

CONFESSIONALIZATION OF SPACE IN SEVENTEENTH-CENTURY
ISTANBUL: THE MAKING OF A JEWISH HABITUS



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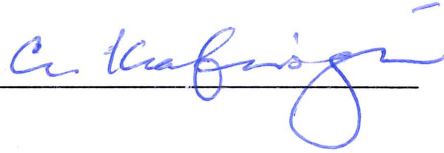
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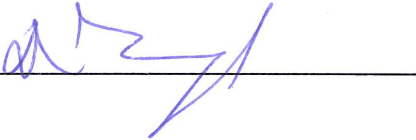
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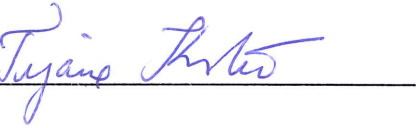
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August 2018

DECLARATION OF ORIGINALITY

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ABSTRACT

Confessionalization of Space in Seventeenth-century Istanbul:

The Making of a Jewish Habitus

This thesis examines the interconnections between spatial practices and confessional politics in early modern Istanbul through a focus on non-Muslim communities.

Addressing the correspondences amid the primary sources from the sixteenth and seventeenth centuries, this study aims to comprehend the changes and continuities manifested in the religio-political discourse of the Ottoman ruling establishment with references to spatiality. The central objective of this study is thus to explore the introduction of new socio-religious conceptualizations and spatial regulations imposed on confessional communities. During the seventeenth century, the state's burgeoning propensities to monitor society and to reinforce socio-religious orthopraxy vis-à-vis the *other* associated non-Muslims with notions of dirtiness, impurity and danger. Accordingly, Muslim commoners expressed their religious zeal by participating in this process as the agents of confessionalization. This overlap not only can uncover the growing rancor articulated against non-Muslims but it can also shed light on the state's ventures that intermittently expelled the Jewish congregations from Eminönü to Hasköy. However, this thesis suggests that by exploring the formation of social space in Hasköy through the intermediation of the residents' agency, the district can be revisited as a Jewish habitus in which social, religious and gender boundaries were frequently infringed. In the midst of new spatio-temporalities, these violations resulted in the emergence of socio-cultural structures rather different from those envisioned by the state, which can enable one to question the limits in the execution of confessional politics at that time.

ÖZET

17.Yüzyıl İstanbul’unda Mekanın Din ve Siyasetle İlişkisi:

Bir Yahudi Habitusunun Oluşumu

Bu tez erken modern dönemde İstanbul’daki gayrimüslim cemaatlere odaklanarak mekansal pratikler ile din ve devlet politikalarının iç içe geçtiği toplum inşası süreçleri arasındaki bağlantıları incelemektedir. Bu doğrultuda Osmanlı devletinin yapıları ve toplumu dönüştürme süreci onaltıncı ve onyedinci yüzyıllara ait birincil kaynaklar arasındaki bağlantılar ve farklılıklar üzerinden açıklanmaktadır. Bu doğrultuda bu tezin en önemli sorusu onyedinci yüzyıla kadar dolaşımda olmayan yeni toplumsal ve dini kavramların ve mekan politikalarının çeşitli dinlere mensup cemaatlere dayatılmasını sorgulamaktadır. Çünkü dönemin siyasi söylemi devletin yeniden tanımladığı sosyal ve dini doğru olarak kodlanan davranışları gayrimüslimler özelinde güçlendiren eğilimlerini desteklemektedir. Bu söylem özellikle sistemin ötekisi konumunda olan gayrimüslim grupları kir ve tehlike ile eşleştirme eğilimleri göstermiştir. Diğer yandan halktan Müslümanlar ise bu sürece sık sık, gayrimüslim olan komşuları hakkında muhbirlik yaparak dahil olmuşlardır. Bu örtüşmeler devletin Yahudi sakinleri Eminönü’nden Hasköy ve Balat’a mekansal ihraçlarını içeren cebri politikaları ve gayrimüslimlere karşı geliştirilen söylemsel hasımlıklara ışık tutabilmektedir. Ancak bu çalışmanın verileri Hasköy’ü insan edimi ile sosyal mekanın üretilebildiği bir habitus olarak değerlendirmeyi önermektedir. Bu yüzden devletin ayrıştırıcı söylem ve politikaları amacına ulaşamadığı ve sosyal, dini ve toplumsal cinsiyet sınırlarının sürekli olarak ihlal edildiği saptanmıştır.

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without the help of my dear friend Uğur Bulgan who always has been a word away from me. Berkay Uluç who became my closest friend at the most stressful moments of my life has shown me other ways of thinking past, memory and time. I am very happy that your compassion, joy and wisdom are still by my side.

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CHAPTER 1

INTRODUCTION AND THEORETICAL FRAMEWORK

1.1 Objectives of the study

This thesis will examine the interconnections between spatial practices and confessional politics in early modern Istanbul by concentrating primarily on the non-Muslim communities of the city.

The first objective of this study is to stress the transformation of the state's religio-political discourse addressing non-Muslim groups and inter-confessional affairs in the period between the mid-sixteenth to the late seventeenth centuries. It will be argued that the late sixteenth century marks the beginning of a conspicuous change since there was a more tangible and tumultuous disturbance concentrated on non-Muslims in this period. From the perspective of Muslims, both lay people and authorities, non-Muslims were often associated with reprobate acts that violated the serenity of the neighborhoods. As of the last quarter of the sixteenth century, this discourse laid the foundations of a new -yet incipient- trend that began to stress spatial matters in legal documents. Accordingly, the representatives of the legal establishment developed a new sensibility regarding the infringements that transpired in Muslim dominated neighborhoods and in the vicinity of sacred sites. With these early references at hand, it will be presented that the spatial dimension of confessional demarcations began to constitute a significant part within the seventeenth-century of legal corpus, especially in the *fetva* (jurisprudential opinion) collections. What is more intriguing is to see that apart from this new emphasis on spatiality, novel notions, expressions and definitions were incorporated in the sources

that began to associate non-Muslims with notions of *najasat*, danger and calamities-to-come. Sources from this period suggest that danger, from the perspective of the ruling body, was latent in the spaces where the non-Muslims resided, prayed and pursued their social activities, since they were assumed to be capable of leading the true followers of Muhammad astray. In that sense, a major part of this study is devoted to comparing and contrasting relevant primary sources, as they capture the changes and novelties with regard to confessional politics, and their repercussions in lived space.

Second, this study seeks to explore newly emerging policies and regulations of the mid-seventeenth century in their connection to a particular “spatio-temporal reality”, to perceive whether they left detectable residues in the urban morphology of Istanbul.¹ For this reason, this thesis aims to ponder the transformations that occurred in the multi-confessional layout of Istanbul by considering spatial practices in relation to changing demographic indicators and socio-cultural aspects. As a case study to reflect on the growing rancor amassed against non-Muslims in Istanbul, on-and-off expulsions of the Jews from Eminönü to Hasköy will be revisited. By the end of the thesis, the focus thus will be oriented toward the Jewish congregations in the seventeenth century. In order to contribute to the existing literature, new references and notions that were discovered in the unpublished sources will be problematized in connection to the rancor that surfaced against the Jews. And in light of these findings and their interpretations, the politics of space as enacted by the Ottoman state will be examined with regard to the rather different spatio-temporal realities of the city. In

¹ Harvey, *Space As a Keyword*, 122. The term spatio-temporal used by David Harvey to underline that it is impossible to think space separate from the time it belongs.

all, this final discussion will allow one to understand the limits of the ruling body's ventures as they were sought to be materialized in the urban sphere.

Last but not least, it should be noted that throughout this study, the paradigm of *confessionalization* will be used to analyze departures from well-established policies implemented toward confessional communities, which were subject to conspicuous ruptures during the seventeenth century. These ruptures also pose challenges to the notion of *conveniencia* that posits a contractual relationship between the ruler and ruled bodies whereby the minority groups' presence was recognized as convenient.

1.2 Multi-confessional habitations in the Mediterranean

In the literature of inter-confessional relations, the term *convivencia* has been long-used to discuss a particular model of multi-confessional cohabitation that emerged in medieval Iberia. *Convivencia*, in that respect, represents a historical site in which the members of three religions co-existed. David Nirenberg, a prominent scholar on the subject, has explored the particularities and contextual differences underlying this structure that lasted for centuries in the Iberian Peninsula.² His revisions stressing the inter-faith relations and co-existence are fundamental in the historiography of the minority groups in the Mediterranean covering early modern Spain, Italy and the Ottoman realms. Especially pertinent to this study's concerns, the conceptual and methodological premises of his work can be utilized in approaching the emergence of new socio-cultural dynamics stressing inter-confessional relations in the Ottoman lands.

² Nirenberg, *Communities of Violence: Persecution of Minorities in the Middle Ages*, 1-30.

In the context of thirteenth-century Iberia, Nirenberg has focused on the occasional “cataclysmic” upheavals, annual ritualist riots and the spread of antagonistic movements that were predisposed to convey important yet very different messages.³ For, there were institutional, geographic, demographic and structural differences that effected the origins, incentives and results of these social tumults. Among them, the density of non-Christian groups in the crown lands was a decisive parameter; the number of Muslim people residing in the Aragon lands was still enormous while in France, Muslims could be hardly seen. As for Jews, their number was not small in the French kingdom, yet at the same time, was not big enough to establish a special relation as they managed to do so vis-à-vis the Aragon kings. Equally important, due to the constant warfare that effected the population balance in Iberia, the communities were used to share the environment they inhabit with the members of other religions, and accordingly did not exoticize the *other* as the French commoner Christians did. That is to say, the changing forms of multi-confessional cohabitations was a norm *per se* in Spain, as against its peculiar position in France. In the kingdom of Granada, an Islamic polity, Muslims were the dominant groups, in Valencia the Muslims, *Mudéjars*, were constituting the majority only in some towns, and in the Aragon kingdom, they were a minority group. The *Mudéjars*, both in Catalunya and Aragon, were always protected by the local oligarchs and the king on the basis that they provided the majority of labor force. In that regard, it should be noted that although they were to be seen throughout the Iberian Peninsula, the number of Jews, until the end of *Reconquista* was lesser than of Muslims. And even though they lived in segregated quarters, Christians and Muslims in particular, shared

³ Nirenberg, *Communities of Violence: Persecution of Minorities in the Middle Ages*, 1-30.

neighborhoods, where inter-confessional conflicts occurred more frequently in comparison to episodes involving Jewish groups. For these reasons, the context of inter-confessional relations changed depending on the area and the density of minority groups.⁴

As a form of peaceful co-existence *convivencia* did not go unchallenged. Nirenberg has pointed out the existence of an “economy of violence” that was defined by “religio-legal status” of the subjects.⁵ Indeed, it was a defining character of the notion of *convivencia* in which all religious groups to a certain extent interdependent, yet engaged in occasional rancorous events. Nonetheless, it should be underlined that these episodes were limited to temporal moments that did not turn into systematic and widespread pogroms against the religious minorities in Iberia as in the cases of 1321 and 1348 riots and the Holy week stonings. Violence, thereby, was one of the constituents of the *convivencia*, as Nirenberg concluded:

convivencia was predicated upon violence; it was not its peaceful antithesis. Violence drew its meaning from coexistence, not in opposition to it.⁶

The shepherds’ crusades in France during the 1320s arose against the Jews and the lepers was one of the significant moments of violence that entailed significant consequences for the future of inter-confessional affairs in Iberia. The shepherds engaged in attacks, murders and forced the local Jews to convert to Christianity in Southern France. This is in part triggered by an imagery of waging a crusade against the Jews who were “the only non-Christian group” to whom Christians could canalize their anger in the region.⁷ Here the anger referred to

⁴ Nirenberg, 29-37.

⁵ Nirenberg, 37.

⁶ Nirenberg, 245.

⁷ Nirenberg, 37-48.

stemmed from French commoners' aversion toward monarchy whose agents relied on the Jews in the regulation of fiscal matters such as the collection of taxes. The first riot against the monarchy and Jews, failed while the second one initiated in 1321 managed to create a great turbulence in the French kingdom, which eventually spread into the realms of Aragon crown. What had changed in the second riot was the discourse itself: this time the shepherds targeted the Lepers first and then the Jews, who to their interpretations formed an alliance to "destroy Christendom."⁸ Due to these rumors, the people of Southern France appealed to the authorities to have the Jews expelled and the lepers contaminated since they were, allegedly, poisoning the waters used by the Christians. The lepers, in these petitions, represented illness spreading, dirty and impure individual whose segregation was demanded by the commoners. They also claimed that Jews were sleeping with the Christian women and thus "desecrating" Christianity. This latter allegation was frequently used in the medieval inter-confessional disputations in bolstering the claims to sanction a coercive punishment upon the other group as a part of the moral economy of violence. And correspondingly, on these accusations, the law enforcement, not the commoners this time, detained, killed and seized the properties of the people with leprosy who, they believed, were engaging in sorcery and poisoning. It is captivating that the difference between the physical and spiritual dirtiness was blurred in these accusations coming from the commoners. The folk participating in the latter riot not only invoked the notions of impurity that were used to accuse the Jews and lepers but also warned the Christians whose sins hastened this end. Nevertheless, such correlations were temporal and remained abstract and often these moments were stimulated by the anger directed to the monarchy. By bringing up this remark,

⁸ Nirenberg, 48-52.

Nirenberg suggests that the literary works of the period emphasized a common image that perpetuated the story of Judas whose “guts and stench polluted” the land of Israelites.⁹ A correspondence between the French king and Pope John XXII revealed that the Muslims living in the kingdoms of Granada and Tunis, another group of *other*, later on, were added into this schema. Because those Muslims -allegedly- were financing the lepers and Jews in their ventures of poisoning the Christians who were also eager to convert to Judaism. Within these messages, the enmity toward Jews and Muslims was overtly expressed. Nonetheless, it should be noted that this story circulated among lay people as an incentive that justified the riots they started. The expulsion of the Jews from France thus was not dictated by a state edict but initiated by “non-royal popular violence.”¹⁰

The situation in Iberia was more complex. Because of their irreplaceable position that created a balance in the functioning of the crown and its administrative system, the local lords and the king himself were securing the rights of minority groups. In the castle of Montclus, a castle financed by the Jews, a particular and exceptional incident of atrocity ended up killing of four hundred Jews. Whereas in other regions events did not transform into massacres or mass killings but limited to robberies and arsons in 1320. The second wave of atrocities reached out Aragon next year. However, in opposition to the French case, the reasons attributed to the detention and arrest of the lepers amid the charges of poisoning were not addressed at individuals’ religious identities, and the incidents did not turn into systematic expulsions. Yet this could not impede the members of other religions to accuse each other with the charges of poisoning the wells and waters for they hoped to gain

⁹ Nirenberg, 53-60.

¹⁰ Nirenberg, 64-67.

political or economic benefits by having arrested or killed the *other*. At any rate, the representatives of the legal body did not rigorously enact the law against these charges only with the exception of the ones addressing the lepers. This, of course, should not trivialize attempts that tried to prohibit Jewish visibility and activity; for example, in Montblanc, the local council tried to exclude the Jews from the market by forbidding them from touching bread, fish and fruits and left their transactions to the discretion of the merchants who were to decide what goods they could buy. This legislation was not codified but the references of being untouchable stigmatized the Jews, oddly without being associated with leprosy. In any case, as Nirenberg concluded, this was not the first time these accusations appeared, and next year in 1322, the alleged charges of poisoning intended at the *other* disappeared.¹¹

Following the fourth Lateran Council, lawmakers and the judiciary apparatuses started to seek certain principles, frequently physiognomic. The major motivation, therein, was to distinguish the members of confessional communities, so that the law would be implemented in accordance with one's religious identity. These attempts in reinstating confessional boundaries were often expressed over the members' bodies that were to conform to the laws of purity. Many specific physical and visual stigmas regulating attires, hairstyles and colors of clothes were in that sense imposed on Jews and Muslims in Christendom. Also, the evidence gathered by Nirenberg suggests that in Iberia, all faiths tried to prohibit inter-confessional intercourses by executing severe penalties on women. It was known that the Muslims of Valencia demanded from the King the right to sentence Muslim women who engaged in adultery with infidels to the death penalty. In the midst of this growing sensibilities, a woman prostitute emerged as an appropriate medium to underline

¹¹ Nirenberg, 75-119.

these boundaries so that the direction of sexual intercourse could be overtly and physically designated; because a prostitute knew that inter-faith sexual intercourses were outlawed. This concern thus recognized the body of a prostitute as a “site of abjection”, in which the “*self* was recognized and the *other* was rejected.”¹² These were the attempts nonetheless could not impede the continuation of inter-confessional encounters, intercourses and the creation of multi-confessional spaces. Nirenberg has presented cases of inter-confessional conviviality that took place in taverns in which Christian prostitutes accepted clients adhering to other religions.

These infringements did not engender episodes of violence in fourteenth-century Aragon, but those occurred during the Holy week did. Especially the episodes entailing the rituals of “stoning the walls of Jewish quarters” were very intimidating for the Jews since they turned out to be severely dangerous as in the case of Girona in 1331.¹³ This discourse that pointing out hostilities toward the *other* was not solidified until the sixteenth century and until then it remained on the individual level of accusations and thus very rarely performed. In that respect, Nirenberg provided the accounts of a sixteenth-century historian, Joseph Ha-Kohen, to show that how the same discourse transformed into a hatred targeting groups collectively with solid references. According to Kohen, the Christians were right to stone their residences, which was a “remedy” to avoid the plague that was brought by the “polluting” presence of Jews to the lands of Christianity.¹⁴

Another approach that revised the framework of *convivencia* has been proposed by Brian Catlos. Catlos has analyzed the fourteenth-century experiences of

¹² Nirenberg, 133-156.

¹³ Nirenberg, 157-221.

¹⁴ Nirenberg, 238-241.

Mudéjars under the rubric of *conveniencia* instead of *convivencia*.¹⁵ Here the term *conveniencia* refers to the non-Christians' professional "niche" occupations and labor force that became indispensable in the functioning of the land and fiscal system of the crown. Therein, it spared a convenient space to the Jews and Muslims whose uplifted position in society sometimes surpassed the "underdeveloped" Christian subjects. Therefore, in theory, at least, their prominence rooted in the idea of "mutual necessity" needed to be degraded by imposing visual signs of inferiority.¹⁶ This was a beneficial form of relationship between Muslims and Christians, as it also could be between Jews and Christians, which was encouraged by the lords and crown agents. For the Muslims or *Mudéjars*, the incentives and rights legally granted to them recognized their existence "by virtue of its utility."¹⁷ And as for the crown agents, they could rely on labor, resources and provided by *Mudéjars*. In any case, all confessional communities somewhat depended on each other's professions, skills and resources. Muslim shoemakers needed materials provided by Christians, whereas Jewish merchants provided silk materials that were used in the clothing industry for the Christian market.¹⁸ Nevertheless, the episodes of violence in Iberia cease only until the emergence of another socio-political stimulant, such as an epidemic, a riotous rumor or ritualistic performance of vengeance, which were all capable of generating moments that could jeopardize the peaceful co-existence in *convivencia*.

¹⁵ Catlos, *The Victors and the Vanquished: Christians and Muslims of Catalonia and Aragon, 1050-1300*, 407-408.

¹⁶ Catlos, 322,390.

¹⁷ Catlos, 407.

¹⁸ Nirenberg, 39.

1.3 Contextualizing *conveniencia* in the Ottoman realms: the *dhimmi* in the age of confessionalization

The framework of *conveniencia* has been tailored by Baki Tezcan with regards to the applicability of the term in the context of Ottoman history. Similar to the conditions in Iberia, the “niches” occupied by non-Muslim communities in the Ottoman society and economy, was recognized by the ruling body.¹⁹ The major problem in having *conveniencia* in conversation with the Ottoman realms is that those niches occupied by non-Muslims were not indispensable as they were in Iberia. Because non-Christians consisted a major pillar on which the *conveniencia* - referring to the revisited version of *convivencia*- system depended, irrespective of the rural and urban dichotomy in Iberia. Whereas under Ottoman rule, those niches, professions and craftsmanship occupied by non-Muslims were indispensable mostly to the functioning of the urban economy.

The relationship between the ruler and ruled, non-Muslims in particular, was secured by a mutual and beneficial contract that was not subject to changes according to the rural and urban division. This contractual relationship was established on the Islamic principle that appropriated non-Muslims the *dhimmi* status.²⁰ As stated in the Quran, *Ahl-al-Dhimma* (the people of the book), were the unbelievers and were to be

¹⁹ Tezcan, "Ethnicity, Race, Religion and Social Class, Ottoman Markers of Difference," in *The Ottoman World*, 160.

²⁰ The word *dhimma* initially appeared in the constitution of Medina as denoting the meaning of the protection of a certain non-Muslim group, for the detailed introduction of the term Bosworth, "The Concept of Dhimma in Early Islam," in *Christians and Jews in the Ottoman Empire: The Functioning of a Plural Society*, 40-46. For a detailed analysis of the Pact see, Cohen, "Islamic Policy toward Jews from the Prophet Muhammad to the Pact of 'Umar," in *A History of Jewish-Muslim Relations: From the Origins to the Present Day*, edited by Meddeb Abdelwahab and Stora Benjamin, by Todd Jane Marie and Smith Michael B., 68-74; Tritton, *Caliphs and Their Non-Muslim Subjects: A Critical Study of the Covenant of 'Umar*; Levy-Rubin, *Non-Muslims in the early Islamic empire: from surrender to coexistence*, 58-87; Fattal, *Le Statut Légal Des Non-musulmans En Pays D'Islam*; Inalcik, *The Survey of Istanbul 1455: The Text, English Translation, Analysis of the Text, Documents*, 473-478; Savory, "Relations between the Safavid State and its Non-Muslim Minorities, 435-437.

protected in return for their subordination to Islam. In order to fulfill this condition, non-Muslims agreed to live under the supremacy of the Islamic law and its socio-religious constructs, which required them to pay the *jizya* (the poll tax).²¹ It can be interpreted to have overlapping tones with the notion of *conveniencia* since the conditions laid out in this Islamic principle delineated inter-confessional relations on the basis of convenience that would function effectively for both sides' benefit. As an Islamic polity, the Ottoman Empire was no exception to this rule; granting *dhimmi* status to non-Muslims secured them certain rights, yet emphasized the ultimate superiority of Muslims. On the one hand, for Muslims, their dominance in Islamic society was legally affirmed and the codes of its socio-cultural implications were clearly expressed. On the other hand, for non-Muslims, being a part of *dhimma* provided an alternative legal system in which they could frequently resort to the benefits of the shari'a law. In the Ottoman context, this pattern was acknowledged by various scholars who presented related cases in which non-Muslims frequently desired to divorce or claim inheritance, the rights that were not allowed by their communal law, therefore appealed to the shari' court.²² Ultimately, the non-Muslims' presence in the empire was *convenient* enough to endure the give-and-take relation ascribed on non-Muslims' *dhimmi* status. Because as *dhimmis*, they paid poll-tax, a beneficial source of income for the state and offered valuable skills and occupations that were deemed important by the Ottoman administration.

²¹ Cohen, "Islamic Policy toward Jews from the Prophet Muhammad to the Pact of 'Umar," in *A History of Jewish-Muslim Relations: From the Origins to the Present Day*, 58. Historically, the term *dhimma* beforehand appeared, allegedly, in *the Constitution of Medina*. The document of is unknown origin and its authenticity has been contested in literature, yet it implied the protection of a certain non-Muslim group with the rights to worship acknowledged.

²² Barkey, "Aspects of Legal Pluralism in the Ottoman Empire," 83-107; Burak, "The Second Formation of Islamic Law: The Post-Mongol Context of the Ottoman Adoption of a School of Law," 579-602; Barkey, "Islam and Toleration: Studying the Ottoman Imperial Model," 9.

As in the case of Iberia, this mentality continued to work until the emergence of collective identities that put an end to what Tezcan called “common subjecthood” which changed the way “convenient” principles of the inter-confessional system worked²³ As to this study, it is inclined to contemplate that the coercive incidents of the mid-seventeenth century can represent temporal moments in which the Ottoman administration could disregard the “convenient” aspects of non-Muslims’ *dhimmi* status. The tendencies to associate non-Muslims with the notions of *najasad*, filth and danger in seventeenth-century Ottoman legal corpus represents a mentality comparable to the case of the non-royalist riots of the French shepherds who articulated very same expressions for the Jews in the fourteenth century. Just as the Christians blamed themselves, for disregarding the principles of a being a good Christian who committed sins that paved the way for the calamities that spread in the country, the epidemic of leprosy, the outbreaks of poisoning etc, the Ottomans of the seventeenth century expressed their self-discomfort in literary works and chronicles which argued that the Muslims went astray and forgot the Islamic ideals pointed by the Prophet. In this respect, the term *conveniencia* can propose a more suitable approach than *convivencia*, in exploring inter-confessional life in the course of early modern Ottoman History given that there were moments in which even the principles of *conveniencia* could be challenged.

As a comprehensive analysis of society, the conceptual framework of *confessionalization* or confession-building process has enabled scholars to decipher social, political and religious transformations materialized in early modern Europe. As formulated by Heinz Schilling and Wolfgang Reinhard, confession refers to

²³ Tezcan, "Chapter Eleven: Ethnicity, Race, Religion and Social Class, Ottoman Markers of Difference," in *The Ottoman World*, 162-167.

“internally coherent and externally exclusive communities” that emerged around written religious texts.²⁴ Although there is no explicit time-frame that restricts the application of the paradigm, recent scholarship has inclined to examine the formative events which shaped the state of affairs during the sixteenth and late seventeenth centuries under the rubric of confessionalization.²⁵ Outside western European historiography, scholars have been discussing whether it is possible to imagine confessionalization(s) in non-European contexts. In this way, by considering the time and space-bound alterations of confession building processes, historians have proposed new approaches to be applied to a wider geographical context. And situated in a historical geography that was constantly in conversation with European polities, alike historical processes and tendencies that transpired in the Ottoman and Safavid realms can be analyzed through the framework of a confession building process, as suggested by Tijana Krstic and Derin Terzioğlu.²⁶

During the Reformation period, much of Europe fell under the influence of alliances between states and church organizations that vehemently sought to monopolize political authority and ruling administration. The main objective of these

²⁴ Schilling, “Confessional Europe,” *In Handbook of European History, 1400-1600 Middle Ages, Renaissance and Reformation, vol. II: Visions, Programs, and Outcomes*, 641. See also, Wolfgang Reinhard, “Pressures towards Confessionalization: Prolegomena to a Theory of the Confessional Age,” 169-192.

²⁵ Schilling, “Confessional Europe,” 640-662. Furthermore, in detailing the time-frame, one should also acknowledge that confessionalization processes can be followed by de-confessionalization trends and these can follow one another irregularly. See Scott, “Two crises and the making of the early modern period: an historiographical review,” 427-445; Subrahmanyam, “Connected Histories: Notes towards a Reconfiguration of Early Modern Eurasia,” 745-754

²⁶ Terzioğlu, “How to conceptualize Ottoman Sunnitization: A Historiographical discussion,” 301-338; Terzioğlu, “Sufis in the age of state building and confessionalization,” in Christine Woodhead (ed), 86-99; Krstić, *Contested Conversions to Islam: Narratives of Religious Change in the Early Modern Ottoman Empire*; Krstić, “Illuminated by the Light of Islam and the Glory of the Ottoman Sultanate: Self-narratives of Conversion to Islam in the Age of Confessionalization,” 35-63; 422-53; Rula Jurdi. Abisaab, *Converting Persia: Shia Islam and the Safavid Empire*; Burak, “Faith, law and empire in the Ottoman ‘Age of Confessionalization’ (fifteenth–seventeenth centuries): the case of ‘Renewal of Faith’,” 1-23; Heyberger, “Frontières confessionnelles et conversions chez les chrétiens orientaux,” in *Conversions islamiques, identités religieuses en Islam méditerranéen/Islamic conversions. Religious Identities in Mediterranean Islam*, 245-258.

alliances was to re-define religious doctrines and social practices in conformity with their own interpretations. Therefore, confession building experiences in Europe summoned the mechanisms of “propaganda, indoctrination and disciplining” in fulfilling their agendas.²⁷ Furthermore, to be able to comply with the requirements of its project, the early modern state needed to invent new bureaucratic bodies, to recruit new personnel, and to revise the pre-existing religio-legal corpus. So that the ruling establishments would facilitate the monitoring of society in accordance with orthopraxy. Since the ruling administration pursued a mission of indoctrination that aimed to create a “purer” version of Christianity, those who fell out of the definition of orthodoxy were to be denounced as the heretics. This link enabled ruling bodies to devise a distinctive political language with which they could designate the *other* and to identify the heretic subjects, who could challenge the state-sponsored orthodoxy and orthopraxy.²⁸ For this reason, the confession building process cannot be reduced to a simple political instrument, as Schilling noted, it “designs, creates and excludes.”²⁹

Nile Green has argued that in the realms of Islam, the confession building process followed a pattern akin to its western counterpart. Nevertheless, Islamicate empires pursued trajectories and devised mechanisms that were rather different than the ones mobilized in Europe. Correspondingly, to be able to stress these nuances, the paradigm has been cautiously introduced to the study of early modern Islamicate empires, in particular the Ottomans and Safavids.³⁰ First, historically speaking, not

²⁷ Reinhard, "Pressures towards Confessionalization: Prolegomena to a Theory of the Confessional Age," 177-180.

