modernizing reforms changed the framework within which the imperial order was legitimized, the ılımiye was still a powerful force within the bureaucratic structure that, most certainly, would have supported the prohibition on traditional heretical grounds.

In light of the continued strength of the religious establishment in its role as protector of the Şeriat and of the traditional values that formed the basis of the legitimacy of the imperial system, it would seem to be an anomaly that, on January 5, 1822, Sultan Mahmud II chose to proclaim by kanunname, a Supreme Mandate (Buyrudu-i Âlî) titled "Concerning the Prohibition of Marriages with Iranians."\(^1\) Why, after two centuries of benign neglect, should the Sultan, in 1822, find it expedient to issue an imperial edict reasserting a prohibition that already carried the force of law by fetva? In order to answer this question, we must consider two interrelated factors. Research on the relationship of the ılımiye to executive power during this period will show that the traditional use of fetvas in support of government policy and in law-making was no longer sufficiently effective to meet the demands of the change in Ottoman-Iranian relations from divided ʾümme to nation-states.

The religious establishment in the early 19th century, although under siege from new ideas of separation of executive and administrative authority, was still an institution that carried significant weight with respect to the language of law and its ideological underpinnings. As the century progressed, judicial reforms relegated the authority of the ılımiye to fewer, and more constricted, areas of law. Nevertheless, at the time of the enactment of the 1822 mandate the religious

\(^1\)BBA, Eçnebi Defterleri 43/1, 36-37.
institution still exerted enormous power over state policy, and the spirit of
traditionalism, as preserved by the *ilmiye*, was evident in the rhetorical use of
notions of heresy, in declarations of Sunni Islam as the true faith, and in the
proclamation of condemnation in this world and the next for all those who strayed
from the path of Islam.

In addition to the traditional language of the 1822 mandate, the fact of its
enactment at this late period raises another important question that will be
discussed in this chapter as well. How do we reconcile this imperial edict with the
*rapprochement* in Ottoman-Iranian relations that had been developing on the
political and economic levels for at least fifty years prior to its enactment?

Ideologies in societies operate on many levels, and societies in transition —
redefining the very basis of their own existence because of challenges from new
notions of sovereignty within their own geopolitical environment — are particularly
liable to undergo rapid social change, on the one hand, and yet hold on to certain
traditional concepts that mitigate the ensuing psychological traumas. The
rhetorical language of religious division in the 1822 mandate which promoted a
sense of continuity by harkening back to a tradition from "ancient times," was
utilized at just such a time of rapidly changing circumstances in order to lend
legitimacy and authority to the prohibition by promoting a sense of continuity with
the past. Two standards of reference may co-exist during periods of societal
transformation. In the case of the Ottoman Empire of 1822, the traditional view of
the sultan at the center of the *ümnet* which based imperial legitimacy on a divine
and unchanging order was in retreat, but nevertheless maintaining a foothold
against an increasingly more powerful nationalist ideology whose foundation was
based on a political order without divine sanction. Within this dichotomy we find
the reassertion by imperial edict of the 1822 mandate and the rhetorical
continuation of Ottoman animus towards the Shi‘a and the Iranian state.

A closer look at the language of the 1822 mandate will show that the use of
the traditional language of sectarian division, while suggesting that the Sultan was
upholding an ideology that saw "true" Islam as Sunni and himself as the moral
leader of a universal community, was, in fact, a declaration of Ottoman awareness
of geopolitical realities that the unity of the ümmet was no longer a political
possibility. The Mandate was in reality utilizing the traditional world-view to
overturn this ordering of established standards of reference. The Ottoman world-
view, with respect to the universality of the ümmet and the place of the Shi‘a
within that community, was changing as, increasingly, Iranians were being
accepted as a separate nationality and relations were proceeding within the new
context of nation-state ideology. Along with this change of world-view came a
number of problems for the two states that could not have existed if Muslims were
considered one community. The specific issues of Realpolitik that were contested
by two equal Muslim states, will be the subject of the following chapters. It was
the very nature of the change in Ottoman-Iranian relations, from contest over
leadership of a unified community to acceptance of territorial division and equal
status as nation-states, that not only allowed this prohibition to continue, but
demanded its reassertion and strengthening by imperial edict.
The rhetoric of heresy within the framework of national ideology

The 1822 mandate, with respect to terminology, continued the rhetoric of the earlier *fetva* literature. The mandate specifically designated as heretics (*rafizî*) the Shi'a, Iranians, people of ignorance (*cehele-i nasi*) and people of unknown lineage (*meçhulünnesep eşhas*), all of whom were accused of having strayed from the true path of Islam and were prohibited from marrying Ottomans. Additionally, the mandate was much more specific than the *fetwas* with respect to who was prohibited from marrying, why the prohibition was enacted, and how it was to be enforced. Marriages with the aforesaid groups were expressly considered as "deviating from the obligatory precepts (*usul-i mefruza*) of Islam," and all Muslims were "required to know the principles concerning the Islamic religion." However, the specificity of the title of the mandate very clearly signifies that the primary intent of the decree was to prohibit marriages with Iranians and it is this group that is the subject of this chapter.

There can be little doubt that, as a practical matter, by the early 19th century Ottoman sultans had abandoned the ideology of universalism — of one state in Islam with one ruler. This was a period of changing ideologies, when the legitimacy of imperial order was being redefined within the framework of an intensive program of reform and centralization. Such a period of intellectual and political activity was bound to affect Ottoman political relations with the Iranian state. In fact, this was a crucial time in Ottoman-Iranians relations which saw a solidifying of the Ottoman acceptance of inter-Muslim state relations.
In the late 18th century the Ottoman Empire had gone through a long period of decline marked by weak rulers, control of government by the grand vizier and the religious institution, military defeats abroad and at home, and the loss of vast tracts of land that included large populations of Muslims to foreign, Christian control. The Ottomans suffered a major defeat to the Russians in the war of 1768 that led to the Russian annexation of the Crimea in 1783 and the loss of Ottoman suzerainty over the Muslim Tatars in the northern Black Sea region. Sultan Abdülméhid I (1773-1789), who we have already noted in the previous chapter reasserted his right to califhal legitimacy, was forced to agree to humiliating concessions in the Treaty of Küçük Kaynarca in July 1774. This treaty relinquished the Sultan's political sovereignty over the Crimea and the Muslim population, and allowed the Russians capitulatory rights over the Orthodox Church in the Ottoman Empire. In order to temper the humiliation of the Sultan for loss of his political and territorial authority, in the Treaty Abdülméhid I was given the title of Caliph over the Tatars and all Muslims (‘Imám al-Mu'minin wa Khalifat al-Muwahhidin), thereby allowing him to retain moral, if not political leadership.\(^2\) Article 3 of the Treaty states:

[A]s to the ceremonies of religion, as the Tartars profess the same faith as the Mahometans, they shall regulate themselves, with respect to His Highness, in his capacity of Grand Caliph of Mahometanism, according to the precepts prescribed to them by their law, without compromising, nevertheless, the stability of their political and civil liberty.\(^3\)

---


\(^3\)J.C. Hurewitz, *The Middle East and North Africa in World Politics. A Documentary Record. Volume 1, European Expansion, 1535-1914* (New Haven: Yale University Press,
As shown in the previous chapter, by the 18th century the use of caliphal authority no longer represented the sultan as a global political leader and protector of all Muslims in a strong, expanding empire. Instead it was utilized both domestically and internationally as a tradition that offered a secure world-order in the face of challenges to imperial authority and loss of territory. For the remaining century and a half, the Ottomans would periodically call upon universalist authority in an attempt to remind its people and the world of its former glory and, as will be seen later, reassert Ottoman legitimacy in the face of rapidly changing political conditions that threatened imperial authority. The proclamation of the sultan as caliph in the 18th century, and again at the end of the empire during the reign of Abdülhamid II which will be discussed in Chapter Four, was directed against foreign threats. But it also symbolically and rhetorically supported and strengthened the prohibition of marriages between Sunnis and Shiʿites in a period when this prohibition could no longer be maintained solely on religious grounds but, nevertheless, was essential for political and economic reasons.

The late 18th-early 19th century was a period that marked the end of the ancien régime in Europe and the rise of new ideologies based on the concept of nation-state. In the same sense that this period was the twilight of the monarchical order in Europe, it was also the beginning of the end of the traditional order of imperial legitimacy in the Ottoman Empire. Nationalist ideas were not lost on the Ottoman elite who were confronted with substantial losses of territory to

independence movements and to foreign powers. Numerous revolts had occurred in the empire some of which were sparked by new ideas of national identity, while others were inspired and supported by European states who were eager to see the disintegration of the empire. Proto-nationalistic feelings, as defined by Eric Hobsbawm, had quickly spread among the Christian minorities and these ideas had sparked revolutions in Cyprus (1764) and the Morea (1770). Some of the revolts were encouraged by France, who was playing on the national aspirations of the Greeks and the peoples of the Balkans in hopes of annexing Morea and Crete as forward bases for their invasion of Egypt. Ideas of the French revolution, Napoleon's occupation of the Ionian islands (1797), and French interference in minority affairs in the empire, spurred the Serbian rebellion in Moravia (1805), a rebellion in Karageorge (1805), the revolts by Wallachian and Moldavian princes (1806), and later the Greek revolt that led to independence in 1821.

---


Against this backdrop of political and territorial defeats, the Ottoman elite was trying to reinforce the identity of the sultanate as closely as possible to Sunni Islam and, at the very least, maintain moral authority and religious leadership over the core regions of the Islamic world. This re-enforced Islamic ideology co-opted and reformulated ideas of the French revolution into a traditional Islamic framework. For example, the revolutionary idea of egalitarianism was reworked into the Islamic ideal of communal unity and restrictions on intermediaries between the individual and the sultan.6

By the early 19th century, however, the ideology of the nation-state was to firmly take root in the Ottoman redefinition of imperial legitimacy.7 It was during


7Scholars who have studied the influence of ideas of the French Revolution on the Ottoman Empire have disagreed as to exactly when these ideas gained acceptance among the elite. Bernard Lewis and Ercümen Kuran have both noted that as early as the 1790s Ottoman ambassadors to the French Directoire and to London were using the word vatan in the sense of patrie. See Kuran, "The Impact of Nationalism on the Turkish Elite in the Nineteenth Century," in Beginnings of Modernization in the Middle East, ed. Polk and Chambers (Chicago: University of Chicago Press, 1968), 109, note 3; also Lewis, The Middle East and the West (Bloomington: Indiana University Press, 1964), 76; and idem, Emergence, 334-35. Niyazi Berkes has suggested that it was not until the 1830s and 40s that even a suggestion can be made that the nationalist ideologies that came out of the French Revolution had an influence on Ottoman or Muslim writers. Even then, he maintains, a direct connection cannot be established. Nevertheless, most scholars agree that as the result of widening contacts with Europe during the Tulip Era, from the 1720s to 1760s, the Ottomans were aware of, and responded to, new ideas that were evidently propelling a changing balance of power relations between states. See Niyazi Berkes, The Development of Secularism in Turkey (Montreal: McGill University Press, 1964), 83-84. Certainly, by the middle of the 19th century notions of vatan were commonplace in government rhetoric and in the society at large. For example, the Gilhane Rescript of 1839 speaks of "love of country" (vatan) referring to all Ottoman subjects regardless of religion. Also, by the middle of the 19th century, vatan was being widely used in the Turkish press, and in 1866 there was a newspaper called Ayine-i-Vatan (The Mirror of the Fatherland). See Lewis, Emergence, 334-35.
this period — when the prohibition of marriages was reasserted — that an Ottoman ideology of unity of the empire based on the diversity of its population (millets), and a sense of the Ottomans as a separate national identity — as an Ottoman nation (Osmantılık) — appeared in official discourse. Scholars have traced the entry of these ideas from student missions who had been sent abroad, and from Hungarian and Polish exiles who had migrated to the empire and introduced the 18th century writings of European orientalists. By the middle of the 19th century, these Turcological writings had spread among the elite⁸ and it was during this period that the sultanate was reformulated in terms of the cultural traditions of the Islamic Middle East. The sultans began to claim direct descent from the Oğuz tribes of Central Asia and also drew genealogical descent from pre-Islamic Iranian kings in a clear effort to identify the imperial system with the pre-Islamic roots of the dynasty.⁹

While on the ideological plane the sultans were declaring the legitimacy of the imperial order on the basis of both their heritage as Sunni rulers of the ummet and on pre-Islamic dynastic roots, on the administrative level the Ottomans were borrowing heavily from Western models. No doubt in response to the loss of territory and the threat of the proto-nationalist revolts, Selim III (1789-1807) instituted a reform program known as the "New Order" (nizam-i cedid). Selim began his reorganization with comprehensive military reforms and a strengthening

---

⁸Lewis, Emergence, 345-47.

of the power of the central administration. New legislative initiatives were undertaken by the central government including placing the enforcement of laws and regulations in the hands of the central government and establishing and enlarging ministries and councilor bodies to include more officials in the decision-making process. Selim's "New Order" also created programs to train bureaucrats along European lines. Army and navy officers were trained by French instructors and they became familiar with ideas of Western civilization which they then introduced into the empire. In addition, Selim created a diplomatic service whose ambassadors came from the old, liberal-minded scribal class. He set up permanent embassies in London, Paris, Vienna and Berlin, and ambassadors who went abroad sent back observations on the cultures of the countries that were influential in encouraging the ruling class to embark on a program of reform. During the reign of Mahmud II (1808-1839), the tradition of sending students abroad continued and, in addition, he established a tercüme odası (translation office) in the 1820s which resulted in a class of Muslims officials who were familiar with European languages and ideas. These bureaucrats were dispatched to European capitals as diplomats and they were instrumental in bringing back the latest European intellectual fashions to the empire.

Where Selim III had failed to find approval for his reforms among the still powerful institutions of government — the Janissaries and Ulema — or among the population at large, it was Mahmud II's policies that were to change the basis of

---


imperial legitimacy permanently and were to have a profound effect on the unity of the empire. In recognition that there was need to redefine the basis of legitimacy of the Ottoman state, intellectuals during the reign of Mahmud II began to speak of a new ideology of Ottomanism (Osmanlılık). Ottomanism was an ideology that took a position of inclusiveness. It was an attempt to create an Ottoman citizenry among the diverse segments of a multi-ethnic and religious empire. As Selim Deringil has pointed out, Mahmud II set out to "invent" a tradition that would bypass the diversity of religious and ethnic groups and create one heritage for all Ottoman subjects. For an empire that had been based on the idea of a unity of diverse millets, nationalist ideology posed a serious threat to integrity of its borders.

The paramount example of Osmanlılık can be found in the Noble Rescript of the Rose Chamber (Hatt-i Şerif-i Gûlhâne) of November 3, 1839 which ushered in the Tanzimat period. Although upholding the primacy of the Şeriat, the Rescript declared the equality of all peoples in the empire without regard to their faith and with no distinction among Ottomans on the basis of communal affiliations:

The Muslim and non-Muslim subjects of our lofty Sultanate shall, without exception, enjoy our imperial concessions. Therefore we grant perfect

---


13 Deringil, "Invention," 8-9. He has pointed to the creation of symbols such as an imperial coat of arms, official state music, and use of the fez as the official head covering for all Ottoman subjects (except the ulema) Muslim and non-Muslim alike, as an attempt to redefine imperial legitimacy on the basis of an Ottoman nationality.
security to all the populations of our Empire in their lives, their honor, and their properties according to the sacred law.\textsuperscript{14}

The Rescript was an attempt to build an Ottoman identity among the diverse religious communities in the empire. But in some instances the dissolution of old ideological systems and the creation of new ones had an effect opposite to its goal of uniting the empire.\textsuperscript{15} As new rights were given to non-Muslim Ottomans, Ottoman-Muslims were increasingly disenfranchised. This became one of the serious dynamics that challenged the state's efforts at modernization in the remaining years of the empire. Most importantly for this study, a redefinition of the Ottoman Empire from a state whose imperial authority was divinely-sanctioned and whose non-Muslim population, while protected, was not of a status equal to its Muslim community, to a nation-state whose unity was no longer of a divine nature but was based on an ideology of equality of all its subjects, was to have a profound political effect on the Ottoman treatment of other Muslims who resided outside of its territory. If Ottoman Jews and Christians were now considered subjects with rights equal to those of Ottoman Muslims, then Iranian Muslims and zimmis, were, in a political sense, now members of a separate nation who could no longer be allowed special rights accorded to members of the \textit{dār al-Islām}. Many issues of a non-ideological nature arose between the Ottoman and Iranian empires that were the result of this change of world-view from empire to nation-state. These issues will be the subject of the following chapters. At the time of the 1822 mandate,

\textsuperscript{14}Hurewitz, \textit{The Middle East and North Africa}, 1:269-271, for translation of the \textit{Hatt-i Şerif-i Gûlhane}.

\textsuperscript{15}Findley, in "Advent, 1," 165 explains that the idea of equality in an empire dominated by religious law under which equality among members of different religions is impossible to achieve.
however, these non-ideological, geopolitical matters were not yet fully conceptualized, or articulated in great detail. The main concern was to prevent these marriages and the religious establishment was given the primary responsibility to enforce the prohibition. Although Mahmud II had taken this prohibition away from religious authority through his enactment of the imperial mandate, the onus of enforcement was still with the ilmiye. This should come as no surprise since in 1822 local religious officials were still the overseers of the courts and enforcers of the law.

State relations with the ilmiye

The reform programs of Selim III discussed earlier had failed as the result of opposition from the two most powerful forces in the empire — the Janissaries (Yenicheris) and the Ulema. At the end of the 18th century, the relationship of the ilmiye to the State had been weakened by a system whose members had long become used to wealth, inherited rights, and nepotism at the highest levels. As a result of the disenfranchisement of the lower-ranks, Selim initially had been able to control the ulema and to forestall their potential opposition to his reform programs. However, his attempts at centralization failed and as he fell from power these groups reasserted their positions even more strongly by forcing the Sultan to sign a "Şer'i hüccet" which separated power between the executive and the government.¹⁶ Power now lay with the kaymakam (head official of a district) and the chief miftü.

Mahmud II (1808-1839) was a young and inexperienced sultan upon his succession to the throne. Scholars have suggested that for the first seventeen years of his reign he was unable to change the power structure that had been put in place as a result of the fall of Selim III.\textsuperscript{17} The enactment of the 1822 mandate fell during this period of weakened rulership and a powerful military and religious establishment. Yet by enacting an imperial mandate that addressed questions of personal status law, Mahmud was challenging the power of the \textit{ulema} by, in essence, assuming administrative control over an area of law that had previously remained the jurisdiction of the religious establishment. The declaration of this mandate suggests an effort, earlier than most scholars have recognized to date, to put forth a greater program of centralization that included control over the bureaucracy of the \textit{ilmiye}, and specifically control over the office of the \textit{Seyhülislam}. It follows that in order to understand the significance of the 1822 Mandate, one must consider the development of the relationship between the central administration (the Porte) to the religious establishment. Included within this program of centralization was Mahmud's attempt to co-opt the \textit{ilmiye} into the central bureaucracy by assuming administrative control over the religious institutions and, in the case of the Mandate, stepping into the domain of personal status law.

