



REASONS BEHIND NON-MUSLIMS' ALLEGIANCE TO THE OTTOMAN STATE

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ABSTRACT

From the year of establishment on, the Ottoman Empire carried out a policy of enlargement towards the west where non-Muslim inhabited. As it set out with the idea of "Gaza" (holy war), the Ottoman Empire first annexed the west of Anatolia and later the central regions of Europe and the Balkans. The Ottoman State did not interfere with the established rules, traditions and beliefs of people who were old residents in the new conquered lands. It gave large freedoms to people in conquered lands and preferred to make a harmony with them and classified the citizens under its rule according to their religion/sect. It is not sensible to claim that just military power led non-Muslims, who lived under the Ottoman rule for about five/six centuries, to live under the rule of another state for so long. Within the frame of the rights of Dhimmites and national system, religious, juridical, economic and social rights granted to non-Muslims help us understand the reason why non-Muslims were loyal to the Ottoman State for so long.

In this article, the causes of faith of non-Muslims to the Ottoman State have been assessed and this assessment has been made based on the sources of that period. These documents from Ottoman Archives, which have not been used yet, belong to Ottoman period from 16th to 19th century. These documents have been selected from *Şer'iye Sicilleri* (the Qadi's archives/Shari'a local court records) and *Ahkâm-Şikayet Defterleri* (Register of Verdicts-Complaint) called records of Divan-ı Hümâyûn (Council of State).

Key Words: Ottoman State, Dhimmi, Millet System, Non-Muslim.

GAYRİMÜSLİMLERİN OSMANLI DEVLETİ'NE BAĞLILIK NEDENLERİ

ÖZET

Ottoman Devleti, kuruluş yıldından itibaren gayrimüslimlerin meskun olduğu Batı'ya doğru genişleme siyaseti izlemiştir. Gaza düşüncesiyle hareket ettiğinden dolayı da öncelikle Anadolu'nun batısı, daha sonra Balkanlar ve Avrupa'nın içlerine kadar olan bölgeyi hakimiyeti altına almıştır. Osmanlı Devleti, yeni ele geçirdiği yerlerde bulunan o yörenin eski sakinlerinin yerleşik birçok kural, gelenek ve inançlarına karışmamıştır. Osmanlılar, fethettiği coğrafyalarda bulunan insanlara geniş hürriyetler tanımış, halkla kaynaşma yolunu tercih etmiş ve hakimiyeti altında bulunan bütün vatandaşlarını mensup oldukları din/mezhebe göre sınıflandırılmıştır. Yaklaşık olarak beş/altı

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asır Osmanlı Devleti'nin hakimiyeti altında yaşamış olan gayrimüslimlerin, bu kadar uzun bir süre başka bir devletin hakimiyeti altında kalmalarını sadece askeri bir güç ile izah etmek doğru olmayacaktır. Zimmi hukuku ve millet sistemi çerçevesinde gayrimüslimlere tanınan dini, hukuki, iktisadi ve sosyal alanlardaki haklar, gayrimüslimlerin Osmanlı Devleti'ne bu kadar uzun süre bağlılıklarını izah etmede bize yardımcı olacaktır.

Bu makalede gayrimüslimlerin Osmanlı Devleti'ne bağlılık nedenleri değerlendirilmiştir. Bu değerlendirmeye o dönemin kaynakları esas alınarak yapılmıştır. Bu kaynaklar, Osmanlı dönemine ait olan ve 16-19. yüzyıllar arasında tutulan Osmanlı arşivlerinden alınan değişik belgeler kullanılmıştır. Bunlar, o dönemin hayatını yansıtan *Ser'iyye Sicilleri* adı verilen ve yerel mahkemelerde tutulan kayıtlar ile *Ahkâm-Şikâyet Defterleri* adı verilen ve merkez karar organı olan *Divan-ı Hümâyûn*'da tutulan kayıtlar arasından seçilmiştir.

Anahtar Kelimeler: Osmanlı Devleti, Zimmi, Millet Sistemi, Gayrimüslim.

Introduction

In a time that a dominant element regarded the foreigners as enemies and do not give them even their basic rights, the idea system which has been represented by the Ottomans has given a lot of rights¹ in different areas to its own citizens of different religious background. The founder and dominate element was Muslims in the Ottoman State.² Speaking of justice and (equality) there was a just application on the name of rights and duties despite the fact that Muslims were majority element in the Ottomans, ruled by Islam Law.

Ottoman Statesmen had tried to behave fairly to their citizens and in a case of grievance they tried to correct it. This condition has been a barrier to a lot of negativities in the late years of the state.

The tolerance of the Ottoman State toward its citizens of different cultures, beliefs, sects etc. has been evaluated under its own systems like that of Zimmet (Dhimme) Treaty, Millet System, freedom of economy, education, law systems, fair in justice, human rights and tolerance to its people.

Zimmet (Dhimme) Treaty

Islamic law, which has been performed by the Ottomans, has characterized persons by their citizenship. Besides, religions of persons were also an important factor in their classification. This classification is important because of the procedure which was performed by the state to citizens.³ According to Islamic law, people who are not Muslim but just believe in God live under

¹ Bernard Lewis, **İslam Dünyasında Yahudiler** (Translation by Bahadır Sina Şener), İmge Publication, İstanbul 1996, p 18.

² ‘The Ottomans considered all Muslim groups as one community, and therefore placed all of them in one category under the heading of either Muslim’, Musa Şaşmaz, “Analysis of the Population Table of the Census of Salonica of 1903-4”, **Ankara Üniversitesi Osmanlı Tarihi Araştırma ve Uygulama Merkezi Dergisi (OTAM)**, Issue 5, Ankara 1994, p 350.

³ Hayreddin Karaman, **Mukayeseli İslam Hukuku**, Vol. III, Nesil Publication, İstanbul 1991, p 248; Fatma Acun, “A Portrait of Ottoman City”, **The Muslim World**, Vol. 92, Issue 3/4, Fall 2002, p 270.

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the domination of Muslims were named as “zimmi-dhimmi”.⁴ In fact, these people are believer of the religion of Prophet Ibrahim.⁵

Ottomans have always named “people of the book”⁶ who live within their own borders as dhimmi.⁷ Non-Muslims sometimes have been referred to as ‘People of the Book’, ‘Ra’aya’, ‘Taife’, ‘Jemâ’at’, ‘Gebrân’ or ‘Dhimmi’ too.⁸ Although getting dhimmi status belonged to people of books, in later periods, this status has been given to other people too.