²⁸ Reinhard, "Pressures towards Confessionalization," 180-182.

²⁹ Schilling, "Confessional Europe," 644-655.

³⁰ Terzioğlu, "How to conceptualize Ottoman Sunnitization: A Historiographical discussion," 301-338; Terzioğlu, "Sufis in the age of state building and confessionalization," in Christine Woodhead (ed.), 86-99; Krstić, *Contested Conversions to Islam: Narratives of Religious Change in the Early*

only these empires stemmed from divergent state formulations, but also they lacked the equivalents of some important bodies that were focal to the execution of confessional politics in Europe, such as “hierarchical church organizations.” Second, in contrast to the Medieval state mentality that was reluctant, and less concerned, to strengthen the subjects’ involvement with religion, the early modern Islamic state sanctioned its Muslim flock’s complete integration into Islam with the aim of “better controlling” it.³¹ This remark precisely applied to the sporadic events of fourteenth-century Iberia, when the riots hit the crown lands. The ruling body was hesitant and also incompetent to intervene in the conflicts interrupting inter-faith life in the crown lands and did not express unyielding concerns to reinstate socio-religious order. This expected transition, though, was to invoke a more rigorous implementation of the legal regulations whereby confessional politics could “persecute” and resort to the methods of “conquest, conversion and patronage” in the Safavid and Ottoman lands.³² And reminiscing the European case, this process required an *other* against which it dialogically articulated certain characteristic prescriptions of Islamic orthopraxy, mechanisms of control and legal corpus.³³

Modern Ottoman Empire; Krstić, “Illuminated by the Light of Islam and the Glory of the Ottoman Sultanate: Self-narratives of Conversion to Islam in the Age of Confessionalization,” 5–63; Krstić, “Contesting Subjecthood and Sovereignty in Ottoman Galata in the Age of Confessionalization: The “Carazo” Affair, 1613-1617,” 422-53; Abisaab, *Converting Persia: Shia Islam and the Safavid Empire*.

³¹ Green “Islam in the Early Modern World,” in *The Cambridge World History*, edited by Jerry H. Bentley, Sanjay Subrahmanyam, and Merry E. Wiesner-Hanks, 374.

³² Green “Islam in the Early Modern World,” 376-377.

³³ Dialogism here refers to the theoretical conception of Mikhail Bakhtin, see Holquist, ed., *The Dialogic Imagination: Four Essays by M.M. Bakhtin*, 426. “Dialogism is the characteristic epistemological mode of a world dominated by heteroglossia. Everything means, is understood, as a part of a greater whole—there is a constant interaction between meanings, all of which have the potential of conditioning others. Which will affect the other, how it will do so and in what degree is what is actually settled at the moment of utterance.” For a definition of the term orthopraxy, see Smith, *Islam in Modern History*, 20 cited in William A. Graham, “Islam in the Mirror of Ritual,” in *The Development of Islamic Ritual*, ed. Gerald Hawting, 56-59. Graham elaborated the term in the context more pertinently and claimed that “in the hands of the *ulama*, [orthopraxy] served the Muslim community as a kind of yardstick for faith and normative practices.”

As for the Ottomans, it is true that during most of the sixteenth and seventeenth centuries, state and society were undergoing a set of transformations under the efforts of state-led “Sunnitization.”³⁴ In the wake of the perennial Safavid threat in the east, the Ottoman state increased its efforts in controlling and monitoring the flock in consolidating Sunni orthodoxy.³⁵ In this respect, the foundation of new bureaucratic bodies and a newly designed religio-political discourse were necessary to identify the *other*, the marginal, and thus heretics of the empire.³⁶ According to state’s utmost agenda, as it is often stressed, the Kızılbaş were the primary target during the most of the sixteenth century; and their condemnation as a heterodox sect came to mean that orthodoxy was equated with the path embroidered with Sunni Islam and its doctrines. As the religio-legal corpus delineated the archetype of a desired Muslim subject, it also pointed out who and/or what was to be avoided. No wonder that the *fetva* (jurisprudential opinion) collections for centuries recurrently brought up regulations, restrictions and prohibitions addressed at confessional matters. Inter-confessional debates frequently depicted Muslims’ probable encounters with non-Muslims, and with the program of underlining the superiority of the former over the latter, it encouraged the implementation of regulations compliance with Sunni orthodoxy at the expense of unbelievers.

³⁴ Terzioğlu, "How to conceptualize Ottoman Sunnitization: A Historiographical discussion," 301-320. Dressler, "Inventing Orthodoxy: Competing Claims for Authority and Legitimacy in the Ottoman-Safavid Conflict," *Legitimizing the Order: The Ottoman Rhetoric of State Power* (2005): 151-170.

³⁵ Terzioğlu, "Where *İlm-i Hal* Meets Catechism: Islamic Manuals of Religious Instruction in the Ottoman Empire in the Age of Confessionalization," 79-114. It can be asserted that a parenthesis is needed to underline that in the Ottoman realms, prior to the Ottoman-Safavid rivalry from late fourteenth century onward, there has been efforts in guiding the Muslim flock in harmony with the principles of Sunni Islam, not necessarily toward sunnitization confessionalization.

³⁶ Reinhard, "Pressures towards Confessionalization," 177-181; Schilling, "Confessional Europe," 654

Initially, it may seem plausible to assume a conjectural correspondence between the doctrines introduced in the document known as the *Pact of 'Umar* and Ottoman religio-legal corpus concerning the regulation of the boundaries between the *umma* (believers) and unbelievers.³⁷ The pact initially was designed to outline a legal framework in which inter-confessional relations, cohabitations and daily conducts could be regulated and restricted. Furthermore, it thoroughly elaborated on the outward markers of confessional identities that were anticipated to restrict non-Muslims' religious expressions and practices.

The pact could have been a basis to the *fetvas* and the shari'a corpus, concerning re-configuration of settlements, quarters and residences of Muslims and non-Muslims and it is thought-provoking to see that the sartorial arrangements that always came up in the sixteenth-century *fetava* emphasized the points introduced in the pact.³⁸ However, at any rate, it should be underlined that it is still unknown and not addressed in the literature from where these regulations originally stemmed and whether there is a link between the so-called pact and Ottoman religio-legal corpus, other than the principles of laid out in the sources of Islamic law. It, therefore, remains as a question, why in the Ottoman jurisprudential system, similar restrictions addressing inter-religious relations were occasionally (and at times seemingly

³⁷ Cohen, "Islamic Policy toward Jews from the Prophet Muhammad to the Pact of 'Umar," in *A History of Jewish-Muslim Relations: From the Origins to the Present Day*, 68-74;

³⁸ Cohen, 72-73. For example, in the text it was stated that "we shall not build in our cities or in the vicinity of new monasteries, churches, hermitages or monk's cells, nor shall we repair, by night or day, any of them that have fallen into ruin or which are located in the quarters of the Muslims, we shall not build our homes higher than theirs." "We shall not attempt to resemble the Muslims in any way with regard to their dress, as, for example, with the *qalansuwa*, the turban, footwear, or parting of the hair, We shall dress in our traditional fashion wherever we may be, and we shall bind the *zunnâr* around our waists." The text also referred to the prohibition of alcohol sale and keeping slaves in domestic service by non-Muslims, which were persistently revived in the *fetvas* to point out the normative and the ideal. "We shall not sell alcoholic beverages, We shall not take slaves who have been allotted to the Muslims. / We shall not ride on saddles." Particularly in the early modern period, the Ottoman law enforcement assertively stressed exactly these distinctive visual stigmas and symbols of superiority to distinguish the adherents of different religions, if not to praise the Muslim identity. See Ahmet Refik for the examples on the matter, *On Altıncı Asırda İstanbul Hayatı (1553-1591)*.

arbitrarily) executed.³⁹

As it will be presented in the third and fourth chapters of this thesis, in the form of questions and answers, Sheikh-ul-Islams frequently illustrated the ways in which inter-confessional disputations could be settled. The discussed topics varied from intercommunal cohabitations, social manners, sartorial attires, daily and religious practices. Thereupon, the exaltation of Sunni orthodox identity necessitated a pursuit of upholding socio-religious boundaries, which led to the fabrication of an exclusionist discourse applied to the non-Muslims of the empire as well. This, of course, is not to say that non-Muslims were regularly subjected to violent confrontations. However, the predispositions of the state and society to discriminate, oppress and deprecate non-Muslims surged on-and-off, and the hints of these tendencies can be traced back to the strict hierarchization and identification efforts of the authorities that began with the height of Sunnitization during the sixteenth century. It is also for this reason that this study will stick with the term confessionalization, to overcome a possible hardship that would arise from the framework of Sunnitization, which could cast aside non-Muslims. Second, the confessionalization paradigm process will be employed to point out the associations between religion and politics by relying on its generic meaning in relation to policies targeting non-Muslims, but not to explore the sectarian division among the Muslim community. And finally, as it will be shown, the notion of “confessionalization from

³⁹ Imber, “The shari‘a and kanun,” in *Ebussuud: The Islamic Legal Tradition*, 24-62. Imber gives significant examples of referring to other schools of Islamic jurisprudence as the Ottoman jurists acted discretionarily in order to fit the exigencies of cases; Barkey, “Aspects of Legal Pluralism in the Ottoman Empire,” 83-107. For the formation of Ottoman legal system see Burak, “The Second Formation of Islamic Law: The Post-Mongol Context of the Ottoman Adoption of a School of Law,” 579-602; Barkey, “Islam and Toleration: Studying the Ottoman Imperial Model,” 9.

below⁴⁰ conforms suitably to the currents of the seventeenth-century Ottoman *milieu*, when society, especially the commoners were participating in the confession building process at the expense of non-Muslims in the times of “inconvenience.”

On the other hand, *kadı sicils* (court records) of the sixteenth and seventeenth century illustrate that such restrictions and proscriptions imposed on non-Muslims could frequently be breached in social spaces through the agency of commoners. As repeatedly recorded in the court registers, as a result of undesired inter-confessional encounters and miscegenation that endangered social and religious boundaries, the transgressor individuals were often warned (rather than punished) and penalties were loosely sanctioned by the Ottoman legal representatives who were prioritizing practicality.⁴¹

It is often accepted that the Ottoman non-Muslims led relatively peaceful lives for centuries.⁴² Particularly, from the mid-fifteenth to the late sixteenth centuries, non-Muslims of the empire were availing themselves of the *dhimmi* status, and many of them were pursuing a promising life yielding occupations and businesses. However, this observation reminding the glamorization of *convivencia*

⁴⁰ “Illuminated by the Light of Islam and the Glory of the Ottoman Sultanate: Self-narratives of Conversion to Islam in the Age of Confessionalization,” 40–42; On the origins of the term see Boer, “Social Discipline in Italy,” 294-307 as cited in Krstić.

⁴¹ For imperial decree and court register examples, see Refik, *On Altıncı Asırda İstanbul Hayatı (1553-1591)*; Refik, *Onikinci Asr-ı Hicri’de İstanbul Hayatı (1698-1785)*; Şişman, “Osmanlı ‘Millet’ lerinin Giriş İlişkileri: 17. Yüzyıl Hasköy Şer’iye Sicillerinde Kaydedilen Bir Cinayet Öyküsü,” 387; Heyd, “Some Aspects of the Ottoman Fetvâ,” 54-56; *İstanbul Kadı Sicilleri Hasköy Mahkemesi 5 Numaralı Sicil (H. 1020-1053 / M. 1612-1643)*; *İstanbul Kadı Sicilleri Eyüb (Havass-ı Refîa) Mahkemesi 74 Numaralı Sicil (H. 1072 - 1073 / M. 1661 - 1662)*; *İstanbul Kadı Sicilleri Hasköy Mahkemesi 10 Numaralı Sicil (H. 1085 - 1090 / M. 1674 - 1679)*; Kuran, *Mahkeme Kayıtları Işığında 17. Yüzyıl İstanbul’unda Sosyo-Ekonomik Yaşam*. For *fetva* collections see, Fetâvâ-yı Yahyâ Efendi, MS 1116, 1b-289b vr, Fetâvâ-yı Minkârizâde, 1710, MS 1264, İstanbul; Çatalcalı Ali Efendi, *Fetâvâ-yı Ali Efendi (1674-1686): Açıklamalı Osmanlı fetvâları Cild-i Evvel*; Ebus’suud Efendi, *Şeyhülislam Ebus’suud Efendi Fetvaları Işığında 16. Asır Türk Hayatı*.

⁴² Goffman, *The Ottoman Empire and Early Modern Europe*, New Approaches to European History, 170-172; David and Chesworth, eds. *Christian-Muslim Relations, A Bibliographical History. Volume 10 Ottoman and Safavid Empires (1600-1700)*, 1-2; Masters, “Merchants and Missionaries in the Seventeenth Century: the West Intrudes,” 71-74; Ray, “Iberian Jewry Between West and East: Jewish Settlement in the Sixteenth-century Mediterranean,” 45- 54.

should not propose an abstraction on the non-Muslims residing in the empire, as if all of them were living prosperously. One should remind that there were many non-Muslim and Muslim subjects who can be equally grouped as poor dwellers. Yet, on the other hand, it was not an atypical phenomenon of the sixteenth century to see some non-Muslims being employed in the high-ranking posts in the ruling establishment while some were providing appreciated services to the court.⁴³ In the end, there were *dhimmis* who were able to accumulate wealth with which they could afford visual and material signifiers of prosperity despite the fact that their use was limited to Muslims only by the principles of Islamic law. For this reason, official documentation from the sixteenth century pointed out that authorities occasionally felt obliged to reinstate visual, material and sartorial restrictions exacted on non-Muslims, sometimes through the agency of “disturbed” Muslims. It seems plausible to assume that the pressure exercised over non-Muslim communities intermittently resurged especially in the periods of instabilities. In the course of the sixteenth century, rancorous attitudes toward non-Muslims appeared and were socio-economically stimulated when they publicly displayed and used attires, symbols and materials that were restricted by the shari‘a regulations to Muslims’ use. Although these could draw Muslims’ attention to the matters in lived space, the instances of inter-confessional disputations were mostly limited to the state’s official language that designated the *other* and the boundaries between communities. Consequently, there was no systematic and severe hostility performed by the Muslim community toward non-Muslims.⁴⁴ Yet, during the seventeenth-century, the dissident voices

⁴³ Braude and Lewis, *Christians and Jews in the Ottoman Empire: The Functioning of a Plural Society*, 5-7.

⁴⁴ Braude and Lewis, *Christians and Jews in the Ottoman Empire: The Functioning of a Plural Society*, 5-7; Ahmet Refik, *On Altıncı Asırda İstanbul Hayatı (1553-1591)*, 14-15, 29-30, 39-41, 43-44, 46-48, 51-57, 139; Ray, “Iberian Jewry Between West and East: Jewish Settlement in the Sixteenth-century Mediterranean,” 45- 54. Rozen, *A History of the Jewish Community in Istanbul:*

from society began to cluster particularly around the visibility, mobility, practices of non-Muslims with a new emphasis put on spatial settings. Therefore, it will be stressed that the members of Muslim community started to take part in the solidification of boundaries, and the state's agenda to re-allocate resources to Muslim subjects at a time of financial crisis and political uncertainty, which for a given spatio-temporality, conflicted with the notion of "convenience." This was a part of a moral economy that contained moments of inter-confessional tensions, which were expressed more tangibly from this era onward.⁴⁵ On the other hand, the state's burgeoning proclivities in monitoring society and distinguishing confessional communities with references to space were embedded in the contemporary religio-political discourse and echoed in sources. In that sense, it will be illuminating to uncover why the polity changed the way it perceived and treated non-Muslim groups, the Jews more specifically to the concerns of this study, at certain times when the "convenience" of their presence could be undermined.

1.3.1 Reckoning with the dhimmi: law, creed, purity and danger in the seventeenth century

In the course of the seventeenth century, the Ottoman ruling cadre retrieved notions and performed spatial practices that had not been rigorously utilized up until then. In

The Formative Years, 1453-1566; Ibn Kemal, *Şeyhülislâm Ibn Kemal'in Fetvaları ışığında Kanûnî Devrinde Osmanlı'da Hukukî Hayat: Mes'eleler Ve çözümleri (Fetâvâ-yı Ibn Kemal)*, 188; Ebus'suud Efendi. *Şeyhülislam Ebus'suud Efendi Fetvaları Işığında 16. Asır Türk Hayatı*. The cases of antagonisms will be discussed in the following chapters in detail.

⁴⁵ Salzmann, "The Moral Economies of the pre-modern Mediterranean, preliminaries to the Study of Cross-Cultural Migration During the Long Sixteenth Century," in *Living in the Ottoman Ecumenical Community*, 453-478.

an effort to interpret these contemporary -yet sporadic- impulses, contemporary documents can shed light on the growing confessional polarization and inauguration of coercive policies. Among those notions evoked, the references were given to the concepts of dirt, impurity and danger in juxtaposition with non-Muslim communities.⁴⁶ In pre-modern religion-oriented societies, initiatives to revise religious notions and doctrines was followed by the alienation of the *other*, who often were put side by side with the concepts of ritual purity and dirtiness. The individual who was denounced as impure and dirty was also seen as a threat that could jeopardize the integrity of the rest of the society. Prior to the age of confessionalization, the notion of purity was already incorporated into legal canons to create a basis for oppression in line with religious orthodoxy. As explored by Mary Douglas, this connection resonated within the “symbolic and cultural constructs of pollution and dirtiness.” These terms, though, were constructed through the absence of a “selected ideal or a social unit”, which was the “reality” contingent on “the bodily perfection.”⁴⁷ In rites of socio-religious exclusion, the notions of dirt, obscenity, and lawlessness dialogically stood for “the rules of avoidance and punishment” materialized since this was a process whereby each notion could be operative with the collocation of the other. For example, dirtiness without lawlessness could not result in solid consequences for the defiled body.⁴⁸ The individual, then, was left no space to transgress boundaries, especially regarding the rules and regulations that set the conditions of purity and cleanliness. Furthermore, as the dominance of religion advanced in societies, the more subjects stepped out from

⁴⁶ The *fetva* collections will be presented in third and fourth chapters. See for example, Fetâvâ-yı Yahyâ Efendi, MS 1116, 1b-289b vr, Serez, 87a-b, 91 a-b.

⁴⁷ Douglas, *Purity and Danger: An Analysis of Concepts of Pollution and Taboo*, 2-4.

⁴⁸ Douglas, 5.

boundaries, the more they were reckoned to be the dirty bodies. And inescapably, those who were deemed dirty were subjected to exercise of institutional power. The subject's stance in accepting or refusing to adhere to the sacred, consequently, determined the "potential" of his/her affiliation with pollution, danger and punishment.⁴⁹

With respect to monotheistic religious traditions, conforming to the sacred, purity and thus to orthodoxy was emphasized initially through the stories of Eve and Adam: a potentially deviant figure, often the devil, seduces human beings to act erroneously and to commit sin. And having followed the wicked path and denying the sacred, Eve and Adam were accepted to have violated the purity of the human body, mind and heart. Prior to Islam, Judaism, Zoroastrianism and Christianity defined the laws of purity and imposed these rules upon their adherents over a multifaceted corpus of bodily regulations.⁵⁰ The Jewish tenets on ritual purity, in particular, authoritatively influenced the Islamic corpus on the same matter as the striking correspondences underscored by A.J. Wensick demonstrate.⁵¹ For instance, the Judaic creed commanded its followers to perform *wudu* (ablution) strictly before prayers and rituals against polluting constraints such as sexual intercourses, food consumption and childbirth.⁵² In this respect, Marion Katz presented convincing examples pointing toward the reminiscences and adaptations discernible among Judaism, Christianity, Zoroastrianism and Islam with regard to purity and purification.⁵³ Even though Christians did not specifically emphasize a framework of purity, they

⁴⁹ Douglas, 8-11, 98-114.

⁵⁰ Katz, *Body of Text: The Emergence of the Sunni Law of Ritual Purity*, 2-3.

⁵¹ Wensick, "The Origin of Muslim Laws of Ritual Purity," 75-93.

⁵² Katz, *Body of Text: The Emergence of the Sunni Law of Ritual Purity*, 4.

⁵³ Katz, *Body of Text*, 7-24, 44-56

practiced and followed certain rules. When it comes to close encounters with the members of other religions -written or unwritten- regulations aimed to strengthen one's attachment to the religion and to embolden communal unification as reflected in Christian "handbooks of penance."⁵⁴ Comparable to this rationale, Julie Marcus suggested that "pollution law" in Islam was designed to decide who/what is "outer and inner by underlining an ultimate division among believers, unbelievers and non-believers."⁵⁵ As it could endanger the purity and integrity of body and spirit, to medieval Islamic scholars' consensus, the pollution of mind, body and heart was a condition of *waswasa* (anxiety). And to be able to delineate individuals' ritual and spiritual conditions, the terms *najasa*t (uncleanliness, impurity) and *taharat* (cleanliness, purity) were employed.⁵⁶

According to the generic interpretations of the schools of Islamic jurisprudence, the state of *janâba* (pollution) could occur through the encounters pertaining to substances, bodily fluids, and human encounters that were bearing certain degrees of intimacy.⁵⁷ It, however, was assumed to ensue through the presence of an individual who belongs to a group deemed sick, inferior, dirty and thus unsafe, i.e. women, non-believers and the deceased bodies.⁵⁸ The non-Muslims living in Islamdom or the non-Christians living in Christendom were subjected to the same presuppositions that sanctioned against the *other* regardless of religion. The position of Jews, for example, was frequently brought up as the believers were

⁵⁴ Katz, 4-5

⁵⁵ Katz, 19, 56-58; Marcus, "Islam, Women and Pollution in Turkey," 313.

⁵⁶ Reid, Law and Piety in Medieval Islam, 144-147; Wensick, "The Origin of Muslim Laws of Ritual Purity," 75-93.

⁵⁷ On the cancelers of *wudu* see Katz, 101-144.

⁵⁸ Katz, 145-206; Amanat, *Jewish Identities in Iran: Resistance and Conversion to Islam and the Baha'i Faith*, 38-39; Moreen, "The Problems of Conversion among Iranian Jews in the Seventeenth and Eighteenth Centuries," 215-218.

concerned that their sacred spaces of worship would be polluted by Jews' presence.⁵⁹ Sunni Islam, conversely, did not foresee such a barrier and did not define any particular community "innately" impure. As Katz concluded, non-Muslims were considered to be "substantively impure" only in the formative "-classical-" period of Islam. Later on, this assumption gradually faded out and found a new articulation within the Shi'a doctrines: with the Shi'i elites' quest to present themselves as the true protectors of Islam, their opinion deemed non-Muslims inherently impure in responding to a seemingly lenient Sunni position on the same subject.⁶⁰ Due to the notion of inherited impurity, for instance, Jews were not allowed to conduct business in bazaars and prohibited to enter sacred spaces in medieval and early modern Iran. Furthermore, by introducing more exclusivist policies, under Safavid rule, non-Shi'ites were banned from utilizing the public baths where the local Shi'ites performed *wudu*. In the Safavid realms, around the 1650s, when the external and internal pressures rendered the maintenance of the empire increasingly difficult, state policies turned out to be more aggressive toward non-Muslims who were punished whenever they touched or came into close contact with Shi'ite bodies and goods.⁶¹ In the same period, this practice went as far as expelling the non-Muslims from central Isfahan to the marginalized Armenian habitus of New Julfa.⁶² It will be underlined that very analogous leanings politically, verbally and visually expressed by the Ottoman state with similar references intended for the Jewish community in the course of the seventeenth century.

⁵⁹ Kostof, *The City Assembled: The Elements of Urban Form Through History*, 105-107.

⁶⁰ Katz, 158-166.

⁶¹ Vivier-Muresan, "Communitarian Neighborhoods and Religious Minorities in Iran: A Comparative Analysis," 593-596.

⁶² McCabe, Princely Suburb, Armenian Quarter or Christian Ghetto? The Urban Setting of New Julfa in the Safavid Capital of Isfahan (1605-1722), 434-436; Babaie, Babayan, McCabe, and Farhad, *Slaves of the Shah: New Elites of Safavid Iran*; Newman, *Safavid Iran: Rebirth of a Persian Empire*.

Despite the fact that there is no codified agreement on the relationship between non-Muslims and the notion of pollution in Sunni *fiqh*, the Maliki jurists, one of the four Sunni *madhabs* of Islamic jurisprudence, addressed this issue frequently. Maliki jurists ordered that Muslims should preserve religious, moral and social boundaries intact in case non-Muslims should try to challenge the “integrity of Islam.”⁶³ Moreover, the Maliki adherents were admonished to practice *wudu* (ablution) very thoroughly in order to keep body and mind pure against *najas* (substantive dirt).⁶⁴ Although the conditions that led to the cancellation of *wudu* was a disputed matter, early Maliki interpretations seemed to resolve the polemics held on this matter. Yet, in opposition to Maliki’s stance – to which it was very likely for a believer to cancel their *wudu*- the Hanafi jurists emphasized the renewal of *wudu* instead of its cancellation. Because in Hanafi *fiqh*, the cancellation of *wudu* was accepted to occur as a result of very intimate intercourses with deliberate actions only.⁶⁵ In Islamic jurisprudence, most of the opinions had proclivities to issue opinions requiring Muslims to perform ablution in case a non-Muslim would touch Muslims’ bodies, water resources and objects.⁶⁶ This detailed reasoning not only made a distinction between “temporal and permanent” *najas* but also situated non-Muslims in the state of *najasat* permanently whereas Muslims could purify

⁶³ Safran, "Rules of Purity and Confessional Boundaries: Maliki Debates about the Pollution of the Christian," 198-200.

⁶⁴ Safran, "Rules of Purity and Confessional Boundaries: Maliki Debates about the Pollution of the Christian," 198-200. *Najas*, briefly covers all possible forms of pollution and dirt which can be listed as “vomit, blood, menstruation, sexual intercourse, corpses, urine, animals like dog and pig, and the water sources used by these animals.” On the terms’ definitions also see, Wensick, "The Origin of Muslim Laws of Ritual Purity," 75-80.

⁶⁵ Safran, "Rules of Purity and Confessional Boundaries: Maliki Debates about the Pollution of the Christian," 207-210. For a detailed description of intercourse; Katz, 153-154.

⁶⁶ Katz, 9-13. Katz underlined the impact of Judaic and Zoroastrian religious tradition on the formation of Islamic notions purity.

themselves with the practice of *wudu*.⁶⁷

In terms of spatial conventions aimed at non-Muslims, jurists' opinions depended on the space left for them to operate by the legal school they belonged to. In principle, legal rulings varied in a spectrum in which jurists found it appropriate to allow non-Muslims to approach mosques and sacred sites of Mecca. In that regard, the Malikis consistently followed the rigid attitudes they generally maintained toward non-Muslims and outlawed their entrance to any mosque. The Shafi'i jurists prohibited non-Muslims from entering the masjid-al-harem only, the most important sacred space accepted by the Muslim community. As for the Hanafi jurists, in theory, they did not propose any restrictions on non-Muslims' access to any mosque.⁶⁸

Adhering to the Hanafi school of Islamic jurisprudence, the Ottoman jurists, however, incorporated many cross-references from other traditions and legal schools. Thereby, the jurists' approaches to social and religious debates were more complex than what had been indicated in doctrines. Especially in answering the exigencies of the time, sheikh-ul-Islams appropriated explanations from other juristic traditions and intervened the matters by the intermediation of *Kanun* (dynastic/imperial law) to be practical for administrative reasons. These local expressions, adoptions, intertextual references were also worked to implement the shari'a law efficiently to the benefit of state and society, even though it meant the modification of law which, to this end, would no longer be in contradiction with the enduring realities.⁶⁹ As this

⁶⁷ Safran, "Rules of Purity and Confessional Boundaries: Maliki Debates about the Pollution of the Christian," 202-205.

⁶⁸ Safran, 205-210.

⁶⁹ Imber, "The shari'a and kanun," in *Ebussuud: The Islamic Legal Tradition*, 24-62. Imber gives significant examples of referring other schools of Islamic jurisprudence as the Ottoman jurists acted discretionarily in order to fit the exigencies of cases; Barkey, "Aspects of Legal Pluralism in the Ottoman Empire," 83-107. For the formation of Ottoman legal system see Burak, "The Second Formation of Islamic Law: The Post-Mongol Context of the Ottoman Adoption of a School of Law," 579-602; Barkey, "Islam and Toleration: Studying the Ottoman Imperial Model," 9.