Modernization was at the top of the agenda for Mahmud II and, if he was to succeed in this program, the co-operation of the \textit{ulema} was essential. With this in

\textsuperscript{17}Berkes, \textit{Development}, 89-99.
mind, Mahmud embarked on a program of co-opting the *ilmiye* into the
government system in order to gain control over them and to insure support for his
modernization programs. This very 'modern' monarch\(^{18}\) was the first to have his
portrait painted and displayed in the European fashion, a practice that received the
approval of religious officials who even blessed the portraits on the occasion of
their public display. The Sultan raised the status of the *seyhülislam*, appointing
him to a permanent position in the cabinet.\(^{19}\) Mahmud also filled key positions
(e.g. army judges, and the *kadi* of Istanbul) with *ulema* who were willing to
support him and punished those who were in opposition with dismissal or
banishment.\(^{20}\) *Ulema* were appointed to government bodies at all levels of the
bureaucracy from the Military Council (*Dar Sura-yi Askeri*) to the central
legislative councils.\(^{21}\) They kept this high profile in all the councils of state until
the end of the empire. As appointees of the Sultan, Mahmud II may have hoped
that these *ulema* would support and endorse his policies.

In a further attempt at appeasement of the *ulema* at the lower levels, Mahmud
II made attendance at elementary religious schools mandatory, stating that it was
necessary for all boys to learn the principles of Islam. The *imams* of the

\(^{18}\)To use Selim Deringil's terminology, see *The Well-Protected Domains* (London: I.B.

\(^{19}\)David Kushner, "The Place of the Ulema in the Ottoman Empire during the Age of
Reform (1839-1918)," *Turcica* xix (1987): 55; see also Avidor Levy, "The Ottoman
Ulema and the Military Reforms of Sultan Mahmud II," in *The Ulama in Modern History*,
1971), 18-19.

\(^{20}\)Levy, "Ottoman Ulema," 15.

\(^{21}\)Kushner, "Place of the Ulema," 57.
neighborhoods were given the duty to monitor and enforce the mandatory attendance at the religious schools. The new duties assigned to local religious officials were outlined in the 1822 mandate as well. The mandate charged religious officials, particularly kads and imams, with the duty of prohibiting marriages between Ottomans and Iranians by investigating all marriages at the time of the contract. Local authorities were instructed to be particularly diligent in assuring that Ottoman Sunni women did not marry Iranians. Those religious authorities who did not investigate, or who were negligent in their duties and permitted such contracts of marriage, as well as those fathers or guardians who permitted their daughters to marry persons who were rafidites, Iranians, Shi'a or of unknown lineage (meçhulünnesep eşhas), would be "strongly punished." The investigation by religious officials was important so that there could be no doubt about the family origins of those getting married — "in order not to go against the beloved Islamic faith."

During the reign of Mahmud II central control of the religious establishment and programs of modernization had progressed so far that a return to the former balance of power where the religious establishment still exerted control over policies of the sultan was untenable. It follows that the foray of Mahmud into the realm of personal status law could not, or would not, meet with much resistance from the ulema. By including the ulema in this process of modernization and by making sure that religious officials had a hand in the administration of new laws, Mahmud ensured their cooperation. It is also logical that when he proclaimed by imperial edict the prohibition of marriage between Iranians and Ottomans, he

---

should give the duty to investigate and enforce his decree to the müftüs in the cities and to the neighborhood kadıs and imams. As a result, by the early 19th century the ulema were unable to offer effective resistance to the Sultan's proclamation of this prohibition. Declaring punishments for religious officials that did not investigate marriages and enforce the prohibition fit into Mahmud II's modernization program. However, Mahmud was not breaking new ground. Since the time of Selim III, the incompetence and corruption of religious officials had been recognized as a problem, and many fermans had been issued warning religious officials of their duty to uphold the Seriat.23 The fact that punishment was threatened in the mandate suggests that the reputation of the ilmiye in the society was at a low point.

The ilmiye however still held moral authority over the society and the imperial administration and consequently Mahmud II needed their cooperation in order to implement his programs of reform. As a result, the 1822 Mandate, although emanating from the administrative level, included the ulema in the process by following the traditional pattern of giving the kadıs and imams the main role in investigating and enforcing the prohibition. So while Mahmud II was "interfering" in the affairs of the ilmiye, at the same time he was including them within the process of reform, allowing him to take measures that were previously outside of the domain of administrative law. The fact remains, however, that the 1822 mandate was still based on a conservative ideology that was continuing the traditional binary opposition between the two Muslim states. While the ulema may

have approved such a proclamation as a reassertion of the status quo, the mandate, while seemingly contrary to the normalization of Ottoman-Iranian relations, was, instead, a recognition that the old dynamic had irrevocably changed and had to be restated within a different framework.

The Treaties of Erzurum

The ideology of universalism, as reflected in the rhetoric of the 1822 mandate, was in direct contradiction to the development of relations on the political and economic levels between the Iranian and Ottoman governments. As seen in Chapter Two, Ottoman and Safavid animosity, which resulted in numerous battles and border disputes, eventually led to a series of treaties that not only recognized the possibility of independent Muslim states, but created mechanisms by which peace could be established and Iranians could be accepted by orthodox Sunni Islam into the community of Muslims. Iran had even been allowed to join the ranks of European capitulatory nations and was included in the Ecnebi Defterleri, (Registers of Foreigners) which had previously included only matters concerning European capitulatory nations that came to the attention of the Porte.24 Matters concerning Iranians in the empire were now included within this collection, and it is within the Ecnebi Defterleri that we find the 1822 Mandate "Concerning the Prohibition of Marriages with Iranians".

---

During the reign of Mahmud II, the two states conducted their last serious conflict in 1821-23 over their borders in Azerbaijan and Kurdistan. The Treaties of Erzurum of 1823 and 1848 ended this conflict by reaffirming the provisions of the 1746 Treaty of Kordan discussed in the previous chapter. Both states agreed not to interfere in the internal affairs of the other, with Iran in particular agreeing not to interfere in Baghdad and Kurdistan. Iranian pilgrims were allowed free access, without extra taxation, to the Holy cities as well as to the shrine cities of southern Iraq. Unlike earlier periods of conflict with the Iranians, there were no anti-Iranian fetwas issued with these treaties. This lack of anti-Shi'a rhetoric was in marked contrast to the language contained in the 1822 Mandate. Also, unlike previous treaties, religious rhetoric played no role in the 1823 agreement. In fact, during the peace negotiations the Şeyhülislam wrote a letter to ʿAbbas Mirza, the Qajar crown prince, describing the two countries as one body (yekten mesabesinde olan devleteyn-i fahimeteyn). For the first time, the Sultan and the Shah recognized each other as equal, legitimate heads of sovereign states — the countries

---

25 Hurewitz, The Middle East and North Africa, 1:219-21 for translation of the "Treaty of Peace (Erzurum): The Ottoman Empire and Persia," 28 July 1823. See also C.U. Aitchison, A Collection of Treaties, Engagements and Sanads, Relating to India and Neighboring Countries xii (Calcutta: Superintendent Government Printing, India, 1909), Iv-lxi. The boundary between Iran and the Ottoman Empire continued to be disputed and contested throughout the nineteenth and into the twentieth-century. This fact was a legacy from previous centuries and the many treaties negotiated by the two states which had failed to find a final formula for mutual recognition of borders. See Sinan Kuneralp, "The Ottoman Drang Nach Osten: The Turco-Persian Border Problem in Azerbaijan, 1905-1912," Studies on Ottoman Diplomatic History iv (İstanbul: The İsis Press, 1987), 71-76.

being referred to as "the Two High Powers." Although the Ottoman Sultan was
given the title "servitor of the Two Holy Places and Jerusalem," there was no
mention of his role as leader of all Muslims. The term ṣummei was not used and
both the Sultan and the Shah were afforded the use of the title of caliph.27 Iranians
living in the empire were, for the first time, recognized like Europeans as citizens
of a foreign state. As evidence of the rising importance of the idea of the nation-
state in the Ottoman world-view, Iranians were given limited capitulatory rights
within the empire including the right for the Iranian government to intervene in the
domestic affairs of the empire when it concerned its citizens. Complete
extraterritorial rights given Europeans were not accorded the Iranians with regard
to judicial independence. However Iranians involved in commercial or criminal
actions with Ottomans would still be tried in Ottoman courts according to the
Şeriat. But Iranian pilgrims were allowed to settle disputes among themselves; in
other cases they would be allowed their own representatives in the courts; and
certain cases could be referred directly to the Porte for adjudication. The Shah was
allowed to appoint consuls in the empire "wherever the interest of commerce or the
protection of merchants or subjects of Persia render it necessary, with the
exception of the holy cities of Mecca and Medina, and the Porte will confer on the
said Consuls the privileges due to their official character, and which are enjoyed
by Consuls of other friendly states."28

27Masters, "Treaties," 11.

28Masters, "Treaties," 9-11, and 14; and Tucker, "Peace Negotiations," 34-36. See also,
Aitchison, Treaties and Engagements xii, lxi.
Although the goal of these treaties was primarily political in the sense that they sought to establish borders between the two states, there was also an economic component which became increasingly important as the century progressed, and a pivotal element in further restrictions on marriages between Iranians and Ottomans. The treaties extended the status of Iranians even further than previous agreements and, for the first time, provided that reforms would be undertaken in the disposition of the estates of Iranians who died in the Ottoman Empire.

The issue of abuse of Iranian pilgrims by local Ottoman authorities had been a contentious and continual problem for the two governments. Such matters concerned unfair taxation, head tax (ciyze) on non-Muslim Iranians, and the confiscation of the estates of those who had died while in Ottoman territory. Iranian leaders had been pushing for reforms for more than a century. According to Islamic law, the estates of Muslims who died intestate reverted to the State. Ottoman officials, when not seizing property outright, had previously held property for only six months while awaiting claimants. The Iranian government had long argued that this was not enough time for heirs to be notified in Iran and travel to Ottoman territory to claim the estate. As previously mentioned, Bruce Masters cites a particularly outstanding case of two brothers from Hamadan who had died while on caravan between Baghdad and Aleppo in 1610 with 200,000 pieces of

---

29 This is by no means to suggest that an official policy of abuse of Iranian pilgrims was put in effect by the Ottoman government. Other Muslim pilgrims also complained of abusive behavior. The instances seems to be of a local and selective nature, undertaken by corrupt regional and local officials who were not under control of the central administration. See Masters, "Treaties," 6-7.
gold in their possession. Their estates had been seized and quickly sent to
Istanbul, apparently without any attempt to locate heirs.\textsuperscript{30}

The State issued two edicts, one in 1706 and the other in 1724, which
attempted to address this problem by allowing the estates of Iranians to be
immediately given to heirs who lived in Ottoman territory, or returned to Iran.
These edicts were not enforced, or were simply ignored on the local level. For
example, in the 18th century governors of Damascus were known to have
confiscated the estates of Persians who died while on the Pilgrimage.\textsuperscript{31} On another
occasion, when more than 700 Iranians died during the Baghdad plague of 1773,
Ömer (1764-86), the Mamluk paşâ, confiscated their estates to supplement his
income without redress to their heirs.\textsuperscript{32}

The Treaties of Erzurum attempted one final time to settle the matter of
Persian subjects who died without heirs present. The Treaty stated:

...the Officers of the Treasury (\textit{Beit ul-Mal}) shall...register the property...For
the period of one year the effects shall be lodged...until the lawful heir or
administrator of the estates may arrive, when, according to the Register of the
Courts of Jurisdiction, the property shall be delivered up.\textsuperscript{33}

\textsuperscript{30}Masters, "Treaties," 8 citing BBA, Maliyeden Mudevver 7439.

\textsuperscript{31}Abdul-Karim Rafeq, \textit{The Province of Damascus, 1723-1783} (Beirut: Khayats, 1966), 60
citing the Public Records Office, State Papers 97/31: Istanbul 30.1.41.

\textsuperscript{32}John R. Perry, "The Mamluk Paşalik of Baghdad and Ottoman-Iranian Relations in the
Late Eighteenth Century," in \textit{Studies in Ottoman Diplomatic History}, ed. Sinan Kuneralp
(Istanbul: The Isis Press, 1987), 63, idem, \textit{Karim Khan Zand. A History of Iran, 1747-

\textsuperscript{33}Hurewitz, \textit{The Middle East and North Africa}, 1:221.
The issue of the estates of Iranians who died in Ottoman territory was just one example of the multitude of problems that confronted two states who were trying to establish normal relations within the framework of the Şeriat. It is to these problems of Realpolitik that we will now turn.
Chapter Four
Conversion

Where geopolitical issues were concerned, the possibility of conversion of the Sunni population to Shi‘ism took primary importance as nation-state relations developed between the Ottoman Empire and Iran. The importance of conversion to the Ottoman government was evident in the 1822 mandate prohibiting marriages with Iranians which emphatically stated that "ignorant" Muslims may change schools (mezheps) as the result of these marriages. Conversion to Shi‘ism would "God forbid, cause disappointment in this world and the next" (cehele-i ehl-i islamn tagayyür-i mezhebiyle maazallahüteala iki alemde müptela-i hüsran olmasın),¹ a serious charge that suggested penalties in the here and now, and damnation in the afterlife. Such rhetoric continued the tradition of classical Islamic and Ottoman heretical literature that condemned all sects, except the orthodox Sunnis.² This forceful declaration suggests the co-existence of two levels of ideology operating in tandem with respect to the Iranian state — the ideology of heresy and religious division and the ideology of the nation-state. The Sultan, although recognizing the different "nationality" of Iranians on the level of Realpolitik, utilized when geopolitical circumstances warranted the traditional world-view that saw "true" Islam as Sunni and Shi‘ism as a heresy.

¹BBA, Ecnebi Defterleri, 43/1, 36-37.
The issue of conversion was directly connected with two major interrelated geopolitical concerns in the 1820s — Ottoman control over Iraq and increased activity of the Shi'i ulama in converting the population of the province. This is not to say that concern over conversion in the empire was limited to the Iraqi province. As Selim Deringil has shown, the 1856 Freedom of Religion ferman opened the door to Christian missionary activity throughout the empire. In later decades, the problem of conversion was certainly an empire-wide concern. But for the period of the 1820s, the mandate prohibiting marriages with Iranians focused exclusively on the problem of the conversion of Ottoman subjects to Shi'ism as the result of marriages with Iranians. Such a narrow definition of the problem of conversion suggests that, for this period, the government's main focus was on Shi'i conversion in the province of Iraq.

Iraq had always been a frontier territory, contested by both the Ottomans and Persians. The Safavid (1501-1722) and Qajar (1794-1925) shahs periodically laid claim to the right to protect both the population of Iraq and the shrine cities of Najaf, Karbala, Kazimayn and Samarra that were of particular importance to Shi'ites both inside and outside of the empire. For centuries, control over a province that was distant from the center of Ottoman administration had been extremely difficult, and for long periods Iraq remained under minimal central control. Southern Iraq, in particular, was a problematic district to rule since the people there maintained a local identity that did not translate to allegiance to a central government that was so far removed geographically.

---

Shi'i conversion of Sunnis in Iraq did not demand government attention prior to the 19th century because there was no concerted effort by the Shi'i ulema to convert the population. Although in earlier centuries there certainly were Shi'is in Iraq, most of them were Arabs who lived mainly in the urban centers and who constituted a minority of the population. During the two periods of Safavid occupation, in 1508-33 and 1622-38, Persian Shi'i merchants migrated and settled in major towns such as Baghdad, Karbala and Najaf. But it was not until the 18th century, first when the Afghans occupied Isfahan and later when Nadir Shah embarked on his program of Sunni-Shi'i reconciliation, that hundreds of Shi'i ulema sought refuge in the shrine cities, and in Baghdad and Basra. Between 1727-63 the shrine cities became centers for Shi'i scholarship that attracted many Persian ulema and students. Additionally, the rise of the Shi'i state of Awadh (Oudh) in North India in 1722 greatly contributed to the influx of Shi'i ulema and students into the province. All of these factors were to afford the Persian ulema a large measure of independence from Ottoman control over the political and economic affairs of these cities.

In the late 18th century, as conversion activity became more noticeable, the threat to the integrity of Iraq as a province of the empire became more of a concern to Ottoman officials. As the result of benign neglect from the Iraqi Mamluk rulers, the Shi'i ulema in the shrine cities, in an attempt to reinforce their independence, began to actively seek converts among the Arab tribal confederations that had been forced to migrate to southern Iraq after attacks in Arabia by the followers of Ibn
'Abd ul-Wahhab. In the early decades of the 19th century, the Shi'i ulema increased their program of conversion as a result of tolerance of the Mamluks, in particular the last of the Mamluk governors Da'ud Paşa, towards Shi'i rituals and conversion activity.

When Mahmud II (1808-1839) ascended the throne, the Shi'i shrine cities of Najaf and Karbala were under total control of the Shi'i ulema. Although the ruling strata of the province was composed of Sunni notables, the ethnicity of a large portion of the population in the southern and eastern parts of the province was Persian and their allegiance was to Shi'ism and to Iran. This population resented Ottoman control and saw themselves as a religious and ethnic opposition to the Ottoman-Sunni Sultan who they regarded as a heretic, not rightfully entitled to leadership of the community which, in their opinion, should fall to the Twelfth Imam.

The Ottomans recognized the potential loss of the province from the increase in the Shi'ite population and in 1826 Mahmud II attempted to reassert authority and to bring the population more closely under the control of the central government. The Sultan took various measures to reimpose direct rule over Iraq that included removing the Mamluk paşa in Baghdad; establishing a permanent standing army in the province; and installing an Ottoman governor, 'Ali Riza Paşa. Mahmud's attempts to bring the population of Karbala under Ottoman control

---


resulted in periodic outbreaks of rioting and rebellion among the Shi‘ite population. In 1835, a serious confrontation erupted between ‘Ali Rıza Paşa and the population of Kerbala which had, by then, become a stronghold for opposition to Ottoman rule. The Shi‘i religious leaders, believing that weak rule from Baghdad could not challenge their independence, stirred up hatred of the Sunnis among the Shi‘i population. It was clear to the Shi‘i leadership that if the Ottomans resumed control of the city they would lose not only the profits resulting from shrine endowments and the pilgrimage traffic, but that Sunni law would be reestablished over the Shi‘i population. They feared that the Ottoman government would also impose prohibitions on Shi‘i rituals, especially the Muḥarram ceremonies that celebrated the martyrdom of Hūseyin. However, the Shi‘i leadership and the population either were not aware of, or misjudged, the strength of Mahmud’s centralizing policies. As a result, the people of Kerbala were not able to resist the forces that were sent by the central government. After a long siege, the rebellion was suppressed and, by 1843, Kerbala was once again under Ottoman-Sunni leadership. As the Shi‘i ulema had feared, Sunni kadiṣ were installed and instructed to hear all court cases, including those that involved Shi‘i parties. Sunni prayer leaders were reinstated, and the name of the Sultan was once again mentioned at Friday prayers. The Ottoman government also exacted heavy financial obligations by levying burdensome customs duties on Iranian merchants in Ottoman territory. However, after the Ottomans reasserted control, they miscalculated in allowing the Muḥarram ceremonies to continue. The celebrations
actually became more widespread and more public and in subsequent decades aided the Shi‘i ulema in their program of conversion of the tribal population.⁶

In the middle decades of the 19th century, after direct control had been established in the province, the Ottomans embarked on a policy of settling the tribal population. The motivation for this policy was economic and was intended to increase agricultural production and tax revenues in order to support the growing involvement of the empire in the world economy. However, as a consequence of this settlement policy, Shi‘i conversion increased noticeably. A change in the tribal structure that resulted once tribes were settled caused a sense of displacement and alienation. This factor, plus increased taxation, resulted in growing anti-government resentment. As a result, conversion to Shi‘ism, which was seen as an anti-establishment movement in Iraq, increased among the tribal population as they resisted increasing Ottoman centralization.⁷

---

⁶Nakash has suggested that the Ottoman tolerance towards these rituals was an attempt to maintain the loyalty of the population in the face of Muhammad Ali’s incursions in the Levant. See Shi‘is, 143.