Dhimmis who accepted the sovereignty of Muslims and made debit agreement had continued to live in the Islam community.⁹ If a dhimmi had gone out of borders and fought against Muslims, had not accepted the laws and courts of the state, denied giving tax, taken a Muslim out of his religion, helped to Muslims' enemies, killed a Muslim intentionally, insulted to Islam and its sacred values,¹⁰ then the debit agreement would have been broken off.

The main principle is to have tolerance towards non-Muslims. As dhimmi law applied to people of the Book (Arabic: ehl el-Kitâb) needs, dhimmi rules of an area before conquest continue to be valid after conquest.

Millet System

The Ottomans did not invent the pattern in which religion and nationality are inseparably intertwined, but it has been drawn upon the pattern of the region and intensified it.¹¹ The Ottoman State has made religious motifs at foreground on treatment to its citizens depending on the general feelings and idea of the Middle Ages. Therefore, the Ottomans have accepted each community of people with different religions and sects as “millet”.¹² The system applied for this purpose has been

⁴ Claude Cahen, “Zimme”, *İslam Ansiklopedisi*, Vol. XIII, İstanbul 1986, p 566; Gülnihal Bozkurt, “İslam Hukukunda Zimmilerin Hukuki Statüleri”, *Dokuz Eylül Üniversitesi Hukuk Fakültesi Dergisi*, Vol. 3, Issue 1-4, İzmir 1987, p117.

⁵ İlber Ortaylı, *İmparatorluğun En Uzun Yüzyılı*, İstanbul 2006, p 21.

⁶ The term of People of the Book is used to indicate non-Muslim adherents to faiths who have a book of prayer. The three faiths that are mentioned in the Qur'an as people of the Book are Judaism, Sabianism and Christianity. However, many Muslim rulers and scholars have included other religions such as Hinduism and Zoroastrianism as well.

⁷ Diyarbakır Şer'iye Sicili (The Qadi's archives/Shari'a court records of Diyarbakir, hereafter referred to D.S.S.) No. 590, September 1817, p 4; “Non-Moslems, under sufferance, may continue to exist if they are not idolaters but communities of the peoples of the Book, that is to say, Christians and Jews. They may be allowed to profess their faith and to organize their family affairs according to their own customs; but the theory has it that they stay on their lands only on lease, paying tribute for themselves and for their lands to the Moslem state. Their status is called the status of Dhimmis”, Werner J. Cahnman, “Religion and Nationality”, *The American Journal of Sociology*, Vol. 49, No. 6, May, 1944, p 525.

⁸ Kamel S. Abu Jaber, “The Millet System in the Nineteenth-Century Ottoman Empire”, *The Muslim World*, July 1967, Vol. 57, Issue 3, p 213; Maurus Reinkowski, *Ottoman ‘Multiculturalism’?: The Example of the Confessional System in Lebanon*, Beirut 1999, p 3.

⁹ See for wide knowledge about condition of non-Muslims under the control of Islam, Arthur Stanley Tritton, *The Caliphs And Their Non-Muslim Subjects: A Critical Study of the Covenant of 'Umar*, Oxford University Press, 1930; Bozkurt, ibid, p 120.

¹⁰ Hüseyin G. Yurdaydin, “İslam Devletlerinde Müslüman Olmayanların Durumu”, *Ankara Üniversitesi İlahiyat Fakültesi Dergisi*, Vol. XXVII, Ankara 1985, p 100.

¹¹ Cahnman, ibid, p 526.

¹² Roderic H. Davison, *Nineteenth Century Ottoman Diplomacy and Reforms*, Isis Press, 1999, p 410; “The distinction of being member of any race was not accepted as a distinctive feature to determine a nation. Armenians who spoke the same language were recognized as Armenian, Armenian Catholic and later Armenian Protestant nations according to their belonging to churches which they were a member of. Assyrians were recognized as two separate groups according to their sects as “Syrian Catholic and Syrian Jacobites”. However, Bulgarians and Greeks were considered as same groups”, Mardin Şer'iye Sicili (the Qadi's archives/Shari'a court records of Mardin, hereafter referred to M.S.S.) No. 242, p 28 (February, 1844); Ortaylı, ibid, p 173.

named as “*millet system*”¹³ by people of later times. The so-called millet system provided a special status to non-Muslims and each community was transformed into an organized structure in itself.

Istanbul, as a large commercial center, was well known not only by the west communities like Genoese, Venetians and Catalans, but also by the east communities like Armenians, Arabs, Turks, Georgians and Jews. For this reason, people of different religions and ethnicities were living there.¹⁴ After the conquest of Istanbul, Sultan Mehmet II made systematic organizations of non-Muslims there. He gave an autonomous status to Jews and to Christian communities, to Armenians and to the Greeks, both of which made the state defined as religious.¹⁵ This situation has led to the emergence of the millet system-generally speaking.

In the Ottoman State, the division of society into groups according to religious lines has resulted for each individual or community to bind to a nation.¹⁶ The essence of the millet system is understood with the actions of Mehmed II who freed some churches and gave freedom to all religious members for their worships and traditions.¹⁷ After the conquest of Istanbul, Mehmed II confirmed the Gennadios Scholarias that were approved by the Orthodox people and religious representatives for the Greek patriarchate.¹⁸ In addition, he eliminated the independence of the Bulgarian and Serbian churches and attached them to the patriarch. Serb, Romanian, Bulgarian, Albanian and Orthodox Arabs have been added to the created Orthodox nation.¹⁹ Armenian Patriarchate was founded in 1461,²⁰ and the Ottoman era became brighter for Istanbul Armenians by comparison Byzantine period. Thus, unity was provided between Orthodox Christians and Armenian Patriarchate and also this unity was established here as a new application.

One of the other three religious groups Jews were recognized as millet also during the reign of Mehmed the Conqueror.²¹ A religious leadership institution had been created to the Jews headed by Chief Rabbi (Hahambashi). But it can be inferred that the Chief Rabbi (Hahambashi) had no wide domain because of paucity of Jew population. The Jew population increased when the Ottoman State saved Jews from the massacres of Spain and brought them to their territory.²²

¹³ “It is commonly supposed that the *millet system* was the framework within which the Ottoman state ruled its non-Muslim subjects. This view is based on the assumption that the Ottoman government usually dealt with zimmi-dhimmis of all denominations as members of a community, not as individuals”, Benjamin Braude, “Foundation Myths of the Millet System,” in **Christians and Jews in the Ottoman Empire: The Functioning of a Plural Society**, Vol. 1, eds. Benjamin Braude and Bernard Lewis (Publisher: Homes & Meier), New York 1982, p 69; Cahnman, *ibid*, p 525.

¹⁴ Robert Mantran, “Foreign Merchants and the Minorities in Istanbul during the Sixteenth and Seventeenth Centuries”, **Christian and Jews in the Ottoman Empire: The Functioning of a Plural Society**, eds. Benjamin Braude and Bernard Lewis (Publisher: Homes & Meier, New York 1982), Vol. I, New York 1982, p 127.