“flexibility and fluidity applied” to the generic attitude of the jurists, it is difficult to particularize a consistent attitude promoted by the legal authorities, exclusively on the issues pertaining to non-Muslims.⁷⁰ As to this thesis’ concerns, it will explore the changes and inconstancies concentrated on non-Muslim subjects with primary emphasis on the spatial implications as navigated in official documents. Given that the position of the Hanafi jurists in the classical Islamic period was comparatively moderate, it is very compelling to question the origins of the rancor intermittently resurged against the non-Muslims residing in the Ottoman realms. It may not be evenhanded to generalize early Hanafi jurists’ positions to their specific context-bound verdicts. Nonetheless, a possible shift from early Hanafi stance pertinent to non-Muslims may be worth examining. In this respect, situating this shift in space- and time-specific realities of the seventeenth century will be illuminating in investigating the on-and-off malevolence toward non-believers. Because, the Ottomans in this era, to a certain extent, were inclined to exercise more coercive measures and harshen the official language while up until then, the policies vis-à-vis non-Muslims were more loosely actuated. The emphasis, thus, will be on the spatio-temporal realities that emerged specifically within the period between the late sixteenth and the late seventeenth centuries. In all, this was an epoch that was latent to manifest the transformations that transpired in confessional politics, state discourses and the measures employed against “other, transgressor, unfit, dirty and less desired” subjects.

⁷⁰ Barkey, “Islam and Toleration: Studying the Ottoman Imperial Model,” 9 An earlier attitude upheld by the Ottoman authorities toward a more “tolerated” religio-legal system made a distinction between “religion as a belief system and an institution” Barkey concluded.

1.4 The partition of the urban sphere: spatial practices that prevailed in the wider Mediterranean world

The partition of cities into smaller and secluded spatial units has been enacted from the ancient ages onward. Some of the earliest evidence comes from the Hittites in Anatolia and Tang Dynasty in China, where planned separated settlements were embedded in the urban planning of capital cities. Aimed at the designated *other*, spatial segregation was most originally practiced in Hellenistic Antioch when the Greeks were to be separated from local Syrians.⁷¹ Although up to the thirteenth century one can hardly detect any consistent and systematic ventures of segregation,⁷² relocation or expulsion policies directed at minority groups were implemented by polities. In the medieval Islamic cities, confessional communities were living separately in their own quarters. In Jerusalem, in part due to the ever-changing political establishments that controlled the city one after the other, the quarters were inhabited by specific religious groups. As for the deported newcomers, new political establishments settled them in the city in conformity with the city's pre-existing layout in which the groups resided separately, and this pattern was preserved by the Ottomans as well.⁷³ In medieval Iberia, Jews, Christians and Muslims lived together, shared quarters or lived in neighboring quarters. They were always in contact with each other but the proximity of their residences, quarters and settlements varied according to the trail of minority-majority relations. Due to the movements of

⁷¹ Kostof, *The City Assembled*, 102-104

⁷² In advancing its meaning in genetics studies, segregation is used to refer to residential separations with regards to state, civil society, economic indicators and market conditions in determining the status of all groups; yet for the most part, it was juxtaposed with the discriminated and subordinate groups. See Maloutas and Kuniko, eds., *Residential Segregation in Comparative Perspective*, 3-4.

⁷³ Arnon, "The Quarters of Jerusalem in the Ottoman Period," 1-65

people in the midst of unceasing warfare between the eleventh and sixteenth centuries, in Iberia too, it is hard to detect a persistent pattern of spatial segregation. However, it was the norm, if not the practice, that the interfaith relations between adherents of different religions were controlled by the local lords, crown agents or community leaders. Even though cases of intermingling were to be impeded, especially the Christians and Muslims lived close to one another, while the Jews occasionally lived in separate quarters. This is not to say that they were secluded by coercion. To the contrary, their number was lesser than the Muslims in medieval Iberia, and Jews were inclined to form separate quarters. But in many cases, especially in urban areas, the followers of three religion shared spaces.⁷⁴ It was stressed in the beginning of this chapter that the Jews of Southern France were expelled along with the lepers. Whereas in Iberia, there were no significant incidents of forceful relocations recorded as the minorities of Spain occupied significant positions on behalf of the crown, and for this reason, during the medieval ages they were indispensable in the functioning of the system *convivencia*, or as later on refined as *conveniencia*. For this reason, the representatives of the crown did not intervene the inter-confessional habitations as long as severe conflicts occurred. And in the case of France, the Jews' expulsions were triggered by popular riots but not by the authorities governing under the French king. Therefore, in Europe, one of the earliest records of segregation policy dates to thirteenth-century England. Even though it was imposed on local Jewish groups, the English had no explicit and codified protocols without which it would not be plausible to collocate these particular undertakings with the spatial conceptualization of ghetto.⁷⁵ Because

⁷⁴ Nirenberg, 183, 208-209,222,239,244-248. In these sections, Nirenberg discussed cases of inter-confessional encounters, violations and conflicts with references to confession-specific quarters.

⁷⁵ Kostof, 104-107.

without a systematic and meticulously formulated state agenda rooted in the coalitions taking place between political and religious establishments, the haphazard efforts intended to segregate communities preceding the sixteenth century need to be evaluated separately from the currents of confessionalization. Additionally, to be able to speak about a conventional sixteenth-century ghetto as was materialized in Venice, certain functions and restrictive features are needed. In partitioning of space, as Peter Marcuse proposed, units could be designed according to religious, ethnic, linguistic, and economic affiliations of subjects. While the first three were predominantly deployed to define confessional communities, they should not be trivializing “the economic use.”⁷⁶ But considering the time and context-bound nature of the question -the early modern period around the Mediterranean- confessional affiliations step forward among other designations. Especially on the part of states, individuals, on top of everything, were officially recorded in agreement with their religious identities at a time when “national” identifications had not yet been invented. For that reason, the target of these spatial practices was the *other*, due to their dissimilarities to the rest that could also bring on stigmatizations such as "unfit, sick, mad, inferior, dirty, impure and thus dangerous." This resulted in the exaltation of the rest of the society as being "desirables," who were perceived to be in conformity with orthopraxy and to constitute the "pure, law-abiding and healthy subjects."⁷⁷ In the creation of heterotopic spaces, as argued by Michel Foucault, the point of origin is based on the notions deduced from the real world, such as orthodoxy.⁷⁸ Orthodoxy, in this respect, is fabricated in response to a condition in

⁷⁶ Marcuse and Kempen, eds., *Of States and Cities: The Partitioning of Urban Space*, 12-15.

⁷⁷ Strange and Alison, eds., *Isolation: Places and Practices of Exclusion*, Routledge Studies in Modern History, 1-10.

⁷⁸ Foucault, "Of Other Spaces: Utopias and Heterotopias," 1-9.

which its *a priori* presence is challenged by what is considered as a threat to the image of orthodoxy, a heterodoxy, comes out.⁷⁹ This condition solidifies heterodoxy as a hindrance to the “legitimization and focalization” which is “rejected by the authorized language” as put by Pierre Bourdieu.⁸⁰ At any rate, the notion of heterotopia usually is intertwined within state policies that attempted to homogenize, protect, seclude, separate and “protect” peoples or it would emerge in reaction to an impulsive tension performed by laypeople. Thereupon, heterotopic notions become utterly apparent as the powerholders, often states, motivated to inaugurate similar spatial obstacles with certain agendas, identify, separate and seclude the different, the dangerous, the undesired and the *other*.

In that regard, the designation of the *other* is particularly relevant to the aims of this study. For, such designations were often accompanied by states’ spatial practices that ended up with ventures that aimed to separate confessional communities. In the course of European history, prior to the modern era, the homogenization of confessional communities was painstakingly exercised during the *Reconquista* movement in the Iberian Peninsula.⁸¹ Queen Isabella and King Ferdinand of Spain, in order to create a homogeneous and purer Christian flock, introduced new policies that encouraged individuals and state bodies to participate in their project. The representatives of political authority, by participating in this process, evoked “the signs, symbols and linguistic references” belonging to the Christian ethos to either expel or assimilate non-Christians.⁸² In 1609, this rationale with the same measures and justifications were reused in the series of expulsions

⁷⁹ Bourdieu, "Chapter 4 Structures, Habitus, Power: Basis for a Theory of Symbolic Power," 160-164.

⁸⁰ Bourdieu, "Chapter 4: Structures, Habitus, Power: Basis for a Theory of Symbolic Power," 164-166.

⁸¹ Rae, *State Identities and the Homogenisation of Peoples*, 4-5.

⁸² Rae, 27-36.

perpetrated on the Moriscos who were deemed heterodox, or Islamized “false” Christians.⁸³ The Moriscos, due to their presumed affiliations with Islam, were regarded as the allies of the Ottomans, the fierce enemies of the Spanish. Nevertheless, public denunciations along with the heresy charges were by no means limited to the Moriscos since the Inquisition, by the assistance of its agents, intensified its monitoring and disciplining efforts directed toward the entire society. In the meantime, the Inquisition operated over the mechanisms established by the pre-existing laws and regulations prescribed by the court of Isabella and Ferdinand. And in agreement with the paradigm of confessionalization, this new exclusive confessional identity was re-affirmed by the eulogist practices of “public announcement of inquisition verdicts, public exaltation of Catholic values, collective expression and adherence to orthodox Catholicism.”⁸⁴ Similar tendencies were articulated by the French Kingdom during the on-and-off series of massacres aimed at the Huguenots that took place between the sixteenth and seventeenth centuries. Chiefly by the states, but buttressed by the Catholic church, heterodox groups were eliminated by way of resorting coercive measures against those who refused to abide -or allegedly violated- religious orthodoxy and social order.⁸⁵ This leads one to remember Charles Tilly’s observation: in a wider geography, the tendency to homogenize populations is stimulated after an attempted internal consolidation that produced the *other* and its alienation.⁸⁶

Finally, the discussion of the term ghetto is congenially relevant to the topic at hand, as it allows for a nuancing of the contexts of spatial practice instigated in the

⁸³ Rae, 81.

⁸⁴ Rae, 56-80.

⁸⁵ Rae, 120-121.

⁸⁶ Rae, 36, 63,81; Tilly, *Coercion, Capital, and European States, AD 990-1990*, 25-26.

Ottoman lands. According to Peter Marcuse's explanation, in the urban division of cities, the ghetto represents a space where "the residents live involuntarily."⁸⁷ There are, nonetheless, other forms of segregation, which fall under the composition of ghetto, and their formulation and function were subject to members' socio-cultural statuses. In its all forms, ghettoization always secures a space in which authorities can exercise "coercive power" over the residents of the enclosed space.⁸⁸

Consequently, in conducting spatial inquiries, deconstructing any state agency enmeshed in these heterotopic spaces is essential to properly uncover their formation processes. For instance, in opposition to the conventional ghettoization narratives, ghettos can be approached as sheltered spaces for minority communities, and the existence of this enclosed space might even pave the way for the proliferation of the rites and culture. This perspective that prioritizes the protection of religious communities, as particularized by David Kaplan, is based on the example of sixteenth-century Venetian Ghetto with its gates that were closed and opened in accordance with the sunset and dawn.⁸⁹ The accessibility to the ghetto was limited to the Jews because the norm was to keep the Christians "distinct and pure," away from the "undesired debauchers," the Jews.⁹⁰ Yet, there were occasions through which the Jews could leave the ghetto at night for particular missions such as providing medical assistance.⁹¹ As for the Christians living in Venice, the sinful yet indispensable occupations, as usury and money-lending, were being handled by the Jews, which in

⁸⁷ Marcuse and Kempen, 8.

⁸⁸ Marcuse and Kempen, 11-23.

⁸⁹ Kaplan, *Divided by Faith Religious Conflict and the Practice of Toleration in Early Modern Europe*, 294-318; Rothman, *Brokering Empire: Trans-imperial Subjects Between Venice and Istanbul*, 49-53.

⁹⁰ Kaplan, 294-318.

⁹¹ Kaplan and Teter, "Out of the (Historiographic) Ghetto: European Jews and Reformation Narratives," 365-94. Kaplan opposed the generic ghettoization narratives to point out that the Jews were not passive "onlookers" and their context in ghettos should not be over particularized.

the end, guaranteed the local Jews a certain level of mobility during daily and economic transactions. As Mary Douglas suggested, in some peculiar contexts, the impurity appointed to subjects could be disregarded as these contexts can create new spaces. In the Venetian ghetto, such a basis of legitimization that made the Jewish presence reasonable was the commercial activities that could only be conducted by Jews of the city.⁹² Indeed, this is an example illustrating that urban divisions could be stimulated by economic concerns, reminding Marcuse's "economic use" factor.⁹³ Analogous to this context, in an interconnected geography, one can see that in Isfahan and Istanbul, the cases of homogenization intended at the non-Muslims of the empires had economic impetuses. Since the intermediary positions of non-Muslim communities in the realms of Islam was crucial in reviving and expanding trade networks, their existence was approved, if not taken advantage of.⁹⁴ On this interconnectedness, the observations of Spiro Kostof and Peter Marcuse allow one to conclude that from the medieval period onward, despite the fact that the Jewish ghetto was "sharply and physically delineated" and "socially segregated," the means of segregation did not apply to daily commercial and long-distance mercantile activities. On that account, by and large, economic and social encounters undermined the supervision of the strict rules and regulations inflicted on spatial practices.⁹⁵

From the outlook of the sovereign, divided, homogenized and isolated confessional communities could be easily monitored, and further, potential cases of miscegenation could be impeded. As it will be stressed in following chapters, the

⁹² Douglas, *Purity and Danger*, 105, 160; Kostof, *The City Assembled*, 107.

⁹³ Rae, 27- 38; Marcuse and. Kempen, 12-15.

⁹⁴ McCabe, Princely Suburb, Armenian Quarter or Christian Ghetto? The Urban Setting of New Julfa in the Safavid Capital of Isfahan (1605-1722), 434-436; Babaie, Babayan, McCabe, and Farhad, *Slaves of the Shah: New Elites of Safavid Iran*; Newman, *Safavid Iran: Rebirth of a Persian Empire*.

⁹⁵ Marcuse and Kempen, 8, 19-20; Kostof, 107.

state's inclination in underlining confessional affiliations started to reveal itself conspicuously from the late sixteenth century onward, when the Ottomans increased the policing and surveilling efforts toward confessional communities. Contemporaneously with the Ottoman's changing attitudes, the Italian city-states issued policies addressed at the *other* in the course of the later sixteenth century. It is known that the Levantine Jews, who were trading in the Mediterranean under Ottoman protection, appealed to the Venetian senate to be granted the rights to sojourn in the city. In their complaints, the Jews stated that they sought a lodge in the ghetto, a request that was not granted until the seventeenth century due to the fragile state of Ottoman-Venetian diplomatic relations, which evidently set the conditions and terms of their stay in the city.⁹⁶ Notwithstanding, at some point, the Venetian Republic had to recognize the Levantine Jews' economic contributions to the market.⁹⁷ The same political establishment, though, allowed the Jews to live in the same neighborhood with the Christians for ten-year periods, as long as they wore a special cloak and paid their taxes in the port city of Spalato.⁹⁸

In Venice, the cases of segregation were by no means limited to Jews. The concerns of "the good Christians" were raised against the Muslims living throughout the city as they felt "polluted" by sharing public and private spaces with them. In the Ottomans' experience, too, they were left no option but to reside in filthy and poor houses along with the contempt they were subjected to on the streets.⁹⁹ In order to reconcile the Venetians' discomfort with the Ottomans' complaints, the authorities

⁹⁶ Ravid, "The First Charter of the Jewish Merchants of Venice, 1589," 190-200

⁹⁷ Rothman, *Brokering Empire: Trans-imperial Subjects Between Venice and Istanbul*, 211-215.

⁹⁸ Ravid, "The First Charter of the Jewish Merchants of Venice, 1589," 200-203.

⁹⁹ Ortega, "Across Religious and Ethnic Boundaries: Ottoman Networks and Spaces in Early Modern Venice," 67-75.

invented the enclosed space of *Fondaco dei Turchi*.¹⁰⁰ It was originally conceptualized in connection to the example of the Jewish Ghetto. The *Fondaco* was established in 1621 with the guardians recruited to oversee the activities of its Muslim residents and merchants coming there to conduct business. Coincided with its foundation, precisely in this epoch, the Republic was struggling with economic and political hardships, as the Ottomans did, which instigated more rigid measures to be put into effect vis-à-vis the attires, sartorial arrangements, rituals and practices of non-Christians.¹⁰¹ However, inquisition registers from the period depict a rather different image; even after the establishment of the *Fondaco*, members of different religions managed to bypass the rigidified rules and regulations as the cases were brought to the court. Strikingly, among the court records, there were cases in which the Ottoman, Greek Orthodox, Safavid, and Armenian subjects in various configurations shared residences. In fact, it turned out to be a problem when the Safavid Shi'i merchants in 1662, protested the Venetian government upon their obligatory transfer to the *fondaco* since up until then, they were lodging in their clients' houses.¹⁰² The recurrent occurrences of comparable shared spatial arrangements enable one to conclude that the Venetians' agenda did not go unchallenged in spite of all the effort put in managing and monitoring inter-confessional relations.¹⁰³

The Ottoman state's propensities as expressed in urban spaces were rather different and complex. First of all, it should be said that, in its conventional form,

¹⁰⁰ For a detailed discussion of the *fondaco*, See Rothman, *Brokering Empire: Trans-imperial Subjects Between Venice and Istanbul*, 198-210.

¹⁰¹ Ortega, "Across Religious and Ethnic Boundaries: Ottoman Networks and Spaces in Early Modern Venice," 62-68.

¹⁰² Rothman, *Brokering Empire: Trans-imperial Subjects Between Venice and Istanbul*, 203-207.

¹⁰³ Ortega, 79-81.

ghettoization cannot be observed in early modern Istanbul since the city's microcosms were composed of multi-confessional units without any enclosed and inaccessible spaces.¹⁰⁴ Moreover, there are no instances of massive exoduses of groups or systematic persecution addressed at one specific confessional community. Second, the Ottomans constantly reinvigorated the Islamic principle that prioritized the centrality of religious structures in organizing and establishing quarters within the city.¹⁰⁵ As Marcuse noted, this applied to the non-Muslims living in Islamdom as well, who not only socially gathered around their own places of worship but also resided in the proximity of these structures.¹⁰⁶ Hence, rather than stating the obvious, this study will deconstruct the ways in which the Ottoman ruling establishment re-oriented its modus operandi toward a more rigid enactment of confessional politics. Thereby, this thesis aims to demonstrate that for the first time in the seventeenth century, the Ottoman state sought to re-shape the spatial configuration of a non-Muslim group in the city with novel expressions pertaining to new referential concepts and stigmas. And to this study's objectives, it is important to stress that in determining the destinations of relocation and separation the leading authorities relied on and benefited from established spatial concentrations where non-Muslims constituted the majority. This was a novel agenda rooted in the gradual transformation of the state mentality and its new spatial concerns accordingly. The official documentation of the seventeenth century presented in the following chapters, the *fetva* collections and decrees, support this alteration. It is also equally

¹⁰⁴ Yerasimos, "Les Grecs d'Istanbul après la conquête Ottoman, Le repeuplement de la ville et de ses environs (1453-1550), 375-399; Yerasimos, "La fondation d'Istanbul Ottoman," 205-224; Kafescioğlu, *Constantinopolis/Istanbul: Cultural Encounter, Imperial Vision, and the Construction of the Ottoman Capital*; Goffman, *The Ottoman Empire and Early Modern Europe, New Approaches to European History*, 82-85.

¹⁰⁵ Johansen, "The All-Embracing Town and Its Mosques," 148-151.

¹⁰⁶ Marcuse and Kempen, 23.

important to underline that this process can be traced in the official language of the state from the late sixteenth century onward when confessional polarization sparked through the state's quests to re-orient society in accordance with Sunni orthopraxy. Thereafter, the Ottomans occasionally encouraged hostile discourses toward non-Muslims and prompted the enactment of more coercive policies in the seventeenth century. The repercussions of these policies became discernible among Muslim flock who then participated in this confessionalization process from below by engaging in policing the *other* and espionage at the expense of non-Muslims. Meanwhile, as they were blamed for the calamities and instabilities of the period, the Jews were situated in an aggressive environment by which they were stigmatized as the unfit, dirty and undesired subjects. Consequently, it will be noteworthy to question the expulsion cases of the Jews from the heart of the city to the relatively marginalized peripheries that were already inhabited densely by the *other*, which can produce fruitful discussions in uncovering the functioning of the confessional politics in the seventeenth century.

1.4.1 Formation of social space and its relation to human agency in the context of habitus

Advancing the Kantian theory of space that redefined space “as a transcendental area where the consciousness of the subject was shaped,” Henri Lefebvre’s conceptualization posits social space in juxtaposition with “geometrical and physical” spaces.¹⁰⁷ In the making of social space, his theory first acknowledges the material environment, the physical space. But the notion of physical space is

¹⁰⁷ Lefebvre, *The Production of Space*, 1-2.

insufficient in expressing the dynamism of human actions and practices that led to the creation of “spatial codes.”¹⁰⁸ These codes, though, as a “means of living” are already embedded in spatial production through a dynamic energy carried by human actions.¹⁰⁹

...the social space incorporates social actions, the actions of subjects both individual and collective who are born and who die, who suffer and who act, from the point of *connaissance* (knowing), social space works as a tool for the analysis of society- in fact, it is a process.¹¹⁰

"Directional, situational, relational, fluid and dynamic," social space entails a network of “inter-relations and co-existences” at once. It is “not imagined nor unreal,” but rather formulated “on the past actions” that keep a potential to “generate new actions.”¹¹¹ Depending on the momentum engendered within the “relationship between objects and producers,” human agency with its extended networks, processes the socially interwoven spaces.¹¹² In supporting Lefebvre, David Harvey underlined the fact that space and time cannot exist without the terms that stipulated them and, the human agency in the production of space is the most critical component that actually transformed “conceived/ representation of spaces” to “representational/lived spaces.”¹¹³ This sequential liaison was affirmed by Michel de Certeau to whom it was the “actions of transgressors, heroes” – “creative acts” - that transform and articulate space.¹¹⁴

¹⁰⁸ Lefebvre, 17-18.

¹⁰⁹ Lefebvre, 142, 12-22, 48.

¹¹⁰ Lefebvre, 33-34.

¹¹¹ Lefebvre, 73, 44-46.

¹¹² Lefebvre, 82-86.

¹¹³ Lefebvre, 33-41; Harvey, *Space as a Keyword*, 122-126.

¹¹⁴ De Certeau, *The Practice of Everyday Life*, 117-123.

The transformation of spatio-social relations in the context of early modern Istanbul can be read through the *kadı sicils* (court registers) of the seventeenth century that record the “undesired” instances of all gender and inter-confessional intermingling. They reveal that various sorts of merrymaking, entertainment and instances that involve socio-cultural encounters were inevitable in the flow of daily life. And such acts ultimately cut across the social, religious, and gender boundaries in a social environment that this thesis will explore in the context of Pierre Bourdieu’s notion of habitus. Within a particular spatio-social reality, space had a capacity to form not only social groups’ representation but the groups themselves. As Bourdieu suggested, each spatial configuration can provoke different forms of human agency, linguistic or behavioral expressions that designate a shared homologous practice toward the integration/disintegration of society.¹¹⁵ Habitus here refers to an interdependent set of relations constituted between “agents and structures” which was formed by “practices and lived experiences.”¹¹⁶ By further examining this relationship, Rae compared various theorists’ perspectives, and concluded that the agents in habitus, through their “dispositions,” are capable of interpreting the possibilities before them and in this way, they can generate new tools in creating “their own social and cultural contexts.”¹¹⁷ And for this reason, Bourdieu’s habitus is constantly transformed by the practices of agents, such as “thoughts, perceptions, expressions, actions,” that reproduces its constituents.¹¹⁸ This study will stress that

¹¹⁵ Bourdieu, "Chapter 4: Structures, Habitus, Power: Basis for a Theory of Symbolic Power," 158-162.

¹¹⁶ Rae, 45-47; Calhoun, *Critical Social Theory*, 144, and Brubaker, ‘Rethinking Classical Theory: The Sociological Vision of Pierre Bourdieu’, 758 as cited in Rae.

¹¹⁷ Brubaker, ‘Rethinking Classical Theory: The Sociological Vision of Pierre; Bourdieu’, *Theory and Society*, 758, as cited in Rae, 45-47.

¹¹⁸ Bourdieu, *Outline of a Theory of Practice*, 82-83. “In short, the habitus, the product of history, produces individual and collective practices... the system of dispositions - a past which survives in the present and tends to perpetuate itself into the future by making itself present in practices structured according to its principles...” Bourdieu, *Outline of a Theory of Practice*, 94-95. “...As an acquired

the marginalized residents of Hasköy, the transgressor subjects, through their own dispositions as expressed in their actions, created certain spatio-temporal realities. These realities represent the transformation of Hasköy into a habitus within the agents' social-cultural contexts, which frequently defied social and religious boundaries as imagined by the ruling body.

1.5 Historiography and sources

Some of the topics discussed in this study have been studied within an array of approaches by a number of scholars. The relationship between urban space and imperial policies that aimed to Islamicize Eminönü has been initially addressed by Lucienne Thys-Şenocak. She thoroughly examined the construction of the Yeni Valide Mosque and focused on the patronage network of the prominent female figures of the dynasty.¹¹⁹ She argued that, in the context of early modern Istanbul, female patrons of the city expressed their intentions and thus materialized their growing agencies in the operation of the administration. In his book, Marc David Baer has interpreted the fire of 1660 and the events that took place in its aftermath. He has concentrated on the confiscation and relocation policies sanctioned on non-Muslim communities and has sought to explain the motivations tacitly embedded in the ruling establishment's agenda based on archival documents.¹²⁰ His work has been

system of generative schemes objectively adjusted to the particular conditions in which it is constituted, the habitus engenders all the thoughts, all the perceptions, and all the actions consistent with those conditions, and no others...Because the habitus is an endless capacity to engender products - thoughts, perceptions, expressions, actions..."

¹¹⁹ Thys-Şenocak, "The Yeni Valide Mosque Complex at Eminönü,"58-70.

¹²⁰ Baer, "The Great Fire of 1660 and the Islamization of Christian and Jewish space in Istanbul,"159-181; Baer, *Honored by the Glory of Islam: conversion and conquest in Ottoman Europe*.

helpful to grasp the ways in which contemporary politics operated in connection to the shifting political alliances. New evidence on the confiscation policies and ownership status of the Jews in Eminönü has recently been provided by Yıldız, which could potentially revise the data provided by Baer. The debate remains unresolved as his study, too, abiding by a particular interpretation of the *dar al-Islam*, seems to disregard certain points regarding the aftermath of the fire.¹²¹ In gathering the population figures of the non-Muslims in the city in the sixteenth and seventeenth centuries, Uriel Heyd, Robert Mantran, Minna Rozen and Stephane Yerasimos have already provided analyses of very valuable documents. Furthermore, the last two are among the very few scholars who especially meticulously investigated the Jews and Christians in the empire, respectively. For the inquiries focusing on inter-confessional life in Istanbul for consecutive periods, their cited works are essential since Rozen and Yerasimos have documented socio-cultural alterations that transpired in society supported by statistical figures gathered from primary sources. Halil Inalcık's study on the survey of 1455 and other articles were of great use, in addition to Çiğdem Kafescioğlu's works, to be able to evaluate the social and urban transformations of Istanbul from the mid-fifteenth to the mid-sixteenth centuries.

The theoretical background of this study has been introduced in the earlier sections of this chapter. To recapitulate briefly, the conclusions of David Nirenberg's study on the interfaith relations in medieval Iberia have provided a firm basis to

¹²¹ Yıldız, "1660 İstanbul Yangınının Sosyo-Ekonomik Tahlili," 179-205. The author acknowledges the state's ventures in cleaning and creating a Muslim neighborhood within a footnote: "Mustafa Cezar'ın bu ifadeden yola çıkarak Yenicami'nin böyle bir yere yapılmasının sebebinin 'Eminönü'nün, sokaklarının pisliğinden şikâyet edilen bir semt olmaktan kurtarılarak temiz bir Müslüman Türk semti haline getirilmesi olduğu söylemektedir" on page 185. However, throughout his study Yıldız rejects the idea of Islamicization and concludes that the relocation of Jews was attributed to aesthetical concerns since it seems illogical to Islamicize a neighborhood situated in *dar-al-Islam*, see page 195.

rethink the development of multi-confessional inhabitation in the Ottoman realms. In that respect, Baki Tezcan who initially pointed out this connection has discussed the applicability of these forms of medieval co-existences to the Ottoman history by tailoring the model *conveniencia* formulated initially by Brian Catlos. And finally, in my attempt to introduce perspectives from the confessionalization paradigm to the study of socio-spatial urban dynamics, the works of Tijana Krsitć and Derin Terzioğlu have been important, as they have brought the discussion into contact with the Ottoman studies, and have presented a comparative basis with which the seventeenth-century Ottoman confessional politics could be appropriately contextualized.