⁷Nakash, Shi‘is, 32-47. In comparing the conversion rates between settled tribes and those that remained nomadic, Yitzhak Nakash has shown that those who did not settle remained predominantly Sunni. He has suggested that Ottoman policy, as much as the efforts of the Shi‘i ulema, was the cause for the increased conversion rates to Shi‘ism.
Shi'i propaganda

The perception that Shi'ism was increasing in Iraq was not based on hard data. Although registration of the population of the Ottoman Arab provinces periodically occurred, the Ottoman system was not like the present-day census which counts every member of a household. At best, Ottoman registers were estimates, since the female population was not registered due to lack of access to their areas of the home and children, who were generally not considered full members of the household, were often not counted either. Other important groups such as foreign communities or nomads were not systematically included in the registers. Lack of strong administrative control of the province made an exact count of the population an impossible task. Additionally, Shi'i Muslims were not registered as a separate category since they were considered Muslims. Therefore, the census reports that existed did not include a separate category for the Shi'i population. Even if such a category did exist, in a province without strict border controls and with large numbers of persons in seasonal migration, it would have been difficult to make a distinction between Shi'a who were foreign nationals and those who were Ottoman subjects.


9McCarthy. "Population," Although many recent demographic studies of the Arab provinces have relied on foreign sources, McCarthy maintains that these sources are inaccurate and estimates at best. Nevertheless, scholars who utilize these sources note that in the late 19th century the British were estimating the Shi'i population of Iraq to be a majority, perhaps 56 percent of the population. See Gökhan Çetinsaya, "Ottoman
Despite the lack of hard data on conversion, Ottoman officials in 1822 foresaw the beginning of a problem that was to remain a concern until the end of the empire. Throughout the decades of the mid-19th century, the government became increasingly preoccupied with Iranian propaganda and the growth of Shi‘ism in the province.

Propaganda through the use of printed material would not have presented a serious problem prior to the mid-19th century. It was only in the 1820s that the first official pamphlet for propaganda purposes was produced on behalf of the Ottoman government. Üss-ü Zafer (The Basis of Victory) by Esad Efendi was written at the behest of Mahmud II who was interested in gaining wider support for his program of reform.\(^{10}\) However, this pamphlet was written in the high-bureaucratic style of the time and consequently was inaccessible to the public and unsuccessful as a propaganda vehicle. In the late 18th and early 19th centuries a language reform movement had developed with the goal of simplifying the syntax and written style of the Ottoman Turkish. Many dictionaries and works of grammar and syntax were published and new schools, such as the civil service school (Mekteb-i Maarif-i Adliyye) and a faculty of letters (Mekteb-i Irfan), were opened to facilitate the training of government employees in the ever-increasing bureaucracy.

Literacy increased further in the mid-century as the result of the establishment of official and private printing presses, and the resulting publication of numerous government and private newspapers and periodicals. Additionally, during the last three decades of the 19th century, the growth of secular and Christian missionary schools throughout the empire greatly expanded the level of literacy among the population at large. Against this backdrop, the issue of the production of pamphlets for propaganda purposes became of central importance in Ottoman attempts not only to control Shi'i conversion of the population in Iraq, but also to maintain its position as the primary disseminators of the "true" fundamentals of the Ḥanafī mezhep, two concerns that were to become increasingly interrelated.

In 1865, the government's concern over the possibility of conversion of the Sunni population to Shi'ism was evident as it turned its attention to the distribution of books in Iraq that were critical of the Sunni mezhep. Three books, Esrârû's-şehâde, Fikhû'r-rîza and Ayne'l-huyût, on the thoughts and philosophy of an İmam Rîza were cited in Foreign Ministry reports. Ottoman reports did not specify the nature of the criticisms but officials were concerned that these books had the potential to incite "the minds and hearts of the people," (kulûb ve ezhân-ı avâmi tahrik edebilmesi) and cause doubt among the population.

---


12 BBA, Irade Hariciyye, 12380. Various dates from 20 Şevval 1281, 18 March 1865 to 8 Safer 1282, 3 July 1865.
This matter was handled at the highest level when the Ottoman Foreign
Ministry (Hariciye Nezâreti) asked the Iranian government to investigate the issue.
The Assistant Foreign Minister of Iran, Mirza Said Han, forwarded the results of
the investigation in a report to Hüseyin Han, the Iranian Ambassador to Istanbul.
These books, the report stated, were indeed printed in a lithograph workshop in
Iran and imported into the Ottoman Empire. The report maintained that the
officials of the publishing house did not "pay careful attention, and the aforesaid
persons acted contrary to religious ideas." The Iranian government was very
conciliatory, having found the books to be "insulting" and contrary to the "special
peaceful aspirations of the Islamic Sultans" and the importance of the
"harmony...of the two communities who are naturally brothers [and] who are one
in belief." The report concluded that if Iranian officials became aware of, and did
not prevent, the publication of such books or "pretended to be ignorant" of these
publications, they would be subject to punishment.

Undoubtedly, in an attempt to distance itself from "heterodox" ideas that
might upset the balance of power between the states, the Iranian government went
on to cite in the report that all Iranians are Twelver Shi’ites and, in their view,
Imam Riza, a preacher in Baghdad, clearly "despised his own sect by falsely
making claims" in the name of Twelver Shi’ites.

The Ottoman government accepted the legitimacy of the Twelver Shi’ites,
whom they called Câferiyye. The Câferiyye were considered equal to Sunnis since
they did not curse the first three Caliphs and followed the customs of the Şeriat.
They also had the right to visit the holy sites of Mecca and Medina. Ottoman
officials considered Imam Riza a special case, one of those "ignorant persons who
are not aware of the customs of the religion and who cause grief among the people
of Islam." Therefore it was the "duty of the judges to educate and instruct [such persons]." For those persons who act contrary to the customs of the Şeriat, they would be punished in "accordance with common usage and the canonical law."

The Ottomans forbade the publication and distribution of these books within the empire. It is interesting to note how far Ottoman rhetoric had progressed away from the language of heresy. Contrary to the traditional rhetoric that had been used by the Ottomans for centuries in blanket denial of Iranian legitimacy, by 1865 the Ottomans recognized the equality of Twelver Shi‘ism [and, therefore, the Iranian government] and were willing to confront issues of heresy in a restricted manner, and, in this case, on a local level.13

The case of İmam Rıza was not an isolated event. In 1885, a pamphlet called Hüseyniye Rıalesi, allegedly a propaganda vehicle for Shi‘ism, came to the attention of the Porte and caused great concern among Ottoman officials.14 A copy of the pamphlet was presented to the government by the famous Naqshbandi-Khalidi shaikh, Ahmed Ziyâuddin Efendi, who lived in the müezzin's room of the Fatma Sultan Cami’i in Istanbul. The government called for the confiscation of all existing copies of the pamphlet and began an investigation to determine which publishing house had produced them. Recommendations on how to prohibit such publications were requested and were to be sent to the Minister of Education as

13This may have been the result of the rapprochement that had begun between the Ottomans and Nadir Shah in the mid-18th century, when the latter had attempted to gain Ottoman acceptance of a fifth Sunni mezhep, the Ja’faries, who were willing to accept the legitimacy of the first three Caliphs.

14BBA, Yıldız Sadâret Hüsûsî Mârûzat Evrâkt (Y.A.HUS) 182-67. 28 Şevval 1302, 10 August 1885. This archive is the correspondence between the Yıldız Palace and the Chancery of the Grand Vizier.
well. Hoca Ishak Efendi, a scholar well-known for his studies of heresy, was given the duty to investigate this matter and to compose a refutation. In his report, he stated that two Iranians — Hamza and Hüseyin Baba — were allegedly spreading the Câferî mezhep in order to "lead men and women in Istanbul and the villages astray." He suggested that Hüseyin be tried in the Şeriat court and that Hamza be located so that "persons like these who lead people astray do not settle in the Ottoman state and encourage seditious acts."

In his report, Hoca Ishak Efendi maintained that "up until twenty years ago, the population of Iraq were, in the majority, followers of the Sunni sect." 15 He goes on to blame the Porte's seizure of assets, which had previously supported Sunni ulema in Baghdad, as a cause of the growth of Shi'ism:

Fifteen or twenty years ago, the Valis of Baghdad seized, on behalf of the state treasury, the villages, which had been given to the ulama for living, and as a result, scholars and ulama in Baghdad were altogether destroyed. The Iranians, however, in the three towns [the Atabat] and in Najaf and Karbala, have 5,000-6,000 religious students distributed among villages and among tribes, and teach and inculcate harmful books like this one. As a result, the Sunnis in Iraq remained unawakened…16

Hoca Ishak Efendi touched on one of the major causes of the increase of Shi'ism in Iraq, namely the lack of Ottoman investment in the province in comparison with Shi'i monetary support. Although management of the shrine cities was technically under the Ottoman vaqif administration and those who worked at the shrines were appointed by the central government, as noted

---

15Çetinsaya. "Ottoman Administration," 229 translating BBA, İrade Dahiliye 75763, 27 Şevval 1302, 9 August 1885.

previously, the Shi'i *ulema* who resided permanently in the shrine cities wielded great influence. The Shi'i *ulema* were extremely wealthy as a result of investment by the Iranian government in the shrine cities, and gifts and money from the Oudh bequest which the King of Oudh in Northern India has established in 1825 added to their wealth.\(^{17}\) This money was invested in infrastructure projects such as the construction of a canal from the Euphrates that would bring water to Najaf. The money also endowed hostels and libraries and was distributed to Shi'i converts from among the tribes and settled population, which aided in the conversion of the local population. In contrast to the wealth flowing into Shi'i institutions, the Sunni *vaqif* lands, which supported Sunni *medreses* and *ulema*, had been taken over by the government as a result of the centralization policies that began with Mahmud II and continued during the *Tanzimat* period (1826-76). Lack of funds to support Sunni education was continually cited as one of the causes of the growth of Shi'ism. As late as 1908 the *Şeyhülislam*, Mehmet Cemaleddin, wrote a report on the continuing problem of Shi'i conversion; he noted that Ottoman confiscation of *vakif* funds had caused a decline in the quality of Sunni primary schools.\(^{18}\) The loss of independent income of the Sunni religious establishment was as large a factor in the conversion process as Shi'i missionary activity. Sunni religious education was seriously weakened since the government did not invest in building

\(^{17}\)Juan R.I. Cole, "'Indian Money' and the Shi'i Shrine Cities of Iraq, 1786-1850," *MES* 22.4 (October 1986): 461-80. See also Çetinsaya, *Ottoman Administration*, 225. The bequest was an annual contribution to the shrine cities of 10,000 pounds sterling for charitable causes.

and staffing schools or in producing teaching materials in support of the Sunni mezhep. As a result, the Huseyniye Risalesi was an example of Shi'i propaganda that the Ottomans could not successfully refute due to lack of support for teachers and materials.

The problem of the Huseyniye Risalesi was handled as an internal matter and did not directly involve the Iranian state. The investigation was carried out by a competent Ottoman official, Hoca Ishak Efendi, and handled by the Ministry of the Interior (Dahiliye Nezareti). Communications about the matter passed from the Palace to the Chancery of the Grand Vizier. In this case Ottoman rhetoric against the Caferiyye lacks the conciliatory tone of earlier communications with the Iranian state over the problem of propaganda. As a matter that was dealt with domestically, it did not require the niceties of diplomacy and, as such, represented more realistically the Ottoman view towards the matter of Shi'i conversion. The difference of twenty years between these two cases is important. During those years, the sultanate had changed hands, being transferred from Abdüllaziz (1861-76) who had followed the modernizing programs of his predecessors, to Abdülhamid II (1876-1909) who, as we shall see below, was in the process of recreating the traditional ideology of universality that reinforced and reaffirmed the age-old division between Shi'is and Sunnis. Before turning to Abdülhamid's attempts to reverse the conversion rate in Iraq, it is important to discuss one additional mechanism which aided the Shi'i ulema in their program of conversion.

Ottoman officials became concerned that the yearly Muharrem ceremonies, which were performed by the Iranian community throughout the empire, were being used as an instrument of missionary activity. Ottoman tolerance of the ceremonies had helped to spread its popularity. The governor of Iraq, 'Ali Riza
(1831-42), was particularly broad-minded about the public aspect of these performances which, during his tenure in office, were held in mosques, schools and shrines. Public performances reached their peak of popularity in the mid-19th century.  

During the Hamidian period, which was a time of increasing islamification of the sultanate, the notoriety of the celebrations became a cause of concern. In the year 1887 the ceremonies in Istanbul were discussed in detailed correspondence between the Office of the Grand Vizier and the Ministry of Public Security (Zabıte Nezâreti):

Many groups of Iranians in Istanbul...[they] start to mourn on the occasion of the beginning of the month of Muharram, going noisily from one house to another in the evenings.

On the 10th of Muharram from 150-200 Persians, wearing white shirts [with] daggers in their hands, hit their heads, [and] their breasts, drawing blood, [and] with one voice unanimously read the elegy...

They organize in the Valide Han and fan out to the other hans. Many foreigners and locals, together with religious students, group [together] in the hans and the streets in order to watch them. If foreigners or locals smile [while watching them], the Persians jeer and a big disaster can be expected....

During the day, some Ottoman women also look on the spectacle and it is heard that they go inside the hans...  

---


The Ottoman government, concerned that the public aspect of these ceremonies would have an adverse effect on the Sunni population, declared in an official memorandum that it was necessary to prevent Iranians from wandering in the streets. In addition, it was never permissible for Ottoman women to enter the hans, even in the daytime.\footnote{BBA, Y.A.HUS, 207-15.} The fact the Ottoman women were singled out in the report suggests that officials were also concerned about issues of public morality and that the public nature of the ceremonies was contrary to Ottoman notions of proper public behavior for women. During a period when the sultan had brought the state more closely in alignment with religion it is natural that officials would be concerned over the influence of Shi‘i observances on Sunni women. For security reasons and the protection of public order, the government deemed it necessary to prevent the public performance of these observances, but no evidence has yet appeared suggesting that policies were implemented to actually prevent the observances.

The performance of Muharrem ceremonies in Baghdad was even more of a cause for concern due to its connection with the Shi‘i program of conversion. Alusizade Ahmet Şakir, one of the Iraqi ulema, wrote a report in 1907 that urged the prohibition of the passion plays because "they heighten the excitement of the population."\footnote{Deringil, "Struggle," 52, citing BBA Yıldız Esas Evrakı (Y.E.E.) 14/257/126/8, dated 13 August 1323, 26 August 1907. The Y.E.E. was the main archive of the Yıldız Palace.} More importantly he noted that the Muharrem ceremonies were more of a political than a religious matter. Indeed, at the time Alusizade wrote his
report, Iran was in the midst of its Constitutional Revolution (1905-11), and the observances had assumed a markedly political overtone. Whereas in 1885 the Ottoman government had been concerned with questions of conversion and public morality, twenty years later the observances had become a vehicle for political opposition that potentially might create hostilities and unrest in Iraq. In 1911, in response to a telegraph from Baghdad to the Ministry of the Interior that warned of the dangers of public performances of the Muharrem observances, the Porte decided that, while the ceremonies were not to be prevented, the performances were to be conducted only in private. Groups of Iranians were forbidden from parading with their davuls and zurnas on the streets of Baghdad in the daytime or in the evenings. The government cited public comfort and security as the reason for limiting the Muharrem activities and for moving them from the public to the private sphere.23

**Sunni counter-propaganda**

As we have seen, the problem of conversion was a long-standing one that became more acute during the reign of Abdülhamid II (1876-1909). There were obvious long-standing geopolitical factors for the increase of conversion such as the rise of literacy, Ottoman tolerance of Shi‘i rituals, increased Shi‘i proselytizing and general lack of Ottoman support for Sunni institutions in Iraq, but the problem

---

23BBA, Dahiliye Nezâreti Siyasi (DH.SYS) 64-35, 27 Kanunuevvel 1326, 9 January 1911.
took on added urgency as the result of Abdülhamid's attempts to islamify his rule. His program included reinventing a claim to a universal caliphate— a claim that had not been utilized since Abdülhamid I saw the need as a result of the loss of the Crimea to the Russians in the 18th century. This is not to say that Abdülhamid II had any real intentions of reestablishing a unified ümmet or that his goal was to completely overthrow the reforming efforts of his three predecessors. His efforts at the islamification of his rule was, instead, the continuation of an ideological position that had been somewhat subsumed during the modernization process. In other words, the two levels of ideology, discussed in Chapter Three, continued to co-exist and to confront each other. Even during the period of the three 'modern' monarchs— Mahmud II (1808-39), Abdülmeclid (1839-61) and Abdülaziz (1861-76) — when the ideology of state was Ottomanism (Osmanlılık), which was based on notions of nationalism and the defense of the fatherland, the basis of state legitimacy was still the imperial tradition and reformers continued to justify the Tanzimat reforms (1826-76) in Islamic terms.24

Nevertheless, intellectuals during the middle decades of the 19th century known as the "Young Ottomans," were critical of the reformers of the Tanzimat, accusing them of going too far towards westernization and neglecting the traditions of Ottoman society. The Young Ottomans, and their intellectual spokesman Namık Kemal, claimed that the rule of law should be based on an idealized version of the Şeriat. They sought to reconcile the western basis of these reforms with those of Islamic tradition. Although Kemal and the Young Ottomans failed to

achieve power within the existing institutions of the state, their focus on the Islamic heritage of the Ottoman state was to have an impact on the state ideology of Sultan Abdülhamid II.

The sultan as caliph was central to Abdülhamid's attempt to ensure leadership over the ever-diminishing territories of the empire and, particularly suzerainty over the sacred center of Islam, the Hijaz. The Hamidian period was marked by a policy of islamification which utilized Islamic rhetoric and ideology. It was after the loss of the Balkans in the Russo-Ottoman war of 1877-78 that Abdülhamid II proclaimed an Islamic identity for his regime. He began using the title of Caliph, basing his legitimacy on the age-old myth that the last ‘Abbasid Caliph, al-Mutawakkil, had transferred his office to Sultan Selim I after his Egyptian campaign. The Sultan also reaffirmed his right to the titles "Protector of the Faithful" (Emir el-Mümünin) and "Protector of the two Holy Places" (Hadim-ül Haremeyn-i Şerifeyn).

---

25 By the time of the ascension to the throne of Abdülhamid II in 1876 many more territories had been lost and substantial numbers of Muslims were now under foreign control. For example, foreign Christian powers now controlled substantial Muslim populations in Algeria as the result of the French invasion in 1830; the Russians had acquired the khanates in Central Asia at the end of the 19th century; the Ottomans had lost Serbia, Rumania, Montenegro, Bosnia and Herzegovina, Cyprus, Egypt, Tunis; and territory had been ceded to Greece.


Central to Abdülhamid II's foreign policy was the notion of Muslim unity on the basis of pan-Islam. While the Sultan may not have openly called for a unified Muslim empire, Abdülhamid used this ideology to support his program of strong central authority over eastern Anatolia and the Asian provinces of the Empire. His intention was also to reestablish a loyalty to Sunni Islam and to the Ottoman dynasty among both Muslims who had become alienated as the result of the Tanzimat reforms and those who now resided in the former Ottoman territories.