¹⁵ Hagop Barsoumian, “The Dual Role of the Armenian Amira Class Within the Ottoman Government and the Armenian Millet (1750-1850)”, **Christians and Jews in the Ottoman Empire: The Functioning of a Plural Society**, Vol. 1, eds. Benjamin Braude and Bernard Lewis (Publisher: Homes & Meier), New York 1982, p 171.

¹⁶ Yonca Anzerlioğlu, “The Revolts of Nestorian Christians Against the Ottoman Empire and the Republic of Turkey”, **The Muslim World**, Vol. 100, Issue 1, January 2010, p 46.

¹⁷ Ahmet Akgündüz, **Bilinmeyen Osmanlı**, OSAM Publication, İstanbul 2000, p 359.

¹⁸ Bruce Masters, **Christians and Jews in the Ottoman Arab World: The Roots of Sectarianism**, Cambridge University Press, 2001, p 99-100; Hikmet Özdemir, “Azınlıklar İçin Bir Osmanlı-Türk Klasiği: 1453 İstanbul Sözleşmesi”, (ed. Güler Eren), **Osmanlı: Toplum**, Vol. 4, Yeni Türkiye Publication, Ankara 1999, p 224.

¹⁹ Richard Clogg, “The Greek Millet in the Ottoman Empire”, **Christian and Jews in the Ottoman Empire: The Functioning of a Plural Society**, eds. Benjamin Braude and Bernard Lewis (Publisher: Homes & Meier, New York 1982), Vol. I, New York 1982, p 185.

²⁰ Kevork B. Bardakjian “The Rise of the Armenian Patriarchate of Constantinople”, **Christians and Jews in the Ottoman Empire: The Functioning of a Plural Society**, Vol. 1, eds. Benjamin Braude and Bernard Lewis (Publisher: Homes & Meier), New York 1982, p 89.

²¹ Şaşmaz, *ibid*, p 352.

²² Mark A. Epstein, “The Leadership of the Ottoman Jews in the Fifteenth and Sixteenth Centuries” **Christians and Jews in the Ottoman Empire: The Functioning of a Plural Society**, Vol. 1, eds. Benjamin Braude and Bernard Lewis (Publisher: Homes & Meier, New York 1982), pp 101-102; Joseph R. Hacker, “Ottoman Policy Toward The Jews and

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Ottoman rulers had not left its non-Muslim citizens scattered living on its domain lands and did not accept each of them as collocutor. Instead, they chose to control them by appointing a person as their leadership from their religion and sects. Non-Muslims usually established relations with ruling class by their leaders, and nation leaders were responsible for nations' behaviors, tax and other obligations against the sultans and their officers. Therefore, opposition or disrespecting to religious leader was considered to be made against the state.²³

The Causes of Faith of Non-Muslims to the Ottoman State

As a frontier principality of Selcukids, established to West of Anatolia by Selcukids, Ottoman Principality developed rapidly in a short period of time unlike other principalities founded in Anatolia. This development was mostly towards the west where non-Muslims settled. When analyzing the factors of developing and ruling Ottomans there for centuries, it is clear that the treatment of Ottomans to the non-Muslims who live within its frontiers is highly effective.²⁴

Fairly Treatment

Ottomans have always given freedoms in broad manners to people in conquered places that had different troubles until that day, choice to mix with people by giving an end to the unfair treatments made against them.²⁵ Despite some negative developments that occurred over time, Ottoman Statesmen, without distinction of religion of their citizens, have tried to embarrass all individuals against injustices.

The protection of non-Muslims against both inside and outside dangers has been considered to be a task of the state based on the Dhimme agreement. Therefore, the Ottomans have protected their non-Muslim citizens same as the Muslim citizens from the beginning of the state. In the case of any injustice, their matters have been investigated, and people who have persecuted them, if found guilty, would be punished regardless of their authorities,²⁶ or belonging to whatever religion and ethnicity.²⁷ It is known that the Ottoman rulers had positive approach towards non-

Jewish Attitudes Toward The Ottomans During the Fifteenth Century" **Christians and Jews in the Ottoman Empire: The Functioning of a Plural Society**, Vol. I, eds. Benjamin Braude and Bernard Lewis (Publisher: Homes & Meier), New York 1982, pp 117-118.

²³ Stanford Shaw, History of the Ottoman Empire and Modern Turkey, Vol. I, Cambridge University Press, New York 1997, pp 151-153.

²⁴ "Osman Bey, who is considered as the founder of the Ottoman State, was staying in İznik during a fair that was held there. An argument broke out between the soldiers of coterminous Isfendiyar and local non-Muslim people who came to the bazaar to do shopping. The soldiers had beaten the people who were at the bazaar and taken their belongings forcibly from them in order to sell. While the soldiers were leaving, the oppressed non-Muslim people complained the situation to the Osman Bey and wanted justice from him. Osman Bey evaluated these complaints and brought the soldiers in front of court to execute them. After the trial, the soldiers were found guilty, the belongings of non-Muslims were taken from them and they were punished. The protection of Osman Bey for non-Muslims against Muslims affected those non-Muslim people who were distressed by the oppression of Byzantium. Wherever these persons went, they talked about this situation and the event became widespread. In a short period of time, the event spread among the people around Bursa.", Abdüllatif Suphi Paşa, **Umur-ı Devlet Hakkında Sultan Abdülaziz'e Takdim Edilen Layiha**, İstanbul, 1281 (1864-1865), İstanbul Üniversitesi Kütüphanesi No: 839, p 2-3.

²⁵ İsmail Hakkı Uzunçarşılı, **Osmanlı Tarihi**, Vol. I, Türk Tarih Kurumu Publication, Ankara 1983, p 182.

²⁶ "A non-Muslim named David claimed that his belongings had been taken by Diyarbekir chamberlain forcibly and for that reason, he wanted his belongings back. In order to investigate the event and prevent any injustice, a decree by Sultan was sent to the governor of Amid.", Başbakanlık Osmanlı Arşivi [Ottoman Archive of Prime Ministry]; (Ottoman Archive of Prime Ministry, hereafter referred to as BOA), Bab-ı Asafi Divan-ı Hümâyûn Sicilleri Diyarbakır Ahkâm Defterler, Defter (the Bab-ı Asafi Registers of Imperial Council, Judgements of Diyarbakır Registers, Register, hereafter referred to DVNS.AHK.DB.d.) 8, p 67-68 (Nisan 1810).