In contributing to the literature, this study introduces new archival evidence to shed light on the state's burgeoning tendencies to underline spatial organization and spatial concepts in addressing issues pertaining to confessional communities. Among the primary sources used, the centrality is, therein, given to the *fetva* collections of the two seventeenth century-sheikh-ul-Islams whose collections' *Kitabbü's-siyer* sections have not been published. This section is particularly important for this study, since it focuses on the matters spared to non-Muslims solely, and it is this part that provides related information to deconstruct the dominant religio-political discourse and contemporary political mentality. Also, the *fetva* collections constitute a genre that has not been used as primary source material in the mentioned studies on the seventeenth century. Textual analyses conducted on these sources thus constitute a significant portion of the thesis, principally in interpreting the challenging events of the mid-seventeenth century. By doing so, the novel expressions and notions embedded in the *fetvas* pertaining to non-Muslims are evaluated to elaborate on the state's tendencies to control communities, reinforce

religious orthodoxy and to denounce the *other* as a threat to the purity and integrity of Sunni Islam. As it will be shown, the semantics of the questions and answers presented in the collections often associated non-Muslims with the notions of dirtiness, impurity and danger to express Muslims' discomfort. These questions and answers revolve primarily around inter-faith groups' issues entailing the definition, organization and sharing of various units from neighborhoods to shared residences. Therefore, this study hopes to uncover the reflections of the dominant religio-political discourse in these sources and to highlight the newly emerging emphasis on underlining and distinguishing spatial matters where non-Muslims were concerned, a question that has not been explored before.

However, turning to the communities, in order to prevent an excessive reliance on state's discourses and policies, this study will go on to uncover the tensions that originated among the members of confessions who transgressed or reinforced the religious, social and gender boundaries. In navigating this task, a selection of *kadı sicils* (court registers) and some *fermans* (decrees) from the sixteenth and seventeenth centuries will be employed to search for the subordinate groups' voices and agencies, specifically of non-Muslims.

This study has benefitted from a consideration of the correspondences and divergences among *fetvas* and other sources, which produced meaningful discussions on the origins of confessional disputations, conflicts and rancor accumulated toward non-Muslims. Having said this, when relying on particular archival sources there are potential problems that should be acknowledged. First, there are many other archival documents waiting to be discovered that would effect the interpretations hitherto made here. Second, a point needs to be clarified concerning the court records: Although these sources do not directly give voice to lay people, the recording of the

transgressions and incidents that violated the legal codes conveys the idea that these people could and did manifest their agency in defying the norms imposed by the state.¹²² Hence, a researcher is equipped to infer and notice the agency that is captured in these infringements. Third, it is crucial to remember that these sources could engender a meaningful discussion only when they are examined in conversation with each other. On the one hand, *fetva* collections as a source are well-equipped in pointing out the normative and ideal inferred from theological prescriptions that can represent the contemporary mentalities of the legal and political bodies.¹²³ The deconstruction of these mentalities with respect to their transformations can disclose the means that operated to define, re-affirm and control orthodoxy, orthopraxy and the desired subject. On the other hand, court registers and imperial decrees, as records of the immediacy of actualities that occurred in the lived space, can reveal the role played by human agency and transgressive actions. And finally, a historian can comprehend the extent to which confessionalization can be an applicable paradigm to detect the changes and continuities manifested in the religio-political vocabulary of the state. Accordingly, the execution of confessional politics for consecutive epochs up until the eighteenth century can be analyzed by disclosing the divergences and overlaps embedded in these different sources.

¹²² Ergene, *Local Court, Provincial Society and Justice in the Ottoman Empire: Legal Practice and Dispute Resolution in Çankırı and Kastamonu (1652-1744)*, 125-141. The assessments intended at court records should consider that the incidents, and events were not necessarily written as they happened, but transformed into a specific, formulized and designated legal language.

¹²³ Heyd, "Some aspects of the Ottoman fetvā,"; Abdurrahman Atcil, "The route to the top in the Ottoman ilmiye hierarchy of the sixteenth century."

1.6 Thesis outline

The first chapter introduces and discusses the theories, terms and concepts that are central to this thesis. First, a brief history of inter-confessional cohabitations is discussed to create a basis for the inquiries to be conducted in the Ottoman case, which is followed by a discussion covering the relationship between the notion of convenience and *dhimmis*. Then, the preference in applying the paradigm of confessionalization to illuminate the trajectory of confessional politics with an emphasis on non-Muslim communities of the empire is explained. Third, in the making and preserving of religious orthodoxy, the early modern states' inclinations to associate their own designated *other* with the concepts of purity and danger are argued by referring to religious doctrines. And finally, the human agency and production of social space as responses to the enactment of coercive spatial practices that prevailed around the Mediterranean are discussed.

The second chapter presents a background to the prominent phenomena materialized in the seventeenth century that are central to this thesis' arguments. It begins with non-Muslim communities' spatial distribution patterns that shaped the urban morphology of Istanbul from the medieval ages onward and up to the late sixteenth century. It emphasizes the reconstruction of the capital city with respect to the repopulation policies with a particular emphasis on the shifting population and settlement patterns of Istanbul Jewry up to the seventeenth century.

The third chapter focuses on the origins of aggressive discourses that started to target non-Muslim communities on the part of the state and Muslim members of society. Through the discussion of a number of primary sources, it will end with the reorienting dynamics of the sixteenth century subsequent to the intensified

confessional polarization kindled by the Ottoman state, that will be quite focal in understanding the dynamics of confessional politics in the seventeenth century.

The fourth chapter starts by tackling the paradigm of seventeenth-century decline within the Ottoman realms. Afterward, it will explore the emergence of a more profound inter-confessional rancor accumulated against non-Muslim communities, and against the Jews in particular, during this period. And in agreement with the confessionalization framework, the agency of Muslim subjects in this process will be stressed. The transformation of the contemporary confessional politics and the religio-political discourse will be supported by the presented *fetva* collections and a selection of imperial decrees and court records. This chapter substantiates the argument that the Ottoman religio-political corpus generated a language that started to associate non-Muslims with certain notions of impurity that had not been stressed until then.

The fifth chapter will be discussing the spatial regulations sanctioned upon the Jews with the references gathered from a variety of contemporary sources that suggest a common antagonism toward the Jews of the city. In reflecting the roots of this discourse, this chapter will analyze state's temporal policies as a case study in which the execution of expulsion policies forced the Jews to reside in non-Muslim dominated spaces. Henceforth, this chapter will be concluded with a discussion on the intervention of social space and human agency in the making of a Jewish habitus through the court record cases. It will argue that the spatio-temporal realities of the seventeenth century were played out differently and resulted in the emergence of rather different structures beyond the "tendencies" of the state that can no longer be explained by the notion of convenience.

CHAPTER 2

INHERITING A MULTI-CONFESSIONAL CITY: TRANSFORMATION AND EARLY VENTURES

Constantinople/Istanbul has always been a multi-confessional city composed of myriads of people belonging to groups of various religio- “ethnic” backgrounds.¹²⁴ Especially from the middle ages onward, its urban morphology constantly transformed as a result of wars, famines and population fluctuations. Yet, the city preserved its multi-confessional layout with regards to spatial units and demographic indicators. On the one hand, especially from the Byzantine rule onward, one can identify specific quarters and districts around which confessional groups began to cluster. On the other hand, the map of Istanbul was in constant transition due to enlargements provided by denizens’ *intramural* (within the walls) and *extramural* (outside walls) movements. And these developments burgeoned in the aftermath of the Ottoman takeover of the city in the mid-fifteenth century with the arrival of newcomers. Therefore, one can follow overlapping patterns that can be observed in the spatial organizations of confessional communities in Istanbul for consecutive centuries. However, it should be underlined that in terms of the density and population ratios, the non-Christians in Byzantine Istanbul and the number of non-Muslims in the Ottoman city were quite different, as the former was a rather small population compared to the latter. In that respect, the historical inquiries to be conducted on this matter urge one to trace overlapping and contrasting spatial patterns in the transition of the city from Byzantine to Ottoman rule.

¹²⁴ Magdalino, "Medieval Constantinople: Built Environment and Urban Development," in *The Economic History of Byzantium: From the Seventh Through the Fifteenth Century*, ed. Angeliki E. Laiou, 530-535.

Apart from the indigenous Greek population, Jews, Muslims, other Christian groups and Gypsies were cohabitating in Constantinople according to the Byzantine sources that mentioned their presence.¹²⁵ The *other* and outcast groups, though, were majorly residing around Pera and Galata, the districts turned out to be the loci inhabited by non-Muslims, the *others* inhabiting under Ottoman rule. And akin to Ottomans' relocation policies, the Byzantines, too, enacted practices often to displace undesired subject with the preferred ones in fulfilling the exigencies of contemporary conjuncture. Hence, the Byzantine ruling establishment ensured that, the central areas of the city-proper were inhabited by Greek Orthodox subjects. The ventures of occasionally relocating the Byzantine Jews the within the walled part of the city to the northern shores of Golden Horn and across the shores to Pera, were not unusual of the period. Thus, Byzantine policy makers introduced strategies to expel those pariah groups once it became possible for to obviate their existence in the vicinity of the city center. Otherwise, the emperors were willing to overlook the *others'* existence in the "sacred zones" since they were needed to repopulate the city along with their resourceful occupations, which justified, for example, Jewish presence in the city.

Regarding the spaces of marginalized groups, across the shores of Golden horn, but especially the space around Pera became very notorious for the magnitude of the outcast population it harbored in the medieval ages. This reference was partly stemmed from the forcible relocation of the individuals, who were affected by the series of resurgent bubonic plague, into the northern shores of Golden horn and Pera,

¹²⁵ Jacoby, "The Urban Evolution of Latin Constantinople (1204–1261)," in *Byzantine Constantinople: Monuments, Topography and Everyday Life*, ed. Nevra Necipoğlu, 278.

while the latter housed a leper hospital in the proximity of the Jewish quarter.¹²⁶ The very same period also saw the enlargement of the city due to new settlers' arrival, the Arabs and Italians, who came there to conduct business in addition to already resident groups that consisted of Armenians, Syrians, Russians, Georgians and Turks.¹²⁷ The position of the Armenians in Byzantine society was rather peculiar. Among these groups, the Armenians were "the incorporated but not assimilated subjects" who were able to keep their identity distinct from the Greek orthodox Byzantines by way of persistently speaking Armenian.¹²⁸ Thereby, the Byzantines, in need of preventing possible cases of miscegenation endangering orthodox Byzantine identity, forced the Armenians to retreat to their own isolated corners, especially in the times of social disorder.¹²⁹ As for Muslim presence in the city, the constant warfare between the Byzantines and Arabs brought many Muslim captives and prisoners to the city as noted as early as the ninth century.¹³⁰ Moreover, after the late ninth century, many more came to the city for mercantile purposes. In supporting the growing visibility of Islam in the city, the chroniclers mentioned that first the Fatimids and then the Ayyubids commissioned the constructions of a *masjid* and a mosque respectively when their diplomatic and economic relations intensified with the Byzantines between the ninth and twelfth centuries.¹³¹ Under the patronage of

¹²⁶ Jacoby, "The Urban Evolution of Latin Constantinople (1204–1261)," 276-280; Magdalino, "Medieval Constantinople: Built Environment and Urban Development," in *The Economic History of Byzantium: From the Seventh Through the Fifteenth Century*, ed. Angeliki E. Laiou, 534-536.

¹²⁷ Magdalino, "Medieval Constantinople: Built Environment and Urban Development," 530-535.

¹²⁸ Garsoian, "The Problem of Armenian Integration into Byzantine Empire," in *Studies on the Internal Diaspora of the Byzantine Empire*, ed. Hélène Ahrweiler and Angeliki E. Laiou, 123- 124.

¹²⁹ Garsoian, 123-124.

¹³⁰ Reinert, "The Muslim Presence in Constantinople, 9th- 15th centuries: Some Preliminary Observations," in *Studies on the Internal Diaspora of the Byzantine Empire*, ed. Hélène Ahrweiler and Angeliki E. Laiou (Washington, 1998), 125.

¹³¹ Reinert, "The Muslim Presence in Constantinople, 9th- 15th centuries: Some Preliminary Observations," 131-139.

Saladdin, Muslim traders were also able to arrange the establishment of a new neighborhood around the mosque sponsored by the Ayyubids, nevertheless, in the beginning of the thirteenth century, both the old *masjid* and the neighborhood were destroyed by a fire.¹³² The location of this neighborhood corresponded to the late Venetian and Pisan quarters, which were revitalized visually and socially by the Palaiologos emperors.¹³³

It is captivating that Byzantine confessional politics did not deprecate Muslims as heretics while pagans and Jews were often deemed so. Even so, the “toleration” of the *other* came at a price: regardless of confession and ethnicity, Muslims, Armenians, Latins and Jews were expected to live in their own quarters. But still, there were exceptions to that rule. For instance, non-Greeks were granted occasional permissions and rights that could be justified by certain activities that were beneficial to the betterment of the Byzantine state. For instance, following a fire that broke out, the resident Jews who were isolated in their own quarters in Galata were allowed to re-settle in the walled part of the city to pursue their economic and artisanal occupations in 1203. This was an overt violation of the norm that had been practiced so far, which precluded the Jews from settling in the city-proper. As the twelfth-century sources strictly indicated “there were no Jews to be found among the Greeks” in the city proper, a statement that affirmed the density of the Jews in the quarters of Pera, Galata and Kasımpaşa.¹³⁴ But it is very plausible to infer that the state’s permissiveness toward the Jews may have been intended, as a secondary

¹³² Jacoby, "The Urban Evolution of Latin Constantinople (1204–1261)," 278.

¹³³ Reinert, 142-145; Jacoby, "The Urban Evolution of Latin Constantinople (1204–1261)," 280.

¹³⁴ Jacoby, 282. Rozen, *A History of the Jewish Community in Istanbul: The Formative Years, 1453-1566*, 5.

incentive, at their conversion to orthodox Christianity.¹³⁵ This interpretation further overlaps with the functioning of the Byzantine legal system that was arbitrarily implemented.¹³⁶ Such flexibility often emerged in the enactment of law on behalf of society. For example, at the end of the eleventh century, emperor Constantine IX ordered the expulsion of the Jews and Armenians who came to the city in the last couple decades due to a series of rebellions aroused at that time. Let alone opposing this order, many more banned subjects continued to immigrate to Istanbul in waves of migration from various towns. This was followed by an executive order issued by the Palaiologan emperors who then were feeling obliged to allow the Jews – mostly Romaniotes- and the Genoese to settle in the new neighborhoods of Galata since the over-population caused by new immigrants hit the city in the thirteenth century. They were additionally given rights to conduct trade, of course in an effort to revitalize the city right after the Latin rule.¹³⁷

Finally, the abovementioned remarks are quintessential in the administration of a multi-confessional city. From an institutional perspective, in answering the exigencies of the time, for the Ottoman ruling cadre, it necessitated the implementation of pragmatic policies in contradiction to one another as it meant for the Byzantines too. It will be elaborated in the next section that the similar incentives tacitly expressed and the measures were accordingly applied by the Ottomans in the case of the forceful relocations took place in the aftermath of the fall to revive the

¹³⁵ Reinert, 150.

¹³⁶ Laiou, "Institutional Mechanisms of Integration, " in *Studies on the Internal Diaspora of the Byzantine Empire*, ed. Hélène Ahrweiler and Angeliki E. Laiou, 161-181.

¹³⁷ Jacoby, "The Jewish Communities of the Byzantine World from the Tenth to the Mid-Fifteenth Century: Some Aspects of their Evolution," 165-179; Jacoby, "The Urban Evolution of Latin Constantinople (1204–1261)," 297.

capital. In the end, the Ottomans not only took over a multi-confessional city but also an administrative system to advance.

2.1 The Ottoman takeover and the making of the new capital city

The existing population of Istanbul drastically fell before, during and right after the Ottoman takeover. The authorities' quests to compensate for the demographic loss required the development of new imperial policies, such as *sürgün*, that were aimed to repopulate and revitalize the capital city. Before scrutinizing the *sürgün* policy, the execution of forcible relocations of communities within the Ottoman realms, it must be underlined that *sürgün* has a history preceding the Ottoman appropriation. It is known that the Byzantine and Timurid regimes relied on *sürgün* in the aftermath of the incorporation of new territories.¹³⁸ By the Ottomans, *sürgün* was executed on an ad-hoc basis, whenever it was necessary, especially after military expeditions that led to the enlargement of the territories.¹³⁹ Yet, up until the rule of Selim I, it was more persistently used to relocate people forcefully, and afterward, it was operated on demand and necessity.¹⁴⁰ After the takeover, through the *sürgün* policies, numerous Muslim residents from Aksaray, wealthy craftsmen and merchants from Bursa, Karaman and other Anatolian cities were deported to the newly captured city. In addition to the Muslims, many Christians including a large number of Armenians from Ankara and the Jews from the Balkans were driven away to Istanbul.¹⁴¹ This

¹³⁸ Kafescioğlu, *Constantinopolis/Istanbul: Cultural Encounter, Imperial Vision, and the Construction of the Ottoman Capital*, 179.

¹³⁹ Kafescioğlu, 29-31; Braude and Lewis, *Christians and Jews in the Ottoman Empire: The Functioning of a Plural Society*, 11. Rozen, *A History of the Jewish Community in Istanbul*, 16-55.

¹⁴⁰ Kafescioğlu, *Constantinopolis/Istanbul*, 179.

¹⁴¹ Yerasimos, "La Fondation d'Istanbul Ottomane," in *7 Centuries of Ottoman Architecture "A Supra-national Heritage"*, ed. Nur Akın, Selçuk Batur, and Afife Batur, 207-212; Kritovoulos, *Kritovoulos*

convention was prolonged impetuously as a way of supplying an influx of new inhabitants into the demographic complexion of Istanbul. Remarkably, between 1458 and 1475, the deportations were massive on scale and had decisively increased the total population of the non-Muslims in the city.¹⁴² The survey of 1455, in uncovering the population fluctuations immediately after the takeover, is an essential document that also can provide more thorough insights into the history of *sürgün*. As Halil Inalcık introduced, the survey of 1455 supports the idea that *sürgün* was a rigid and forceful policy that did not allow people to return to their hometown.¹⁴³ In the next centuries, though, as addressed by the authorities, those who came to the city otherwise by their own choices could leave anytime they pleased, and correspondingly they were called *kendigelen*.

Apart from the changes that materialized in the composition of the city's overall population, the Christian silhouette of Constantinople, after becoming the abode of the Ottoman emperor, began to transform as well. Massive initiatives were taken by the Sultan who furthermore encouraged his viziers and the prominent families to partake in this reconstruction process of Istanbul.¹⁴⁴ On the other hand, the de-Christianization or the quest to Islamicize the city might also be an ideal that was used to give necessary impressions to the addressed audience, the polities in the west and east.¹⁴⁵ The appropriation of different urban imageries resonated within the

Tarihi:1451 - 1467, trans. Ari Çokona, 282-283, 469; Yerasimos, "Les Grecs d'Istanbul Après la Conquête Ottomane," 107-110. The number of Jews should not be underestimated, but their existence in numbers was not much even in the sixteenth century, in comparison to other non-Muslim groups, and the congregation of Edirne was the most populous group, which is verified later by the 1455 survey.

¹⁴² Yerasimos, "Les Grecs d'Istanbul Après la Conquête Ottomane," 14-33.

¹⁴³ Yerasimos, "Les Grecs d'Istanbul Après la Conquête Ottomane," 117.

¹⁴⁴ Kafescioğlu, 109-130; Tursun Beg, *Târih-i Ebü'l-Feth*, 74-75; Kritovoulos, *Kritovulos Tarihi*, 265, 415.

¹⁴⁵ Kafescioğlu, 171-172.

new imperial vision of Mehmed II, whose epithets encompassed the new “*caesar* of the Rum, the sultan and ebü’-l feth” of the Muslims at the same time.¹⁴⁶

Notwithstanding, buttressed with the myths and traditions of the city and the Hagia Sophia, the city's construction compelled the construction of new mosques including an imperial one, the Fatih mosque,¹⁴⁷ *masjids*, *meydans*, *bedestens*¹⁴⁸ (a market hall for the trade of high-value merchandise, with shops and storage spaces), shops, hospitals and *imarets* (a multi-functional complex that can cover public facilities such as soup kitchens, lodges and hospitals, juxtaposed to a mosque, or sometimes constructed independent of other structures in a neighborhood). The contemporary chronicles of Tursun Beg, Âşikpaşazâde and Kritovulos narrated the construction processes of these structures.¹⁴⁹ For instance, in his chronicle, Kritovulos stated that the Sultan was most attentive to the construction of the pedestrian ways and caravanserais for the lodgers, the *bedesten*, public baths and new pipelines to respond to the city's surfeit demand for water.¹⁵⁰ And the construction was by no means limited to Muslim spaces and structures, Mehmed II ordered the installation of Ohrid and Kastorya Synagogues and the restoration of the Greek Orthodox Patriarchate in addition to its political recognition.¹⁵¹ Some of these structures were re-constructed in a manner that followed the pre-existing Byzantine artistic vocabulary. Some of them were converted directly, as in the cases of Zeyrek medrese and the Eski Imaret, formerly the Pantocrator and St. Savior Pantepoptes churches respectively, and

¹⁴⁶ Kafescioğlu, 4.

¹⁴⁷ Kritovoulos, 443, 635, how the sultan himself engaged in the construction of his mosque, and he underlines that he was quite benevolent to spend money on the mosque. Kuran, "A Spatial Study of Three Ottoman Capitals: Bursa, Edirne, and Istanbul," 128.

¹⁴⁸ Kuran, "A Spatial Study of Three Ottoman Capitals: Bursa, Edirne, and Istanbul," 125-126.

¹⁴⁹ Tursun Beg, 67-74; Âşikpaşazâde, *Tevarih-i Âl-i Osman*, 193-194.

¹⁵⁰ Kritovoulos, 319-321.

¹⁵¹ Yerasimos, "Les Grecs d'Istanbul Après la Conquête Ottomane," 12

turned into mosques in the 1460s.¹⁵² Mehmed II's preferences for urban architecture and arts was quite eclectic; apart from the inherent Byzantine influence, aspects of eastern Islamic and Timurid architectural vocabularies were incorporated into the imperial architectural renovation project. The materialization of such plural stylistic choices was unequivocally manifest in the construction of Topkapı Palace,¹⁵³ the second imperial seat of the emperor after the *Eski Saray* (the old Palace) in Beyazıt.¹⁵⁴

Another socio-political unit that decisively shaped -and continued to shape for centuries- the urban fabric of the Ottoman city was the *waqf* institution.¹⁵⁵ The pious endowments could be established by the initiatives of Sultans, elites, courtly and wealthy prominent figures, whose gross incomes and donations were utilized in the refurbishment of the city and the formation of the *mahalles* (quarters).¹⁵⁶ As the population multiplied and the newcomers continued to settle in the city, Istanbul expanded and it turned into an obligation for the state to designate new spaces for the formation of new *mahalles* inside and outside the city-proper.

The definitions on the foundation of *mahalle* vary. First, as a larger spatial unit, a *nahiye* (district) consisted of a number of *mahalles*. Although there is no straightforward definition of a *mahalle*, principally, Ottoman implementation of Islamic law suggests that a *mahalle* was to be created in the proximity of a place of worship. Since it was either the state treasury or a *waqf* that could finance such a

¹⁵² Kafescioğlu, 16-51.

¹⁵³ Kritovoulos, 417, 607-609. He sanguinely depicted the completion of Topkapı Palace, with its unique courtyards, beautiful species of birds, the hospice, soup kitchens, *hammams* and other parts of the complex as their finest examples.

¹⁵⁴ Kafescioğlu, 50, 59-64. Kuran, 122.

¹⁵⁵ Kafescioğlu, 188-189.

¹⁵⁶ İnalçık, *The Survey of Istanbul 1455: The Text, English Translation, Analysis of the Text, Documents*, 9-11.

venture, many of the *mahalles* were named after the name of the commissioner or the *waqf* for the place of worship in question. In the Ottomans realms, there are abundant examples that followed this tradition. The naming of quarters, nevertheless, was not limited by the abovementioned pattern. There were *mahalles* named after the origins of inhabitants, their hometowns, or after well-known people, *hammams* (public baths) and public places.¹⁵⁷ This remark also explains why the quarter inhabited by non-Muslims were named after their original hometowns, as non-Muslims' *mahalles* were not necessarily named after synagogues and the churches. Moreover, the ones bearing the names of places of worship were fewer in number, considering the density of the non-Muslim denizens of Istanbul.¹⁵⁸ It is also pertinent to the number of synagogues and churches in the city which was noticeably lesser in comparison to mosques and *masjids*. The 1455 survey will illustrate that the majority of non-Muslims' quarters were named after the newcomers' places of origins. As argued by Stéphane Yerasimos, the names of the places where deportees originated were consistently used to register them and further, those names could designate the quarters' new names.¹⁵⁹

2.2. The survey of 1455, demographics and origins of a multi-confessional city

On the onset of the late fifteenth century deportations that shaped the city's demographics noticeably, the survey of 1455 was conducted to register the most recent figures on the population, public facilities, houses and places of worship at

¹⁵⁷ Halil İnalçık, *The Survey of Istanbul 1455: The Text, English Translation, Analysis of the Text, Documents*, 461.

¹⁵⁸ Kafescioğlu, 180-182.

¹⁵⁹ Yerasimos, "La Communauté Juive à Istanbul à la Fin du XVIe siècle," 111-114.

that time.¹⁶⁰ It is thus essential to comprehend the immediate units and constituents of Istanbul right after the Ottoman takeover. Nonetheless, due to the incomplete condition of the document, the available data mostly pertains to Galata, Balat and some parts of the walled-city. At a glance, it is apparent that in 1455, Galata was predominantly inhabited by non-Muslims in which there were quarters affiliated specifically with Armenians, Greeks, Italians, and to a lesser extent Jews.¹⁶¹ The registers of Konstantiniyye, on the other side, indicate that multi-confessional cohabitations were formed by Greeks, Jews and Muslims in the walled parts of Istanbul. In comparison to Galata, there was no presence of Armenian and Italian subjects in Konstantiniyye. For example, in Balat and its surroundings, the number of Jews and Greeks outnumbered the Muslim population. Regarding the places of worship, there were twenty-three churches, two Synagogues and a convent in Galata. In the city-proper, there were over forty churches, most of them in ruins, unoccupied or abandoned. There was only one converted church in addition to two more occupied by Muslims. Whereas to the Muslim congregations' service, the document recorded a *masjid* and a mosque.¹⁶²

The practice of transferring the possession of uninhabited houses and religious buildings to the use of Muslims was by no means specific to Istanbul. The accounts of Âşıkpaşade and Tursun Beg elaborated on the policies of *mukâta'a*¹⁶³ (the tax levied as an annual rent which goes directly to the treasury), which were

¹⁶⁰ İnalçık, *The Survey of Istanbul 1455*, 1-9.

¹⁶¹ İnalçık, *The Survey of Istanbul 1455*, 227-231. The survey listed a few number of Jews who were living in Galata; the quarter of Anton di Garzan and Yahudiyân were registered with Jews either residents or tenants there.

¹⁶² İnalçık, *The Survey of Istanbul 1455*, 369-374.

¹⁶³ İnalçık, "The Policy of Mehmed II toward the Greek Population of Istanbul and the Byzantine Buildings of the City," 241-247. İnalçık explained the complexities that emerged in the application of *mukâta'a*.

executed in the other cities of the empire as well. Their chronicles also shed light on the implementations of the practices of Church conversions and ownership transfers of the houses between the former residents -those who escaped, died or fled- and new settlers.¹⁶⁴ As it seems those who were registered as *kendigelen*, could enjoy a level of autonomy since they were given permission to leave the city. As Yerasimos pointed out, those who wished to settle in Istanbul by their own will, hence as *kendigelen*, were allowed to choose the houses which they were going to live in, through a license provided by the governor on behalf of the Sultan.¹⁶⁵

In-depth examination of the document reveals the financial states and tax-statuses of the city dwellers comprehensively. Apparently, the legal status of a property in relation to its owner changed in acquiescence with a set of conditions. In Galata, first, the owner's status was defined either as "*mütemekkin* (actually residing)" or "*sakin* (living in the house)."¹⁶⁶ Second, if the owner fled and abandoned that property, it became "*emiriyye* (belonging to the *emir*, the ruler, suggesting that the property was confiscated for the treasury)."¹⁶⁷ In Konstantiniyye, which had been taken by force as opposed to Galata which had surrendered, houses were given "*mevkuf*" (held by the state treasury) status."¹⁶⁸ There are many registers that indicate that the properties that belonged to the enslaved inhabitants were confiscated following the takeover and some of those properties were available to be rented to both Muslim and non-Muslim subjects. For example, the house that

¹⁶⁴ Âşıkpaşazâde, 196-197; Tursun Beg, *Târih-i Ebü'l-Feth*, 67-68.

¹⁶⁵ Yerasimos, "Les Grecs d'Istanbul Après la Conquête Ottomane," 4-6.