The pan-Islamic policy was of particular importance for Ottoman-Iranian relations. Under the influence of the pan-Islamic ideas of Jamal al-din al-Afghani, Sultan Abdülhamid undertook a new rapprochement towards Iran. This new notion of Sunni-Shi'ite unity was considered the only long-term solution for the Shi'i problem in Iraq. This idea did not last long. By 1894, Iranian support for Armenian revolutionaries in eastern Anatolia and the Sultan's growing dissatisfaction with al-Afghani who was making secret overtures to the Khedive of Egypt undermined the possibilities for rapprochement between the two states.

Abdülhamid's pan-Islamic policy did not overshadow his support of the Hanafi mezhep. In an attempt to maintain control over what the Ottomans perceived to be the proper fundamentals of the faith, the government also sought to

---


30Çetinsaya, Ottoman Administration, 245-46.

31Çetinsaya, Ottoman Administration, 259 in which he notes that the Persian newspaper, Akhtar, which was published in Istanbul from 1876 and which was known for its pan-Islamic sympathies, was closed by the Porte. This is no doubt evidence of the loss of favor of the ideology of pan-Islam by Sultan Abdülhamid.
control the printing and distribution of the Qur’an by non-Ottoman Muslims. A law of 1276 A.H. (1859-60 C.E.) strongly forbade the importation and sale of Qur’ans from Iran.\textsuperscript{32} Licenses for the right to publish the Holy Book were given only to certain presses within the Ottoman Empire. In 1885, the Iranian Embassy protested against the limited publication of the Qur’an and demanded that more licenses be issued.\textsuperscript{33} The Ottoman government rejected the request and continued to limit publication to the Ottoman presses. Additionally, customs officials were authorized to confiscate copies of the Qur’an that came from Iran. As late as 1897, Muslims from Russia and Iran were petitioning for Ottoman approval to print and sell copies of the Qur’an.\textsuperscript{34}

Considering the centuries-old division between the Ottomans and Iranians, and more recent concerns about the spread of Shi’ism in Iraq, it is not surprising that the Ottomans should attempt to control the reproduction of the Holy Book. However, the same prohibition applied to Qur’ans coming from Sunni Russia and from al-Azhar in Cairo, the center of Sunni Islam. The Ottoman government was concerned that copies of the Qur’an produced outside of the Ottoman center could not be controlled, and that the text was subject to changes:

...Although it seems inauspicious to forbid the printing of Qur’ans to one who is of the sunna, if we open this door it will mean that we will be opening it to any Muslim from Kazan or India or Algeria...This will mean unforeseeable dangers for the Holy Word which has survived untarnished for some thirteen


\textsuperscript{33}BBA, Meclis-i Vükela (M.V.) 1-19. 18 Rebiyülakhir 1302, 4 February 1885.

\textsuperscript{34}Deringil, Domains, 53.
hundred years. Particularly since these are troubled times in which the foreigner’s calumnious views regarding the Holy Text multiply... The matter may go well beyond the printing of the Qur’an and, God forbid, create untold complications for the Sublime State.  

Thereafter, the printing of the Qur’an was put under state monopoly. Those publishers who wanted to produce the Holy Book had to apply to a newly-established state commission for permission; explain the reason that they wanted to print the Qur’an; and show examples. As Deringil has pointed out, the issue of printing of Qur’ans was one that continued throughout the Hamidian period. He has suggested that the Ottomans felt under threat from the numerous foreign Muslims who were no longer under Ottoman tutelage and who could, potentially, threaten the legitimacy and authority of the regime. This was certainly the case with Shi’i publications of the Qur’an which could be used as propaganda in the province of Iraq.

Although reports from Iraq concerning the growth of Shi’ism and the need for Sunni ulema to be sent to the province had started reaching Istanbul in the 1820s, it was not until the reign of Abdülhamid II that the Porte began to seriously consider measures to counter the expansion of Shi’ism in Iraq. In 1885, the Meclis-i Vükela, the main governing body of the state, held lengthy discussions on the spread of Shi’ism in the empire and declared that it was politically and religiously necessary to halt the spread of Shi’ism among the people. Areas of

---

35 Deringil, Domains, 53 for translation of BBA, Yıldız Sadaret Resmi Maruzat (Y.A. RES.) 16-21, 10 Şaban 1299, 27 June 1882. This archive contains correspondence from the Grand Vizier to the Yıldız Palace.

36 Deringil, Domains, 54.

37 Çetinsaya, Ottoman Administration, 227-28.
special concern were the villages of eastern Anatolia and Iraq. Archival documents and government reports pointed, in particular, to the ignorance of the local tribal, non-sedentary peoples of the principles of Islam as one of the primary reasons for the spread of Shi‘ism. The need for proper education in the fundamentals of the Hanafi mezhep was repeatedly cited as the main solution to this problem. The ulema were held up for special criticism for their failure to stem the tide of conversion. The Meclis proposed that trained teachers and ulema be sent to the Iraqi provinces to teach the virtues of Sunni Islam in primary schools, and they should be supported by the government so they have sufficient money to live there.\footnote{38}{BBA, M.V. 1-26. 22 Rebiyülahir 1302, 8 February 1885. Also Deringil, "Struggle," 50.}

A year later in 1886, Hüsnü Efendi, a tax official who was inspecting real estate and land in Baghdad and Musul, returned to Istanbul and reported on the expansion of Shi‘ism there. The Meclis-i Vâkela, in consultation with the Office of the Şeyhülislam decided that mosques, mescids and medreses should be founded immediately in Baghdad to promote the Sunni belief and prevent further expansion of Shi‘ism.\footnote{39}{BBA, M.V. 12-53. 20 Cemaziyülevvel 1303, 24 February 1886.}

In 1890, the Vali of the province of Basra sent a report to the Meclis outlining his views of the problems of conversion in Iraq and his proposals for solutions. He claimed that three out of four people in the region were inclined towards rafizülük. In his report the Vali claimed that "the Iranian ulema spread Shi‘ism to every village and tribe, designating the Arab Shi‘i as 'believers'
(mu'min)" once they had converted.\textsuperscript{40} Additionally, the converts were supported by Iran by as much as five or six kurus per year. Most of the people who received Iranian support belonged to tribes or lived in the villages or in Basra. The tribes were nomadic and many came from Iran in order to cultivate or to escape from military service. The \textit{Vali} claimed that the Sunni tribes were proud of their devotion to God and preferred Ottoman citizenship because of "the great oppression of the people in Iran" and "in order to be free from the interference of the Iranian government," and that there would not be such a large number of conversions if there were Sunni preachers to teach the tribes and the villagers the articles of faith.

In order to stop the spread of Shi'ism, the \textit{Vali} suggested a number of steps that included exiling all of the ulema who "lead others to follow the path of ignorance." The leaders and \textit{seyhs} of tribes could be brought back into the Sunni fold with decorations of appreciation. Also, the government must appoint preachers who are aware of the conditions in Iraq to go out among the tribes and villages. They must know the Arabic language and the Qur'an; know tribal life; and be loyal to the State so they will not be caught up in the passions of the people. These preachers were to establish tribal schools, receive a salary and "protect the children from ignorance and teach the principles of religion."\textsuperscript{41}

In 1891, the Grand Vizier Kamil Paşa issued a memorandum in support of education and training of ulema. He suggested that Shi'i students from the province be sent to Al-Azhar under government sponsorship where they would be

\textsuperscript{40}BBA, Y. MTV, 43-117, Şevval 1307, 4 Haziran 1306, 16 June 1890.

\textsuperscript{41}BBA, Y. MTV, 43-117.
educated for 8 to 10 years in the fundamentals of Arabic and the Sunni mezhep. Kamil Paşa's proposals were based on his observations of American Protestant missionaries who had taught Armenians in their schools and then sent them back to proselytize in their homeland. The goal was to return the former Shi'is to their homes to teach in the medreses. Abdülhamid agreed to the Grand Vizier's plan but because Egypt was now under British influence, decided to send the students to Istanbul instead.42

In February, 1893 the Office of the Şeyhülislam discussed the matter of the Shi'i students who had been sent from their villages in Baghdad and Basra to Istanbul in order to train them in the religious sciences of the Hanafi mezhep. Thirteen Shi'i students and two Sunni students had been sent to the Valide medrese in Çarşamba, Istanbul. It had been hoped that these students would abandon their loyalty to their tribes and to Shi'ism and learn respect for their country and the Hanafi mezhep.43 In June it was reported that 12 of the students had requested traveling expense to return home. The three students that remained were to be employed after graduation in state services such as the offices of the chief military judges. They were instructed to give lessons in mosques and medreses; to settle among the Shi'i and Wahhabis; to advise refugees; and to bring the "true path" to the people.44 Because of the drop-out rate, this program was considered a failure and there is no evidence that it was continued.

42 Çetinsaya, Ottoman Administration, 236-37.

43 BBA, Y.MTV 74-133, 29 Recep 1310, 16 February 1893.

44 BBA, Y.MTV 78-158, 20 Zilkade 1310, 5 June 1893.
No serious military action was ever considered as a solution to the problem of the conversion of the Sunni population to Shi'ism. Education of the population and training of the ulema were continually cited as the proper solutions for the problem. No doubt as a response to Shi'i propaganda materials that were circulating, Süleyman Hüsnü Paşa, the governor of Baghdad, suggested in a memorandum written in 1892 that the state prepare a "Book of Beliefs" (kitab ul-akaid) that would counter, point-by-point, the false doctrine of the Shi'i and other heretical sects. He noted that a minority of the population now followed the Sunni mezhep. In particular, he cited Shi'i missionary activity as the primary cause. This book would be a manual for the ulema who would go into the countryside and actively proselytize like the Christian missionaries, (Daī-ul-Hak Misyoner).45

A former Şeyhülislam, Hüseyin Hüsnü Efendi, suggested the creation of a type of "religious secret service" composed of Sunni ulema who would monitor Shi'i activities in the region and report to the Porte. In addition, reports suggested that the Ottomans should pay more attention to the upkeep of the shrines at Karbala and Najaf, which were being maintained by the large donations received from the Iranian government and from the pilgrim traffic. Central Ottoman control over the shrine cities and over the movements of Iranian pilgrims was seen as essential to curbing the rise of Shi'ism in the population.47 It should be noted that by the 1840s the British had gained control over much of the wealth of the Oudh

45Deringil, "Tradition," 18-19, citing BBA, Y.E.E. 14.118.126.9, 8 April 1892.

46"Religious secret service" is Selim Deringil's terminology. See "Struggle," 50, citing BBA, Y.E.E. 14/454/126/9, (no date).

bequest that had been contributed to the shrine cities from the Northern Indian state. The British, however, had not confined their activities in Iraq to financial matters.\textendash{48}

At the turn of the 20th century, Ottoman officials turned their attention to British and Russian interests in southern Iraq.\textendash{49} British agents had begun staking out influence as early as the 1830s. By the end of the 19th century, Iraq and the Persian Gulf had become a territory of economic and military interest as the British tried to protect and expand trade routes to their Indian colonies. At the same time, the Russians were attempting to establish warm water ports in the Gulf. By the end of the century, the province was no longer merely territory contested by the Ottomans and Iranians, it was the center of an international political struggle for economic supremacy. On occasion this struggle was manifested in conflicts between Sunnis and Shi'is that the Ottomans suspected were inflamed by the rivalries of the great powers.

A conflict broke out in Samarra in 1886 when a Sunni müftü caused an outrage by reportedly cursing the Shi'i population in his Friday sermon. Ottoman government officials were also allegedly said to have caused unspecified difficulties for the Shi'i population of the town. Both Shi'ites and Sunnis accused each other of provocation. When the Iranians asked for the deportation of the

\textendash{48}\textendash{49}

\textendash{48}See Cole "Indian Money," 469, 472 and 475; and also Çetinsaya, Ottoman Administration, 225.

\textendash{49}For a detailed discussion of the international contest over Iraq see Caesar E. Farah, "Beginnings of Imperial Rivalries in the Persian Gulf," Anatolia Moderna, Yeni Anadolu VI (1996): 175-90.
accused officials, the Ottoman government called for an investigation to be led by
the Grand Vizier, Kamil Paşa. The investigation dragged on for months.\textsuperscript{50}

Problems between Shi‘ites and Sunnis in Samarra had more serious
international consequences when another serious incident occurred in 1893.\textsuperscript{51}
What initially began as a dispute over money on credit between Sunni and Shi‘i
residents turned into an event that escalated to murder and riots that led to many
people being wounded and one Iranian fatality. The Shi‘i mustahids allegedly
incited the population by calling for the closure of stores and by refusing to
conduct the Friday prayers. The incident became an international event that this
time included not only the Iranian government but the British and Russian
governments as well. Ottoman documents maintained that the Shi‘i mustahid,
Mirza Hasan Şirazi, was in fact an agent for the British. The British asked for
permission from the Porte to send a steamship to Samarra in order to protect
British students in residence there; however, the dragoman of the Russian
consulate claimed that the British wanted to send a steamship in order to aid in the
escape to India of Mirza Hasan Şirazi.

The Ottoman government rejected the British request to send a steamship
since moving warships on the internal rivers of the state was against existing
treaties. They called for an investigation into the matter and the arrest of those
involved in the incident. During this period Sultan Abdülhamid II was under the
influence of al-Afghani’s pan-Islamic ideas and he sought to calm the matter by

\textsuperscript{50}Çetinsaya, \textit{Ottoman Administration}, 230-32.

\textsuperscript{51}BBA, Y.A. HUS 296-39, 4 Cemaziyülahir 1311, 13 December 1893; Y.A. HUS 299-27,
7 Zilhicce 1311, 11 June 1894; M.V. 80-65, 26 Zilhicce 1312, 20 June 1895. For a
detailed discussion of this affair see Çetinsaya, \textit{Ottoman Administration}, 251-54.
calling for an investigation and for a reconciliation between Shi‘i and Sunnis in the district.

The Kerperdaz assistant, Mirza Paşa, was arrested for his involvement. Three Iranian ulema from Najaf were also accused of involvement by calling for the closing of stores in Samarra and for not conducting the Friday prayers. The Ottoman government declared that Iranians who had been involved in this event were to be banished, including the Samarra Şehbender-i Vekili who was believed to have not only provoked the disturbance but to have caused the death of one of the participants.

These disturbances focused the government’s attention on the problem of the expansion of Shi‘ism in the province. The Grand Vizier at the time, Cevad Paşa, reconfirmed that the best way to prevent the increase of Shi‘ism was to establish primary schools (mekâtib-i ibtidaiye), medreses, and charitable organizations, and to use tithes and taxes from real estate in the villages to increase the numbers of Sunni ulema who would teach the principles of Sunni-ism to the children.

By calling for investigations and taking action against the various agents and participants in the disputes in Samarra, Abdülhamid II had hoped to calm the situation and restore a modicum of normalcy. However, his actions were not sufficient. In 1894, a telegraph from Shi‘i notables in Baghdad reached the Porte along with a petition containing 270 Shi‘i signatures complaining that certain Sunni preachers were threatening and insulting the Shi‘a and provoking conflicts between the Sunni and Shi‘i population. After an official investigation, the complaints of the Shi‘a were found to be true. The Sunni preachers were charged

52BBA, Y.A.HUS, 299-27, 2 Zilhicce 1311, 6 June 1894.
with causing serious disputes between the Sunnis and Cufers (as the documents referred to the Shi'a). The Sixth Army Field Marshall Receb Paşa and Inspector Nusret Paşa had also apparently encouraged the provocation. The investigators recommended they be replaced.\footnote{BBA, M.V. 80-65, 26 Zilhicce 1312, 20 June 1895.}

In 1905, the Shi'i problem in Iraq reached new heights when the Shi'i ulema in the shrine cities became divided into pro and anti-constitutionalists during the Constitutional Revolution of Iran (1905-1911), which was mentioned earlier. During this period the Porte attempted to again assert some central control over the region by undertaking new reforms. More teachers were sent to southern Iraq to spread the Sunni creed and for the first time the Porte recognized the problem of poverty as a major cause of the large scale conversion to Shi'ism. (It will be recalled that Shi'i ulema gave financial payments to those who converted.) Urgent development, especially irrigation projects, was called for in the region as well as better education and the continuation of the ban on Sunni-Shi'ite marriages in order to forestall further conversions. Authorities were cautioned to strictly control Shi'i religious festivals.\footnote{Çetinsaya, \textit{Ottoman Administration}, 274-80.}

The issue of conversion in Iraq during the 19th century, while framed within the rhetoric of heresy and Sunni-Shi'i religious division, was, in fact, a matter directly connected to the geopolitical realities of the day. In the early part of the century, the Ottomans needed to reassert direct control over the province in order to increase agriculture and tax revenues as it entered the world market. At the end of the century, the province became a corner-stone of international politics as the
British and Russians fought for influence in the region and the Ottomans attempted to keep control over its distant province. Throughout the century, Shi'i conversion and potential disloyalty of the population became the central focus of the Ottoman administration. It is within the context of the geopolitical rivalries in the Gulf, that we find a new interest in, and reassertion of, the prohibition of marriages between Ottomans and Iranians.
Chapter Five
Subjecthood to citizenship

Prior to the 19th century the idea of separateness, of the "other," in the sense that European communities were defined under the capitulatory regime, theoretically did not apply to non-Ottoman Muslims. According to this theory, they may owe allegiance to a non-Ottoman dynasty, but, nevertheless, were considered part of a greater community and accorded the same rights, and had the same responsibilities, as Ottoman-Muslims. Of course, there were exceptions in Ottoman history. As noted in earlier chapters, Persian Shi’is were periodically discriminated against, particularly during periods of conflict between the empires when their access to Ottoman territory to perform the haj and pilgrimages to the shrine cities of southern Iraq were restricted or forbidden. More importantly, for the purposes of this study, Persian Shi’is were not afforded the same rights as Ottoman subjects under the personal status laws of the empire. In the 16th and early 17th centuries, the Ottomans, for ideological reasons, forbade marriages between Ottomans and Persian Shi‘is. The *fetvas* forbidding these marriages had the force of law that was reasserted when circumstances warranted on the local level.

---

As Ottoman recognition of the separateness of the Persian Empire took shape in the 18th and early 19th century, (see the various treaties that were discussed in Chapters Two and Three) it might be expected that questions of personal status between Ottomans and Persians would be normalized along with the establishment of political relations. However, the rapprochement between states at the political level did not immediately cause a radical change on the judicial level of the Ottoman world-view that all Muslims were members of a unified community. The 1822 imperial edict prohibiting marriages between Ottomans and Iranians reasserted the sanction along religio-ideological lines and maintained the traditional ideology of heresy within the context of Ottoman universalist legitimacy. Yet the drafting of the mandate by imperial order and the focus of the law on problems of conversion and inheritance reflected the new geopolitical realities that confronted the Ottoman state as it accepted territorial division and the equality of the Iranian state. In recalling the ideology of universalism, Mahmud II was utilizing the authority of tradition not only to add legitimacy to the prohibition but to reassure his society and reassert his own authority at a time when the basis of imperial legitimacy was being reformulated. During the 19th century, where Iranians were concerned, parallel ideologies were at work. The ideology of universality was used to reinforce the imperial order in the face of the serious geopolitical problems that arose from the growth of the ideology of nation-state.