²⁷ "A decree by Sultan was sent to the Mîshîr of Diyarbakır province and to the governor of Çermik so as to investigate an event and prevent injustice following claims that a Muslim named Ali in Çüngüş, a county of Diyarbakır, had unfairly taken money from non-Muslims.", BOA, DVNS.AHK.DB.d. 8, p 67-68 (February, 1843).

Muslims within the framework of neighborhood relations.²⁸ Non-Muslims expressed their satisfaction for rulers who had no discriminatory treatment.²⁹

As a result of fair treatment of Ottomans to the non-Muslims from the time of establishment, non-Muslims have felt themselves secure. As a result of this peaceful feeling, non-Muslims have not looked for an alternative power to the Ottomans.

Freedom of Religious Beliefs

The Ottoman State was ruled by Islamic law. Therefore, there is a need to look at the Qur'an -the Holy Book of Muslim- which is the main stream of Islamic law, and the Ottomans approaches were based on it. Qur'an introduces itself as the confirmor of former holy books and introduces Prophet Mohammed (Arabic: Muhammed) as a follower of former prophets. Islam has aimed to bring forward common-points of believers of other religions, stating that all people are coming from the same mother and father. It has moved from a minimum point of joint. While introducing its doctrines, indirectly critical to the believers of other beliefs on some issues, Qur'an has not developed a hostile manner, has not chosen insulting and provocative treatment.³⁰

The Ottoman State has not even touched on many rules of newly conquered place's inhabitants and has never forced them to change their beliefs or religions. The Ottoman Empire was tolerant of other religions, in accordance with Islamic law and tradition, and its Christian and Jews subjects lived, on the whole, in peace and security.³¹ Taking the "tolerance" as a principle, Ottoman has shown an utmost care so that each nation could continue to live with their religions, traditions and laws.

The Ottoman State has released the Greeks, Armenians and Jews to establish their own religious, administrative, judicial and educational institutions like schools, courts, orphanages, hospitals etc. and let them regulate those institutions within the framework of their religious, languages and traditions.³² However, they were asked to give taxes, comply with the law and the general order.

Each leader chosen by congregation, given charter by the state and appointed by the sultan was on the top of each congregation accepted as a nation. The religious leader's authority was said in these charters which not changed for centuries.³³ The leaders of congregations were appointed for lifetime and were not discharged unless committing a serious crime.³⁴

²⁸ "The founder of the Ottoman State gave his commodities to non-Muslims of Birecik as custody when he went to plateaus with his tribe. When he returned back, he gave them gifts such as oil, cheese and rugs. There was a consistent friendship between Osman Bey and his father Ertugrul Bey with their non-Muslim neighbours and they had confidence in one another. Osman Bey would go to the weddings of non-Muslims and gave them gifts regardless of their being non-Muslim", Bilal Eryilmaz, **Osmanlı Devleti'nde Gayrimüslim Tebaanın Yönetimi**, İstanbul 1990, p 24.

²⁹ It is seen that there were a lot of non-Muslims who sent letters to the governments of the Ottomans about their officers stating that they were pleased with them and expected them to continue their service., M.S.S. No. 259, Document 461 (March 3, 1599).

³⁰ Qur'an, el-En'âm 6: 92; el-A'râf, 7: 189; Âl-i İmrân, 3: 64.

³¹ Moshe Ma'oz, **The Meeting of Civilizations:** Muslim, Christian and Jewish, 2008, p 7.

³² Stanford Shaw, "Osmanlı İmparatorluğu'nda Azınlıklar Sorunu", **Tanzimat'tan Cumhuriyet'e Türkiye Ansiklopedisi**, Vol. 4, İletişim Publication, İstanbul 1985, p 1003; Cevdet Küçük, "Osmanlılarda Millet Sistemi ve Tanzimat", **Tanzimat'tan Cumhuriyet'e Türkiye Ansiklopedisi**, Vol. 4, İletişim Publication, İstanbul 1985, p 1007-24.

³³ "Every individual of the Catholic community in Diyarbekir province had to obey the Bishop of that area in every single thing regarding religious ceremonies. He was also the only authorized person of Catholic clergy of that area and he was the only authorized person on the marriage and divorce among dhimmis. Moreover, no one could interfere in whatever the Bishop did within his scope of authority regarding his religious ceremonies or any other things." BOA, DVNS.AHK.DB.d. 6, p 86 (May-Jun 1831).

³⁴ Bozkurt, **Alman-İngiliz Belgelerinin ve Siyasi Gelişmelerin Işığında Gayrimüslim Osmanlı Vatandaşlarının Hukuki Durumu**, Türk Tarih Kurumu Publication, Ankara 1989, p 29.

The state does not intervene into internal affairs of non-Muslims and those kinds of issues were left to the religious leaders.³⁵ According to these regulations, issues like religious ceremonies and other religious jobs, selecting the lower level of clergy, income and expenses of temples, education of children, baptism and funeral ceremonies, marriage, divorce, inheritance of members of the community were under the authority of supreme leaders. Although the authority of punishment was the state, religious leaders and community councils had also the right to trial and punish people of community and clergy.

Religious leaders were responsible for all works of their communities against the state; they were mediator and representative between the state and their community.³⁶ The state addressed the religious leader for the issues related to non-Muslim citizens. As the same the citizens were transmitting their problems by their leaders.³⁷

The Ottomans have reminded that both administrators and people of the congregation had to respect to these religious leaders and made statesmen to be careful about this issue. Although both Orthodox and Armenian patriarch and Jewish chief rabbi recognized and supported by the state they were not far away from the control of the state. They had to have the approval of the sultan when they appointed the lower level officials.

Every community has been organized in the smaller parts like districts and villages in a certain hierarchy.³⁸ In the districts where non-Muslims live, priests and religious persons have been counted as representative of the Qadi, administrative and civil related jobs. In addition, religious leaders have kept the records of the population, such as birth and death records.³⁹

The Ottoman State left dhimmis free to protect and state their own beliefs, and never gave permission to any oppression to force them to become Muslim.⁴⁰ The Ottomans have observed the basic principles of freedom of religion and conscience in general. The borders of freedom of religion and conscience had been clearly drawn by Mehmed II in treaty (ahidname) given to dhimmis after the conquest of Istanbul.⁴¹ The worships approved by the state had immunity, and their organizational and managerial issues were given to congregations.

No Restrictions on Social Rights

Provided that registry to the authorized agencies of state, non-Muslims could establish foundations and leave them to the next generations. No one could interfere with these foundations. The manner of saving foundation was going on according to the conditions of person who donated and founded the foundation, and these conditions were under the protection of law. No one could intervene with the issues of these foundations or claim right on these foundations.⁴²

Orphans or unaccompanied children and inherits were not unprotected in the Ottoman society. Guardianship system had an important role to protect the rights of orphans and

³⁵ Ali İhsan Karataş, "Osmanlı Devleti'nde Gayrimüslimlere Tanınan Din ve Vicdan Hürriyeti", *Uludağ Üniversitesi İlahiyat Fakültesi Dergisi*, Vol. 15, Issue I, 2006, p 271.