¹⁶⁶ Here the terms *mütemekkin* and *sakin* were used randomly to define the changing legal status of the owners, the first owners, tenants or those who were given a property, without referring to confessional affiliations at that time.

¹⁶⁷ İnalçık, *The Survey of Istanbul 1455*, 465-468.

¹⁶⁸ Âşıkpaşazâde, 193; İnalçık, *The Survey of Istanbul 1455*, 468-470.

belonged to the Silva family from Trabzon, given to a Muslim named Hacı in return for three gold pieces *mukâta'a* price. Concerning the economic conditions of the subjects in Galata, most of the households were recorded as either poor or rich. The survey also makes frequent references to the physical appearances and specific outward details of individuals such as mental health, disability, occupation and origin if available, probably for simplifying the differentiation of people in official recording process. For instance, in the quarters of Balat, Jews were registered with references to their origins from Kesriye (today known as Kastoria, Northern Greece) Trikkala (a region in northwestern Greece), Filibe (Plovdiv), İznid (Zituni, Greece) and İştib (Stib, Macedonia). As for Muslim deportees, they mostly originated from Tekirdağ, Aydın, Çorlu, Edirne and Kocaeli.¹⁶⁹

There were smaller settlement units and microcosms that could contribute to the investigation of the urban sphere in Istanbul. The quarters and even households can be examined in that way to support the multi-confessional outlook of the city from the mid-fifteenth century. In that respect, the quarter of Yahudiyân presents a compelling example since it consisted of houses that were shared by Muslims and non-Muslims. As the entry noted, in one of the households located in Yahudiyân, there was one Muslim man who was living with non-Muslim individuals. Inter-confessional marriages among Muslim men and non-Muslim women were licit and practiced frequently. For instance, in the quarter of Iskineplok non-Muslim Elena and Muslim Karaca were recorded as wife and husband.¹⁷⁰ In the quarter of Dhrapeyo, the house of Sivasti was shared by a non-Muslim widow whose non-Muslim daughter was living with a Muslim man, and the entire household was exempted

¹⁶⁹ İnalçık, *The Survey of Istanbul 1455*, 217-243, 299-368; Yerasimos, "La Fondation d'Istanbul Ottomane," 208

¹⁷⁰ İnalçık, *The Survey of Istanbul 1455*, 264-265

from *jizya* (poll-tax). Many records, oddly, noted the existence of similar cases in which non-Muslims were exempted from the poll-tax. This permissive attitude probably was an incentive in supporting the development of households and their livelihood for a while. Because due to the recent arrivals of the people who came to the city via *sürgün*, they were exempted from *jizya* and *avâriz* (an extraordinary tax collected before military expeditions or in the times of crisis) taxes.¹⁷¹ Otherwise, the only exception to this rule was the Christians who served in the army in Rumeli or those who helped the defense of strategic places. The legal status of *jizya* payers was defined in line with the subjects' *müste'min* (a foreigner who was permitted to live in the city for a while), *dhimmi* (non-Muslim) and Muslim status. Economically, the collection of the taxes depended on subjects' status as "*ganî* (rich), *evsat* or *mutavassıt* (middle-income) or *fakir* (poor) and the amount of tax was adjusted according to the income and property they had."¹⁷² These conditions varied depending on individuals' arrival in the city before or after the takeover.

In terms of residential arrangements, the Konstantiniyye registers described the current state of the residences from the exterior conditions to the number of stories. It is worth mentioning that in Fila quarter, the Jews were using the upper level of a two-storied house as a Synagogue and as stated in the document, they turned it into a place of worship.¹⁷³ From the perspective of the legal establishment, this issue remained a concern for the following centuries, which recurrently came up in the *fetva* collections.

¹⁷¹ Hacker, "Policy toward the Jews and Jewish Attitudes toward the Ottomans during the Fifteenth Century," 120-122. See also, İnalçık, *The Survey of Istanbul 1455*, 233,241,244,477, 607-611. In the house of Trandafiline, all members of the house were dhimmis, but they were allowed to not to pay the poll-tax; İnalçık, "The Policy of Mehmed II toward the Greek Population of Istanbul and the Byzantine Buildings of the City," *Dumbarton Oaks Papers* 23/24 (1969): 229-49.

¹⁷² İnalçık, *The Survey of Istanbul 1455*,473-475.

¹⁷³ Johansen, "The All-Embracing Town and Its Mosques," 148-151

Concerning the demographic outline of the city during the fifteenth century, it has been suggested that the plague of 1437 and constant warfare up until 1453 hit the population significantly.¹⁷⁴ In this era, due to the epidemics, natural disasters and inadequate infrastructure the living conditions and standards in the city were infamously resonated within the chronicles as being harsh, bitter and precarious.¹⁷⁵ Notwithstanding, because of the arrival of new deportees, the population continued to rise; that being the fact, the non-Muslims preserved their density by composing the forty percent of the total population in the city and sixty-five percent in Galata.¹⁷⁶ As for the newcomers resulted in this population growth, there were many laborers, peasants, artisans and craftsmen, who were then employed as porters, water-carriers, boatmen, bath-attendants, hawkers. It is important to note that these groups were integrated into the urban economy and regardless of confessional affiliations, they worked together in the same bazaars and shops.¹⁷⁷ Meanwhile, the sum of the population, according to calculations made by scholars was between fifty thousand and seventy-five thousand in 1477-1478 given that already in 1466, the population of Istanbul reached to other crowded urban centers of Mediterranean.¹⁷⁸ The report prepared by Mevlana Muhiyiddin, the *kadı* of Istanbul, supported these figures on the households of Istanbul. To his estimations, the number of Muslim households was almost nine thousand, while he registered the same figure for Greek orthodox households around three thousand. The number of Jewish households in the city was

¹⁷⁴ İnalçık, 392-393, 595-599

¹⁷⁵ Kritovoulos, 641-647. He mentioned an instance of an epidemic which he perceived as a calamity considering the extent of its detrimental results in the city.

¹⁷⁶ Kafescioğlu, 179; İnalçık, "Istanbul: An Islamic City," 1-23.

¹⁷⁷ İnalçık, "Istanbul," in *Encyclopaedia of Islam*, Second Edition.

¹⁷⁸ Kafescioğlu, 178; Stéphane Yerasimos, "La Fondation d'Istanbul Ottomane," 216; Yerasimos, "Les Grecs d'Istanbul Après la Conquête Ottomane," 107-110; İnalçık, "Istanbul," in *Encyclopaedia of Islam*, Second Edition.

one thousand and six hundred forty-seven, and the same figure for the Armenians was four-hundred thirty-four.¹⁷⁹ The population growth, however, started to raise the concerns of authorities as late as 1528 when the law reinforcing immigration was still in use and tempting non-Muslims and Muslims to re-settle in the capital with the tax exemptions offered.¹⁸⁰ Seven years later, the *waqf* registers of 1535, pointed out that the number of total households in the city was eight thousand two hundred sixty-five households. Yet, this figure was calculated solely for the taxpayers recorded in this *waqf*.¹⁸¹ To be able to situate these numbers within the whole, the overall population of Istanbul in the Süleymanic era was around five hundred thousand based on Cristobal de Villaon's deductions.¹⁸² However, this figure seems to be an exaggeration in comparison to the recent studies that estimated the capital's total population within the range of two hundred thousand and four hundred thousand in the seventeenth century.¹⁸³

2.3 Conclusion

As early as the later fifteenth century, as part and parcel of the reconstruction process of an inherited capital city, patrons of different backgrounds, including members of the ruling elite were erecting masjids and mosques to highlight the Islamic imagery and character of Istanbul. And the quarters that were densely inhabited by non-

¹⁷⁹ İnalçık, *The Survey of Istanbul 1455*, 597-599.

¹⁸⁰ İnalçık, "Istanbul," in Encyclopaedia of Islam, Second Edition ; Barkan, *Kanunlar*, 24 as cited in İnalçık, "İstanbul".

¹⁸¹ İnalçık, *The Survey of Istanbul 1455*, 449-450.

¹⁸² İnalçık, *The Survey of Istanbul 1455*, 393.

¹⁸³ Toprak, "Nüfus," *Dünden Bugüne İstanbul Ansiklopedisi* 6, 108-111. Toprak claimed that Robert Mantran's estimation, seven-eight hundred thousand, remained at odds with the population density of the seventeenth century.

Muslims were no exception in the execution of these policies as uncovered in the case of Mevlana Husrev, who commissioned the construction of mosques in Christian neighborhoods.¹⁸⁴ Nonetheless, these initiatives cannot be interpreted to have influenced Mehmed II's imperial agenda toward non-Muslims; because as Mehmed II did not hesitate to embrace the holistic heritage of Constantinople, his peculiar protection of the Greek Orthodox generated a hostility among Muslims.¹⁸⁵ Halil Inalcık asserted that Muslim subjects' discomfort, as he put it, was "not unnatural" and as they were not at ease to see that the Greek Orthodox community still was given the control of some churches in the city in addition to their recruitment in the *sipahi* troops, which offered them a possibility to accumulate wealth.¹⁸⁶

The lived space, of course, was quite different than what this discourse dictated.¹⁸⁷ Apart from how penetrable those cells and boundaries between them could be, non-Muslims lived together with Muslims, even in the proximity of Muslim places of worship and in the quarters where non-Muslims were the dominant group, as the 1455 survey proved. Their occurrences were continued to be stressed in the official documents of the sixteenth century. The locating residents of different religions separately either around their own religious structures was a part of Islamic law and reinforced to simplify administration of the Islamic city assisting the administration to record residents in legal documents. And as Baber Johansen

¹⁸⁴ Kafescioğlu, 192.

¹⁸⁵ İnalçık, "The Policy of Mehmed II toward the Greek Population of Istanbul and the Byzantine Buildings of the City," 248.

¹⁸⁶ İnalçık, "The Policy of Mehmed II toward the Greek Population of Istanbul and the Byzantine Buildings of the City," 248. The word used by Inalcık in quotation marks strengthens the notion that Mehmed's favor of Greek orthodox subjects was not well-received and seemed at odds with the convention.

¹⁸⁷ The concept of lived space derives from Lefebvre's spatial theory, see first chapter.

underlined, the Hanafi *fiqh* recognized a pattern in which the residential units were organized according to the proximity of religious structures, and this was applied by the Ottomans jurists even more autonomously. Thereby, rather than as an “Islamicization”¹⁸⁸ tool, this Islamic legal code was frequently applied in the Islamic cities to regulate non-Muslims’ settlements either around their own religious structures or away from *masjids* and mosques.¹⁸⁹ Precisely for this reason, it seems more likely that these early ventures in orienting the city toward an Islamic composition were related more to the renovation of the city by creating new spaces for newcomers than following a singular pattern that was implied in legal documents. Because, on the contrary, the urban layout of the city was “flexible” enough to led the creation of multi-confessional cohabitations.¹⁹⁰ And it did not impede the intermingling of the confessional communities’ spatial allocations in the city; the members of different confessions lived together, married each other and shared the same spaces, sometimes in the same quarters or conjunction of neighborhoods under a *nahiye*. In that sense, the multi-confessional design applied to Istanbul on a scale of social units from a household to the city itself. Therefore, such policies of *sürgün*, relocation and construction /conversion of religious buildings were instigated in the making and revitalizing of a capital city. Over and above, those policies were not systematic and planned implementations that were addressed to articulate a state-sponsored religio-political discourse in the imposition of confessional identities. On the other hand, from the sixteenth century onward, a new imperial agenda began to emphasize the Islamic imagery of the city and Islam became a pellucid and decisive

¹⁸⁸ Thys-Şenocak, “The Yeni Valide Mosque Complex at Eminönü,” 58–67. Şenocak used the term Islamicization.

¹⁸⁹ Johansen, “The All-Embracing Town and Its Mosques,” 148-151.

¹⁹⁰ Kafescioğlu, 181-186.

medium to define the spatial representations of Istanbul. The next chapter will elaborate on the transformation of state agenda and discourse that were re-oriented toward a stricter execution of legal regulations in distinguishing confessional identities, as indicated in sources.



CHAPTER 3

RE-ORIENTING DYNAMICS OF THE SIXTEENTH CENTURY

In the course of the fifteenth century, the Ottomans were primarily concerned with the centralization and consolidation of the state. Throughout this period, the administration's initiatives planned to reconstruct and repopulate the capital city paved the way for *a degree* of Islamicization intended at space and spatial units in the urban sphere. Yet, the intensification of confessionalization in the reinforcement of a Sunni Islamic identity became discernible as the state's arduous Sunnitization policies gained a substantial pace during the sixteenth and seventeenth centuries. As underlined by Gülru Necipoğlu, the codes of decorum and architectural language of the sixteenth century were attuned to confessional politics of the time. For instance, the height of minarets implied the notion that Islam was more "visible and audible" to all communities. This novel religio-political discourse anticipated a rigorous execution of the Islamic principles regulating the renovations and constructions of non-Muslims' places of worship after natural disasters. Moreover, in practice, if it was not possible to reconstruct or repair them, their replacement by mosques and *masjids* were encouraged. In a similar way, the decision to detach the guesthouses and caravansaries from congregational mosques symbolically came to mean that there were no rooms to shelter the non-Muslims in a Muslim-specific sacred space, and this change organized in the spatial design of the Friday mosque underscored the importance of the congregational prayers and the centrality of Friday mosques in consolidating religious orthodoxy.¹⁹¹

¹⁹¹ Necipoğlu, *The Age of Sinan: Architectural Culture in the Ottoman Empire* (Princeton: Princeton University Press, 2005), 52-53

The reign of Mehmed II witnessed the marginalization of certain groups who were alienated following their resistance against the centralizing policies of the administration. Albeit, Mehmed II was not particularly concerned to re-emphasize a Sunni Islam-oriented religious identity. The efforts in highlighting the Sunni Islamic image of the state, visually in particular, materialized under the rule of Bayezid II; it is known that Bayezid ordered the construction of a larger number of mosques and the church conversions in Istanbul were conducted on a massive scale.¹⁹² A more rigid version of this policy was allegedly articulated by Selim I, who expressed an imperial aspiration with which he aimed to convert all orthodox churches into mosques. Even though his alleged project was not materialized, it is noted that he issued an order that specified that non-Muslims were not to build churches with masonry roofs and those already built were to be demolished.¹⁹³ But these were, too, rather singular and unorganized initiatives that came along with the policies of centralization without being a part of a specific religio-political discourse. One thus cannot come up with a set of policies concerning limitations, prohibitions, and restrictions imposed on non-Muslims that remained persistent for centuries as for the practical reasons the state agents could overlook certain “contexts of legitimacy” in which the discretionary policies impugned one another in social space until the incidents or violations could go public.¹⁹⁴ Nevertheless, central to the argumentation of this chapter, there was a detectable upsurge in the tendencies of state, which

¹⁹² Kafescioğlu, “The Ottoman imperial capital: Istanbul between the fifteenth and the eighteenth centuries” in *Byzantium, Constantinople, Istanbul*, ed. T. Velmans, forthcoming, 18-19.

¹⁹³ Cantemir, *The Growth and Decay of the Othman Empire*, 102-104; Paroulakis, *The Greek War of Independence*.

¹⁹⁴ Ahmad and Filipovic, “Two Seventeenth-Century Ottoman Heretics,” Unpublished paper, 36-51 * Ahmad and Filipovic concluded that the Ottomans were mostly concerned with those “heretics” only if their actions went out public and posed a danger in the public spaces See Necipoğlu, *The Age of Sinan: Architectural Culture in the Ottoman Empire*, 117. It is interesting to see how Sultan Süleyman granted the permission to build a religious structure to his court physician, in the Jewish quarter.

fervently stressed restrictions and prohibitions against non-Muslims with an emphasis on keeping confessional identities distinctive. In addition to Bayezid II and Selim I's inchoate ventures in underlining the Islamic identity, the city's image in Matrakçı Nasuh's *Beyan-ı Menazil sefer-i Irakeyn* from the 1530s, as aptly asserted by Çiğdem Kafescioğlu, can be therefore seen as harbingers to these new tendencies to Islamicize the overall outlook of Istanbul. In this representation, the painter subordinated the non-Muslim Galata and its vicinity to the walled city, where "the paradise ends." Here the quelling of that paradise on the outskirts of the city-proper highlights a conception toward the *other* of the empire, a conception that was not projected before since there is no evidence supporting such official and overt articulation up until then.¹⁹⁵ Another document that can illuminate the state's tendencies in highlighting the Muslim identity and its expressions in urban sphere, is the survey of 1546. In contrast to the approaches that so far interpreted, in the survey, the disappearance of non-Muslim quarters and the alteration of their names cannot be explained by the extinction of those non-Muslims *mahalles*.¹⁹⁶ The problem is that, as Kafescioğlu underlined, those names and groups were noted in the poll-tax registers of the period, and were, however, omitted in the survey. The answer can be found in the ruling establishment's preference in prioritizing a Muslim-dominated map of "cellular" *mahalles*, that would enable it, hypothetically, to monitor society more efficiently.¹⁹⁷ In that sense, no wonder that the depiction of an Islamicized city in Matrakçı Nasuh's *Mecmu-I Menazil* resonated with the coinage of Süleyman's new

¹⁹⁵Kafescioğlu, 207-214.

¹⁹⁶ Yerasimos, "Les Grecs d'Istanbul Après la Conquête Ottomane," 65. The neighborhood where the Greeks from Nikopolis lived was known as *Mahalle-i Kalafatçıyan-i Nikpoli*, by giving references both to the occupation and place of origins.

¹⁹⁷ Kafescioğlu, 181-186; Terzioğlu, "How to conceptualize Ottoman Sunnitization: A Historiographical discussion," 301-338.

confessional identity. Oriented around the growing articulation of Sunni-Islam, Süleyman's new religio-political discourse devised from the polarization emerged in the aftermath of Selim I's military campaign against the Shi'ite Safavid dynasty.¹⁹⁸ For this reason, it was only after the beginning of the sixteenth century that transformations were exorbitantly intensified by the mechanisms of social control in order to monitor the subjects in reclaiming religious orthodoxy and orthopraxy.¹⁹⁹ As discussed in detail in the first chapter, these attempts inevitably resulted in the declaration of the *other* of the regime as the heresy charges were primarily directed at the Kızılbaş.²⁰⁰ However, the burgeoning tendencies of state to preserve social, religious, moral and confessional boundaries severely effected the non-Muslim communities of the empire correspondingly, upon whom the shari'a regulations and restrictions were begun to be executed in a fastidious fashion. For it was assumed that non-Muslims could likewise endanger the integrity of Islam and state, their alienation was accompanied by a religio-political discourse left residues in the official documentation of the period. There were many cases discussed in the *fetvas* (legal opinions), *fermans* (imperial decrees) and *sicils* (court registers) vis-à-vis the matters regulated social conducts, symbols of superiority, spaces and residential areas as will be presented henceforth.

Among the quintessential figures of the sixteenth century, Ebussuûd Efendi had a formative role in the confession building process during the reign of Süleyman I. The chief mufti issued a corpus of legal opinions, *fetvas*, with assertive overtones that elaborated the axiomatic principles of Islamic jurisprudence, which were to be

¹⁹⁸ Kafescioğlu, 213-214

¹⁹⁹ Terzioğlu, "How to conceptualize Ottoman Sunnitization: A Historiographical discussion," 301-320

²⁰⁰ Dressler, "Inventing Orthodoxy: Competing Claims for Authority and Legitimacy in the Ottoman-Safavid Conflict," 151-170

obeyed by Muslims. In order to quell the infringements that were originating from the eastern border that fell under the Shi'i influence led by the Safavids, he was asked to issue *fetvas* to legally and morally justify anticipated military campaigns against the Safavid realms. It was, nevertheless, a confounding process because the Safavid state was theologically a polity ruling in the *dar-al-Islam*. Yet, through the *fetvas* of Ebussuûd, the ruling establishment managed to declare warfare against the Safavids by way of putting them into the category of heterodox heretics since they were no longer assumed to be the followers of Islam.²⁰¹

3.1 Examination of the sixteenth-century *fetva* corpus: defining the norm and ideal in upholding of confessional boundaries

Concerning non-Muslims' conversion to Islam, Ebussuûd was hesitant. In his collection, one question addressed what might happen to a Jew if he would wear a white headscarf, an item that could be used only by Muslims. He replied that it was not possible to come to a verdict on that Jew's conversion to Islam. In similar cases, when a non-Muslim confessed to Islam while he was drunk (*şurb-ı hamr edüb lâya'kil iken*) that case needed to be delicately examined by a kadı to decide that subject's conversion. Yet in another *fetva*, he confirmed that the statement of an infidel on his conversion, irrespective of his mental state, was adequate to validate his conversion to Islam. This rationale applied to the case in which an infidel was

²⁰¹ Ebus'suud Efendi, *Ma'rûzât Şeyhülislâm Ebussuûd Efendi*, Osmanlılarda Hukuk ve Toplum ed., 97-99. "... İmam-ı a'zam katında sâir mal-i ğanâim gibi asker-i İslâm'ın hakk-ı şerifleridir. İmam Şafi'i katında Kızılbaş olmadan mâlik oldukları malları dahî ganimettir. Avretleri ve zürriyeleri esir değildir. Avretlerinin İslâm'a gelmeyenlerinin şer'ân ukubeti habs-i ebedidir...Kızılbaş taifesinin şer'ân katli helal olup asker-i İslâmdan anları katl eden gâzî ve ellerinde maktul olan şehîd olur mu? El-Cevab: Olur, gazâ-i ekber ve şehâdet-i uzmâdır...Ol taifenin kabâyih-i ma'dûde ile ittisâfları cemî'-i ehl-i İslâm içinde tevâtür ile te'ayyünee ma'lûmdur. Küfürlerinde tereddüd eden müslim değildir..."

found in clothing authorized only for the use of Muslims, a condition that could be enough to decide one's conversion to Islam, even though that infidel might be frightened to state otherwise (*havfindan*).²⁰² Without a doubt, Ebussuûd confirmed the punishment of death penalty for apostates who renounced Islam after their conversion, unless they convert to Islam again forcibly (*islama cebr olunur, gelmezse katl olunur*).²⁰³ Ebussuûd asserted that it was convenient for Muslims to greet non-Muslims only if that action was concluded by the motivation of helping their conversion to Islam.²⁰⁴ A Muslim who warned his Muslim fellow and insulted him by shouting that he became an infidel because he was in a sincere conversation with a couple of non-Muslims in front of a shop, was righteous by the principles of the shari'a to take action according to Ebussuûd.²⁰⁵ During daily transactions happening amid confessional communities, seemingly it was harder to renounce Islam than to convert to it. In one register, he concluded that for a Muslim who accepted gifts from a non-Muslim during their religious feasts, there was nothing to do to because it was only for the sake of being a good neighbor (*konşuluk hakkını ri'ayet için olucak*).²⁰⁶ Yet, this reply of Ebussuûd's starkly differs from a *fetva* issued by one of the previous chief muftis of the period, Ibn Kemal, who replied the same question by saying the rejection of a greeting came from a non-Muslim was an appropriate behavior according to Sunna of the prophet (*red-i selam sünnettir*).²⁰⁷ This difference

²⁰² Ebus'suud Efendi, *Şeyhülislam Ebus'suud Efendi Fetvaları Işığında 16. Asır Türk Hayatı*, 89:358,360,362

²⁰³ Ebus'suud Efendi, *Şeyhülislam Ebus'suud Efendi Fetvaları Işığında 16. Asır Türk Hayatı*, 90:372

²⁰⁴ Ebus'suud Efendi, 91:380.

²⁰⁵ Ebus'suud Efendi, 91:383.

²⁰⁶ Ebus'suud Efendi, 93: 391.

²⁰⁷ Ibn Kemal, *Şeyhülislâm Ibn Kemal'in Fetvaları ışığında Kanûnî Devrinde Osmanlı'da Hukukî Hayat: Mes'eleler Ve çözümleri (Fetâvâ-yı Ibn Kemal)*, 188.

supports Ebussuûd's practical way of interpreting matters in accordance with the *maturidi* theology of *kalam*.

Regarding residential matters, the chief mufti affirmed Muslims' hitherto superior position over non-Muslims. For instance, in a Muslim neighborhood, a Jew wanted to sell his house to another Jew. But the Muslims managed to impede this transaction by refuting that a Muslim should rather be residing there. When the Muslims asked to enact that demand he asserted that it could be accepted that only if they would pay the money to the owner under the condition that the members of the Muslim congregation were inclined to decrease (*bey etmek ile ce'mâat az kalmak lâzım olursa. Amma bahası ile bey' ettirilir*).²⁰⁸ In the next *fetva*, it was decided that the Jews who allegedly threw stones at the Muslims constructed new houses in the proximity of a mosque should be evicted because they were bothering (*tâife-i Yahudi taş attıklarında bî-huzur olub*) the Muslim congregation which was getting smaller (*taklil-i cemâat olub*).²⁰⁹ Likewise, another case indicated that even though the non-Muslims entirely encircled the area around a *masjid* (*bir mescidin etrafında asla müsliman evi olmayub kefere ihâta eyleseler*), it was suggested that the Muslims should purchase all those properties belonging to non-Muslims, forcefully if needed, because the *imam* was already holding prayers in that *masjid*. Here the existence of a *masjid* with an *imam* provided a legal basis for the enactment of coercive practices even if there were no Muslim residences at all. This, though, underlines the instrumentality of *masjids* and mosques in the Islamicization of the space, hence of neighborhoods.²¹⁰

²⁰⁸ Ebus'suud Efendi, 94:403.

²⁰⁹ Ebus'suud Efendi, 95:404.

²¹⁰ Ebus'suud Efendi, 95:405.

Among the disputations that dominated the context of confessional politics during the sixteenth century, construction and renovation of non-Muslims' religious buildings comprised one of the focal issues as illustrated in the religio-legal corpus. Initially, the formation of non-Muslim settlements and places of worship was attuned to the notion of Islamic purity, and thus the legal system prioritized the enlargement of Muslims' settlements at the expense of non-Muslims' especially in the proximity of *masjids* and mosques within the time-context bound.²¹¹ As discussed in the *fetvas*, apparently, the pre-existence of a *kadîm* (old, ancient) church belonging to pre-capture period of Istanbul was the most decisive condition to be able to claim a land to (re)construct a church, as Ebussuûd asserted that the old churches of Istanbul, “*kenâis-i kadîme*,” were recognized with their histories preceding the takeover.²¹² In most cases, Christians who claimed a church in an individual setting were rejected on the rationalization that a Muslim congregation was holding Friday prayers there, the land could not be used by Christians anymore.²¹³ Also under certain circumstances, for instance, if there was a *masjid* or *maktab* nearby, Muslims could be entitled to demand the destruction (*kal' ettirmeğe kadir olurlar*) of a church or impede its construction in that *mahalle*.²¹⁴ According to another legal opinion, in the aftermath of a fire, the Muslims testified that the Christians were asking permissions to renovate their church. Yet, the Muslims opposed this request and wanted to impede its renovation, because it already was a church renewed and extended (*kilise-i hâdis*), and Ebussuûd decided that its destruction would be legal.²¹⁵ In the following parts,

²¹¹ Gradeva, “From the Bottom Up and Back Again Until Who Knows When: Church Restoration Procedures in the Ottoman Empire, Seventeenth-Eighteenth Centuries, 123-151.

²¹² Ebus'suud Efendi, 128:456.

²¹³ Ebus'suud Efendi, 129:459.

²¹⁴ Ebus'suud Efendi, 129:460; 461

²¹⁵ Ebus'suud Efendi, 129-130:463.

Ebussuûd drew attention to the Muslims who offered assistance for the renovation of a church, and underlined that such actions were liable for severe punishments. Furthermore, the principle applied to those who would not inform the local administration about the *hâdis* status of a church and inclined to condone the situation.²¹⁶ Ebussuûd found it permissible to renovate a church, only if its *kadîm* status was verified and it should be in complete disrepair.²¹⁷ Regarding the issue of extensions, he mockingly replied that since they had been using the church in this condition so far, a renovation would be unnecessary.²¹⁸ And it is noticeable that he continuously warned Muslims against the dangers of testifying for the benefit of non-Muslims, which in the end requires *tecdid-i iman ve nikah* (renewal of faith and marriage vow) on the part of Muslims.²¹⁹

Other *fetvas* selected from the *Ma'rûzât* collection of chief mufti Ebussuûd, complied with the decrees of the sixteenth century. This overlap, in that respect, underlines that Ebussuûd's *fetvas* were incorporated into the decision making processes. Besides, as pioneered by Ebussuûd Efendi, the *Ma'rûzât* genre was specifically designed to put an end to the most convoluted debates. For it ultimately provided a verification sanctioned by Sultan, the *Ma'rûzât* genre had a status equal to *kanun* and therefore, jurists appreciated it as a guide to other *fetvas*.²²⁰ In his *Ma'rûzât*, the chief mufti stated that a judge who proscribed *dhimmi*s from living in and constructing higher houses than of the Muslims' should be garnered with the

²¹⁶ Ebus'suud Efendi, 130:464.

²¹⁷ Ebus'suud Efendi, 130:465.