The inclusion of the 1822 mandate in the Ecnebi Defterleri — registers which had formerly concerned matters involving only European capitulatory nations — shows the beginning of an ideological shift in Ottoman-Iranian relations towards the recognition of territorial division. Iran was the first, and only, Muslim state to be so included in the registers of capitulatory nations. Subsequently, the Treaties
of Erzurum (1823-48) allowed limited, but significant capitulatory concessions to Iran such as the appointment of consuls in major centers with Iranian populations and the right for Iranian subjects to manage their own legal affairs. Following these concessions, the Ottomans, for the first time, included Iranians as a separate category in the Aleppo census of 1859. By including Iranian subjects in this census, the Ottomans were in essence reconfirming Iran as a capitulatory nation with the right to protect its subjects who lived in that city.² Although at this early period there was no official recognition by treaty of a capitulatory status for Iran, its inclusion in the registers and census, and the capitulatory concessions of the Erzurum treaties, confirmed Ottoman acceptance of the separateness of Iran and foresaw a fundamental shift in ideology from the age-old conflict over territorial unity to permanent division of the ümmet. This division would be finally sealed in the 1875 Turco-Persian convention which accorded capitulatory status to Iran along European lines. Such an important change in inter-Muslim relations did not occur in a vacuum but was the result of two important factors: the impact of nationalism among the Christian communities of the empire was to create the ideological force for this profound shift, while the Ottoman program of modernization was the practical vehicle by which the change of world-view could be realized.

The concept of nationality entered the empire through the Christian millets. The attraction of the ethnically-diverse Christian communities to such an idea was a serious threat to an empire that based its legitimacy on multi-ethnicity. The

---

Ottoman response to this challenge was to institute reforms that were intended to redefine the legitimacy of the state in order to maintain the loyalty of all of its subjects. The single most important edict of the Tanzimat period — the Hat-i Şerif-i Gûlhane — outlined a multi-ethnic empire in which all subjects were accorded equal status. By the 1860s, the ideology of Ottoman nationalism (Osmanlılık) was promoted in an attempt to unify an empire that was rapidly disintegrating and had lost its ideological foundations. As a nationalist ideology, Osmanlılık redefined the relationship of the sultanate to the people. No longer was the sultan and the ruling elite separate from the ruled. In the experiment with nationalism and with a constitutional form of government in the 1870s, the exclusivity of subject (reaya) became the inclusiveness of citizen (teba) — in the sense of citoyen, terms used interchangeably during this period by Ottoman officials. Of course such a profound redefinition was bound to encounter obstacles, which indeed occurred as the reforms were halted in 1876 with the rise of Abdülhamid II to the throne and his reassertion of a religiously-based right to rule. Nevertheless, the ideological and administrative changes that had taken place in the previous four decades were a permanent part of the political reality. Abdülhamid II attempted to islamify his rule within a period when the concept of nationality had firmly taken hold among his people.

---


4The use of the word citoyen is most noticeable in the archives of the legal advisors to the various ministries where many Ottoman documents were translated into French.
The shift from subject to citizen is perhaps the single most important factor to affect Ottoman-Iranian relations and the prohibition of marriages between the subjects of these empires. Whereas the imperial mandate of 1822 reaffirmed the prohibition within the framework of the traditional universalist ideology, subsequent prohibitions were legitimized within the context of nation-state ideology. Nationalism was the ideological vehicle and the program of modernization was the practical force through which the change in Ottoman worldview towards Iran was realized.

In the five decades following the 1822 mandate, the Ottoman Empire conducted an experiment of modernization that profoundly changed the traditional legitimacy of an imperial regime that had been based on the Şeriat and the Kanun as the final authorities of the law. Beginning with the early reforms of Mahmud II in 1826 and continuing through the Tanzimat (1839-76) and into the first constitutional period (1876-78), the Ottomans began a codification of the legal system that had a profound effect on the relationship of the government to its subjects -- especially its non-Muslim subjects -- and to Iranians residing in the empire. The codification began under pressure from the capitulatory nations with the adoption of European codes of law in commercial, criminal and civil matters. The adoption of European laws as well as the establishment of secular courts removed the Şeriat as the basis of law and restricted the jurisdiction of religious officials and the mahkeme courts to matters of personal status such as marriage, divorce and inheritance. This process, along with the codification of civil law in the Mecelle-i Ahkam-i Adliye, was the final blow to the myth of Muslim unity.

The secularization of the legal system included the establishment of "mixed" commercial courts in 1848, in which cases between Ottomans and Europeans were
adjudicated under European-inspired commercial codes in courts staffed by
Ottoman and European judges. The Iranian government began to demand the
same privileges for its subjects in the empire that had long been accorded to
European communities. These rights were finally confirmed for Iranians in the
Turco-Persian convention of December 20, 1875.\(^5\) The motivation of the Ottoman
government in allowing capitulatory rights to Iranians is a subject open to
discussion. It has been suggested that the Ottomans were attempting to placate the
Shi‘is in Iraq because of the threat from Egyptian expansion into the Levant.
Certainly, the Qajar shahs had tremendous influence in Iraq where the majority of
Iranian subjects in the empire resided, and the shahs had long demanded such
concessions from the Ottoman government.

The 1875 convention reconfirmed that Iranian consuls had the same rights as
their European counterparts.\(^6\) Article 4 stated that consuls and vice-consuls of
Persia residing in Turkey were charged to look after the security and protection of
the interests of their nationals who were traveling or residing in the Ottoman

---

\(^5\)This was a reciprocal treaty granting the same privileges to Ottomans residing in the
Iranian state as to Iranians living in Ottoman territory.

\(^6\)C.U. Aitchison, *A Collection of Treaties, Engagements and Sanads, Relating to India
and Neighboring Countries* xii (Calcutta: Superintendent Government Printing, India,
1909), lxiv-lxv. These rights were again restated in 1885 when the Iranian government
requested the right to appoint consuls for the protection of their citizens in smaller towns
(*kasabat*) in Iraq. The Ottoman government rejected this request on the basis that there
are no Iranian citizens in the districts mentioned, and Iranian consuls in the major towns
could sufficiently handle the needs of Iranian citizens in the region. However, the
Ottomans permitted Iran to appoint consuls for the needs of Iranian traders and pilgrims
from Mecca and Medina and Erzurum and the pilgrimage sites in Iraq, as had been
approved under the 1875 convention; see also BBA, M.V. 1-19. 18 Rebiyülahir 1302, 4
February 1885.
Empire. All litigation between Iranians were now settled by the Iranian šehbenders (consuls) and their assistants. Court cases concerning civil and criminal matters involving Ottomans and Iranians were no longer under the jurisdiction of the šer'i courts but were transferred to the mixed tribunals, and consular representatives could now offer protection and assistance in judicial proceedings.⁷ Although matters of personal status between Muslim and non-Muslim Ottoman and Iranian citizens were still under the jurisdiction of the šer'i courts, the change from the personality of law to the territoriality of law increased government intervention in the personal affairs of its citizens. This interference could be most clearly seen in personal status matters that arose between non-Muslim citizens in the Ottoman Empire.

Prior to the convention, cases of personal status between members of Christian and Jewish Ottoman subjects and non-Ottoman, Christians and Jews resident in the empire were handled within the jurisdiction of the religious courts.⁸ While the Turco-Persian convention of 1875 did not fundamentally change Ottoman agreements with these communities, the recognition of the territoriality of law raised conflicts over questions of jurisdiction. In 1910, the Greek Orthodox Patriarchate in Bursa was involved in a jurisdictional dispute with the Iranian Kārperdaz concerning a case of nafaka (support) between two Greek Orthodox-

---


Iranian citizens, Petroaliseleksi and his wife Manyo. The legal advisors to the Office of the Grand Vizier were asked to decide who had the authority to rule in this case. The advisors referred to Article 1 of the 1875 convention whereby all cases between Iranian citizens were to be settled by their own consuls and further noted that agreements with the millets concerned only matters between Ottoman citizens; therefore, the Bursa diocese had no jurisdiction over this case.⁹

Similar problems arose concerning non-Muslim, Ottoman citizens residing in Iran. In 1910, the legal advisory council to the Office of the Grand Vizier was asked for a ruling on the divorce case of Sedrak Hartunyan, an Ottoman-Armenian citizen who lived in Tebriz. The advisors cited Article 7 of the 1875 treaty which stated:

...all cases and litigation arising between Iranian citizens will be settled by the Iranian consuls or consular assistants...[and] final settlements, prescriptions for punishments and other procedures will be under [their] jurisdiction.¹⁰

The advisors went on to cite Article 10 of the same treaty that stated:

...reciprocal procedures concerning Ottoman citizens found in Iran will be carried out.¹¹

Therefore, the question of the divorce case of Sedrak Hartunyan was under the jurisdiction of Ottoman officials. The advisors recommended that a committee

---


¹⁰BBA, HR.HMŞ.İSO 7-1/1, 31 Ağustos 1326, 13 September 1910.

¹¹BBA, HR.HMŞ.İSO 7-1/1.
be formed composed of three Ottoman citizens who resided in Tebriz, including the Ottoman consul and one priest from the Ottoman-Armenian community.

In that same year, the more complicated divorce case of Ohannes Ohannesyan and his wife, both of whom were Ottoman-Armenian citizens living in Tebriz, was presented to the advisory committee.² At issue was the jurisdiction of non-Ottoman, Armenian religious officials. Ohannes Ohannesyan had requested a settlement of his divorce case from the Armenian Patriarchate in Azerbaijan. The advisors cited the 1875 convention that authorized Iranian representatives to examine cases between Iranians who live in the Ottoman state and Ottoman representatives to examine cases involving Ottomans who live in Iran. The advisors confirmed that the examination of questions of marriage and divorce cases of non-Muslims was for the religious authorities of the sect.³

However, the legal advisors found that a ruling by the Patriarchate in Azerbaijan would infringe on the jurisdiction of Ottoman officials. Instead, his case was to be examined by an Ottoman religious official. The Ottoman sehender was not authorized nor competent to adjudicate divorce cases between non-Muslim Ottoman citizens. The jurisdiction of such cases belonged to the priests of the Patriarchate. The legal advisors did recognize that most Ottoman citizens living in Iran would find it difficult, financially, to travel to the Ottoman state to seek legal advice from the religious authority of his sect. On the other hand, if Ottoman citizens applied to the local religious authorities in Iran, they

---

²BBA, HR.HMŞ.İSO 7-1/3, 6 Mayıs 1326, 19 May 1910 and 12 Temmuz 1326, 25 June 1910. Also HR.HMŞ.İSO 7-1/1, various dates including 13 Nisan, 26 April 1909; 2 Mayıs 1326, 15 May 1910; and 2 and 6 Mayıs 1326, 19 May 1910.

³BBA, HR.HMŞ.İSO 7-1/3, 17 Rebiyüllevvel 1328, 29 March 1910.
would be subject to the "dangers" of Iranian jurisdiction. As a solution Ottoman citizens were to petition to the local Ottoman şehbender in Iran who was instructed to refer such cases to the religious officials of the same sect in the nearest Ottoman center where a ruling would then be made.  

Clearly, Ottoman acceptance of Iran's capitulatory status resulted in increased government interest in personal status matters of Ottoman and Iranian citizens. Government officials also became concerned, apparently justifiably so, that Ottoman subjects would "fake" Iranian citizenship in order to gain the special rights and privileges accorded to them.  

Similar abuses had occurred with European subjects, particularly abuse of citizenship rights with regard to marriages. By the 1860s, the Ottoman government had long recognized that the capitulatory regime was having serious ramifications with regard to Ottoman control over its own subjects. Ottoman concessions allowing foreign powers to protect their own subjects in the empire had reached such levels of abuse that a large percentage of Ottoman, non-Muslim subjects were under the protection of foreign states. This was most apparent in the case of the Russians who were interfering in the affairs of the empire through their Russian-Orthodox subjects. In the 1850s and 1860s, the Ottomans had made various proposals to European nations to rectify this problem, but no permanent solution had been found. Fear of similar abuse was certainly a motivation for revisiting the 1822 prohibition of marriages between Ottomans and Iranians.

---

14 BBA, HR.HMŞ.İSO 7-1/1, 2 May 1326, 15 May 1910.

Citizenship and marriage

On 7 October 1874, a new law was enacted that reasserted and reinforced the 1822 mandate prohibiting marriages between Ottoman and Iranian citizens. The "Law Protecting the Prohibition of Marriages between Iranians and Ottoman Citizens" (Tebaa-i Devlet-i Âliyye ile tebaa-i İraniyenin izdivacî haklarinda olan memnuiyetin muhafazasına dair nizamnamedir) contained the following three articles:

1: marriages between Ottoman and Iranian citizens, as in olden times, is strongly prohibited.

2: those [officials] who are authorized to perform marriages, who act against the prohibition, will be held responsible.

3: [if] a woman who is an Ottoman citizen marries someone against the prohibition who is an Iranian citizen, both the woman and her children will be considered Ottoman citizens and liable for conscription, military tax and all other financial obligations.\(^{16}\) (italics added)

The framers of the law stressed the need for a clear and final decision on the matter of marriages between Ottomans and Iranians. In stating that the law was in force "as in olden times," they did not completely overturn the religious basis of the prohibition in the 1822 mandate that had restricted marriages between Sunnis and Shi'ites. Discussions that took place in the Meclis-i Vüksela (the Cabinet) at the

\(^{16}\)BBA, Yıldız Sadâret Resmi Mârûzat Evrâkî (hereafter referred to as Y.A.RES), 37-8, 25 Şaban 1291, 7 October 1874. The law can also be found in draft form in the Ecnebi defterleri 43/1, 17-18 which includes discussions that took place in the Meclis-i Vüksela; and in final form in the Dûstur 1. tertip, 4. cilt, 614.
time of the drafting of the 1874 law, highlighted the need to show conformity with the Şeriat so that there could be no further dispute with the Iranian state. Members of the Cabinet recognized that the Şeriat was essential in lending authority to the continuation and reassertion of a prohibition that was no longer necessary for ideological reasons, but was crucial for geopolitical purposes.

Nevertheless, the law was clearly framed within the context of nationalism. These marriages were forbidden on the basis of citizenship (tabi‘iyet). Article 1 stated that "marriages between Ottoman and Iranian citizens, as in olden times, is strongly prohibited" (Tebaa-i Devlet-i Âliyye ile tebaa-i İraniyenin izdivaci kemafissabık kat‘iyyen memnudur). The concept of citizenship was current in Ottoman thinking and essential to its program of modernization in the creation of a population loyal to the state. The clearest example of this thinking was the "Law on Ottoman Nationality" (Tabi‘iyet-i Osmaniyye Kanunması), which was enacted on 19 January 1869¹⁷ and was inspired by the citizenship laws of Europe, particularly the 1851 French citizenship law. This was the first law in the Muslim Middle East that sought to define the relationship of the ruler to the ruled on the basis of secular as opposed to religious principles.

The 1869 citizenship law was addressed to the problem of the abuse of foreign states under the capitulatory regime and to the problem of Muslim-Christian marriages which facilitated foreign interference in the affairs of the empire. The law had a profound effect on the citizenship of Ottoman women who married foreigners. Under Article 7 foreign women who married Ottoman men

¹⁷Düstur, 1. tertip, 1. cilt, 16-18. The additions to this law are found in Takvim-i Velayi, No. 1044, 10 Şevval 1285, 14 January 1869.
immediately acquired the citizenship of their husbands upon marriage, thereby removing them from the protection of foreign powers. Similarly, an Ottoman woman would forfeit her citizenship when she married a foreigner.

The 1874 law reaffirming the prohibition of marriages between Ottoman and Iranian citizens was to provide the only exception to the Ottoman nationality law, with respect to the citizenship of Ottoman women married to foreigners. In the case of Ottoman women who married Iranian citizens, Article 3 of the 1874 law counted her, and her children, as Ottoman citizens. With regard to the nationality of children, the provisions of the 1869 nationality law and 1874 prohibition also were in contradiction. Article 1 of the nationality law stated that the children of parents who are Ottoman citizens, or whose father is an Ottoman citizen, are considered Ottoman citizens. Article 3 of the 1874 law clearly contravened the nationality law in stating the children born of marriages between Ottoman women and Iranian men acquired the citizenship of their mothers and were considered Ottoman citizens.

The reassertion of the prohibition in contradiction to both the nationality law and the 1875 Turco-Persian convention – which theoretically accorded Iranians the same rights as European capitulatory nations – suggests that on a fundamental ideological level the Ottomans were still unable to accept Iran's equality and thereby relinquish Ottoman sovereignty as protectors of all Muslims and of the fundamentals of "true" Islam. This ideology translated to the geopolitical level since the Iranian state presented a special threat to the integrity of the Ottoman state. This threat centered on the ever-problematic province of Iraq.

The persistence of the ideology of universalism as an obstacle to the normalization of Ottoman-Iranian relations was most clearly expressed when the
Ottoman government considered two other possible exceptions to the 1869 nationality law. In the first case, in 1889 the Porte considered the case of Algerians carrying French passports who had been seeking asylum in the empire since the French invasion of 1830. These refugees were given two years after their arrival to decide whether to remain French citizens and leave the Ottoman state, or to become Ottoman subjects and be allowed to stay. The government decreed that Algerians were not allowed to marry Ottoman women and that those who contravened the prohibition of marriage were to be treated the same as Iranians and sent into exile.\textsuperscript{18} No mention was made as to whether the wives from these marriages were also sent into exile.

The second case concerned the large numbers of Ottoman women who had married Greek citizens and had thereby assumed Greek citizenship. In 1917 the matter was considered within the broader context of a revisitation of the question of the citizenship of Ottomans who married foreign citizens. Legal advisors to the Interior Ministry stated that "the unity of the family assures the political unity of the state"\textsuperscript{19} and that in the citizenship laws of most civilized states, in the case of marriages of mixed nationalities the marriage affects the citizenship of the wife. If a foreign woman married an Ottoman man she was considered Ottoman citizen and if an Ottoman woman marries a foreigner, she acquired the citizenship of the state of her husband. The advisors commented that the Ottoman citizenship law is


\textsuperscript{19}BBA, Dahiliye Nezâreti Hukuk Müsavirlığı (the Legal Advisors to the Ministry of the Interior) (DH.HMŞ) 1-1/8-5, 4 Temmuz 1333, 4 July 1917.
"based on the goal of equality of the spouses," and when the wife acquires the citizenship of her husband, the children born from them will be Ottoman citizens and there is no "injury to the government." However, the advisors confirmed that great harm is caused to the state by the large numbers of Ottoman women and their children and grandchildren who have acquired Greek citizenship. Nevertheless, in considering extending the prohibition of marriages between Ottomans and Iranians to the case of Ottoman-Greek marriages whereby the wives and children would be considered Ottoman citizens and liable for all financial and physical obligations to the state, the advisors upheld the provision of the 1869 nationality law and deemed it not suitable, for political reasons, to prohibit these marriages because "marriages between Ottoman woman and foreigners are legal, and the law is just."

The 1869 nationality law, the 1874 prohibition and subsequent decrees to be discussed below shows increasing government involvement in the minutia of Ottoman life. Such penetration into daily life was very much a feature of the Hamidian period. The decision to extend the prohibition to Algerians was a singular case, a response to French control over a former Ottoman province. Although not containing the historical baggage of the Iranian prohibition, the main motivation for the Algerian prohibition, and the continuation of the Iranian prohibition as well, was ideological. Abdülhamid II was reasserting his authority as primary protector of Sunni Islam and his control over its ever-diminishing Ottoman-Muslim community. The fact that such a prohibition was not enacted against Greek-Ottoman marriages — marriages which were undoubtedly more numerous and, since Greek independence, potentially politically problematic —

\[20\text{Deringil, Domains, 18.}\]
reinforces the ideological motivation behind the attempts to control questions of the personal status of its Muslim citizens. It should also be noted that by the time of the 1917 discussion of Greek-Ottoman marriages, Abdülhamid II had been overthrown and the ideological basis of such control was overshadowed by more pressing concerns of war, peace, occupation and the survival of the Ottoman state. Nevertheless, even during this late period the prohibition of marriages with Iranians was reconfirmed and reinforced on the basis of the original ideology but in light of contemporary expediencies.