³⁶ "Religious leader maintained that his community was treated unfairly and asked for justice.", BOA, DVNS.AHK.DB.d. 5, p 336 (March, 1810); BOA, DVNS.AHK.DB.d. 8, p 146-147 (Jun, 1848); BOA, DVNS.AHK.DB.d. 8, p 67 (October, 1843).

³⁷ BOA, DVNS.AHK.DB.d. 7, ps 41-42 (July, 1836).

³⁸ "A decree was sent by the Ottoman Sultan Abdülmecid I to the governor of Amid demanding that a clergyman be appointed to the Qibil village of Amid and he conduct religious rituals and ceremonies without being interfered in his affairs.", BOA, DVNS.AHK.DB.d. 8, p 77 (April, 1844).

³⁹ Bozkurt, ibid, p 31.

⁴⁰ M. Akif Aydin, *Türk Hukuk Tarihi*, İstanbul 1999, p 148.

⁴¹ Özdemir, ibid, p 227.

⁴² Ebussuud, *Fetâva*, Süleymaniye Library, İsmihân Sultan, No: 223, p 101 a.

embarrassed a lot of distress. This system was applied both for Muslims and non-Muslims. The Ottoman State has protected the orphans of non-Muslims until they come to the age they could use their estates and has not left them unprotected. In accordance with that aim, custodians had been appointed.⁴³

Custodian is the person who has the right to save properties in case the owner of properties had no competence of saving properties. Appointment of custodian was not made haphazardly. First of all, before death, one could make a choice for custodian of anyone for his children. If there is no choice of father before death, then the right of appointing custodian was passing to Qadi, and custodian was responsible for his duty against Qadi. Being relative of the orphan was the cause of selection. For this reason, the priority was given to the first degree relatives of child like mother, older brothers, uncle, aunt etc.⁴⁴

The goods of small children were given to custodian as deposit. For this reason, person who was appointed as custodian had to be careful when saving the goods of orphans. In the case of damaging goods of orphans by custodian, damages were compensated from custodian by the courts. Custodians had to protect and save goods of orphans for them until orphans became adults. When the orphans came to adult age, then they had the right to save their own goods. When the orphans reached the adult age, and could get the awareness of good and bad, then the custodian had to give them their properties completely which was under his protection and saving. On delivery time, it was preferable to be in the presence of the witnesses in order to be indubitable.⁴⁵

When non-Muslims died, their properties were left to their heirs. There was not any obstacle to leave them all their properties like their homes, shops, fields, vineyards and gardens etc. Proceedings on the question of inheritance were issues that non-Muslims could have solutions for themselves and they were free on that issue. Although it was so in theory, there were differences in practice due to various reasons. It is seen that there are a lot of matters coming to sharia courts related to inheritance of non-Muslims. In order to prevent from later problems, like disagreement on inheritance, it is seen that using sharia courts as a notary has also been transmission to sharia courts.⁴⁶

No Interventions to Law System

The Islamic Law applied by the Ottomans has adopted freedom of religion as a principle. Accordingly, it has allowed to make arrangements appropriate to beliefs of individuals in the cases related to religion.⁴⁷ For this reason, the Ottoman State had a pluralist law composition as

⁴³ "A dhimmi named Ebelhad was appointed as executor in order to protect the rights of little orphans of Sefer, son of Murad; Abdulkirim, Murad and Bakincan.", M.S.S. No. 252, p 55 (October 21, 1746).

⁴⁴ "Properties of Dahod, son of Sado, was given to his uncle Ilo, son of Yosef and his aunt Ili, daughter of Toma as charge." M.S.S. No. 242, p 123 (February 18, 1844).

⁴⁵ "Abdulfal, son of Ilya was appointed by the court as an executor to orphans called Hamis and Mine upon their dhimmi father Abdunnur's death, son of Abdi, in Deyr-i Ilya in a village of Mardin province. Abdulfal collected the money the orphans' father from various people and places and he used the money to make an investigation so that it would not lose its value and it would provide alimony for the orphans. He gave, in the presence of witnesses, four gold coins that he earned in return of this service to the wife of decedent Abdunnur, Ehliye, daughter of Halef, to be used as alimony of her orphans", M.S.S. No. 259, Document 1108 (December, 1599); "A non-Muslim woman named Mine, daughter of Abdunnur, from Deyr-i Ilya village of Mardin province, stated that a non-Muslim named Abdulfal, son of Ilya was appointed as her executor by the court and she testified before the court that since she reached puberty, her share from her father's legacy was delivered to her.", M.S.S. No. 259, Document 1006 (December, 1599).

⁴⁶ "It was recorded by the court that the legacy of decedent Ilo, son of Ilhad, would be descent to his two little daughters and to his wife Marta, daughter of Hanna, and to his brothers Tanil and İsha, sons of Ilhad.", M.S.S. No. 252, p 189 (March 19, 1748).

⁴⁷ Hayreddin Karaman, ibid, p 179.

conclusion of application that includes formal state law and minorities' law together.⁴⁸ The application of non-Muslims' their own law to cases out of criminal cases is a good example of pluralistic law.⁴⁹ Beside sharia law, other celestial religion laws have also been implemented⁵⁰, and this is a natural result of freedom of religions adopted by Islamic Law.

The Ottomans granted the communities a certain amount of autonomy by allowing them to retain their own laws in their internal affairs, under the general jurisdiction of their recognized ecclesiastical authorities, invested with powers over their adherents and responsible to the ruling power.⁵¹

Ottoman law is not only consisted of Islamic Law rules. Besides, the amount of mind rules not contrary to the essence of religion is very high. The application of these rules to all people of country may mean as an insistence of Islam to non-Muslims. This condition is contrary to the freedom of belief principle of Islam.⁵² For this cause, in a state ruled by Islamic law, non-Muslims were bound to their religious leaders, that is, they were bound to their nations` rules in the cases between individuals, religious matters and their own private laws.⁵³ They were free to have solutions to their problems like inheritance, guardianship, power of attorney, child custody, marriage, divorce, alimony and establish foundations into their own courts and according their own beliefs. Provisions given by religious leaders or community courts were executed and enforced by the state. State law enforcement was helpful to community leaders in this issue.