²¹⁸ Ebus'suud Efendi, 130:466.

²¹⁹ Ebus'suud Efendi, 131:471.

²²⁰ Ebus'suud Efendi, *Ma'rûzât Şeyhülislâm Ebussuûd Efendi*, 33-34.

good deeds of Islam and should be receiving rewards.²²¹ A second *fetva* from the collection described an incident in which a non-Muslim was found guilty of many reprehensible crimes such as cooking pork meat and defiling the Muslims. In the end, the *fetva* concluded that the non-Muslim should be severely punished and kept in prolonged imprisonment, and moreover, it was incumbent to depose that superintendent who failed to record these malicious acts in return for a bribe.²²² This issue brought into question by Ibn Kemal as well, who appropriated the punishment of renewal of faith to a gypsy woman who continued to wear her infidel clothes after her conversion to Islam.²²³

The possession of slaves by non-Muslims was a matter of disputation that among other inter-confessional matters, was frequently discussed by Ebussuûd. He issued a *fetva* and asserted that despite the existence of imperial decrees on its prohibition, those non-Muslims who insisted on maintaining slaves in service at their households would be severely punished and kept in prolonged imprisonment (*tazir-i şedid ve habs-i medid lazımdır*).²²⁴ On this matter, surprisingly, Ibn Kemal noted that having servants was lawful for non-Muslims according to the shari‘a law, yet it was not allowed following an imperial decree that prohibited it.²²⁵

²²¹ Ebus’suud Efendi, 83-84. “Ehl-i İslâm içinde olan zimmîler yüksek müzeyyen evler yapmaktan ve şehir içinde ata binmekden ve fahir kıymetli libas giymekden ve yakalı kaftanlar giymekden ve ince dülbendler ve kürkler ve sarıklar sarınmakdan ve’ l hâsıl ehl-i İslâm’a ihânete kendüleri ta’zîmi müş’ir ef’âlden men’ eden hakim indellâh müsâb ve me’cur olur mu? El-cevâb: Olur.”

²²² Ebus’suud Efendi, 95. “Zeyd-i muhtesib ihtisanı kendi zabt etmeyüb Amr-ı zimmîye ber vech-i maktû verüb Amr nice salih Müslümanları habs edüb aralarında fisk-u fücûr edüb ve hıncır eti pişirüb envâ-I kabayih eylese Müslümanları rencide etmek câiz olur mu? Ne’ûzu billah Amr-ı kafir ta’zir-i şedid ve habs-ı medid olunub Zeyd-I muhtesibin azli vacibdir”.

²²³ Ibn Kemal, 190.

²²⁴ Ebus’suud Efendi, 97. “Zimmîler kul ve câriye kullanmasın deyû emr-i şerîf var iken kullananlara ne lâzım olur? Ta’zir i şedid ve habs-i medid.”

²²⁵ Ibn Kemal, 188.

Of course one may question the extent to which these *fetvas* were consulted when there was a case in an investigation. Except maybe for the *Ma'rûzât* genre, legal opinions were advisory and not legally binding; however, they genuinely reserved a potential in reflecting the *mentalité* of the sixteenth-century Ottoman religio-administrative bodies. Furthermore, the long-lasting influence of Ebussuûd was significant in the shaping of *ulama*'s mindset and practices in the following centuries, as one considers the fact that these *fetvas* were retrospectively used by *muftis* (jurisconsults).²²⁶ With respect to, for example, one court register from 1619, the kadı referred to *fetvas* to devise solutions in case disagreement emerged.²²⁷ According to this particular *sicil*, there was a conflict in Küçükpazar *mahalle* in Fatih between the Jews and Muslims. The Jews claimed that their synagogue predated the capture of Istanbul, yet they could not prove it. As a response, the Muslims opposed this argumentation and claimed that this building was used to be a place in which the Jewish children were educated. But after the death of the owner, the Jews turned this house into a place of worship (*havra*). The court ordered the officials to find necessary *fetvas* to resolve this issue, and eventually, by relying on a certain *fetva*, the kadı ordered the annihilation of its occupation, because it was forbidden for the non-Muslims to construct new places of worship. Then, that *havra* was ordered to be destructed as the Jews did not have enough evidence to claim its ownership, and the land it stood on was sold to the Muslims of the same neighborhood on the account that it was already in between the Muslims' residences.

²²⁶ Heyd, "Some aspects of the Ottoman fetvâ,"35-38. See Abdurrahman Atçıl, "The route to the top in the Ottoman ilmiye hierarchy of the sixteenth century,"498. It can be concluded that through the dissemination of the *fetvas* Ebussuûd issued and the students he raised, his influence lasted for longer periods.

²²⁷ Kuran, *Mahkeme Kayıtları Işığında 17. Yüzyıl İstanbul'unda Sosyo-Ekonomik Yaşam*,548:288-289, İstanbul 4:8b/1 553, 23b/3

3.2 Imperial decrees and the actualities of the lived space

There is a number of imperial decrees that are representative of the transformations of the mid-sixteenth century. To begin with, an imperial decree from 1565 explicitly stated that it was not convenient for non-Muslims to reside in the proximity of the mosques in Galata despite the fact that they had been residing in those houses for years. Since the houses were in disrepair for some time, some of them could be sold and the rest could be endowed to the *waqfs* for *mukâta*'a revenue. It additionally noted that those non-Muslims were already transported to the Golden Horn.²²⁸

Another decree from 1585 responded to a complaint about the lack of congregational attendance during the Friday sermons and prayers and the negligence of the recitation of *fetih sura*. The kadı, in return, asserted that the flock should have attended the prayers on Friday instead of gathering around *sıbyân mektebi* to hold prayers, and the *müderris* of *medreses* should warrant that *sura* of *fetih* was recited.²²⁹ This decree could be interpreted as a reflection of the increasing religious sensitivities expressed over the attendance of Friday prayers. The Ottoman state was concerned with the propagation of congregational prayers, which was regarded as an instrument that highlighted the Sunni religious identity. In the age of confessionalization, while the Shi'ites and antinomian dervishes remained reluctant to uphold this practice, it became a sign of orthodoxy in the eyes of Ottomans. In

²²⁸ Refik, *On Altıncı Asırda İstanbul Hayatı (1553-1591)*, 14-15 “...filhakika zıkr olunan evler haraba müşrif olub intifa olunmasından kalmış lakin mezkur evlerde şimdiye dek miri kâfirleridir konulub anlar sakin olur imiş, camii şerif kurbinde kefere-i fecere olmak münasib görülmiyüb mirî esirler camii şerif kurbinden ihrac olunub Tershane-i Âmire yanında esirlere mesken bina olunub tershane kurbinde sakinlerdir...zikroulunan harabelerün bazı beyi olunub ve yeri mukâta'aya verilmek için hükmü şerifim ...”

²²⁹ Refik, 29-30. “...Cuma günlerinde muhafilde ve müderrisler medreselerde sure-i fetih tivalet eylemek hususun ilâm eylemişsin imdi camilerde cemiyet dua olunmaktan ve sıbyan mekteplerde cemiyet eylemekden feragat olunub cum'a günlerinde camilerde ve müderrisler medreselerde Sure-i fatih tilavet eylemek emir idüb buyurdum ki...”

fact, the responsibilities of the *imams* and *muezzins* were not limited to the control and monitor of the religious obligations of the flock; they were influential and became even more influential in the surveillance of society, as they were expected to follow whether the members of the community were abiding religious, moral and gender norms. This practice was reminiscent of the agency of *namazcı* that was introduced as early as the late fifteenth century, who was in charge of examining the attendance of Muslims. In that sense, this decree can solidify that the *namazcı* was developed into a more robust and organized apparatus after the mid-sixteenth century.²³⁰ Another case that can illustrate their instrumentality took place in 1567. The kadı strictly demanded that *imams* and *müezzins* should investigate their neighborhoods in order to find if there were any women who engaged in debauchery and prostitution. In any case, they were immediately to be questioned, their total number must be indicated, and their relatives and origins registered. And then, those prostitutes should be delivered to the authorities without any hesitation and conciliation. Those *imams*, *müezzins* and residents who failed to follow these orders or were inclined to excuse these acts were to be reported immediately.²³¹ In 1570, there was a complaint about women laundresses who were renting stores to run businesses. Although this decree can be interpreted to support women's visibility in

²³⁰ Terzioğlu, "How to conceptualize Ottoman Sunnization: A Historiographical discussion," 313-314.

²³¹ Refik, 139 "vusul buldukda asla tehir ve terahi etmeyüb her mahallenin eğer camidir eğer mesciddir varub dahi imam ve müezzinlerin ve mahallesinin halkın cem idüb kemali dikkat ve ihtimam ile mahallelerinde eğer fahişeden ve eğer sayir ehli fesad ve fesekadan her kim var ise sroub zuhure getirüb fahişeleri halâs edib arz idüb minbad imamlara ve müezzinlere ve sayirlere bir tenbih ve tekid eylesin ki asla mahallelerinde anın gibi fahişe avret oldukda gelüb haber virüb ele vireler şöyle ki hîni teftişte evvela fahişeler gaybet idub ... asla ve kat'a eğer imam ve müezzinler ve sayir mahalle halkıdır bir ferdin özrü makbul olmıyub her kimin mahallesinde bulunursa anlara olacak hakaret ve siyaset evella imam ve müezzine ve sayir mahalle halkına olmak mukarrer bilüb..... ihmal ve müsaheleden hazer iderler...asla himayet itmeyüb yazub bildiresin ki ref oluna bilcümle bu hususu sayir umura kıyas etmeyüb emirim üze her mahalleye varub...zuhur iden fahişeleri halas idüb sonra ne kadar fahişe halas olursa ve herbiri yerlü midir akrabaları var mıdır mufassal defter idüb ve refi'leri lazım olan imam ve müezzinlerin hatibleri dahi defter idüb bildiresin..."

the public sphere beyond the domestic realm, it repeatedly asserted that their pursuits were reckoned unacceptable. The decree dictated that those women should be relinquished from those stores, and they were never given alike spaces again.²³² Yet another decree from 1573 addressed to the Kadı of Eyüp and warned that in the Camii Kebir *mahalle* of the borough of Eyüp the Muslims conveyed their concerns about the inconvenient incidents that were taking place around the shops and gardens in the vicinity of *medrese*. By relying on Muslims' complaints, it asserted that there were women who came to the cream sellers' shops to socialize under the cover of eating cream. Additionally, stressing the same area, the document noted that the serenity of the neighborhood was disturbed by the non-Muslims who were blamed for engaging in reprobate acts. Thereof, the decree ordered that the Muslims were expected to displace them and women should not be allowed to enter those shops and spaces of sociability.²³³ The case brought to court in 1582 strengthened this idea; a decree was sent to the kadı of Haslar in order to provoke the past decrees that were issued to ensure that the neighborhood around the shrine of Eyüp Sultan should not be inhabited by *dhimmis*. The document apprised that there were non-Muslims who had been overtly breaching the orders by not only residing but also drinking wine and playing music in the vicinity of Eyüp Sultan shrine. The punishment

²³² Refik, 39-40. "...gereği gibi tenbih ve tekid eyliyesin ki anın gibi vakıflarda cameşuyi avretler var ise asla tehir etmeyüb ihraç idüb ve minbad avretlere dükkan virmeyüb ol veçhile cameşuylik ve sendahi tenbihden sonra dayıma yolkiyub görüb anun gibi emre mugayir dükkanda cemaşuyi avret göresin hakkından gelüb..."

²³³ Refik, 40-41. "...Eyüb kadısına hüküm ki mektub gönderüb camii kebir mahallesinde müceddedden bina olunan medrese-i şerif ve mekteb-i şerif yakınında vaki olan dükkanların ve etmekci fırınlarının ve bostanların ekserisinde kefere tayifesi olub fisk ve fücür idüb kaval çalub horos debüb mahalleinin şüglüne ve sülehanın tilavetine ve istimai ezani şerife mani ve kaymakçı dükkanlarına bazı nisa taifesi kaymak yemek behanesile girub oturub namahremler cem olub hilafı şer ve teaddileri vardır deyu müslimler haber virdiklerin bildirmişsin...buyurdum ki dükkanlarında ve bostanlarında kefere tayifesi kondurmayub cümlesini ihraç eyliyüb men ve ref eyliyesin...badettenbih giru bir dükkana nisa tayifesi girüb dükkan sahibi men etmiye ol asıl dükkan sahibin gettirdüb muhkem tedib eyliyüb emiri şerifimim icrasında mücid ve mukdim olub ihmalden hazer eylesin..özüün makbul olunmaz."

appropriated for those non-Muslims was penal servitude.²³⁴ To this end, apparently, the presence of women and non-Muslims was assumed to be a violation of the purity and serenity of Islam in which gender, moral and religious boundaries were blurred, particularly in a neighborhood that was known as one of the sacred spaces of Istanbul.

As sanctioned by the law, non-Muslims were prohibited from keeping slaves in their households. As discussed earlier, although the chief mufti issued *fetvas* that forbade the recruitment of slaves at the non-Muslims' service, there were plenty of incidents indicating the frequent violation of this custom. With regards to a decree from 1559, the Jews and Christians in Istanbul were employing slaves in their households as uncovered by a surveillance investigation. Immediately, the kadı requested that the numbers of slaves should be registered and reported to the office.²³⁵ Then, the document stated that those slaves must be sold to the Muslims with the money returned to the owner. And if those slaves were emancipated, they should be employed by the Muslims too.²³⁶ The issue of slavery brought to the officials yet another time in 1575, this time in order to prevent such trafficking permanently, the kadı requested that the persons who were selling those slaves to

²³⁴ Refik,52. "... nice defa hükmü hümayunum irsal olunmuş iken yine ol emri şerifime muhalif türbe etrafında kefere tayifesinden çokluk kimesne sakin olub alâniyyetten çenk ve çegana ile şürbü hamr olunub kullî fesada mübaşir oldukları istima oldundu...tenbih ve tekid eyliyesin ki minbaad fermanı hümayına mugayir ırgaddan ve işçiden ve gayriden türbe-i şerife etrafında bir ferd zimmî sakin ve mütemekkin olmayub cümlesi Müslüman olalar... bu babda mütemekkin olanlar küreğe konulmak mukarrerdir..."

²³⁵ Refik, 43. "Istanbul kadısına hüküm ki Hâliyâ mahruse-i mezburede Yehudi ve sayir kefere ve nesârada kuldun ve cariyeden bazı esir olduğu istima olunub teftif olunub ne mikdar bulunursa defter olunub arz olunmasın emir idüb buyurdumki ... bu husu unat vechile hak üzere teftiş eyleyüb göresin Mahruse-i mezburede olan yahudi ve sayir nesârada kuldun ve cariyeden ne mikdar esir bulunursa her kimin is eve ne zamanda alınmışsa mufassil defter eyleyüb südde-i saadetime arz idesin..."

²³⁶ Refik, 43-44. "...Yehudidir ve nesâradır esir alub istihdam etmeğe emrim olmayub ve azadlu olanları anlardan alınub ehl-İslama teslim olunub ve bilfiil esir olanları dahi alınub ehl-i islama beyi olunmların emir edüb buyurdum..."

non-Muslims must be found, and the punishment would be penal servitude, as decided in advance.²³⁷

The Ottomans felt obliged to reassert the representational symbols and other material signifiers of superiority and inferiority distinguishing confessional groups when they considered it necessary. On one occasion in 1563, a decree was issued in response to a complaint letter sent to the kadı of Istanbul. The kadı was reminded that the Jews and Christians were not allowed to wear the sorts of textiles, ornaments, headgears, shoes which were exclusive to Muslims' use. In the same year, another decree was issued to re-emphasize the sartorial attires specifically designated for the Jewish and Armenians communities with more detailed descriptions.²³⁸ This issue was tackled again in the decrees of 1577 and 1580 when the kadı was alerted to monitor those non-Muslims who were wearing clothes similar to Muslims' attires and their materials. In the coda of the documents, it was ordered that non-Muslims should be wearing what they had been hitherto allowed, and the punishment for those who would not obey the restrictions enforced by the decrees was death penalty.²³⁹ The gravity of punishment mentioned in the edicts underscores

²³⁷ Refik, 50. "...Yahudi ve nasârâ tayifesine kimesne esir satduğu malûm ola alan ve satan ele getirilüb küreğe konulmak mukarrerdir..."

²³⁸ Refik, 47-48. "... Istanbulda sakin olan yehud ve nesârânenin erleri ve avretleri saçaklı âlâ çukalar giyip ve âlâ dülbendler alub sipah ve sayir tayife gibi dülbendler sarınub ve atlas ve kutnu ve gayri kumaş kaftanlar... ve Müslümanlar giydiği iç edük ve paşmağı ve papucu giydükleri...ve kefere tayifesi Müslümanlar libasın giymemek hususun bildirmişsin...kefere tayifesinin libasları hususu için mufassal hükmü hümayunum yazılıb irsal olunmuşdur...bu babda sabıkan gönderilen hükmü hümayunum ile amel eyleyüb minbaad kefere tayifesine eğer yehud ve nesârâni ve eğer gayridir veçhi meşruh üzere âlâ libas giydirilüb emri şerifi sabıka mugayir kimesniye iş etdirmeyesin."

²³⁹ Refik, 51. "...yehudi ve kefere tayifesinin giydikleri çukaları ve iskarlad ve kaftanları atlas ve kemha ve sayir harir olmyub ve feracelerine harir sencide itdürmiyüb cümlesinin boğasıdan olub ve dülbendleri dahi ince dülbendden olmyub başlarına sarındıklarında gürde itdirmeyüb cümlesinin elhasıl ehl-i islama müşabih olan evza ve etvarın giderüb *kadimül* eyyamdan kefere üslûbü ne veçhile olıgelmiş ise giru üslûbu sabık üzere itdürüb Müslümanlar libasın giydirmeyüb ve Müslüman tavrında bürünmiyüb hilafi şerif vaz itdürmeyüb... men ve ref eyliyesin... ferman-ı şerife muhalif libas gianler siyaset olunmak mukarrerdir..."

the severity by which visual and material signs of distinction among confessional communities were imposed.²⁴⁰

Tombs and tombstones were used as a means to display confessional identities of the deceased members of different religious groups in the public sphere. In 1583, the Jews appealed to kadı with the complaint that the engraved tombstones were taken away in the Kasımpaşa burial ground. The decree that followed discloses a set of evidence ensuing from an investigation. According to findings, in some households, there were stones with Judaic scripts (*yahud yazusile*) inscribed on them. Right after, the Kapudan Paşa who was leading the investigation assured that all the stones should be returned to where they belonged. Accordingly, the names of the people who infringed the orders were asked to be reported and their statements to justify such actions should not be accepted.²⁴¹ The following year similar incidents happened, this time the cemetery's *kadim* status was approved through a *temessük* issued by Mehmed II, thereby the Muslims' petition to have the precious stones removed was assessed as invalid. But the Muslims further complained that thieves were hiding in the cemetery to gear up for robbery, the path around the cemetery was no longer safe to take. Nonetheless, according to the verdict of the judge, the Jews were entitled to pursue their traditions as they had been doing so far.²⁴² Another

²⁴⁰ Refik, 51-52.

²⁴¹ Refik, 53. "Kapudan paşaya hküm ki Yehud tayifesi rık'a sunub Kasımpaşa haricinde Yehud tayifesinin mürdlerini konmakdan men olunan makberliklerinde vaki olan mezar taşlarına ve yerlerine dahl olunmıya deyu fermanı şerifim sâdır olmuş iken ol emri şerifime mugayır bazı kimesne taşların çıkarub zulüm ve teaddi etdikleri ecilden bundan akdem teftiş olundukda nice kimesnelerden evlerinde Yehud yazısule mazar taşları bulunub ve bazı kimesneler dahi mezar yerlerin havlilerine ilhak etdüği zahir olub men olunub alınan taşlar giru yerlerine vaz olunub haricden dahl olunmamak babında hükmü hümayunum taleb etdikleri ecilden yehudanın eski mezar yerlerine minbaad dahl etdirilmeyüb hali üzre yerleri olmasın emir idüb buyurdum ki ... men ve ref eyleyüb her kim mezardan taş almış ise giru eshabına alıvirüb minbaad yehudanın yerlerine ve mezar taşlarına haricden bir ferd dahl ve tecavüz etdirmeyesin memnu olmyub emrime mugayır dahl ve taaruz idenleri isimleri ile yazub arz eylesin."

²⁴² Refik, 54-55. "...yehud üzere dava idüb bunların makabiri üzre azım taşlar vaz olmuşdur arasında gice ile hırsız saklanub makabir önünden mürura kadir olmazuz didiklerinde zikrolunan taaddiye taifeyi yehud kayil olmayub muktezayı şer'i serifden gayre rıza göstermediklerinde filhakika mahalle

decree from 1587 passed an impression on the frequency of tomb embezzlements. In this particular case, the area where the incidents took place consisted of an empty land given to Muslims and next to it there was a non-Muslim cemetery. Despite the exactitude of the borders between the land and cemetery, a number of Muslims broke into the deceased non-Muslims' tombs and took pillar stones even though former decrees had unequivocally prescribed severe punishments to those actions. Moreover, it was then proved that some of the thieves visibly used those stones in the construction of their houses, and ultimately these reprehensible incidents caused great disturbance among the Jews.²⁴³ The last topic of disputation pertaining to non-Muslims' regarded their spaces of worship. The implementation of law concerning restorations and constructions of places of worship did not necessarily followed a consistent framework.

As discursively problematized in *fetvas*, *sicils* and *fermans*, the law and its practice hardly ended up with analogous verdicts. For instance, Rositsa Gradeva has explained that between the sixteenth and eighteenth centuries, in the various regions of the empire, local authorities issued many verdicts concerning church renewals and constructions which were in complete contradiction.²⁴⁴ In the places where

halkının cevabları mübecince şer'î şerif kavmi yehudu makabiri kadîmelrinden men'e mecal olmıyub âdetleri hasebince vaz itdikleri ahcarı dahi evzai kadîmesinden tağyir lâzım gelmedüğü ecilden mezburların hududu makabirlerine tayfiye-i yehudu men çayız olmayub memalik-i islamiyyede olan ehl-i zimmeti mazmunu şerifince hilaf'ı şer'î şerifle amel eyleyüb tarafeyne şer'î şerife ve kadîmden olagelene muhalif iş itdürmiyesin ... ve muhalefet eyleyenleri yazub süddi saadetime arz eyliyesin."

²⁴³ Refik, 56-57. "...Galata kadısına ferman olunub mahalli hâdiseye varılıb görüldükde mukaddema makabir-i mezbure tayife-i mezburenin mürdeleri ihraç olunmağa şer'ân mahal olmıyub makabir olan yerlerde hali üzere ibka olunub etrafında olan boş yerler tevzi olunması tecviz olunub hükmü humayunmun virilmişken bazı kimesneler şer'î şerife ve fermanı hümayunuma mugayir tayifeyi mezburenin taşların kazub alub binalarına sarf idüb ve kimn bareleyüb yerlerin milklerine ilhak edüb ve bazı kimesneler makbereler taşlarile dururken etrafına havli çeküb bina ihdas eyleyüb makabiri mezbureyi bildikleri gibi tasarruf idüb zulüm ve taaddi etdikleri zahir olduğı Galata Kadısıyle...ilâm etmişlerdir... bu babda gereğı gibi mukayyed olub şer'î şerifle muhalif amel idene şer'ile lazım gelâni icra idüb ...".

²⁴⁴ Gradeva, "From the Bottom Up and Back Again Until Who Knows When: Church Restoration Procedures in the Ottoman Empire, Seventeenth-Eighteenth Centuries, 123-151.

demographic indicators changed at the expense of the non-Muslims, these groups were forced to sell their properties to the Muslims of the neighborhood, because Islamic law prioritized a practice of Islam in a “purer” environment.²⁴⁵ Complicated as it might have been, non-Muslims were very infrequently able to obtain the necessary permits to have their places restored or rebuilt, for instance under the reign of Mehmed II. For example, when there was a petition focusing on the ambivalent status, misappropriations or modifications of a church or a synagogue, the kadıs were expected to investigate their particular conditions. An example that can illuminate the functioning of this process would be the petition of Ali Çelebi *masjid*’s congregation. To their claims, there was a church that was unlawfully enlarged and decorated, and its personnel was behaving improperly. Then, the kadı of Galata brought the case to the Kadı of Istanbul and conveyed the disturbed Muslims’ complaints to him. The very same sequence of events was repeated in the case of Sulu Manastır Church as the complaints conveyed to the kadı were similar to the congregation of Ali Çelebi *masjid*. This time Muslims alleged that the Armenian congregation of Sulu Manastır church were drinking wine, chanting and fighting loudly in a way that the Muslims could not hold prayers anymore. Furthermore, the priests of Sulu Manastır constructed a new church beside the current *kadım* one. The petitioners bolstered their claims by offering a list of witnesses as requested during the investigation. The kadı, in return, primarily stated that the newly built *ihdas* part must be demolished urgently. Thenceforward, he elucidated the issue that even if it was a *kadım* church, the dissolute actions of the Armenians were unacceptable on the

²⁴⁵ Baer, *Honored by the Glory of Islam: Conversion and Conquest in Ottoman Europe*, 95-99. For the conditions of selling their properties and expelling the non-Muslims from the neighborhoods, See Ebus’suud Efendi, 94-97.

accounts that they retained the Muslims from practicing Islam.²⁴⁶ At any rate, kadıs usually sought evidence on the matters that contravened the law. Consequently, it was not an extraordinary procedure to request official documents for kadıs, in view of the possibility that they might actually validate the *kadım* status of religious buildings. But what was in part the exception embodied in this final verdict was the acknowledgment of the Muslims' disturbances, which in consideration, conflicted with the generic principles applied to *kadım* structures. However, the representatives of the legal establishment, as in this case, could come up with justifications that would enable them to overrule the law at the expense of non-Muslims. Yet, as suggested, unusual cases like this one were recorded infrequently; an archetypal example to the execution of law would follow the next decree Ahmet Refik has included in his compilation: one year later, in 1564, elsewhere in Istanbul, a kadı examined the petitions coming from the local Muslims with which they planned to have a *hâdis*, or newly built church demolished. According to the decree, the kadı opened an investigation to illuminate the situation and in order to authenticate the Muslims' accounts, requested the testimonies of four Muslims who were noted as fair in their judgment (*udulü müsliminden dört pir kimesneler*). Subsequently, the non-Muslims were asked to provide official documentation, a *temessük* (warrant or deed of permission), *hüccet-i şeriye* (register of legal authorization), or *hükm-ü şerif* (decree). Even though testimonies were verified, the history of that church was proven older than the allegations, owing to the *temessük* provided by the non-Muslims. Thereupon, the destruction of the church was not a matter of question, as its *kadım* status was reaffirmed one more time. Likewise, according to another case mentioned in the same decree, the receiver of a *hüccet* could not be verified among

²⁴⁶ Refik, 46-47.

the registers; thus, the non-Muslims failed to validate their claims to have any rights concerning a church. Later on, it was decided that the church was to be demolished straightaway, for the documentation needed to attest church's *kadîm* status was not verified. Investigation directly came to the decision that it had been sixty years since the *hudûs* condition of the church emerged. Accordingly, the kadı advised the addressed authority to ensure that nothing similar should come up again.

3.3 The Jews of Istanbul from the takeover to the end of the sixteenth century

3.3.1 Demographics and settlements

The examination of the Jews residing in the capital city requires one to revisit the congregations' population indicators including the fluctuations occurred in the records. To begin with, the data compiled from the *jizya* registers belonging to the period between 1478 and 1688 enables historians to calculate the approximate numbers of Jews in Istanbul.²⁴⁷ By relying on the number of households recorded in the registers, the total number of the Jews was around ten thousand between 1478 and 1490. Only after 1535, when the Iberian Jews arrived in the city to dominate the figures, the total reached forty-eight thousand. In stark contrast to this figure, the total number again decreased to a range of twelve and fifteen thousand between 1590 and 1623. In 1628, the adjusted total number was calculated twenty-one thousand.²⁴⁸ The most interesting fluctuation can be seen around the 1530s when the number unprecedentedly rose. Since the calculations were extracted over the *waqf* registers

²⁴⁷ Rozen, *A History of the Jewish Community in Istanbul*, 51

²⁴⁸ Rozen, *A History of the Jewish Community in Istanbul*, 51-52.

of Mehmed II, that increase can be interpreted in multiple ways: first, it is known that the Iberian Jews were paying their taxes directly to the state treasury but not to the *waqf* of Mehmed II, whereas the Romaniots were doing so. As Minna Rozen inferred, this practice may have been changed, and they too started to pay their taxes to the same *waqf* and hence, they were registered in greater numbers. Second, Istanbul might have been a transient “station” for the Jews who planned to make their way to different cities, so that as they decided to leave, the number might have dropped drastically.