The legal advisors continually reminded Ottoman officials and the Iranian government during the Meşrutiyet (the Constitutional Period from 1908-18) that the prohibition was still in force and no new law had been enacted to change that fact. On 12 June 1914 the Iranian Embassy requested a cancellation of the prohibition by arguing that Iranian citizens should be accorded the right to marry Ottoman women — a right given to Muslim citizens of other foreign states. In response, the Office of the Şeyhülislam expressed concern over allowing marriage contracts between Sunnis and heretics — whether Mu‘tezile, Shi‘i or Caferi — who follow doctrines that call into question the articles of faith and are contrary to the Şeriat. In considering this request, the legal advisors to the Interior Ministry sent the following response upholding the reasons for the original prohibition and for its continuation:

_Since ancient times_ marriages between Ottoman Muslim women and Iranians was prohibited, even as far back as [the time of] Yavuz Sultan Selim I, [when] because of the political system in use in the Ottoman State [at that time] Shi‘ism was not widespread.

The ferman dated 11 Rebiyülakhir 1237 of Sultan Mahmud II states "As a result of the marriage with Iranians and persons of unknown lineage who are
inclined to Shi‘ism, [and] Rafizi mezheps...the ferman was issued, one by one, to the kadıs in İstanbul, Eyüp and Üsküdar and...to neighborhood imams. Those imams who contract the marriages and those...who take or give [their daughters] to these persons of unknown lineage will be liable for serious punishment, so that these [marriages] will not occur after this time."

After the Tanzimat the [need for] the prevention [of these marriages] was understood since many Ottoman Muslim women, especially in Iraq and some other districts, married Iranians in order to release their sons from military service. The system of conscription of male children who are born as a result of these of marriages between mezheps was adopted...

The nizamname dated 27 Şaban 1291/24 Eylül 1290 (7 October 1874) strengthening the aforesaid prohibition was enacted.21 (italics added)

The legal advisors determined that the regulations of the law were clear and in the case of these marriages, both the women and their children were counted as Ottoman citizens. The male children were liable for military service and the wives and children were obligated to all other tax obligations of citizens, as written in Article 3 of the 1874 law. In addition, the advisors concluded that the prohibition would continue in view of the fact that there were 100,000 Iranians living in the empire and, if they married as they so choose, there would be thousands of children who would possess foreign status in the State.

---

21 BHA, HR.HMŞ.İSO, 7-1/1, 2 Teşrinisâni 1331/15 November 1915.
Confusion and contradictions

The 1874 law was intended to put to rest, once and for all, the issue of marriages between Ottoman and Iranian citizens. In fact, it did not resolve many problems that were to arise during the enforcement of the law. During the remaining five decades of the Ottoman Empire there would be great confusion among local officials and the government ministries as well, as to who, exactly, was to be included under the prohibition and how it was to be enforced. Confusion no doubt existed as a result of the contradiction between the 1874 prohibition and the 1875 convention which allowed Iranian citizens the same capitulatory rights as nationals of other states. In Article 9 of the 1875 convention, the Ottomans had confirmed that the effects of the nationality law of 1869 would now apply to Persian nationals as well.22 This included the right to marry Ottoman women.

This confusion was clearly elucidated in 1891 when officials in Trabzon asked the Census Bureau to clarify the legality of marriages between Ottoman women and foreigner citizens. The matter was considered in the Meclis-i Vükela and the following determination was made:

A prohibition does not exist concerning the marriages of Ottoman women with citizens from states, other than Iran. Establishing such a prohibition would be contrary to public law and would also result in women who are themselves foreigners being prohibited from marrying Ottoman citizens. In any case, the loss that would result from the change of citizenship of [Ottoman] women who are married with foreigners would correspond to the

22Aitchison, Treaties and Engagements xii, lxiv-lxv.
profit that would result from foreign women entering Ottoman citizenship through marriage with Ottoman citizens.

The prohibition concerning marriages between Ottoman women and Iranian citizens, in force heretofore and recently confirmed by the *irade-i seniyye*, remains still valid, as it used to be.23 (italics added)

Confusion over the issue continued for local officials. In 1909 and 191024 questions were sent from Bolu province asking for the proper procedure for determining the citizenship of Ottoman women who are married to foreign citizens. In making its decision, the *Sicil-i Nüfüs İdare-i Umumiyyesi Tahrirat Kalemi* (General Secretariat of the Census Bureau) referred to Article 7 of the *Tabi'iyet-i Osmaniyye Kanunması* and determined that with the exception of marriages with Iranians, which the judges of the Şeriat have prohibited, Ottoman women who marry foreign Muslim citizens immediately acquired the citizenship of their husbands.

In defining the prohibition on the basis of citizenship, the 1874 law made no distinction with regard to religious affiliation. One of the points of confusion was whether Ottoman-Christian women were included in the prohibition. In January 1890 a request to clarify the status of Ottoman-Christian women arrived in the *Meclis-i Vükela* from Basra.25 The *Meclis*, referring to the provisions of the 1874 prohibition, responded that *any* woman who is an Ottoman citizen who marries an

23BBA, M.V. 62-42, 6 Receb 1308, 15 February 1891.

24BBA, Dahiliye Nezâreti Muhâberât-i Umûmiye İdaresi (DH.MÜ) 20-1/45, 15 Şaban 1327/1 September 1909; Dahiliye Nezâreti Sicill-i Nüfüs İdâre-i Umûmiyyesi Tahrirât Kalemi (General Secretariat of the Census Bureau) (DH.SN.THR), 3-9, 22 Rebiyûlevvel 1328, 3 April 1910; also DH.SN.THR 11-27, 7 Ağustos 1326, 20 August 1910.

25BBA, M.V. 52-3, 13 Cemaziyûlevvel 1307, 5 January 1890.
Iranian citizen will be doing so against the prohibition. In the supposed case of an
Ottoman-Christian woman both the woman and her children would be considered
Ottoman citizens and obligated to all the rights and responsibilities of citizenship.

However, in 1892 the legal advisors to the Office of the Grand Vizier
contradicted the Meclis when it was asked to comment on the question of whether
an Ottoman citizen who was Jewish was to be included in the prohibition. In this
case, the advisors referred to the original law of 1822 and determined that there
was no mention of any kind in that law regarding marriages of non-Muslim
Ottoman citizens with Iranians. They also cited a decision of the Meclis-i Vükela
that held imams, in particular, responsible for contracting these marriages. As a
result, the legal advisors determined that non-Muslim citizens were not included in
the provisions of the law.

In 1895, a memorandum from the Foreign Ministry was sent to the Meclis-i
Vükela concerning Anton Efendi, the current Iranian consul in Alexandretta from a
non-Muslim family whose mother was an Ottoman citizen and whose father was
the former Iranian consul. As a non-Muslim, the Meclis was asked, was he liable
to pay the bedel-i askeri (tax imposed on non-Muslims in lieu of military service) since his mother was an Ottoman citizen. In this case the Meclis referred to the
theological basis of the law in declaring that "the goal of the prohibition was the

26BBA, HR.HMŞ.İSO 7-1/1, 15 Teşrinievvel 1308, 27 October 1892.

27The cizye was converted into the bedel-i askeri in the Islâhat Fermani of 1856 during the Tanzimat in an attempt to eliminate the inequality of the poll tax that penalized non-Muslims. The solution was to establish the military exemption tax. See H. İnalçık, "Application of the Tanzimat and its Social Effects," Archivum Ottomanicum 5 (1973): 106.
prevention of the spread of Shi‘ism in the Ottoman State, whose increase would result in conflicts between mezheps." The Meclis contradicted its earlier 1890 ruling and declared that the law did not extend to non-Muslims.²⁸

To further complicate matters, in 1892 the legal advisors to the Office of the Grand Vizier were asked to decide whether the marriage prohibition concerned only Shi‘i-Iranians or whether it included Sunni-Iranian citizens as well. Without citing legal justifications, the legal advisors deduced that marriages between Ottoman citizens and Sunni Iranians were also prohibited.²⁹

It should be pointed out that none of these rulings had any effect on Ottoman men who wanted to marry foreigners, even Iranian women. In 1892, the legal advisors to the Office of the Grand Vizier determined that marriages between Iranian women and Ottoman men were not included in the prohibition.³⁰ This fact was reaffirmed in a case presented in 1911 to the Interior Ministry from Bitlis province regarding the proper registration of citizenship of an Iranian woman who had married an Ottoman citizen. In this case, the Sicil-i Nüfus İdare-i Umumiyyesi Tahrirat Kalemi determined that "Ottoman citizens are not forbidden marriage to foreign women. These [marriages] are legal and the wife will acquire [the husband's] citizenship."³¹

---

²⁸BBA, M.V. 81-67, 26 Receb 1312, 23 January 1895.

²⁹BBA, HR.HMŞ.İSO, 7-1/4. 8 Teşrinisani 1308, 20 November 1892.

³⁰BBA, HR. HMŞ.İSO, 7-1/4, 8 Teşrinisani 1308, 20 November 1892.

³¹BBA, DH.SN.THR 22-19, 5 Mayis 1326, 18 May 1910 and 1 Cemaziyülevvel 1329, 30 April 1911.
The Interior Ministry received a telegraph from Baghdad in 1915 requesting clarification as to whether the prohibition of marriages concerned only Iranians and did not extend to the other Muslim peoples. An official memorandum of the Meclis-i tadjikat-i ser'îyye (Council of the Investigation of Religious Law) stated:

Marriage between the divisions of Islam is lawful.

Therefore, an adult Sunni male's marriage to a Mu'tezile or Shi'i [woman] is lawful, just as a marriage of a Mu'tezile or Shi'i male [to a Sunni woman] is lawful.

But Sunni marriages to those who are in sects that curse [the Caliphs] and are followers of falsehoods...like [marriages] that have been repudiated or [are] within the prohibited degrees, are not lawful, even if [those who] deny the Almighty Creator, or the prophetic mission or the requirements of religion, or [those who follow] polytheism, claim to be from the sects [of Islam].

The Ministry cited a fetva from the Fetvâhane Daire-i Meşihat-i İslamiyye Mektûbi Kalemî (Chief Secretary of the Fetva Department of the Office of the Şeyhülislam) which confirmed that the prohibition of marriage of Ottoman women with Iranians would benefit and advance the religion of the state. Citing Article 3 of the 1874 prohibition, the fetva confirmed that the law applied only to Iranians since "unfriendly relations remain at this time" and did not include other peoples of Islam. In fact, except for the singular prohibition against Algerians, no prohibition ever existed against other Muslim peoples.

In 1917, Ottoman confusion regarding non-Muslim, Ottoman-Iranian marriages was finally resolved once and for all when the Meclis-i Vükela confirmed the prohibition for all Ottomans and Iranians irrespective of religious

---

affiliation. The Foreign Ministry requested clarification from the Meclis concerning the question of whether or not non-Muslim, Ottoman women were included in the prohibition of marriages between Iranian men and Ottoman women. This time the Meclis referred to Article 1 of the 1874 law that prohibited marriages between Ottoman and Iranian citizens, and to Article 3 which stated that the woman and children were considered Ottoman citizens and subject to conscription, military tax and all other obligations of citizenship. The decision went on to state that "in view of the fact that conscription (kur'a) refers to Ottoman-Muslim citizens and military tax (bedel-i askeri) refers to non-Muslim, Ottoman citizens, the law is intended for both Muslim and non-Muslim Ottoman citizens. Therefore marriages with Iranian citizens is prohibited for Muslim and non-Muslim Ottoman women."

Future discussions would uphold the prohibition for Muslims and non-Muslims alike.  

---

33BBA, M.V. 209-24, 28 Şevval 1335, 17 August 1917.

34BBA, M.V. 221-268, 24 Zilhicce 1339, 29 August 1921.
Procedures and punishments

Article 2 of the 1874 prohibition stated explicitly that "those [officials] who are authorized to perform marriages, who act against the prohibition, will be held responsible." Although Ottoman reforms had seriously encroached upon the jurisdiction of the ilmiye, religious officials such as imams and civil servants such as muhtars (elders of city quarters or villages) were the officials normally concerned with personal status matters such as marriages. In 1887, the Meclis-i Vükela confirmed that "imams and muhtars who are authorized to perform marriages, who act against the prohibition, will be punished."³⁵

Cases of Ottoman officials who performed marriages against the prohibition periodically came to the attention of government officials. In 1906, an official memorandum reached the Meclis-i Vükela from Konya province concerning an imam, Haci Hafez Mahmđ Efendi, who had contracted a marriage between Fatma bint-i İsmail, an Ottoman citizen, and an Iranian, Habib bin Fettah. The memorandum asked for clarification of the correct punishment.³⁶ The Meclis decided that the proper course of action was to exile the imam to another mahal (locality). In 1920, the Interior Ministry declared a more serious punishment of exile for those who performed marriages of Ottoman women to Iranian citizens.

³⁵M.V. 30-16, 2 Rebiyülahir 1305, 18 December 1887.

³⁶BBA, M.V. 113-139, 12 Cemaziyülevvel 1324, 4 July 1906.
The ministry declared that those who performed these marriage would be expelled outside of the borders of the Ottoman state.\textsuperscript{37}

\textit{Imams} who were Iranian citizens were liable for the same punishments as Ottoman religious officials. In the case of the Iranian \textit{imam}, Ali Efendi, of the Iranian Embassy who was accused of performing a marriage between Arif bin Haci Ali, an Iranian citizen from Tahtakale, and Mudanyali Sabire Hanum, an Ottoman citizen, no time was wasted in carrying out the punishment of exile. Imam Ali Efendi was not an official of the Embassy and therefore would not benefit from extraterritorial privileges and was liable for punishment.\textsuperscript{38}

Punishments for couples who married against the prohibition were outlined in March 1888 when the \textit{Meclis} issued the following explanation of procedures to the provinces:

Those who marry against the prohibition will be exiled.

...the majority of those claiming Iranian citizenship are found in Baghdad ... and instructions [are forwarded] to Baghdad and the...provinces for the registration of these sort of persons...so that Ottoman citizens are not inclined to enter Iranian citizenship. Carrying out of the aforesaid precautionary measures and procedures...is sufficient for the prevention of these marriages in the Ottoman State.

This decision concerns Iranians whose true nationality is not in doubt...the same decision is given to those who settled permanently in Ottoman territory and entered under the local laws of Ottoman citizenship. These kinds of persons will be expelled from Ottoman territories.

\textsuperscript{37}BBA, DH.İUM 19-23/5-75, 15 Mart 1336, 15 March 1920.

\textsuperscript{38}BBA, DH.İUM, 19-23/5-71, 2 Haziran 1331, 15 June 1915; also HR.HMŞ.İSO 7-1/2, 26 Kanunusani 1332, 8 February 1917. Also DH.İUM 19-23/5-73, 27 Safer 1336, 12 December 1917.
...it is not possible to prevent the wives of Iranians from willingly accompanying their husbands into exile.\textsuperscript{39}

However, in later rulings, exile was the preferred form of punishment for Ottoman women. In 1906 an official memorandum reached the Meclis from Konya province concerning punishments for Fatma bint-i İsmail, an Ottoman citizen, and the Iranian, Habib bin Fettah. Officials asked whether in such cases Iranians as well as their wives should be expelled within 15 days. The Meclis determined that Fatma, the wife, and similar cases like hers, would be exiled along with her husband.\textsuperscript{40}

In 1914, the Interior Ministry was informed about the case of Darıcalı Behice, an Ottoman citizen who married Ahmed Ağa, an Iranian living in Tuzla. The wedding ceremony was allegedly performed in the Iranian Embassy by an Iranian hoca Seyyid Efendi, who lived behind the Valide Han Mosque, the center of Iranian commerce in Istanbul. The Iranian Embassy claimed to have no knowledge of the performance of the ceremony in the embassy; was sorry for the implications of the event; and requested punishment for those involved. The Interior Ministry determined that both Ahmed and Behice, having married against the prohibition, should be immediately expelled from the Ottoman State.\textsuperscript{41}

\textsuperscript{39}BBA, HR.HMŞ.İSO 7-1/1, 6 Receb 1305, 6 Mart 1304/19 March 1888. Also M.V. 30-16, 2 Rebiyülahır 1305, 18 December 1887; Yıldız Mütevelli Mûrûzat Evrâki (Documents concerning various matters presented to the Yıldız Palace) (Y.MTV) 34-39, 11 Zilkade 1305, 20 July 1888.

\textsuperscript{40}BBA, M.V. 113-139, 12 Cemaziyülevvel 1324, 4 July 1906.

\textsuperscript{41}BBA, Dahiliye Nezâreti İdare-i Umumiyye (DH.İUM) 30-2/1, various dates from 25 Cemaziyülevvel 1332, 21 April 1914 to 20 Temmuz 1330, 2 August 1914. Also
The Interior Ministry also asked the legal advisors to the Office of the Grand Vizier for an explanation of punishment procedures. The advisors recognized that every state has the right to expel foreigners. Citing an irade dated 15 March 1915 which clearly establishes that Iranians who marry Ottoman women against the prohibition will be expelled, the advisors found it necessary to continue this procedure. However, the advisors cited the 2nd supplement of Article 200 of the Criminal law which outlines a punishment of imprisonment of one to six months for husbands who marry without obtaining a marriage license and punishment of two months to one year for those who perform marriages with a license: "a marriage license from the court is necessary."42 Since the only way for Iranians to marry would be without a license, the advisors found that they must first of all be punished by imprisonment and then expelled them from the Ottoman State. With regard to Ottoman women, since there was no punishment outlined in the aforesaid irade or under current laws, the advisors determined that there was no means to punish them.

The Interior Ministry strengthened procedures in 1920 in order to assure the continuation of the prohibition of marriages with Iranians. Marriage contracts between Muslims could only be performed by imams upon receipt of permits.

DH.İUM 19-23/5-70, 23 Cemaziyülevvel 1333, 8 April 1915; DH.İUM 19-23/5-72, 22 Haziran 1331, 5 July 1915.

42BBA, HR.HMS.İSO 7-1/1, 26 Kanunusani 1332, 8 February 1917. Also see DH.İUM 19-23/5-74, 19 Şevval 1335, 8 August 1917.
issued by Şeriat courts. These permits were issued after inspection of the identity papers of the spouses obtained from the elders of the community.43

By 1920 the Meclis-i Vükelâ considered the case of the deceased Iranian named Hacı ʿAbbas Efendi bin Mûnevvefa Hacı Mehmed Efendi who lived in the neighborhood of Topkapı and his wife, Mûnevver Hanım bint-i Hacı Mehdi, an Ottoman citizen. The Meclis took a more conciliatory tone with regard to the exiling of the wives and children of deceased Iranian citizens. The marriage had occurred 13 years earlier and there were 2 children who resulted, one nine and the other six. No eyewitnesses to the marriage could be found and the imam who performed the marriage had since died. At issue was whether the wife and children should be exiled under these circumstances. The Meclis decided that many years had passed since the marriage was concluded and there were no known witnesses, therefore exiling the family members would force them into poverty and would "not be suitable to the right course and justice."44

Clearly, as the 19th century progressed nation-state ideology had overtaken universalism as the basis for the prohibition of marriages between Iranians and Ottomans. Nevertheless, in reasserting and reinforcing the prohibition on the original religio-ideological basis, Ottoman officials leant authority to a ruling that was necessary for geopolitical reasons. The original religious basis certainly leant authority and legitimacy to the prohibition, but also created conflicts with other

---

43 BBA, DH.I.UM 19-23/5-77, 15 Ağustos 1336/15 August 1920; also DH.I.UM 19-23/5-78, 16 Eylül 1336/16 September 1920.

44 BBA, DH.I.UM 19-23/5-76, 6 Nisan 1336, 6 April 1920 and also M.V. 219-129, 20 Şevval 1338, 7 July 1920.
laws and confusion over its enforcement. It is to these geopolitical expediencies that we now turn.