Spiritual leaders of non-Muslim communities had no rights to deal with criminal crimes because these crimes considered to have been committed against entire society. For this reason, extortion, theft, killing and other criminal crimes had to be handled in sharia courts and punishment was according to Islamic Law.⁵⁴ There was disagreement between Islamic lawyers when non-Muslims took a matter which had to be handled in their own courts to sharia court as to what would happen. Most of the Muslim Lawyers thought that when non-Muslims took their matters to sharia courts, then they had to be handled according to sharia law. When a Muslim was a side of a case, valid law was Islamic Law.

On the cases of non-Muslims belonging to different religions or sects, if leaders had no solution between themselves with referee, then sharia court was considered superior court.⁵⁵ The Ottoman State had basically accepted the individuality of laws as principle. However, the sharia law rules have been applied as superior law system in cases related to society.

Non-Muslims were considered the main element of Ottoman State within the borders of dhimme contract. Therefore, if dhimmis were exposed to any injustice, Ottomans` administrative

⁴⁸ Will Seymour Monroe, *Turkey and The Turks: The Lands, The Peoples, and The Institutions of The Ottoman Empire*, London 1907, p 139; Mehmet Salih Kumaş, *Çok Hukuklu Sistem ve İslâm Hukukundaki Yeri*, Uludağ Üniversitesi Sosyal Bilimler Enstitüsü, Unpublished Ph.D. Dissertation, Bursa 2007, p 125.

⁴⁹ Masaji Chiba, "Other Phases of Legal Pluralism in the Contemporary World", *Ratio Juris*, Vol. 11, No. 3, September 1998, pp 232-3.

⁵⁰ Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights*, New York 1995, p 156.

⁵¹ Aryeh Shmuelovitz, *The Jews of the Ottoman Empire in the Late Fifteenth and the Sixteenth Centuries: Administrative, Economic, Legal and Social Relations as Reflected in the Response* (Leiden: E. J. Brill), Netherlands 1984, p 16.

⁵² Fahrettin Atar, *İslam Adliye Teşkilatı*, Diyanet İsleri Başkanlığı Publication., Ankara 1979, p 148.

⁵³ Yavuz Ercan, *Osmanlı Yönetiminde Gayrimüslimler*: Kuruluştan Tanzimat'a Kadar Sosyal, Ekonomik ve Hukuki Durumları, Turhan Bookshop Publication, Ankara 2001, p 203-6.

⁵⁴ "Bayram, son of Isa, from Tarin village caused the death of a dhimmi named Dilenci from Şamrah village of Mardin province and the case was heard at the ecclesiastical court. (November 18, 1598)", M.S.S. No. 259, Document 1231.

⁵⁵ Bozkurt, ibid, p 23-4.

and judicial authorities were handling problems and investigating the matters by taking complaints into account in order to protect them.⁵⁶

Although some acts have been recognized as crime according to sharia law like drinking,⁵⁷ pig feed or selling alcohol in pubs of non-Muslims districts, since not prohibited by their religions, these actions were free for them under some certain conditions.

The law system applied by the Ottoman State accepted the equality of Muslims and non-Muslims before law as a principle. Ottomans have given the right to non-Muslims to apply their own religion or sects' rules in cases occurring between them, and this also has made non-Muslims more faithful to the Ottoman State.

Justice in Tax Collection

Dhimmis were exempt from military duty in conquered regions, they were taxed according to Islamic Law and the state had to protect them. In response, the state had taken a tax named "jizya" from non-Muslims⁵⁸ which was not a heavy burden for them. Jizya had a variation of increase or decrease according to their incomes. When compared to their previously paid taxes to governments they were attached to, this was very acceptable one.

Jizya amount was changing according to years, regions and incomes. The state had divided non-Muslims into three classes as upper, middle and lower level according to their incomes.⁵⁹ The state could collect tax easier from non-Muslims who were divided into three parts⁶⁰ according to their incomes. Although the tax collection time was clear in the Ottoman State, the time of tax collection was determined according to income levels. Accordingly, it is seen that, in a decree published,⁶¹ people of high income levels should pay taxes in one month, median income levels in two months and the lower income levels in three months.

Upon looking at taxpayer population of non-Muslims, it is seen that the individuals of median level income were larger than high income levels and lower income levels.⁶² This condition is an indicator that there was no inequity between income levels of society.

Officials who had collected jizya said people not to behave unfairly to non-Muslims and careful about that issue, and when taking jizya, they should certainly give an jizya bill in order to

⁵⁶ "A dhimmi person from Mardin, David, son of Nahid, claimed that his shop was used without his permission and an investigation was conducted by the tax assessor of Mardin Ali Ağa. The shop was opened and goods inside has were checked and recorded.", M.S.S. No. 252, p 64 (January 26, 1747).

⁵⁷ It was free for non-Muslims to drink alcohol at their homes. But they were prohibited from drinking out or going out drunk. "A few dhimmis from Mardin were arrested by the court clerk of Mardin ,Osman Bey, were taken before the Qadi after they drunk at their homes and were caught as drunk in the street about midnight.", M.S.S. No. 259, Document 1230 (October 20, 1598).

⁵⁸ See for wide knowledge about jizya, Halil İnalçık "Cizye", **Diyonet Vakfi İslâm Ansiklopedisi**, Vol. VIII, İstanbul 1993, pp 45-48.

⁵⁹ "The Ottomans classified non-Muslims according to their incomes and accepted people whose income was less than two hundred dirhams as low-income group, people whose income was between two hundred to twelve thousand dirhams as middle-income group and people whose income was over twelve thousand dirhams as high-income group and taxed people based on these criteria.", Ebussuud, ibid, p 100; M.S.S. No. 252, p 124 (1746) and p 157-158 (November, 1747).

⁶⁰ "Non-Muslims with low-income would pay 12, the ones with middle-income 24 and the ones with high-income 48 dirhams as tax payment ", Ebussuud, ibid, p 100.

⁶¹ M.S.S. No. 242, p 109 (November 18, 1843).

⁶² "It is seen in a document under date of 18 November 1747 that the number of low-income group was 230, the number of high-income group was 520 and the number of middle-income group was 1560", M.S.S. No. 252, p 157-158 (November 18, 1747).

prevent further confusions later.⁶³ Women, children, elders, slaves, patients and religious officials were exempt from this tax.⁶⁴

Before conquest of the Ottomans, non-Muslims of Balkans were under the heavy tax burden of feudal system. Therefore, non-Muslims had a better life under Ottoman domination than previous governments on financial issues. Paying jizya instead of military duty was a pleasing condition for them. All these are reasons of faith of non-Muslims to the state.

Economic Freedom

There was not any restriction to non-Muslims live under Ottoman government to perform economic activities. They had different economic activities as men and women. In this issue, there are a lot of records in the Ottoman archive texts.