It is, however, not clear why the above-mentioned increase noted in the registers of 1535 cannot be tracked further in the following registers. Because the registers from 1595-97 and 1609 listed the total number, again, within the range of thirteen and fifteen thousand. As presented by Stéphane Yerasimos, an explanation would be the possible effects of the initiatives that were taken by Safiye Sultan to relinquish Eminönü for her imperial Friday mosque project. In the end, since that area was inhabited mostly by the Romaniot Jews, they were willing to be registered in order to recover their losses legally. But others, i.e., the Iberians, who were lesser in that area had no such concerns. From a conclusive outlet, the mosque project, fire and transitory position of Istanbul all seemed to have deviating effects on the calculation of the sum of the Jewish population. On the other side, aggravated by the obstacles in practicing their religion at their home countries, the Iberian Jews began to flee into the Ottoman lands intensively beginning from 1492 to 1521. Next major wave of migration from Spain and Portugal to Istanbul took place between 1536 and 1560, yet the striking difference from the first wave laid in their religious identity: these newcomers were partially or entirely Christianized before they came to the realms of Islamdom. They, therefore, were trying to obviate the constant disturbance

of inquisition that was obliging them to pursue their life as Christianized Jews while being in search of a land in which they could practice their religion freely.

The distinction between the *sürgün* and *kendigelen* seems oblique in the context of the Ashkenazi Jews. Though lesser in number, they were already residing in Istanbul among the Romaniot congregation.²⁴⁹ And in compliance with the well-established convention, it is expected that they should have been registered as *kendigelen* since they arrived in the Ottoman domains from southern Germany by their own will. Yet, instead of *kendigelen*, the Ashkenazis were referred as *sürgün* in the documents from the fifteenth century. It has been uncovered by Rozen that they were begun to be mentioned as *kendigelen* after the cessation of the Iberian influx in the seventeenth century. According to Rozen, this remark challenged the fact that *kendigelen* and *sürgün* statuses were not ossified until the seventeenth century, at least for the “*sürgün*” Jews of the empire who *migrated* earlier in the fifteenth century.²⁵⁰

Although it is accepted that the Ottoman Jews were dwelling relatively peacefully and viably in the empire, the assessment of the Jewish communities' relations to the Ottoman state and other confessional groups in the empire can offer a comparison to the conditions of their fellow Jews living in Europe, as discussed in the first chapter. While the Romaniots remained phlegmatic about the takeover for a long time, they began to receive the Ottoman ruling establishment neutrally in the mid-sixteenth century, which coincided with their integration to the paramount body of Iberian Jews. This trend was apparent in the literary evidence gathered by Rozen that pointed out that Jewish learned elite produced eulogistic literary works on the

²⁴⁹ Rozen, *A History of the Jewish Community in Istanbul*, 48-49.

²⁵⁰ Rozen, "Public Space and Private Space among the Jews of Istanbul in the Sixteenth and Seventeenth Centuries," 331-331.

Ottoman state and Süleyman I.²⁵¹ Concerning the economic conditions of Jews, they were on feasible terms through their occupations, but especially their mercantile activities around the Mediterranean under the protection of the Ottomans provided a certain prosperity to the community.²⁵² Nevertheless, this is not to say that all the Jews were pursuing prosperous lives, there were many poor Jewish commoners who were residing along with other poorer members of Ottoman society, irrespective of confessional affiliations.²⁵³ And the irregular tax called *rav akçesi* could be burdensome, as it was to other non-Muslim groups, given that they were paying the poll-tax, as an indicator of their subordinate position in society. Though the congregations were collectively able to pay the exacted amount of money, and it was -assumed to be- handed to the Sultan by the chief rabbi of Istanbul. The assumption was proven wrong by the first record of irregular taxes from 1480, which illustrated that in opposition to what has been assumed by many scholars, the mediator contractors who were picked by the Ottomans, were more influential in this process than the chief rabbi.²⁵⁴

Thanks to the *waqf* and tax registers, it is possible to map the Jewish settlements in the city. By relying on the survey of 1455, even though there were some Jewish subjects recorded in Galata, their presence was not recorded in the succeeding documents. As congregations, the bulk of the Jewish population grouped around a “trapezoid” in the walled-city which consisted of various quarters beginning from Sarayburnu and Sirkeci passing through Eminönü, Mahmutpaşa and Tahtakale,

²⁵¹ Rozen, *A History of the Jewish Community in Istanbul*, 40-44. Among those authors, the Rabbi Mosheh, who wrote a book named *A History of the Ottoman Kings*, Shemuel Halevi who composed *responsas* with celebratory tones and poet Shelomoh ben Mazal-Tov’s whose proses were addressed to Süleyman I.

²⁵² Rothman, *Brokering Empire: Trans-imperial Subjects Between Venice and Istanbul*, 49-50, 213.

²⁵³ Rozen, *A History of the Jewish Community in Istanbul*, 214- 220.

²⁵⁴ Rozen, *A History of the Jewish Community in Istanbul*, 27- 30, 69.

it reached Unkapani.²⁵⁵ This information intersects with the spatial configurations of the Byzantine Jews, excluding the quarters around Vlanga. This is probably why the area today known as Bahçekapı have been called Çıfut or Yahudi Kapı after its old name Porta Iudea.

Balat, unlike the generic interpretations, housed only the 20% of total Jews of Istanbul, and as Rozen claimed, the origins of the Jews residing in Balat is unknown. They might have come there by *sürgün*, or they might have started to move toward Balat following the Yeni Cami's construction or, they could have been forced to settle there after the great fire of 1660. Still, at the end of sixteenth century, Balat was a smaller Jewish quarter.²⁵⁶

Despite its centrality to Istanbul Jewry in seventeenth-century, Hasköy was a minor district and it was known to be the resort of Karaite Jews from the 1520s on. Sixteenth-century Hasköy was primarily a summer place of Istanbulite Jews, which harbored only 5% of the total. Nonetheless, it turned out to be a more vibrant Jewish neighborhood from the mid-sixteenth century onward with its population boosted by the Ashkenazis' continued settlement in Hasköy in addition to the movement of the Samatian Jews to the district. In this period, another group of Sephardic Jews was taken from Rhodes in the aftermath of the island's successful siege, and were also settled in Hasköy and Balat.²⁵⁷ An imperial decree issued in 1582 re-affirmed the strengthened centrality of Hasköy to the Jewish community.²⁵⁸ The decree stated that the Kadı of Eyüp was assigned the responsibility to oversee the construction of a

²⁵⁵ Rozen, *A History of the Jewish Community in Istanbul*, 57.

²⁵⁶ Rozen, *A History of the Jewish Community in Istanbul*, 58.

²⁵⁷ Baudin, *Les Israéliens de Constantinople, Étude Historique*, 24-28.

²⁵⁸ Yerasimos, "La Communauté Juive à Istanbul à la Fin du XVIe siècle, 125-127 ; Rozen, *A History of the Jewish Community in Istanbul*, 58-60, 213-215.

cemetery in Hasköy around the area allocated to Jews. It was urgent, according to the decree, since the deceased members of the community were to be buried within the boundaries of the cemetery which were to be arranged carefully under the kadı's supervision.²⁵⁹

Finally, Galata did not emerge as a district with a significant Jewish presence until the mid-sixteenth century. Over the span of a couple decades in the mid-1500s, some of the Jewish congregations sprawled in the city resettled in Galata.²⁶⁰ In this regard, although there were districts predominantly inhabited by Jews, before the seventeenth century, the Jews of Istanbul were living in various quarters scattered throughout the city encompassing Eminönü, the Golden Horn shores and later on, Galata and the Bosphorus shores.²⁶¹

By the end of the sixteenth century, as the 1595-1597 *waqf* registers of Mehmed II illustrated, the major Jewish quarters were clustered around Tahtakale and Eminönü and encompassed the *mahalles* of Hâcepaşa/Üveyis, Çelebioğlu and Növbethane (Elvanoğlu) with significant numbers of inhabitants over one hundred and fifty. In Balat, there were hundred and twenty-six Jewish people recorded, a number that began to increase, while only forty-nine Jewish people were recorded as the residents of Hasköy at that time. However, due to the space occupied by the construction of Yeni Cami, the quarters in the vicinity of the mosque were being depopulated and deserted. In the registers, such decrease in the Jewish populations of quarters noted for Balıkpazarı, Cuhud Kapısı/Yahud Kapı and Molla Gürani.²⁶² Not

²⁵⁹ Refik, *On Altıncı Asırda İstanbul Hayatı*, 53.

²⁶⁰ Rozen, *A History of the Jewish Community in Istanbul*, 60.

²⁶¹ Yerasimos, "La Communauté Juive à Istanbul à la Fin du XVIIe siècle," 114.

²⁶² Rozen, *A History of the Jewish Community in Istanbul*, 119-124.

surprisingly, linguistic and traditional dissimilarities were well-preserved in the spatially diffused layout of congregations.

3.3.2 Intra-communal and inter-confessional affairs

For a long while, prior to the completion of Istanbul Jewry's Sepharidization, Romaniots and Karaites continued to speak Greek and felt more attached to the Byzantine heritage rather than the Ottoman culture; whereas newcomers embraced and even were more eager to be influenced by the eclectic Ottoman identity. It would be reasonable to assume that the Jewish congregations in the city had to be intertwined especially following the movements of Jewish people as congregations or individuals. Yet, the miscegenation of congregations remained very limited according to the marriage and death reports of the sixteenth century, which indicated a tiny amount of permeability. Only for the supra-congregational matters, the Jews of Istanbul could form a united front, and correspondingly, they were compartmentalized more than any other non-Muslim group.²⁶³

Even so, Jewish communities' integration into Ottoman society gradually strengthened as a result of peculiar conditions. First, their growing involvement with the advanced mercantile conducts amid the Iberian Peninsula, Italian cities, and the Levant provided them a certain level of mobility and wealth under the protection of Ottoman state. Second, they were very much entangled with the authorities who were in the operative posts in the Ottoman administration. In return, these courtly and elite figures relied on prominent Jews' expertise that was indispensable for them, as it was for the state too, in services such as providing medical assistance, money lending and

²⁶³ Rozen, *A History of the Jewish Community in Istanbul*, 57-60, 90-92.

usury.²⁶⁴ In that regard, scholars have considered the fifteenth and sixteenth centuries to be the “golden ages” for the Ottoman Jews. Among them, Minna Rozen offered this description on the basis that the sixteenth century was the period when the empire “reached a level efflorescence that it could never reach again.”²⁶⁵ Leaving aside the golden age discussion, it seems more feasible to postulate that both the state and members of society took advantage of the auspicious and steady presence of the empire, particularly in terms of the economic indicators. Yet, this partly romanticizing optimism implanted into the sixteenth century under the rubric of “golden age” should not be impeding scholars from equally reconsidering other dynamics underlying the “prosperity” of the sixteenth century. The rivalries within and against other confessional groups, the cease of the Jewish immigrants and contradictory attitudes of the Ottoman court toward non-Muslims might have proportionately deteriorated the positions of Jews in Ottoman society. Likewise, one should take into consideration that these phenomena might have been equally worsening and/or ameliorating consequences for the Muslims of empire as well. Whether it was a haven for the Jews or not, it is interesting that Sultan Bayezid II concomitantly offered the expelled Jews a refuge in the Ottoman lands, but also implemented very rigid and restrictive policies such as forbidding the renovation and construction of Synagogues by the imperial decrees that were addressed directly to Jews.²⁶⁶

All of the Jewish residents of Istanbul, as other non-Muslim groups, particularly from the sixteenth century onward were regarded in equal terms, without

²⁶⁴ Masters, “Merchants and Missionaries in the Seventeenth Century: the West Intrudes,” In *Jews and Christians in the Ottoman Arab World: the Roots of Sectarianism*, 71-74.

²⁶⁵ Rozen, *A History of the Jewish Community in Istanbul*, 17-37, 307-308.

²⁶⁶ Ray, “Iberian Jewry Between West and East: Jewish Settlement in the Sixteenth-century Mediterranean,” 45- 54; Rozen, *A History of the Jewish Community in Istanbul*, 19,38.

any references to their *kendigelen* or *sürgün* status. The designation of these statuses became a matter of concern when the state generated a proclivity to allow Jews to reconstruct or repair their religious buildings. Summoned by the kadı before the shari‘a court, Jewish communities’ complaints on their places worship were occasionally acknowledged. However, to have their cases heard, the Jews were – generally- expected to meet the interpretation of the shar’i conditions, which required them to prove that the synagogue in question should be belonging to a pre-takeover period and thus given *kadım* status. Over and above, the emphasis put on the Ottoman capture of the city was influential in defining the state’s stance toward specific Jewish congregations. For instance, the Romaniot or Greek-speaking Jews were initially considered perfidious subjects because they were assumed to side with the Byzantines during the siege of Istanbul. Yet again, the ruling establishment could justify any permissive policy to this principle, of course by reversing it in a way that some Jews remained neutral during the siege, so that they were not treacherous. This line of reasoning was repeatedly applied to the *fermans* discussed in the previous section.²⁶⁷

Other than the shari‘a limitations enforced on the entire non-Muslim community, the Jews of Istanbul was not subjected to unconventional restriction policies regarding their social and religious conducts in the sixteenth century. Only under the reign of Bayezid II, there were prohibitions intended to restrict the restoration and construction initiatives of synagogues.²⁶⁸ On the contrary, as the documents discussed in the previous section demonstrated that occasionally, the Jews could obtain the ownership rights of taller buildings, could adorn themselves with the

²⁶⁷ Rozen, *A History of the Jewish Community in Istanbul*, 12-19

²⁶⁸ Rozen, *A History of the Jewish Community in Istanbul*, 1-19

materials limited to Muslims' use and could keep slaves in their households. Especially during the mid-sixteenth century, the instances violating the shari'a restrictions determined the contents of inter-confessional conflicts, which carried out a strong economic drive over non-Muslims' appropriation of prohibited customs, materials and practices. Accordingly, these infringements, in a way, could explain the recurrent authoritative tones applied in the *fetva* collections of Ebussuûd as discussed earlier, which addressed specifically to non-Muslims with the aim of preserving socio-religious boundaries. Indeed, this remark was a characteristic of the period, in the making of confessional polarization that was majorly triggered by the violation of the shari'a restrictions. It will be concluded that this motive coincided with the transformation of the official language and gradual intensification of the confessional politics that became more visible in the last quarter of the sixteenth century as underlined by Rozen.

3.4 Conclusion: an evaluation of the confessional politics in the wake of the seventeenth century

It was the intention of this chapter to have a range of primary sources in conversation with each other, in order to be able to address the corresponding and contrasting nuances articulated within the religio-political discourse of the Ottoman state. It seems plausible that the decrees followed the discourse articulated in the *fetvas* concerning the issues on non-Muslims' conducts, that is, the notion that they were not only assumed to disturb Muslim subjects but could also lead to the defilement of Muslims' spaces. This mindset conjointly resonated within the decrees and *fetvas* during the process of consolidating Sunni-Muslim oriented confessional

identity, which came along with the alienation of the *other*, the non-Muslim body. Accordingly, as it can be observed in the example of Eyüp Sultan, one of the sacred spaces of the city proved that the presence of women and non-Muslims was endangering to the *purity* and *integrity* of Islam. Hereby, notions of *purity* and *danger*, as referred to in the first chapter, were begun to be juxtaposed together. This linkage was to be articulated further in the next century. Yet, from the mid-sixteenth century onward, the restrictions and regulations concerning spaces of sociability and conducts in everyday life were implanted to reinstate each confessional community to their designated spaces. This, however, concomitantly underlined the presence of multi-confessional spaces of in the urban sphere: in the course of daily life, interactions and encounters of the people who were of diverse backgrounds undeniably alleviated the barriers of confessionalization and opened spaces of transgression.

On the other hand, the decrees discussed here demonstrate that inter-confessional tensions turned out to be acuter by the mid-sixteenth century, and these were stimulated mostly by reactions to non-Muslims' appropriation of items, practices and materials that were both deemed luxurious and restricted to Muslims' use. This reasoning, for example, was apparent in the embezzlements of the lavishly ornamented Jewish tombs that easily drew Muslims' attention, which triggered them to plunder. This condition similarly applied to cases in which non-Muslims kept servants or slaves, breached the sartorial and spatial restrictions and enhanced or transformed their places of worship. Precisely when they were exposed to public eyes, those violations of limitations, restrictions and boundaries could aggravate Muslims and motivate them to appeal to kadıs, which provided them a space to participate in the implementation of Ottoman state's confessional politics from

below. And besides, from the mid-sixteenth century onward, some wealthy Jews could afford to enter negotiations and to bargain for privileges to disobey those limitations. Therefore, the fines of such violations were turned into arbitrary taxes paid to the officials through this practice.²⁶⁹ But this was limited to a relatively small group of people who had enough financial capital and whose number began to decrease with the gradual financial transformation of the state that negatively affected the economic status of the Jews. In most cases, they were replaced by Christian merchants who were given capitulations and thus undermined the indispensable position of the Iberian Jews that used to dominate the mercantile activities around the Mediterranean.²⁷⁰

Consequently, from the mid-sixteenth century onward, the official documents can support the proposed inclinations of the Ottoman state to intensify its surveillance and control over non-Muslim groups. In that sense, confession building process from above as led by state agents, the representatives of legal and ruling establishments, *muezzins*, *imams*, who mobilized the lower echelons of the society to participate in this process. This mobilization found its response in society in the coming decades and triggered Muslims to participate in this process as the agents of confessionalization from below. In that regard, by the end of the same century, it is quite telling that most of the decrees as mentioned earlier were issued after complaints delivered either by the local authorities or the Muslims residents of certain *mahalles*. Nevertheless, as the harbinger of the inter-confessional rancor that turned up in the seventeenth century, the last quarter of the sixteenth century symbolizes the beginning of a societal transformation ignited by the state and

²⁶⁹ Rozen, *A History of the Jewish Community in Istanbul*, 33-34, 195, 241-243.

²⁷⁰ Rozen, *A History of the Jewish Community in Istanbul*, 241-243, 304-308.

accelerated by the society. Because, the more the Muslim congregation entangled with the inter-confessional matters, the more they became capable of expressing their discontent toward non-Muslims in the following decades. At that point, economic rivalries and socio-religious indicators of superiority between Muslims and non-Muslim groups would not be the only reasons underlying inter-confessional tensions that emerged in Ottoman society.



CHAPTER 4

UNCOVERING THE CONFESSIONALIZATION OF SPACE IN ISTANBUL THROUGH THE SEVENTEENTH-CENTURY *FETVA* COLLECTIONS

In the wake of socio-political and economic turmoil emerged by the end of the sixteenth century, in much of Europe and Asia a set of events changed the course of the following century. For this reason, in a transition to the seventeenth century, to be able to apprehend the political and structural changes that took place in the Ottoman Empire this chapter will first revisit a multiple causality underlying these transformations. For, these transformations paved the way for the new political actors, from the lower echelons of society to new elite partners, to participate more effectively in the realms of confessional politics. These new agents' burgeoning centrality was decisive in determining the dominant discourses of the period, which correspondingly influenced greatly the legal corpus and religious canon of the era. This connection can shed light on the currents of the seventeenth century with which one can further interpret the changing religio-political discourse in comparison to the preceding centuries. The introduction of new social and religious conceptualizations and spatial practices imposed on the confessional communities that were not put into practice before, therefore can be explored through a textual and discourse analysis of the sources, the *fetva* collections particularly.

4.1 The seventeenth-century crisis in the Ottoman realms: a brief overview

During the seventeenth century, polities in Europe and Asia were undergoing major social and political transformations that were embroiled in the struggles pertaining to

administrative and financial deterioration. While there had been myriad examples of socio-political unrest throughout Europe and elsewhere, this was rather a new form of relationship between the states and societies, which embarked on new dynamics and shaped the course of events in the century. Because in the midst of what came to be known as the “seventeenth-century crisis,” society as a mobilized unit was able to propagate operative, although not necessarily revolutionary, “reactions” in response to the unbearable economic burdens.²⁷¹ Withal, the issue of intensified tax collection is not the sole factor in pondering the century’s dwindling trails. Entailing Ming China, Spain, England and the Ottoman and Mughal Empires, political and social instabilities arose due to a number of equally decisive constituents.²⁷² Jack Goldstone, in this respect, has drawn the scholarship’s attention to a common framework in which it is possible to trace Eurasian states’ shared experiences and anxieties. He, however, underlined that these were unique experiences following different paths; some were revolutionary, some were reactionary, and some ended up with periods of recovery following the mid-seventeenth century. With regards to his comparison of the seventeenth century England, Ottoman Empire and Ming China, Goldstone’s framework consists of “the ecological change, price revolution, elite competition and conflict, popular uprisings, and religious heterodoxy and radicalism.”²⁷³ Although these explanations could vary from polity to polity, it is

²⁷¹ Parker, "Crisis and catastrophe: The global crisis of the seventeenth century reconsidered," 1053. Goldstone, "East and West in the Seventeenth Century: Political Crises in Stuart England, Ottoman Turkey, and Ming China," 103-104. For a critical approach to the seventeenth century crisis in Eurasia, see Steensgaard, "The seventeenth-century crisis and the unity of Eurasian history," 683-697. Steensgaard accepts that, on the one hand, there are certain links among the European and Asian polities considering the hardships they experienced in the seventeenth century. But, on the other hand, he finds this notion of general Eurasian crisis too general and lacking a “same conjuncture considering an unusual phase of strain/reform in polities revenue systems.”

²⁷² Goldstone, "East and West in the Seventeenth Century: Political Crises in Stuart England, Ottoman Turkey, and Ming China," 103-142; Parker, "Crisis and catastrophe: The global crisis of the seventeenth century reconsidered," 1053-1056.

²⁷³ Goldstone, "103-131.

certain that an unprecedented increase in global population growth plagued the early modern state in terms of its capacity to manage finances and tax collection. In order to be able to cope with these emerging realities, states including the Ottoman Empire were instinctively inclined to increase tax revenues, and these attempts frequently engendered great turbulence in society regardless of social status. Inevitable fiscal immiseration that was accompanied by the over-taxation led the way for the alienation of elites who were joined by dissident military troops, with whom they bastioned in the provinces and gained a certain level of autonomy.²⁷⁴ Intensified confessional polarization in greater Eurasia was another episode in the alienation of various groups in the trajectory of the seventeenth-century instabilities. Because religion was, along with politics, a critical factor that could conspicuously stipulate “non-conformist movements and political alienation” in the absolutist regimes encompassing Britain, Denmark, Scotland, Sweden, Ukraine, Russia and the Ottoman realms.²⁷⁵ Furthermore, the globalization of the “decline” phenomenon attributed to the seventeenth-century crisis was interwoven with improved networks among the individuals, merchants, religious authorities and leaders of “dissident” or heterodox movements. In the age of confessionalization, rapid circulation of information, individuals and ideas could easily pose severe threats to the orthodoxy and confessional doctrines upheld by absolutist regimes. In addition to these fractious dissensions, many non-conformist movements, with the religious zeal they carried, became the loci for those who wanted to express their discontent vis-à-vis the states’ former and latter policies.²⁷⁶ This chain of events, in the lands of Rum,

²⁷⁴ Goldstone, 103-106.

²⁷⁵ Parker, 1053-1056.

²⁷⁶ Goldstone, 126-131.

was represented by a series of coalitions between different groups, and shifting alliances. These groups not only articulated their restlessness toward the ruling body and its spatial regulations but also played decisive roles in the implementation of politics. Therefore, to maintain socio-political order, the ruling establishment could not entirely ignore the opposing voices coming from below since, without their support, it could no longer be well-equipped to exercise uncontrolled power over the flock.²⁷⁷ Usually, if not serving their immediate political benefits, each polity condemned factionist movements that surfaced in satellite polities with the aim of evading their advancement into their own domains. In the context of the Ottoman domains, this was experienced when the alleged-messiah and the king of the Jews, Sabbatai Sevi, levied countless followers not only within in the Ottoman realms but also from Scotland, Yemen, Russia and Poland. Sevi, and his adherents, however, were designated as a virulent and contagious group of people who could jeopardize social order in the Ottoman lands.²⁷⁸ Last but not least, the climate history of the century showed that Eurasia was suffering a “little ice age” that significantly contributed to the pervasiveness of famines, crop failures and eventually inflation.²⁷⁹ For instance, in 1621, people could walk on the Bosphorus in Istanbul, as it was totally frozen in the winter season due to the extreme cold weather conditions twisted by El-Nino.²⁸⁰

²⁷⁷ Tezcan, *The Second Ottoman Empire: Political and Social Transformation in the Early Modern World*, 227-243; Kafadar, "Janissaries and other Riffraff of Ottoman Istanbul: Rebels without a Cause?" 114-134. Kafadar underlined that the formation of social unrest in Ottoman society can be examined through the transformations transpired under the currents of the seventeenth century.

²⁷⁸ Tezcan, *The Second Ottoman Empire: Political and Social Transformation in the Early Modern*, 18-22; Şişman, *Sabatay Sevi ve Sabataycılar: Mitler ve Gerçekler*, 33-45; Galland, *İstanbul'a Ait Günlük Hâtıralar (1672-1673)*, 171-172; Hathaway, "The Grand Vizier and the False Messiah: The Sabbatai Sevi Controversy and the Ottoman Reform in Egypt," 665-71; Abdi Paşa, *Vekâyi '-nâme: Osmanlı tarihi, 1648-1682: tahlil ve metin tenkidi*, 247.

²⁷⁹ Parker, 1065-1069; Matthews and Briffa, "The 'Little Ice Age': Re-evaluation of an Evolving Concept," 17; Goldstone, 106-107.

²⁸⁰ Parker, 1072-1073; Peçevi İbrahim Efendi, *Peçevi Tarihi I*, 385.

Scholars have discussed the viability of bringing the decline paradigm into contact with the historiographical debates on the early modern Ottoman Empire.²⁸¹ Baki Tezcan has re-examined the political history of the period and has proposed a new stance in approaching “decline” in the seventeenth century Ottoman realms. Instead of accommodating the term in the context of outmoded discussions related to the perennial “military decay and institutional corruption,” he sought to understand what the re-organization of the succession system meant in tandem with the political transitions at the time.²⁸² Evidently, this new political conjuncture allowed those once inert bodies, the members of the legal establishment, to actively participate in the decision making processes, who then became partners with the ruling elite supported by the recalcitrant Janissaries. In that sense, these new members’ official partaking in the designation of royal succession system marked the end of the absolutist tendencies of the sultan as well as his supporters’ struggles in restoring the sultan’s ultimate will. Thereafter, it turned into a necessity if not an obligation, for the sultan to consult with the jurists’ opinions to legitimize his actions. Tezcan has argued that this can be regarded as a “constitutionalist” limitation onto the absolutist

²⁸¹ Abou El-Haj, “Power and Social Order,” in *The Ottoman City and its Parts: Urban Structure and Social Order*, ed I.A. Bierman, R.A. Abou El-Haj and D. Preziosi, 80-89. Abou-El-Haj underlined the societal transformations over the works of Mustafa ‘Ali and Koçi Bey. See Kafadar, “Janissaries and other Riffraff of Ottoman Istanbul: Rebels without a Cause?” 14-134; Peirce, *The Imperial Harem: Women and Sovereignty in the Ottoman Empire*, 21-27. Peirce drew attention to the growing importance of dynasty’s female figures who from the second half of sixteenth century became partners with the various representatives of the ruling establishment; Tezcan, *The Second Ottoman Empire*. Tezcan’s proposal is focal to this chapter’s concerns for the reason that through the monetization process that started in the last quarter of the sixteenth century, new bodies were incorporated into the functioning and administration of the empire. Among them, the jurists and preachers but more significantly, the chief mufti, Sheikh-ul-Islam turned out to be the new partners of the ruling establishment, who effected the course of events in the seventeenth century. As a result of the structural transformations of the state, their centrality in the execution of confessional politics during the seventeenth century became more blatant. And the elevated position of the jurists navigated the religio-legal discourse of the period toward a new framework in which new references, notions and concerns were evoked.

²⁸² Tezcan, 9.

agenda and arbitrary disposition of the Sultan.²⁸³ For, as the imperial seat was rendered susceptible to other agents' intervention, those who could have a say in the enthronement of the emperor realized that they had the means to dethrone the Sultan as well. In 1621, this "constitutionalist" impulse was represented by the contemporary chief mufti who refused to issue an opinion to support Osman II's decision to execute his brother, which implied that the will of the sultan could be undermined by the highest representative of the legal body. Likewise, the sultan was feeling obliged to have an affirmation from the chief mufti to consolidate his agenda politically.²⁸⁴ Albeit, this transformation did not emerge suddenly; as initially suggested by Cemal Kafadar, the discourse of decline contains a space for structural changes, "reforms and reactions" *per se*.²⁸⁵ Its repercussions materialized already during the mid-sixteenth century when the Janissary troops became a locus to the canalization of social unrest by the participation of guilds, urban-dwellers and immigrants.²⁸⁶ And the last quarter of the sixteenth century had a formative effect both on the contemporary political events and those to occur in the following decades. As discussed by Tezcan, first, the "monetization of the empire" steadily took place following the modification of the *timar* system, when a new group of people supplanted former *timar* holders.²⁸⁷ The new mechanism anticipated the collection of taxes in cash instead of kind, and this transition was completed when the cadastral surveys – which were to check tax collection in kind- disappeared.