Disposition of estates

The problem of the distribution of estates of Iranians who died within Ottoman territories had long been a serious issue for the Ottoman and Iranian states. This matter was addressed in various treaties (see Chapters Two and Three), yet violations of treaty provisions continued on the local level, especially in Iraq where Ottoman governors were known to confiscate Iranian property. As previously mentioned, one of the most notorious examples of confiscation occurred during the Baghdad plague of 1773 when the Mamluk paşa, Ömer (1764-76), confiscated the estates of seven hundred Iranians which should have been returned to their heirs.45

The issue of inheritance had specific resonance in the text of the 1822 mandate prohibiting marriages between Iranians and Ottomans. The wording left no doubt that this matter was being addressed by the law. Unlike earlier fetvas, the prohibition of 1822 was gender-specific, expressly prohibiting marriages between Ottoman-Sunni women and Iranians, Shi’i, heretics or "persons of unknown lineage" (meçhulünnesep eşhas). It was imperative that children (evlad) and grandchildren (ahfad) know their origins, and marrying persons of unknown

lineage would deny them this right. Under Islamic law the children of such marriages would automatically be regarded as Shi'i. This matter was to acquire urgency later in the 19th century when under the Ottoman nationality law both the wife and her children would assume Iranian citizenship. The Ottoman government was seriously concerned with the question of inheritance. Should Ottoman women be allowed to marry Iranian men, these women might change allegiance to a different mezhep, and another state and their children would automatically be considered Shi'ite, Iranian citizens. If that was the case, not only would a change of allegiance seriously call into question the loyalty of Ottoman subjects to the state, but, as a practical matter, wealth from moveable and immovable property could be transferred out of Ottoman hands and into the coffers of the Iranian state. The fact of a gender-specific prohibition strongly suggests that the 1822 mandate was enacted for geopolitical reasons.

Concern over the transfer of real property in Ottoman territory to Iranian citizens became even more urgent as the result of the reforms of the Tanzimat. The Islahat Fermani of 1856 restricted the confiscation of the property of Ottoman nationals by the government,\(^{46}\) while an imperial decree of January 18, 1867 allowed foreigners to own real estate in Ottoman territory.\(^{47}\)

Under long-standing capitulatory practice consular courts had jurisdiction over the testamentary disposition of the property of their nationals. However, Article 5 of the 1867 decree allowed the Ottoman government to legally


expropriate real estate of foreigners who died in the Empire. All cases regarding
the landed property of Iranians were now subject to Ottoman laws and handled in
Ottoman courts no matter the nationalities of the owners.\textsuperscript{48} The Iranian
government, through its embassy in Istanbul, launched a number of protests
concerning the possessions and property of Iranians in the empire.\textsuperscript{49}

In response to requests for information from various provinces about the
disposition of the estates of Iranians, the Ottoman government in 1881 reaffirmed
that cases between Iranians would be handled by the Iranian Ambassador as in the
past. If a case was brought by an Ottoman citizen against the estate of an Iranian
living in the empire, the case would be handled like other legal cases and examined
by local courts. If the Iranian citizen had taken Ottoman citizenship, the case
would be handled according to Ottoman law.\textsuperscript{50}

The problem of the inheritance shares of daughters born from the marriages
of Iranian men and Ottoman women came to the attention of the \textit{Meclis-i Vükela} in
1886. At issue was the shares of two daughters and a son of Cevâhirî Mirzâ Hâdi,
an Iranian who had taken Ottoman citizenship 26 years earlier and resided in
Baghdad. The director of the Baghdad registration office asked whether a 1/2
share was legal for the daughters. The \textit{Meclis} restated that the son of an Ottoman
woman married to an Iranian, in every case, was considered an Ottoman citizen
and had the legal right to succession. Regarding the daughters, in order to claim

\textsuperscript{48}Sousa, \textit{The Capitulatory Régime}, 81-82.

\textsuperscript{49}BBA. Y.A.Res, 19-29. 1 Cemaziyülevvel 1299, 21 March 1882; also Y.A.Res, 20-41. 5
Receb 1300, 12 May 1883.

\textsuperscript{50}BBA. Y.A.Res, 7-2. 12 Muharrem 1291, 1 March 1874.
the right to succession they were required to have changed their citizenship to that of their father. It was first necessary to determine whether they were Ottoman or Iranian citizens\textsuperscript{51} and if they had not changed their citizenship from Iranian to Ottoman would they be deprived of their shares. Upon further requests for clarification as to whether the daughters should be deprived of their inheritance, the Meclis decided that the property should be divided among the heirs according to the system of the \textit{Seriat}, and that Iranian citizens would not be deprived of their inheritance rights.

The laws enacted and the decrees issued the Ottoman government attempted to resolve through codification the long-standing problems of the estates of Iranians who died in Ottoman territory. Yet the issue of intermarriage had complicated the problem and focused attention on the possibility of landed property coming under foreign ownership. For this reason the exception was made to the 1869 nationality law in not allowing wives and children to acquire Iranian citizenship. In the clearest exposition of the concern over the transfer of property to foreigners, the Ottoman government declared in 1889 that if the deceased was an Iranian citizen it was the duty of the registry office of the Iranian Embassy to register and divide the movable property of the estates. However, immovable property could only be divided among Ottoman citizens.\textsuperscript{52}

One particular case involved Fatma Zehra Hanım, whose father was originally an Iranian citizen and who was the wife of the deceased Haci Ibrahim.

\textsuperscript{51}BBA, M.V., 15-33. 2 Rebiyülevvel 1304, 29 November 1886; also BBA, M.V. 17-34. 29 Cemaziyülevvel 1304, 23 February 1887.

\textsuperscript{52}BBA, M.V. 40-46; also M.V. 61-12, 15 Cemaziyülevvel 1308, 27 December 1890.
an Iranian. Fatma Zehra Hanım had a son who claimed to be an Iranian citizen. The Iranian Embassy petitioned to prove the Iranian citizenship of the son and take control of the estate.

The Meclis found that Fatma Zehra Hanım's father, Hüseyin Efendi, had migrated to Istanbul, accepted Ottoman citizenship and married Esma Hanım, Fatma's mother and an Ottoman citizen. The Meclis stated:

The rule in force is clearly confirmed in the Ferman-i Ali, dated 11 Rebiyülahir 1237 [1822 Imperial Rescript Prohibition Marriages with Iranians] and [was] recently [confirmed] in the [1874] prohibition of marriage act; the statements of the Iranian Embassy that [these rules] not be applied in this case, and the protest by the State of Iran on the publication [of the 1874 law] are not acceptable.\textsuperscript{53}

With regard to their right to inheritance, the Meclis ruled that Fatma Hanım and her son, Ibrahim, were considered Ottoman citizens with rights to the immovable property.

Throughout the remaining decades of the empire various cases over the distribution of estates of Iranians and requests for clarification of the citizenship of the wives and children from marriages with Iranians were presented to the Meclis-i Vükela and the legal advisors to the Interior Ministry. In every case the Meclis ruled that if the wife was an Ottoman citizen, she and her children were considered Ottoman citizens as well, whether they had been married, or the children had been born, before or after the 1874 publication date of the prohibition of marriage law.\textsuperscript{54}

\textsuperscript{53}BBA, M.V. 40-46, 26 Cemaziyülahir 1306, 27 February 1889.

\textsuperscript{54}BBA, Hariciye Nezâreti, Hukuk Müşavirliği İstişare Odası, (HR.HMŞ.İSO). 7/1-4, 3 Kanunueva 1302, 18 February 1885; HR.HMŞ.İSO, 7-1/4. 3 Kanunueva 1308, 15 December 1890; M.V. 119-74, 29 Cemaziyülahir 1326, 29 July 1908; DH.SN.THR 33-74, 16 Nisan 1328, 29 April 1912; DH.SN.THR 42-16, 13 Şaban 1330, 28 July 1912; Dahiliye Nezâreti Hukuk (DH.H), 67-47, 14 Şubat 1328, 26 February 1913; Dahiliye
However, the question of the date of birth of male children was to cause an exception when the issue of liability for military service of the sons born from these marriages reached the Meclis.

**Loyalty of the army**

The renewal of government interest in marriages between Ottomans and Iranians in the 1870s — after a 50 year period — was the direct result of increasing government concern over control of the province of Iraq. Iranian interference in the region was well-established by the time Abdülhamid II (1876-1909) came to the throne. Shi'i missionary activity and the increase of Shi'i conversion has been discussed at length in Chapter Four. Ottoman counter-measures had proven ineffective. But of equal concern at the end of the 19th century was the interference of two major powers, Russia and Great Britain, who made the province a centerpiece of their own imperial rivalries.

Russian expansion into Central Asia and Caucasia in the early 1800s brought it into conflict with Iran, resulting in the Russo-Persian Wars of 1805-13 and 1826-28, and with the Ottoman Empire in the Crimean War of 1856. Russian interference increased from the 1860s onward, as they extended support for Armenian revolutionaries in an attempt to destabilize the Ottoman Empire and gain

access to the Bosporus Strait and the Persian Gulf. British interest in Iraq was long-standing. Their control over the wealthy Oudh bequest in the 1820s as the result of their suzerainty over India has been discussed earlier. By the 1870s official British policy was to control economically and politically the Persian Gulf, and to prevent their rivals — Germany, Russia and France — from gaining access to the income from this valuable trade route. British policy included strengthening Iran and the Ottoman Empire as buffers to Russian influence in the province and encroachment on British control of trade in the Gulf. This policy resulted in British efforts to mediate long-standing border problems between Iran and the Ottoman Empire.

The borders had always been a point of contention for the two states. The Treaty of Erzurum in 1823 had been ineffectual in fixing the borders and this failure led to five more decades of tense relations between the states. Two commissions were formed at the behest of Great Britain; these commissions worked from 1843-1847 and again from 1848-1852 and produced an agreement that confirmed the boundaries established in previous treaties. The agreement that was concluded did not, however, achieve its goal of settling the borders of the two states and tensions remained until the First World War.55

A solution to the border disputes with Iran was essential for Ottoman control over the province of Iraq. The definition of borders would have an effect on the nationality of villagers and tribes that had historically lived in the disputed regions. From these disputed zones many persons came forward to claim Iranian citizenship

in order to be exempted from Ottoman military service.\footnote{BBA, M.V., 1-19. 18 Rebiyülâhir 1302, 4 February 1885.} Such claims were not uncommon in this period and this was one of the reasons that the Ottoman government reaffirmed that Ottoman women were prohibited from marrying Iranians, and that the sons from these marriages were obliged for military service. The fear was that if Ottoman women were permitted to marry Iranians they would do so in order to exempt their sons from military service.

In 1887, the Ottoman government reaffirmed the dangers of these kinds of marriages in Iraq:

...the matter of these marriages with Iranians, which as time passes multiply in Ottoman territories and especially in the vicinity of the Iranian borders, creates a grievous calamity...for this reason it becomes necessary to strongly prevent these marriages, [as they] cause bad consequences in all of the provinces of the Empire and mostly in the Iraqi region among the tribes and [in] all the major cities like Bağhdad, Kerbelâ, Necef, Basra, Musul.\footnote{BBA, İrade-i Meclis-i Mahsus 4111. 10 Cemazıyülâhir 1304, 6 March 1887. Also see M.V. 25-75, 20 Safer 1305, 7 November 1887.}

Although the exact numbers of Iranians in Iraq were not known due to the difficulties discussed earlier in carrying out census counts in the region, periodic reports from provincial officials suggested that the numbers were substantial enough to warrant concern and immediate attention. A report from the \textit{Vali} of Baghdad, Mustafa Asim, in January 1888 described the situation in the province as follows:

...there are approximately 15,000-20,000 residents of Baghdad province [some] who claim that they are by origin Iranians...[and others] who have married and settled here 100 years ago, 50 years or more recently, having
migrated to Baghdad for numerous reasons, acquired local jurisdiction, and abandoned the Iranian language and customs.\textsuperscript{58}

By the reign of Abdülhamid II the spread of Shi‘ism had taken on a new urgency as the result of reports that called into question the loyalty of the army.

The Ottoman's "eastern problem" — i.e. maintaining control over a province that was far from the center of power and where the population had a strong local identity whose loyalty could never be assured — was not a new phenomenon. As early as 1585, the central government was aware that non-native Shi‘ites were infiltrating the military and threatening Ottoman security in the border regions. At that time an order was sent to the governor-general of Baghdad demanding a halt to such practices and requiring that military positions be filled by Rumî soldiers.\textsuperscript{59}

Mahmud II's policy of reasserting central control over the province of Iraq in the 1820s and 1830s was partially the result of the rising power of local paramilitary type groups that challenged central authority and controlled local resources. These "gangs" were composed of disenfranchised youth, criminals, fugitives and deserters from the Iranian and Ottoman armies.\textsuperscript{60}

But it was the result of the many decades of Shi‘i missionary activity that brought the loyalty of the Ottoman army in Iraq into question during the reign of Abdülhamid II. In his report of 1885 referred to in Chapter Four with regard to the publication of anti-Sunni materials in Iraq, Hoca Ishak Efendi stressed that not

\textsuperscript{58}BBA, İrade-i Meclis-i Maḥsus 4111, 12 Cemaziyyevvel 1305, 26 January 1888.


only were Shi‘i preachers converting the tribes but more importantly there was widespread conversion in the Ottoman Sixth army. Ninety percent of the soldiers were believed to be Shi‘i. Hoca Ishak Efendi recommended that the troops be completely replaced by soldiers from the Fourth and Fifth armies, who could be assured of loyalty to the Porte. In 1891, Abdülhamid II ordered the transfer of Shi‘i soldiers from Iraq and their replacement by an all-Sunni army.

Against this backdrop the Ottoman government turned its attention once again to the prohibition of marriages between Ottomans and Iranians and the status of their sons with respect to military service. In 1885, the Meclis-i Vükelə reaffirmed that the male children of marriages between Ottoman women and Iranians were considered Ottoman citizens and liable for military service no matter how many generations their families had lived in Ottoman territory.

This issue became a major point of contention between the Ottoman and Iranian governments. A series of protests from the Iranian government began after the 1885 decree. The Iranian Embassy sent a note to the Meclis-i Vükelə protesting the obligation for military service of the sons born of Ottoman women who were married to Iranian citizens. The Iranian Embassy requested that children born before the publication of the 1874 law be exempt from military

---

61 Gökhan Çetinsaya, "Ottoman Administration of Iraq, 1890-1908," unpublished thesis submitted to the University of Manchester, Department of Middle Eastern Studies, April 1994, 229 translating BBA, İrade Dahiliye 75763, 27 Şevval 1302.

62 BBA, İrade-i Meclis-i Mahsus 3992, 19 Rebiyülevvel 1303, 26 December 1885.

63 BBA, M.V. 1-19. 18 Rebiyülahir 1302, 4 February 1885.
service. Iran also requested that the Ottoman government not expel from the
Ottoman State Iranians who marry against the prohibition.

In response to the Iranian protest discussions in the Meclis-i Vükela
reaffirmed that these marriages were prohibited. But the Meclis allowed that
children born before 1874 were exempt from military duty. İmams and officials
from the Şeriat courts and the provinces were charged with the duty to certify the
marriages and the children allowed for this exemption. In the discussions the
Meclis expressed the concern that if Ottoman women were permitted to marry
Iranians, they would do so in order to exempt their children from conscription,
military tax and other duties of the Ottoman state.

Results of the discussion in the Meclis were communicated to Baghdad,
Basra, Erzurum, Van and Musul and to the field marshals of the Fourth and Sixth
Armies. In order to prevent Ottoman citizens from entering into Iranian
citizenship, Iranians who married against the prohibition were to be expelled
immediately from the State. İmams and muhtars who contracted these marriages
were also to be expelled. Sons eligible for military service who went into exile
and who later returned were liable for military duty. The government repeated its
concern over the spread of Shi‘ism in the border region and called for registration
of all persons claiming Iranian citizenship, especially in Baghdad and the aforesaid
villages where most Iranians resided.64

On 25 October 1886 the Ottoman government enacted the Aziz-i Asker
Nizamname (AAN), Article 32 of which obligated for military service the sons

64 BBA, Yıldız Sadaret Hüsûsî Mânûzat Evrâki (Y.A. HUS), 212-24. 13 Rebiyühlevvel
1303, 20 December 1885.
born of marriages between Ottoman women and Iranians. In November, 1886, the Iranian government immediately demanded the repeal of the 1874 law prohibiting marriages between Iranians and Ottoman women and Article 32 of the AAN. In retaliation, the Iranian government declared that children born of Iranian women and Ottoman men would be obliged for military service in the Iranian army. The threat apparently had no effect. Three months later the Ottoman government denied the Iranian request for cancellation of the 1874 law and Article 32 of the Ahz-i Asker Kanunname.

In response the Iranian Embassy continued its protests and

...strongly demand its repeal [Article 32 of the AAN]...since the meaning of this article...goes beyond the bounds of the sacred law of the Ottoman state. No state has the authority to carry out tyrannical procedures that are in any case unlawful. Let there not be interference with the wives and Iranian children of ser'î marriages, even if the prohibition of marriages between Ottoman women and Iranian citizens is...deemed to be the requirement of internal affairs by the Ottoman state.

...the articles will be considered as non-existent since they are contrary to the public laws of the state which are clear and confirmed that the wife and children follow the [citizenship of the Iranian] father.

---

65Madde 32 - Düveli ecnebiye tebaasından olup memaliki şahanenin mükellefiyeti askeriye tahtunda bir mahalline nakil ile tavattun ve teehhül edenlerin tebaai iraniyeden maadasinın evlâdi tabiyyeti ecnebiyede bulundukça hizmeti askeriyeden müstesnadır. Dustûr, 1. tertip, 5. cilt, s.664.

66BBA, M.V., 14-16. 16 Safer 1304/2 Teşrinisani 1302, 14 November 1886.

67BBA, Y.A.RES., 37-8. 12 Cemaziyülevvel 1304, 6 February 1887.

68BBA, İrade-i Meclis-i Mahsus 4111. 10 Cemaziyülahir 1304, 6 March 1887.
In this memorandum the Iranian government made note of the conflict of law between the 1874 prohibition and the 1869 Ottoman nationality law and contended that Iranians should receive the same rights as other foreigners under the nationality law.

The Iranian Embassy continued to call for the cancellation of Article 32, stating that the law cannot be retroactive and that children born before the publication of the AAN should be exempt. In April, 1887, the Meclis responded to the repeated protests of the Iranian Embassy and allowed that the law would not be retroactive and would include only the children born after 1874, the publication date of the law.

The Iranian Embassy eventually agreed to the expulsion from Ottoman territories of those Iranian citizens who married against the prohibition but continued to protest against Article 32 of the AAN.

In January, 1888, the Meclis confirmed the obligation for military service of sons who went into exile with their fathers and later returned to the Ottoman state. In addition the Meclis ruled that Ottoman citizenship would not be given to those who wanted to change their citizenship solely for the purpose of marriage. The Iranian ambassador repeated that these laws were contrary to the 1869 Ottoman citizenship law and were not enforceable since similar cases concerning other

---

69BBA, M.V. 15-18, 25 Receb 1304, 19 April 1887; M.V. 17-49, 3 Cemaziyülahir 1304/15 Şubat 1302, 27 February 1887; M.V. 30-16, 2 Rebiyülahir 1305, 18 December 1887.