Not only in personal economic activities but also when establishing a company and having economic activities, there was not any barrier for non-Muslims. Non-Muslims could have an association with each other⁶⁵ or with a Muslim.⁶⁶ Besides having a partnership, non-Muslims and Muslims could make a union based on one's capital and other's labor.⁶⁷ In the same way, non-Muslims could buy or sell properties among themselves,⁶⁸ they could sell properties to Muslims⁶⁹ or buy from them;⁷⁰ they could also transfer some portion of their properties to another one.⁷¹

Instead of conducting himself a commercial treatment, they could have economic activity by appointing a deputy. These deputies could be Muslim or non-Muslim, which was not a problem. Even in some cases, a Muslim and a non-Muslim could be appointed together as deputy.⁷²

It appears that Muslims and non-Muslims have always helped each other in economic relations. A good example of this situation was bail. There are a lot of records in different sources in the Ottoman Archives that non-Muslims had bail system among themselves or with a Muslim person.⁷³ There was not any restriction about this issue in Islamic Law.

⁶³ M.S.S. No. 242, p 88-90 (December, 1842).

⁶⁴ Erol Özbilgen, *Bütün Yönüyle Osmanlı*, 2nd Press, İstanbul 2004, p 664.

⁶⁵ "A non-Muslim woman named Meryem, daughter of Ibrahim, had a partnership with his brother Eyub, of Ibrahim, for 80 pennies.", M.S.S. No. 252, p 121 (December 16, 1746).

⁶⁶ "A dhimmi named Son of Eristo from Mardin and a Muslim named Derbas, son of Ahmed, were shareholders of the ownership of a mill.", M.S.S. No. 252, p 125 (December 31, 1746).

⁶⁷ "what is more, a Muslim named Hacı Ahmed, son of Molla Mehmed, from Hasankeyf, paid 110 pennies to a dhimmi named Tomacan from Mardin, son of Marok, as a result of their partnership.", M.S.S. No. 259, Document 1164 (February 3, 1600).

⁶⁸ "A dhimmi named Seydi, daughter of Yosef, sold her property in Sevindik district of Mardin province to a dhimmi named Toma, son of Ebelhad.", M.S.S. No. 252, p 157 (April 14, 1747).

⁶⁹ "A dhimmi named Yakup, son of Abdulvahid, sold his house in Zerraka district of Mardin province to a Muslim named Molla Sheik Musa, son of Haci Abdurrahim", M.S.S. No. 252, p 126 (January 16, 1747).

⁷⁰ "Tanıl, son of Aslan, bought a house which was located in Bimaristan district of Mardin province from two Muslim partners Mahmut, son of Mehmet and Ismail, son of Ali Beşe.", M.S.S. No. 252, p 141 (March 9, 1747).

⁷¹ "It is seen that a dhimmi named Maksi Ilo from Mardin, son of Tedaris, transferred half of his share of his home which was located in Sevindik district of Mardin province to his uncle's Christian daughter Seydi, daughter of Yosef, who was also a resident of Mardin.", M.S.S. No. 252, p 151 (March 19, 1747).

⁷² "Osman, son of Dai, who was the guarantor of a dhimmi named Yudri, daughter of Nami, sold his property located in Başedna district.", M.S.S. No. 252, p 1 (December 1727); "Guarantors of dhimmis named Marta and Elmas, daughters of Yagob were a muslim named Seyyid Çelebi, son of Halil, and non-Muslims Hanna and Ilyas, son of Yagob, ...", M.S.S. No. 252, p 133 (February 20, 1747).

⁷³ There are a lot of documents from different sources about this issue; "A non-Muslim named Çelebioglu and a Muslim named Hacı Mehmet were guarantors of each other.", BOA, DVNS.AHK.DB.d. 8, p 104 (January, 1845); "A dhimmi named Sado, son of Aslo, , took 800 penny on debt from a Muslim named Derviş Bey who, son of Ateşbeyzade and a Muslim named Seyyid Mehmet Kemal Efendi, a resident of Mardin, was guarantor for this debt. Aslo paid 300 pennies of his 800 pennies debt but did not pay the rest of his debt, 500 pennies. 500 pennies were paid by Seyyid Mehmet, who

Non-Muslims could have any kind of debt relations among themselves. Although they had no obligation to take the disagreements of these issues to sharia courts, they had such a right.⁷⁴ According to Islamic Law, apart from banned crops, they could debt from Muslims or give them debt.⁷⁵ They could pay debts with cash or by exchanging their properties.⁷⁶

If the non-Muslim lender dies before charging debt, the debt charged by heirs.⁷⁷ In the same way, if the borrower died before paying, the debt in response to heritage was charged from heirs.⁷⁸ There was an obligation to taking those disagreements that may arise between non-Muslims and Muslims to sharia court. Non-Muslims were free to use and save properties like alcohol and pig meat; however they had restrictions for this matter when they had debt relations with Muslims.⁷⁹ They could not make an agreement with Muslims related to these matters. In fact, these restrictions were much more for Muslims than non-Muslims.

Pledging enabled commercial relations to become sounder. In this way, the payment to creditor had been guaranteed with a valuable substance like money or property. Because, the person that owed as a result of this relationship could sell the given money or property and have his credits.⁸⁰ It appears that pledging treatment was possible not only among non-Muslims themselves but also between non-Muslims and Muslims.⁸¹

Grant⁸² was also possible for non-Muslims⁸³ which can be defined as being possession of a property made voluntarily for treating, gaining good deeds or answering any purpose.

was the guarantor of the debt.”, M.S.S. No. 242, p 148 (February 12, 1844); “A dhimmi named Makdesi Şemir from Mardin, son of Makdesi Ataya, took 400 pennies on debt from a dhimmi named Simyon from Mardin, son of Abdulmesih, when he was at Halep. When they come back to Mardin, Makdesi Ataya paid some of his debt and said that he would also pay the rest of his debt., M.S.S. No. 259, Document 25 (July 23, 1598); As he did not pay his debt in time, Simyon appealed to the court and two sons of the debtor Simyon were guarantors for the rest of his debt to be paid in four years in installment.”, M.S.S. No. 259, Document 132 (September 26, 1598).

⁷⁴ Suraiya Faroqhi, **Osmanlı Kültürü ve Gündelik Yaşam**, İstanbul-1998, p 116; “A dhimmi named Hakem, son of Hidaye, stated that he lent money to Habib, son of Huzum and Huzum acknowledged it. The case was heard before ecclesiastical court court.”, M.S.S. No. 259, Document 13 (September 9, 1598).

⁷⁵ A Muslim named Emir Hac, son of Molla Mehmed testified before the court and state he got back 15 gold coins he had lent to a dhimmi named Isaaccan, son of Ibrahim. M.S.S. No. 259, Document 44.