70BBA, M.V. 15-18. 25 Receb 1304/10 Kanunuevvel 1302, 19 April 1887.

71BBA, M.V. 25-75, 20 Safer 1305, 7 November 1887.
foreigners who had lived in Ottoman territories were not included in such a
prohibition. The Iranians also argued that the ruling was not enforceable because
it could not be determined whether a request for citizenship was based solely on
the desire for marriage.\textsuperscript{72}

Protests by the Iranian Embassy continued\textsuperscript{73} and the Ottoman government
held firm to its position that:

The children who result from these marriages, who remain in Ottoman
territories will be held liable for military service upon reaching military age.
As for those Iranians who were expelled as a result of the decision to marry
against the prohibition, who return after a short time...[they] will be obliged
for military service upon reaching military age.\textsuperscript{74}

Proper procedures for the identification of Ottoman citizens who were liable
for conscription were required in a province where intermarriage could result in a
change of identity in order to escape the responsibilities of Ottoman citizenship. A
commission, the \textit{Tefişiş-i Askeri Komisyonu} (Commission of Military Inquiry), was
established to investigate and propose a plan for registration of the population.\textsuperscript{75}
In 1897 the commission recommended that boys who reach military age would be
registered on the 15th of November of each year and that the lists would be turned

\textsuperscript{72}BBA, M.V. 27-32, 13 Rebiyülahir 1305, 29 December 1887; M.V. 27-49, 24
Rebiyülahir 1305, 9 January 1888.

\textsuperscript{73}BBA, HR.HMŞ.İSO 7-1/1, 17 Receb 1305, 30 March 1888.

\textsuperscript{74}BBA, HR.HMŞ.İSO 7-1/1, 6 Receb 1305, 6 Mart 1304, 19 March 1888; Yıldız

\textsuperscript{75}BBA, İrade-i Meclis-i Mahsus 4111, 12 Cemaziyyevelvel 1305, 16 January 1888. Also
M.V. 26-62, 19 Rebiyüllevvel 1305, 5 December 1887; M.V. 27-70, 5 Cemaziyyevelvel
1305, 19 January 1888; M.V. 28-31, 23 Cemaziyyevelvel 1305, 6 February 1888.
over to local military officials who will carry out a lottery by drawing numbers. Youths who had not been registered were to be seized and conscripted into the army.\textsuperscript{76}

The Iranian consuls-general were asked for a register of Iranian citizens under their protection. Since no list was forthcoming the Ottoman government advised the provinces that they should take it upon themselves to register this group. Each case was to be investigated individually and no exemptions were to be given until it could be determined exactly when and why the Iranians had settled in the Iraqi province.

In specific cases that reached the \textit{Meclis-i Vükela} throughout the remaining decades of the empire, the obligation for military service was continually reaffirmed. In 1892, the legal advisors to the Office of the Grand Vizier were asked to decide whether children of non-Muslims were required to pay the military tax (\textit{bedel-i askeri}). At issue was the citizenship of 300-400 non-Muslim children of Iranian fathers who were married to Ottoman women and living in Aleppo.\textsuperscript{77} The legal advisors cited Article 3 of the 1874 law that made children born of these marriages liable for conscription, military tax, and all other taxes of the State. As a result, the advisors determined that non-Muslim children of Iranian fathers were included in the payment of military tax.

In 1910, the \textit{Meclis} was asked to consider the request for an exemption from military service of a man named Mehmed Hasan, an Iranian who had become an Ottoman citizen in 1880-81. The \textit{Meclis} decided that foreigners who settle in

\textsuperscript{76}BBA, Y.MTV, 169-38, 12 Cemaziyülahir 1315, 8 November 1897.

\textsuperscript{77}BBA, HR.HMS.İSO, 7-1/4. 13 Mayıs 1308, 25 May 1892.
Ottoman territory and take Ottoman citizenship are required for military duty as long as they are not required to perform military service in their own countries.\textsuperscript{78}

In 1914, the Interior Ministry was confronted with a family of seventeen persons from Kerkuk who claimed to be Iranian citizens allegedly for the purpose of avoiding military service. The father was determined to be from the Koylu tribe and had settled in Kerkuk 40 years previously. The children were registered in the census and since at the time of registration they did not prove their claim to be Iranian citizens they were liable for conscription without delay and were to be included in the conscription lists.\textsuperscript{79}

The Iranians had exhausted their legal arguments in attempting to persuade the Ottoman government to cancel the 1874 marriage prohibition and Article 32 of the AAN. Yet protests continued. Even during the Constitutional Period the legal advisors continued to reaffirm the obligation for military service for the sons born from these marriages. Those who married against the prohibition would be expelled and the male children who remain in the Ottoman state would be obliged for military service upon reaching the age of conscription. Those children who were expelled with their parents who returned to the Ottoman state would also be obliged for military service.\textsuperscript{80}

\begin{flushright}
\textsuperscript{78}BBA, M.V. 139-125, 27 Rebiyülevvel 1328, 8 April 1910; also DH.SN.THR 10-65, 27 Cemaziyülation 1328, 6 July 1910.

\textsuperscript{79}BBA, Dahiliye Nezâreti İdare (DH.İD) 30-2/53, 8 Safer 1332, 6 January 1914.

\textsuperscript{80}BBA, HR.HMŞ.İSO 7-1/1, 25 Cemaziyülation 1327, 14 July 1909; also HR.HMŞ.İSO 7-1/1, 1 Kanunusani 1327, 14 January 1912.
\end{flushright}
Ottoman maintenance of the prohibition of Ottoman-Iranian marriages and attempts to control conscription through legal mechanisms throughout the Constitutional Period shows how the law is often behind political and social reality. In fact, none of these measures were successful in decreasing, or even maintaining, levels of the Shi'i population in the province. All of these efforts became moot since by 1917 the province was quickly slipping from Ottoman control. By the end of World War I, the British were given mandate over Iraq and in 1921 Faysal was installed as king and a government was formed. Iraq ceased to be a frontier between the Ottomans and Iranians and was no longer the focal point of Sunni-Shi'i division.
Conclusion:

Continuity and change

The deposition of Abdülhamid during the Constitutional Revolution of 1908-1909 inaugurated a period of secularization of the political and legal order. The balance of power between the sultan and the parliament shifted with real power now lying with the parliament which had the power to depose the sultan. Ministers were also responsible to the parliament. The office of the Şeyhülislam was downgraded from a ministry with Cabinet status to a department, and the Şeriat courts were transferred to the Ministry of Justice. Members of the ulema including kudüs and imams became salaried civil servants under direct control of the government. ¹ Although the Constitution of 1909 as well as the major legislation enacted during the Constitutional Period (1909-18) such as the 1917 Code of Family Law still maintained the Şeriat as the basis of law in the empire, matters of personal status were now under the jurisdiction of secular authority. ²

In the early years of the Constitutional period, Ottoman officials maintained the status quo with respect to Ottoman-Iranian marriages. In 1913, the Office of the Grand Vizier stated that the 1822 ferma was intended to prevent the spread of Shi‘ism in the Ottoman state by prohibiting marriages with Iranians and persons of unknown lineage. The 1874 prohibition, they remarked, did not make a distinction with regard to religion therefore the law prohibited marriage for all Ottoman


²Shaw, History II: 307.
citizens - Muslim and non-Muslim alike. The exemption of sons born before the 1886 publication date of the AAN referred only to military service. In all other matters the children of these marriages were Ottoman citizens and were liable for taxation and other responsibilities to the state. Only Shi‘i muctahids were exempt from military taxes. 

However, in light of the establishment of a secular-based legal and political order it comes as no surprise that in May of 1914 the legal advisors to the Office of the Grand Vizier began to consider, for the first time, the possibility of annulling the 1874 law prohibiting marriages between Ottomans and Iranians. The impetus for these discussions was a request from the Ottoman Embassy in Tehran to determine what steps were necessary to publish a new law amending the 1874 act. The legal advisors noted that the motivations of the Ottoman government in proclaiming the 1874 law had been aimed at restricting the increase in the number of Iranian citizens and the expansion of Shi‘ism in the Ottoman State, and that this plan had not been successful.

The legal advisors called for a meeting of Sunni and Shi‘i experts in order to adopt a plan that would be satisfactory to both governments. The advisors cautioned that it was necessary to prevent Iranians from flooding into Iraq in order to escape military service, and that it was likely there would be an increase of Iranian citizens in the region should the prohibition be repealed and Ottoman women and their children be allowed to take Iranian citizenship. Therefore, the

---

3 BBA, HR.HMŞ.İSO 146-3. 17 Mart 1329, 30 March 1913.

4 BBA, HR.HMŞ.İSO 146-3, 8 Nisan 1329, 21 April 1913.

5 BBA, HR.HMŞ.İSO. 7-1/4. 1 Receb 1332, 26 May 1914.
advisors proposed a new law whereby these marriages could be legalized without causing an increase in the Iranian population in Iraq. This could be accomplished by continuing to deny Ottoman women and their children the right to acquire Iranian citizenship. While recognizing that the exclusion would be contrary to the 1869 citizenship law, they proposed the following draft law:

Article 1. Marriages between Iranians and Ottoman women are not prohibited.

Article 2. In order to protect the original citizenship of Ottoman women who marry Iranians, they do not acquire the citizenship of their husbands.

Article 3. The [male] children who are born from Ottoman women married to Iranian men will be obliged for military service.

Article 4. The law dated 25 Zilkade 1291 [7 October 1874] and all other laws and regulations contrary to the regulation of this law are annulled.

Article 5. The Office of the Şeyhülislam and the Justice, Interior and Foreign Ministries are authorized to carry out the regulations of this law.6

No immediate action was taken to adopt the draft law legalizing Ottoman-Iranian marriages. The issue became overshadowed in November 1914 when the British invaded and occupied portions of southern Iraq. The Shi‘i mucathāids in the region, having become politically active against Iranian concessions to the British in the late 19th century and in support of the Iranian Revolution of 1905-11, were the most organized force in opposition to British occupation. Their well-organized, centralized leadership immediately called for a jihad against the British.

6BBA, HR.HMŞ.ISO, 7-1/4. 1 Receb 1332, 26 May 1914.
Although the *ulema* were somewhat successful in gathering thousands to their cause, they nevertheless failed to oust the British.\(^7\)

Meanwhile, the Committee of Union and Progress (CUP), the actual leaders of the Ottoman State who had begun the process of secularization during the Constitutional period, had not gone so far as to call for an end to the empire. In fact these "Young Turks" were very much in the Islamic camp and utilized religion as the basis of their ideology. Recent losses of large Muslim populations in Libya and the Balkans strengthened the CUP's resolve to hold on to Iraq. They supported Shi'i opposition to the British and called for Sunni-Shi'i unity. In 1915, perhaps still under the illusion that Iraq could be saved as a province of the empire, the Office of the Grand Vizier responded negatively to a request from the Iranian Embassy for the recognition of Iranian citizenship of children born from Ottoman-Iranian marriages who were currently living in Iraq. The legal advisors reaffirmed that the prohibition was still in force since the proposed law for its cancellation had not been enacted, and therefore these children were considered Ottoman citizens.\(^8\)

By 1917, the Office of the Grand Vizier had reversed its earlier recommendation for the annulment of the prohibition. In a discussion about the *bedel-i askeri* (military tax) the legal advisors gave a very clear explanation of the motivation for the original prohibition and the need for its continuation:


\(^8\)BBA, HR.HMŞ.ISO, 7-1/4, 20 Nisan 1332, 3 May 1916.
From the years following the Battle of Çaldırان up until the year 1200 [1785-1786], it was not possible for Iranians or other foreigners to reside at will in the Ottoman state. [Therefore] the Ottoman government was not so concerned with this matter.

One hundred years ago, starting from the middle of the reign of Sultan Selim III, a great change occurred in the political arena because of modern discoveries like the invention of the telegraph, transporting mail by land and sea, and especially the development of railroads and steamships, and administrative reforms. [As a result] the number of foreign citizens settling [in the Ottoman State] increased and Iranians increased the most in comparison with others. In the period of Mahmud [II] the ferman dated 11 Receb 1237 [5 January 1822] was issued because of the [increase] of marriages of Iranian citizens with Ottoman women. 9

They advised, therefore, that there was no reason to amend the existing law.

Of course, at the time of this proclamation the British had not yet succeeded in occupying all of Iraq. In Ottoman consciousness the province was still an important part of the empire. Between 1918-23 the Ottoman Empire was embroiled in its own civil war. Iraq was under British mandate and opposition movements in the province were calling for independence. During these years of war a new ideology of a Turkish nation-state grew alongside of the old ideologies of empire and Ottomanism. In 1920, the legal advisors to the Grand Vizier again recommended the abolition of the prohibition of marriages law. In arguing against the traditional religious basis of the prohibition, they were taking a stand in favor of the nation-state and recognizing the expediencies of nationality. They noted that, historically, intermarriage between sects was legal, e.g. Sunni men can marry Mu'tezil or Shi'i women and Mu'tezil or Shi'i men may marry Sunni women. Stating that the original law was connected to the prevention of the spread of 9

BBA, HR.HMŞ.IŞO 146-3, 4 Zilkade 1335, 22 August 1917.
Shi'ism and was enacted for political reasons so that the number of Iranian citizens in the Ottoman Empire would not multiply, the advisors maintained that for political reasons it was now necessary to abolish the law. Referring to the 1914 draft law, the advisors reasserted that the law could be rewritten to insure that Ottoman women married to Iranians and their children remain Ottoman citizens. The legal advisors accepted arguments from the Iranian Embassy as to why this law should be annulled. For example, it was impossible to know the true numbers of Iranians living in the Ottoman state so it was also impossible to know if their numbers were increasing. They went on to argue that the prohibition did not have an effect on citizenship anyway. Ottoman women who went into exile as a result of marrying Iranians remained Ottoman citizens. In cases where the Ottoman women returned to Ottoman territory with Iranian citizenship, they and their children were considered Ottoman citizens anyway. Therefore, it was clear, according to the advisors, that the prohibition law was useless because women who married Iranians and returned from exile were recognized by the government as Ottoman citizens. In the opinion of the advisors, this was, therefore, the time to annul the law.10

The empire fell and the First Constitution of the Turkish Nation was enacted on January 20, 1921. Nevertheless, in August 1921 the Foreign Ministry asked for permission from the Parliament to confirm the Iranian citizenship of several children who were born from non-Muslim, Ottoman women. The Parliament

10BBA, HR.HMŞ.İŞO 7-1/5, 12 Eylül 1336, 12 September 1920.
reaffirmed that the prohibition of marriages to Iranians was still in force and included all citizens, Muslim and non-Muslims alike.\textsuperscript{11}

Indeed, an annulment of the prohibition could not be realized during the period of empire. It was not until 1926 that, without fanfare nor memorandum of intent, the prohibition of marriages was finally abolished. The Law of 26 April 1926 "Concerning the Preservation of the Prohibition of Marriage between Iranian and Turkish Citizens" stated:

\begin{itemize}
\item Article 1 - The prohibition concerning marriages of Iranians with Turkish women is abolished.
\item Article 2 - After this, all formalities that arise from these kinds of marriages are subject to public laws.
\item Article 3 - With respect to the rules in force as a result of the prohibition, all matters such as citizenship which have been concluded up until now are valid.
\item Article 4 - This law is valid from the date of publication.
\item Article 5 - Officials of the Ministries of Justice, Interior and Foreign Affairs are commissioned to carry out the provisions of this law.\textsuperscript{12}
\end{itemize}

Not until the last sultan had been deposed and the caliphate had been abolished in 1924 could the state take this final step. The ideologies of Shi'i heresy and Ottoman hegemony had withstood the redefinition of imperial legitimacy from a divinely-sanctioned empire to an Ottoman nation-state.

\textsuperscript{11}BBA, M.V. 221-268, 24 Zilhicce 1339, 29 August 1921. The Parliament decided that since the issue was limited to only a few persons, it was acceptable to consider the children as Iranian citizens.

\textsuperscript{12}\textit{Düstur}, 3. tertip, 7 cilt, İkinci bası, s. 873; \textit{Resmi Cерide} (5 Mayıs 1926), Kanun No. 824.
Although by the 19th and early 20th centuries these ideologies were certainly remnants of their former selves, the persistence of their discourses in the legal rhetoric was evidence that the binary opposition between Ottoman-Sunnism and Iranian-Shi’ism, established so long ago, was the underlying motivation for the continuation of the prohibition of marriages. It was not until a new secular ideology of Turkism had been declared that the binary opposition based on heresy and universalism could finally be dispelled from the official discourse and the prohibition of marriages between Ottomans and Iranians could be abolished.
Bibliography

Primary Archival Sources

Başbakanlık Osmanlı Arşivi (BBA)

Dahiliye Nezâreti Hukuk Kalesi (DH.H)
Dahiliye Nezâreti Hukuk Müşavirliği (DH.HMŞ)
Dahiliye Nezâreti İdare (DH.İD)
Dahiliye Nezâreti İdare-i Umumiyeye (DH.İUM)
Dahiliye Nezâreti Muhâberât-i Umumiyeye İdaresi (DH.MUİ)
Dahiliye Nezâreti Sicill-i Nüfûs İdare-i Umumiyesi Tahrirât Kalemi (DH.SN.THR)
Dahiliye Nezâreti Siyasî (DH.SYS)
Ecnebi Deftleri
Bâb-ı Âli Hukuk Müşavirliği İstişare Odası (HR.HMŞ.İSO)
İrade Haricîyye
İrade-i Meclis-i Mahsus
Meclis-i Vükelâ (M.V.)
Yıldız Sadâret Hüsusî Mârûzat Evrâkı (Y.A.HUS)
Yıldız Mütenevvi Mârûzat Evrâkı (Y.MTV)
Yıldız Sadâret Resmi Mârûzat Evrâkı (Y.A. RES)

Dictionaries, Compilations, Encyclopedias and Journals


Bilmen, Ömer Nasuhî. Hukukü İslâmîyye ve İstilaihatî Fikhiyye, Kamusu. 8 vols. İstanbul: Bilmen Basım ve Yaynevi, n.d.


Düstur 1. tertip, 1. cilt.
Düstur 1. tertip, 4. cilt.
Düstur 1. tertip, 5. cilt.
Düstur 3. tertip, 7 ikinci bası.

Secondary sources in Turkish

'Abdurrahim. Fetva-yi 'Abdurrahim. İstanbul: İstanbul Imperial Press, 1827.

Ali Efendi. Fetava. İstanbul, a.h.1272.


Feyzullah Efendi. Fetava-i Feyziye. İstanbul, a.h.1266.

Kütükoğlu, Bekir. *Osmanlı-Iran Siyasî Münasebetleri (1578-1612).* İstanbul: İstanbul Fetih Cemiyeti, 1993.


Secondary sources in English and European Languages


Çetinsaya, Gökhan. "Ottoman Administration of Iraq, 1890-1908." Unpublished thesis submitted to the University of Manchester, Department of Middle Eastern Studies, April, 1994.


____. "The Invention of Tradition as Public Image in the Late Ottoman Empire, 1808-1908." *Comparative Studies in Society and History* 35 (January 1993): 3-29.


____, and Donald Quataert, ed. *An Economic and Social History of the Ottoman Empire, 1300-1914*. Cambridge: Cambridge University Press, 1994.


_____.


_____.


_____.


_____.


Naff, Thomas. "Ottoman Diplomatic Relations with Europe in the Eighteenth Century: Patterns and Trends." In *Studies in Eighteenth Century Islamic*