⁷⁶ “A dhimmi named Makdesi Ataya from Mardin, sold ¾ of his land for 200 gold coins to Abdulmesih, son of Simyon in return for the debt he took from him and exchanged this money with the debt.”, M.S.S. No. 259, Document 25 (July 23, 1598).

⁷⁷ “A goldsmith dhimmi named Osef, claimed in his letter that he had lent 1.365 penny to a Muslim named Hafiz Abdullah, a citizen of Amid. However, Hafiz Abdullah died and he could not get his money back from him. So, he demanded his money from Hafiz Hasan, son of Hafiz Abdullah. As a reply this letter, a decree was sent to the deputy of Amid during the reign of Mahmud II .”, BOA, DVNS.AHK.DB.d. 6, p 18 (October, 1815).

⁷⁸ “Dhimmis named Oseb, Istefan and Nufuhi claimed that their father Migirdic, a goldsmith, had lent 5.150 pennies to a Muslim named Abdullah, but before getting back his money, their father had died and they wanted this money back. So, Ottoman Sultan Mahmut II sent a decree to the governor of Diyarbekir province and the deputy of Amid town to investigate the event and if it was as they claimed, a debt relief must be done.”, BOA, DVNS.AHK.DB.d. 6, p 6 (Jun, 1814).

⁷⁹ Bozkurt, ibid, p 16.

⁸⁰ “A dhimmi named Edi, son of Simon, took three gold coins on debt from non-Muslim Hizma, Marok’s daughter. In return for this debt, he gave some money and a pair of golden earrings to Hizma as pledge. But these golden earrings were lost and the value of earrings was deducted from the debt. It was recorded by the court that, both sides declared that they had an agreement on this issue and they had receivables and payables between each other.”, M.S.S. 295, Document 1110 (January 1, 1600).

⁸¹ “In Mardin, a dhimmi named Ilya, son of Hanna, took 200 pennies on debt from a Muslim named Zekeriya, son of Halil, to be paid 31 days, but even if it was time of payment, Hanna did not pay back her debt. Hanna gave three gold coins and some dirhams to a man named Yusuf Efendi as pledge for paying back her debt.”, M.S.S. No. 242, p 122 (February 16, 1844).

⁸² Abdulkadir Şener, **İslam Hukukunda Hibe** (Associate Professorship Dissertation), Ankara Üniversitesi İlahiyat Fakültesi Publication No. 162, Ankara 1984, p 22.

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There was not any obstacle to non-Muslims in basic relations among themselves or with Muslims for power of attorney, surety, setting up a company, transferring of shares, shopping, taking or giving the debt, pledging instead of debt and grant. Non-Muslims could have activities in all areas of economic life and they were so rich that they could give debt to the state in later times and they did not see the Ottoman State as other. This richness of non-Muslims was highly effective in gaining their independences in the late years of Ottoman.

Freedom for Education

The Ottoman State had only educated people it needed for institutions like palace, government, military, religion, law and science; therefore, it did not deal with other areas of education as much. It had left the administration and meeting of their necessities to the foundations or local people. The state left both Muslims and non-Muslims free to establish educational institutions and define their own educational curricula.

Non-Muslims living in the Ottoman lands could give education on their history, culture and religion beliefs to their children within their frameworks.⁸⁴ Non-Muslims` education institutions were self-contained and they educated in their own languages.⁸⁵ Non-Muslims` educational institutions had autonomous status and they continued their educational activities out of state control until recently.

The Ottoman State has always accepted education as a part of religious and sect privileges, giving permission to non-Muslims to build their own temples; hence, they built and administered their schools by their communities` organizations. Each community had its church, synagogue and similar temples within each school bound to them. Therefore, every church had a good service as a real education institution under the supervision and control of its spiritual leader.⁸⁶

Conclusion

Non-Muslims who accepted the dominance of Muslims continued to live under certain conditions in the Islamic society. In this way, their lives and goods were under the assurance of the Islamic state.

In the Ottoman State, people from different races and religions were living and they were classified according to their religions or sects. Each group was accepted as a nation, and a leader among them was appointed to them. This person represented the state to his community and his community to the state.

The Ottomans have not touched on the beliefs and traditions of people of different religions and sects. Dhimmi named Non-Muslim referred to as Dhimmi had wide freedom social life area. There was no difference between them and Muslims in inheritance, power of attorney, tutelage and bailing.

The Ottoman State had pluralistic legal structure, and beside sharia law, it has accepted laws of other celestial religions` believers named as people of book. Even though the state was ruled with Islamic Law, dhimmis were free for their private law like marriage, divorce, inheritance.

⁸³ "A non-Muslim named Frenkol, son of Ebelhad, donated his house in Zerraka district in Mardin to a non-Muslim named Sefer, son of Abdo.", M.S.S. No.242, p 129 (February 8, 1747).

⁸⁴ M. Akif Aydin, "Eski Hukukumuzda Gayrimüslimlerin Din ve Vicdan Hürriyeti", *İslam ve Osmanlı Hukuku Araştırmaları*, İstanbul 1996, p 233.

⁸⁵ Bozkurt, ibid, p 157.

⁸⁶ Eryılmaz, ibid, p 166.

Therefore, dhimmis could have solutions to these kinds of cases at their own courts and again according to their own beliefs.

Dhimmis were free from military duty and they had no restrictions to have associations, share transfer, taking-giving debt, grant etc. In response, they had to pay a tax named as jizya. The amounts of tax they should pay were adjusted according to their incomes.

Non-Muslim citizens of Ottoman had the right to educate their children within the framework of their history, culture and religious beliefs. They were establishing educational institutions for that aim, and they had their own curriculum.

Living under the Ottoman rule for nearly five centuries, non-Muslims continued their existence owing to dhimmi law and millet system which had given them wide rights. Because dhimmis had not felt themselves marginalized, they adopted the state for centuries. They had accepted to live under the Ottoman rule until the late of 18th century when they rebelled against the Ottoman State with encouragements of western states and effects of nationalism.

Non-Muslims have always been isolated by previous administrations, and they found the Ottoman system fairer. For this reason, even though it was not the same as theirs and did not belong to them, they had found this system offered them by the Ottomans more acceptable.

It is clear that there are two elements to make non-Muslims living within the Ottoman State's borders faith to the state. The first one is that the state was powerful and the other is due to the judicial system applied in different areas such as social, economic and religious. It may be thought that the system offered by the Ottomans was not only based on military power but also maybe on the social and economic system applied by the state. In this system, the state has regarded non-Muslims as a main part of the state. When taking them under its rule, they took their values also under its protection and assurance. Therefore, the state did not marginalize foreign elements, making them a main element of the state; thus, the duration of faith of foreign elements seems to have extended.

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