²⁸³ Tezcan, 1-5, 48-60. According to the new system, the eldest male member of the dynasty was to succeed his predecessor. It was incipiently introduced by Ahmet I who refused to perform fratricide in 1603. Sultans, from then on, no longer ascended to the throne but instead, they were enthroned; Kafadar, "Janissaries and other Riffraff of Ottoman Istanbul: Rebels without a Cause?," 114-134

²⁸⁴ Tezcan, 61-63.

²⁸⁵ Kafadar, "Janissaries and other Riffraff of Ottoman Istanbul: Rebels without a Cause?" 114-115.

²⁸⁶ Kafadar, "Janissaries and other Riffraff of Ottoman Istanbul: Rebels without a Cause?" 115-118.

²⁸⁷ Tezcan, 22-26.

Second, the correspondence between dynastic/sultanic law (*kanun*) and the shari‘a was in inconstancy following the instigation of Süleyman I, who stepped into the jurists’ realms when he needed to legitimize the cash *waqfs* (Islamic charities created by endowments) based on an imperial decree. For this imperial intervention constituted a basis for jurists to enhance the limits of the shari‘ law at the expense of sultanic decrees, jurists’ position as the ultimate resort of legal authority was strengthened. Also, it is worth underlining that the superiority of Islamic law over the dynastic law coincided with the “monetization of the Ottoman economy,” when the enrichment of the members of legal establishment transpired after the legitimization of cash *waqfs*.²⁸⁸ The *mevali*, thus, could purchase land by using the affluence that they accumulated throughout the years they remained in high-ranking posts. Eventually, with the privileges, power and wealth provided, jurists were empowered enough to entangle with the political affairs overtly from the late sixteenth century onward. At any rate, in the early seventeenth century, jurists’ active collusion in redesigning the principles of the succession system epitomized their over-influence in the government cadres.²⁸⁹

The upward mobility taking place in the cadres of the legal establishment was by no means limited to jurists. The preachers who had been less visible up until then became popular and charismatic agents of confessionalization in the seventeenth century.²⁹⁰ This connection was most profoundly manifested through the Kadızadeli Sunni-revivalist movement’s influence over the various echelons of society including

²⁸⁸ Tezcan, 20-45.

²⁸⁹ Tezcan, 64-65.

²⁹⁰ Terzioğlu, "Sunna-Minded Sufi Preachers in Service of the Ottoman State: The Naşihatnâme of Hasan Addressed To Murad IV*," 242-243. As Terzioğlu stated, there were preachers that entangled themselves with the politics preceding the Kadızadeli domination in the mid-seventeenth century.

commoners and government agents.²⁹¹ From the 1620s onwards, the Kadızadelis, by the agency of preachers and their teachings, could gather people's attention to public sermons, with which they declared themselves to be the voice of society as the "words preacher and counselor carry the very same meaning."²⁹² The puritanism promoted by the Kadızadelis called for an immediate return to the purest form of Islam under the principles of the Prophet Muhammad, which had compelling intersections with the religious orthodoxy advocated by the state. The English ambassador Paul Rycaut stated that their "poisonous doctrines" were so infectious that they could reach the "chambers of seraglio, apartments of ladies and eunuchs and pashas, and they were "severe, morose and covetous, most punctual in the observation of the rules of religion."²⁹³ He then underlined that "great admirers of themselves, and scornors of *other that conform not to their tenets*, scarce affording them a salutation or common communication ... [and] *they admonish and correct the disorderly*; and such who are not bettered by their persuasions, they reject and *excommunicate from their society*."²⁹⁴ Another seventeenth-century historian Solakzâde Mehmed emphasized that, in 1656, the influence of Kadızadeli Sheiks was manifested especially in public spaces.²⁹⁵ Once they positioned themselves as the

²⁹¹ Zilfi, "The Kadızadelis: Discordant Revivalism in Seventeenth-Century Istanbul," 251-269; Le Gall, "Kadızadeli, Nakşebendis, and Intra-Sufi Diatribe in Seventeenth-Century Istanbul," 1-28

²⁹² Tezcan, 122-126, 216-217; Baer, *Honored by the Glory of Islam: Conversion and Conquest in Ottoman Europe*, 19, 63, 80, 109; Pfeiffer, "Confessional Polarization in the 17th Century Ottoman Empire and Yusuf ibn Ebi Abdu'd-Deyyan's Keşfü'l-Esrar fi ilzami'l-Yehud ve'l-Ahbar," 21-23.

²⁹³ Rycaut, *The History of the Present State of the Ottoman Empire*, 130.

²⁹⁴ Rycaut, *The History of the Present State of the Ottoman Empire*, 130-131.

²⁹⁵ Hemdemi Çelebi, *Solak-zâde Tarihi*, 628-629. "...Bu şekilde mümin ve muvahhidler fırka fırka oldular. Meclislerde ve mahfillerde köşe be köşe, sohbetler, kavgalar ve boş yere tartışmalar ile hasımlarını rezil ve rüsva etmekten geri kalmazlardı. 19 Ekim 1656 günü, cumaya denk gelen Bayram gününde, Camii'nde, cuma namazı eda olunurken, l müezzinlerin mahfelde peygamber hazretlerinin naatını teganni ile okumaya başladıkları bir sırada, Kadızadeliilerden bir grup, müezzinleri susturmak için ağır sözlerle sataşıp, dil uzattılar. Bunun üzerine, kendilerine muhalif olanlar, hemen mani olmak istediler. Böylece çatışma ve çekişme sonucu, hiddet ve öfke ile söyleşmelerden sonra, az kalsın, birbirlerini öldürmek aşamasına varmışlar idi.."

righteous guides to the Muslim community, they were in a position, which enabled them to attack popular traditions, practices, consumption of stimulant substances such as coffee and wine and the beliefs what they gainsaid “innovation” and heresy.²⁹⁶ On this matter, Kâtip Çelebi commented that the supporters of Kadızade Efendi and Sivasî Efendi, two prominent preachers of the 1630s, were quarreling all the time in the quarters Istanbul, and people were feeling obliged to choose sides.²⁹⁷ Thereby, the authorities’ quest to detect those “corrupted” Muslims overlapped with the notions to which these subjects were already designated “unbelievers.” It is probably for this reason that the seventeenth-century intellectual Na’imâ underlined that chief mufti Minkârizâde Yahyâ was pleased by the Kadızadelis’ penetration into society through which the state agents could exercise a certain level of dominance in an atmosphere where the terror ruled obedient subjects.²⁹⁸ Minkârizâde was not the only one who cherished the Kadızadeli notions, as emphasized by Terzioğlu, some shari‘a-oriented reformists and even Kadızadeli’s opponent figures, Sufis, were demanding for a strict enactment of the shari‘a regulations.²⁹⁹ Ultimately, Solakzâde’s thoughts indicated that even the Sultan was motivated to coerce his subjects to abide by the shari‘a law and orthodoxy.³⁰⁰ In that regard, it is worth

²⁹⁶ Tezcan, 127; Terzioğlu, “Sufi and dissident in the Ottoman Empire: Niyazi-i Misri (1618 1694),” 194; Rycout, *The History of the Present State of the Ottoman Empire*, 128-31 and Grehan, “Smoking and “Early Modern” Sociability: The Great Tobacco Debate in the Ottoman Middle East (Seventeenth to Eighteenth Centuries),” as cited in Terzioğlu ; Darling, “Ottoman Politics through British Eyes: Paul Rycout’s The Present State of the Ottoman Empire,” 71 -97.

²⁹⁷ Kâtip Çelebi, *Mizanü'l-Hakk fi İhtiyari'l-ahakk*, 92-94.

²⁹⁸ Cited in Terzioğlu, according to Na’imâ the chief mufti Minkârizâde asserted that “it was good to have people like them who put fear in people’s hearts and instilled obedience in them.” Terzioğlu, “Sufi and dissident in the Ottoman Empire: Niyazi-i Misri (1618 1694),” 231.

²⁹⁹ Terzioğlu, “Sufi and dissident in the Ottoman Empire,” 283-284, 309-310.

³⁰⁰ Hemdemi Çelebi, *Solak-zâde Tarihi*, 628. “...tabi oldukları reisleri Kadızade adı ile tanınmakta idiler. Cennet-mekan merhum Sultan Murad (IV.) Han hazretleri, uğurlu zamanlarında ortaya çıkan tütünün kullanılmasını yasaklayıp, tamamiyle kaldırılması için tam bir dikkat, cebir ve

emphasizing that the movement reached its peak under the supervision of the Köprülü Viziers who favored their ideas and offered them prominent positions in the ruling establishment. One them, Vani Mehmed Efendi, was appointed an advisor to the grand vizier Köprülü Fazıl Ahmed Paşa.³⁰¹ The Kadızade agents' "new role in social disciplining" of society thus have common characteristics with the Ottomans' struggles in expressing their self-representations which cannot be overlooked, as Tezcan stressed.³⁰² Hence, it was evident that the Kadızadeli movement, its agents and principles were intermittently instrumentalized in the execution of confessional politics in the seventeenth century.

Nevertheless, after the mid-seventeenth century, the empire was subjected to a series of restorations aimed at the re-establishment of the social order and administrative efficiency under the reign of Murad IV. Especially between the 1650s and 1680s, these improvements which owed a lot to the policies of high-handed Köprülü viziers, had long-lasting effects on the re-configuration of the state.³⁰³ In conformity with the alliance between the jurists and ruling body, for example, the preachers who were affiliated with the Kadızadelis enjoyed the support of Murad IV and Mehmed IV. Likewise, sheikh-ul-Islam Minkârizâde Yahyâ and his student Çatalcalı Ali, who actually acted as the supervisors of Köprülü family, dominated the office of chief mufti from 1662 to 1686. This was a reciprocal liaison with which an

hatta katl ile def edilmesine ihtimam üzere iken, bunlar vaaz ve nasihatlerde bulunarak, menzili yüce padişah hazretlerine intisab etmişler, kendilerine gösterilen hürmete büyüklenip, akli ye nakli deliller ileri sürüp, çeşitli ölçüsüz mugalatalar ile gök yüzüne avazeler salmışlardı...”

³⁰¹ Zilfi, 263; Hathaway, "The Grand Vizier and the False Messiah: The Sabbatai Sevi Controversy and the Ottoman Reform in Egypt," 667-69; Terzioğlu, "Sufi and dissident in the Ottoman Empire: Niyazi-i Misri (1618 1694)," 105-106,268.

³⁰² Kafadar, "Janissaries and other Riffraff of Ottoman Istanbul: Rebels without a Cause?" 14-134; Kafadar, "The City That Râlab Visited: The Political and Cultural Climate of Istanbul in the 1650s," 61-63; Tezcan, 15-27, 126-127; Mehmed Hemdemi Çelebi, 629.

³⁰³ Tezcan,192-215.

assertive religio-political discourse, sultans, muftis and preachers legitimized one another.³⁰⁴ Also as Abdullah Abdi Paşa did not hesitate to emphasize in his *Vekayinâme*, the sultan and the preacher Vani Efendi had a very cherished relationship; the former paid visits to Vani Efendi's house and office, and offered him many gifts and goods.³⁰⁵ The *de facto* alliance among viziers and preachers was interrupted after the defeat of Vienna in 1683 which ceased the intertwined amicability between the preachers of the time and the Köprülü family.³⁰⁶ Yet, despite the occasional efforts of sultans to re-instate their absolute authority, for the rest of the century, royal succession and functioning of the empire were matters to be evaluated by the members of the *extended* ruling body, including the chief mufti, jurists and viziers.³⁰⁷ The central question is, therefore, not embedded in the discussion of the decline paradigm itself, but these transformations veiled under the rubric of “decline” in the seventeenth century.

4.2 Uncovering the confessionalization of space in Istanbul through the seventeenth-century *fetva* collections

The Ottoman state's efforts in reinforcing orthodoxy and orthopraxy in spatial practices evolved into a conspicuous and systematic venture from the last quarter of the sixteenth century onward. Consequently, on the eve of the seventeenth century, these endeavors were materialized in the urban spaces of Istanbul.

³⁰⁴ Tezcan, 216-217.

³⁰⁵ Abdi Paşa, *Abdurrhman Abdi Paşa Vekayi'-nâmesi*, 187, 251, 325, 386-387.

³⁰⁶ Terzioğlu, “Sufi and dissident in the Ottoman Empire,” 207.

³⁰⁷ Tezcan, 217- 218.

Prior to the seventeenth century, as discussed in the third chapter, social and religious discriminations among confessional communities were primarily economically charged and focused on non-Muslims' appropriation of visual signs, materials and practices that were exclusive to Muslims' use. Therefore, inter-confessional tensions turned out to be acute in late sixteenth-century Istanbul, and were often manifested through debates on signs of social status. Even though individuals could adorn and express themselves with signs of superiority, regardless of their religious affiliations, the ownership of luxury items was rather a matter of affordability under the policies discretionarily executed by the authorities.³⁰⁸ Often upon the complaints of Muslims of Istanbul, these symbols became a matter of disputation, especially in the public sphere. In this respect, as the harbinger of the inter-confessional rancor accumulated in the seventeenth century, the last quarter of the sixteenth century pointed out a transformation imposed by the state and accelerated by the involvement of society.³⁰⁹ Precisely in the following decades, the discomfort gradually amassed by Muslim subjects resulted in a more visible discontent directed at non-Muslims. At that point, economic rivalries and socio-religious insignia of superiority between Muslims and non-Muslims would not be the only reasons underlying the inter-confessional tensions generated in Ottoman society.³¹⁰

³⁰⁸ See the third chapter, Refik, *On Altıncı Asırda İstanbul Hayatı (1553-1591)*, 14-15, 29-30, 39-41, 43-44, 46-48, 51-57, 139. The decrees presented by Refik illustrate that such infringements were occurring frequently.

³⁰⁹ Terzioğlu underlined that not only the Kadızadelis but also the sufis like Sivâsî criticized Ottoman authorities for their negligence in imposing the shari'a upon non-Muslims due to the "salafi currents" that began to sprawl from the late sixteenth century onward. See Terzioğlu, "Sufi and dissident in the Ottoman Empire," 309-310.

³¹⁰ Rozen, *A History of the Jewish Community in Istanbul: The Formative Years, 1453-1566*, 151, 307.

The spaces, neighborhoods and religious structures of the capital city had already been subjected to a degree of Islamicization as early as the sixteenth century.³¹¹ As underlined by Gülru Necipoğlu, the codes of decorum and architectural language of the sixteenth century were attuned to contemporary confessional politics. For instance, the height of minarets implied the notion that Islam was more “visible and audible” to all communities.³¹² Against the social tumults of the seventeenth century, state agents found the panacea in the intensification of the social surveillance and execution of more coercive policies.³¹³ This political quest, likewise, coincided with the emergence of a new spiritual sensibility represented by the Kadızadeli Sunni-revivalist movement which was expected to bring an encouraging effect to the implementation of confessional politics on the part of the state. As discussed earlier, the Kadızadeli, with their penetration into the realm of politics became an instrument in the consolidation of the state-led religious orthodoxy and orthopraxy.³¹⁴ From the perspective of society, the movement’s teachings echoed among their followers who were obliged to perform the most accurate and purest form of Islamic piety in total compliance with the doctrines and moralities laid out by the Prophet.³¹⁵

³¹¹ Kafescioğlu, *Constantinopolis/Istanbul: Cultural Encounter*, 192, 207-214; Ebussuûd Efendi, *Şeyhülislam Ebus’suud Efendi Fetvaları Işığında 16. Asır Türk Hayatı*, 94:403, 404, 405.

³¹² Necipoğlu, *The Age of Sinan: Architectural Culture in the Ottoman*, 52-53; Tezcan, 29-45.

³¹³ Tezcan, 29-45. Islamicization ventures in the seventeenth century were not limited to Istanbul, See Sariyannis, "Notes on the Ottoman Poll-Tax Reforms of the Late Seventeenth Century: The Case of Crete," 39-61; Greene, *An Islamic Experiment? Ottoman Land Policy on Crete*, 60-78; Bierman, Abou-El-Haj, and Preziosi, *The Ottoman City and Its Parts: Urban Structure and Social Order*, 59-63. Donald Preziosi noted that, in supporting Necipoğlu’s remark, the *minarets* of the mosques converted in Crete were used to make sure that Islam was visible to confessional communities residing in the island. And moreover, the conversion initiative took by the Ottomans, to his contemplation, was a method of conquest.

³¹⁴ Zilfi, 251-253.

³¹⁵ Zilfi, 253-269.

The point is that during the seventeenth century, in this conjuncture, rancorous attitudes and a more hostile language targeted at non-Muslims both by the administration and the members of the Muslim community were manifested more tangibly. Moreover, the Ottoman state was very much inclined to express its support in this emerging reality by enacting new practices and developing an official language that stressed confessional boundaries with new notions embedded in texts. Hence, it is possible to detect ruptures from the sixteenth-century religio-political discourse, which now assumed distinctly pious overtones, reflecting the currents of the period.

4.2.1 The *fetva* collection of the Sheikh-ul-Islam Zekeriyâzâde Yahyâ

At a glance, the *fetva* collection of mid-seventeenth century Sheikh-ul-Islam Zekeriyâzâde Yahyâ can be an epitome of the transformations that had been materializing in the definition, taxonomy and uses of urban spaces. But first, it needs to be underlined that by conforming to the well-established principles of the shari‘a corpus, the centrality of the religious structures to delineate the limits of a social setting was always reaffirmed.³¹⁶ A major distinction was introduced in the taxonomy of neighborhoods. As an indication of confessionalization addressed at the uses of space, the chief mufti defined each neighborhood according to the density of a confession (*with expressions such as “âhalîsi Müslimler olub,” “mısr hükmünde olan karye,” “âhalisî zimmîler olub,” “âhalisî Müslimler ile kefere olub,” “nısfı*

³¹⁶ Ebus’suud Efendi, *Şeyhülislam Ebus’suud Efendi Fetvaları Işığında 16. Asır Türk Hayatı*, 95. The Islamic doctrines conform to a framework that regulated the settlement configurations of the believers, as repeated in the *fetva* literature.

zimmî nüsfî Müslimin olan karyede”).³¹⁷ On the contrary, in the sixteenth-century *fetva* literature, Ebussuûd for instance, did not make a distinction between the Muslim and non-Muslims *mahalle*. His emphasis was not on spatial differentiation, but on the content of disputations, questions and ambiguities. Only in a few *fetvas*, Ebussuûd referred to the setting, mentioning the non-Muslims present in a town (*bir kasabada vâki‘ olan zimmîler*), the Muslims’ neighborhood (*Müslümanlar mahallesi, mahalle-i Müslîminde*) and the infidel’s village (*kafir karyesi*).³¹⁸ He, nevertheless, underscored the importance of a generic rule perpetuated for centuries: the non-Muslims of a settlement were required to construct their residences at least eleven yards away from an existing mosque.³¹⁹ On these matters, Ebussuûd’s stance was perpetuated by his predecessors and successors, along with many other restrictions and prohibitions addressed at non-Muslims. For the rest of the opinions in the collection, Ebussuûd outlined spatial settings generically with references to varied settlement units, such as town (*kasaba*), ancient church on top of a mountain (*dağ başında bir kadîm kilise*), church in a city (*kilise bir şehir içinde olub*) or bigger city of Istanbul (*mahruse-i konstantiniyye*).³²⁰ In comparison to the sixteenth-century archetype, the chief mufti Ebussuûd, there was a conspicuous shift in the compilation of *fetvas* regarding spaces and their definition in accordance with confessional divisions, which became a decisive strand that guided the character of the seventeenth-century corpus. In this respect, Yahyâ Efendi’s collection fitted with the

³¹⁷ Fetvas will be presented. For the term *Mısır* and its reception in the Islamic law, See Johansen, “The All-Embracing Town and Its Mosques.”

³¹⁸ Ebus’suud Efendi, 89-130.

³¹⁹ Ebus’suud Efendi, 94, the 403th and 404th opinions. See also, Veinstein, “Jews and Muslims in Ottoman Territory before the Expulsion from Spain,” in *A History of Jewish-Muslim Relations: From the Origins to the Present Day*, 187-188.

³²⁰ Ebus’suud Efendi, 91-103.

state's intention to emphasize confessional divergences when a space was to be defined.

Another shift can be observed in the language of jurisprudential opinions. In the question parts of the *fetvas*, instead of asking opinions on abstract and conjectural situations, more real-life matters were brought up in a fastidious fashion. The priority was mostly given to Muslim congregations' discomfited state (*Müslimîn müte'ezziler olub*). In these cases, reasons underlying the animosity hoarded by Muslims against non-Muslims pertained to the religious practices and daily-life issues. This, of course, is not to say that these disputations were not discussed in the sixteenth-century collections. But the paucity of the instances and the toned-down manner of addressing inter-communal conflicts suggest that confessional distinctions and inter-confessional disputations were not particularly pressing issues for Ebussuûd. This may be because he issued these legal opinions when the Ottomans were utterly confident about the superiority of their distinctive Muslim identity confronting non-Muslims. He, only once, employed the terms offended (*rencide olub*) and uneasy (*bi-huzur*) to express the discomfort of Muslims in the context of such disputes.³²¹ In contradiction, Sheikh-ul-Islam Yahyâ Efendi's *fetvas* are indicative of the burgeoning articulation of Muslims' resentment addressed at non-Muslims. These registers, therefore, can support the shift emphasizing the agency bequeathed to the Muslims, as groups and individuals, in the direction of confessionalization and "self-policing" from below.³²² The following sections will examine specific *fetva* registers selected from the collections of two different chief

³²¹ Ebus'suud Efendi, 92-94.

³²² Artan, "Forms and forums of expression: Istanbul and beyond, 1600-1800," 388-389. Artan suggested that inhabitants of a neighbourhood could devise their own measures of social control and policing to be exercised over their neighbors.

muftis. Here each mufti's *fetvas* are separately grouped under the topics focusing on the same matters such as communities' settlement units, spatial divisions, places of worship, religious practices and inter-confessional affairs.

4.2.1.1 Legal opinions on the arrangement of settlement units and places of worship

To begin with, one of the opinions issued by Yahyâ Efendi suggests that in the vicinity of a *masjid*, the non-Muslims were somehow purchasing houses and joining the Muslim residents of a neighborhood. In joint cases, it was discussed that non-Muslims engaged in blasphemous activities (*bazı 'âdet-i küfr icrâ itmekle*), such as consuming alcohol, and strolling around in an intoxicated state, which caused disturbance among the Muslims. The mufti then affirmed that the judge was to preclude these activities and expel (*ihrâc itdirmek*) *dhimmis* from the neighborhoods and their properties were to be rented or sold to Muslims:

Âhalîsi Müslimler olup içinde mescid-i şerîf olan mahallede mescid-i şerîf kurbunda olan Müslimlerin menzillerini zimmîler birer tarîk ile iştirâ idüb içlerinde sâkinler olup şurb hamr idüb sekran iken ref'-i savt itmeleri ile cemâ'at müte'ezzîler olup hâkime 'ilâm itdiklerinde hâkim zimmîlere ol menzillerin değer bahâsiyle Müslümanlara bey' itdirmek için cebre şer'ân kadir olur mu? El Cevab: Olur.³²³

If the *dhimmis* somehow become residents of a neighborhood by buying Muslims' houses in the vicinity of a *masjid* and are intoxicated by consuming alcohol and when intoxicated disturb the [Muslim] congregation, upon which [the Muslims] appeal to the judge, is the judge legally entitled to force those *dhimmis* to sell their houses to Muslims according to their value? Answer: Yes.

Zeyd Müslimîn mahallesinde olan bir mülk evini Amr-ı zimmîye icâr idüb Amr-ı zimmî meyhâne idüb fasıke gelüb şarab hamr idüb niçe fesad idüb âhâli-yi mahalle müte'ezzi olduklarında hâkime 'ilâm idüb

³²³Fetâvâ-yı Yahyâ Efendi, MS 1116, 1b-289b vr, Serez, Süleymaniye Yazma Eser Kütüphanesi, fol. 85b

hâkim dahi Zeyde Amru ihrâc itdürub bir Müslime icâr itdürmekle kadir olur mu? El Cevab: Olur.³²⁴

If Zeyd the Muslim rents his house to Amr the *dhimmi* who by committing a sin turns that house into a tavern in which alcohol is consumed and thus many depravities spread upon which the inhabitants of the neighborhood are discomfited and appeal to the judge, is that judge entitled to order Zeyd to expel Amr and rent his property to a Muslim? Answer: Yes.

Zeyd Müslümân mahallesinde olan bir mülk dükkânını Amr-ı zimmi'ye icâr etse Amr dahî ol dükkânda şurb hamr idüb bazı 'âdet-i küfr icrâ itmekle, Müslimânları müte'ezziler olub, hâkime 'ilâm itdüklerinde hâkim Amru dükkândan ihrâc idüb ol dükkânı bir Müslimane icâr itdürmekle kadir olur mu? El Cevab: Hakim Müslimânlar mute'ezzi olacak vasıfdan men' ve zecr ider.³²⁵

If Zeyd the Muslim rents his shop to Amr the *dhimmi* who in that shop drinks alcohol and engages in blasphemous practices upon which the Muslims are discomfited [and Zeyd] appeals to the judge, is the judge entitled to expel Amr from that shop and to rent it to a Muslim? Answer: Since the Muslims are discomfited, the judge can preclude coercively.

The Sheikh-ul-Islam discussed the problem of additions to non-Muslim structures in a Muslim neighborhood. He found it inadmissible for the non-Muslims to add upper story rooms to a one-story residence. The Muslims, thus, were able to have that house sold to another Muslim:

Bir beldede vaki' olan Müslimîn mahallesinde Zeyd-i zimmi sâkin olduğu tahtâni menzillerin üzerine müceddedan bir kaç fevkânî odalar bina ihdâs idüb terfi' itmekle ve sun'-ı kadîmi tegayyür itdükde etrâfında olan Müslimîn hâkime varub hâkim i'lâm itdüklerinde hâkim Zeyd'e ol binasını ref' itdürüb yâhûd menzilinî bir Müslime bey'-i cebr itmekle şeri'ân kadir olur mu? El Cevab: Olur.³²⁶

If Zeyd the *dhimmi* who is a resident of a Muslim neighborhood in a city alters the pre-existing structure of the one-story houses he resides

³²⁴ Fetâvâ-yı Yahyâ Efendi, MS 1116, 1b-289b vr, Serez, Süleymaniye Yazma Eser Kütüphanesi, fol.90/a

³²⁵ Fetâvâ-yı Yahyâ Efendi, MS 1116, 1b-289b vr, Serez, Süleymaniye Yazma Eser Kütüphanesi, fol 87a

³²⁶ Fetâvâ-yı Yahyâ Efendi, MS 1116, 1b-289b vr, Serez, Süleymaniye Yazma Eser Kütüphanesi, fol 87a

in by building new upper story rooms on the ground floor and thus increases the height of the house, and the Muslims living nearby appeal to judge, is the judge legally entitled to force Zeyd to sell his building to a Muslim? Answer: Yes.

Considering places of worship, again in the Muslim-dominated *mahalles*, the Muslim residents complained that the priests were taking out the relics, statues and candles when they were holding rituals and rites (*âyîn-i bâtılların icrâ ve izhar itmekle*) over the course of a few days. Thereof, the Muslims were irritated by these items exposed to the public and further, they blamed the priests who used wooden substitutes for bells, for violating the prohibition of ringing church bells.

Zekeriyâzâde Yahyâ Efendi provided affirmative opinions to these questions, and decided that the Muslims were entitled to displace non-Muslims' houses and impede them from holding prayers in a way that disturbed the Muslims:

Âhalisi Müslim ile kefere olub içinde câmi'-i şerîf olan bir karyede vâki' kenise-i kadîminin keşişleri putlarını tezyin idüb keniseden taşra çıkarub ve ekseri evkatde tahte çalmak ile müslümîn müte'ezziler olub hâkim el-şeri'ye 'ilâm itdiklerinde hâkim el şeri' ol zimmîleri vech-i mübeyyen üzere putlarını tezyin idüb taşra çıkarmaktan ve tahta çalub ref'-i savt itmekden men'e kadir olur mu? El Cevab: Olur, men'i vacibdir.³²⁷

In a neighborhood cohabited by Muslims and infidels in which there is a mosque, if the monks of an ancient church display their decorated idols outside the church, and frequently ring wooden bells upon which the Muslims are discomforted and appeal to the judge, is the judge entitled to preclude those *dhimmi*s from displaying their idols outside the church and clamorously ringing the wood [bells] as stated? Answer: Yes, the preclusion [of these activities] is incumbent.

Âhalisî Müslimler olub içinde câmi'-i şerîf ve mescid olan bir kasabada vâki' kenise-i kadîminin râhibleri kefere ile kenise-i âhara gitdiklerinde muhtarlar yakub ve sûret-i meryem ihrâc ve ibrâz ve ref'-i savt iderek gezdürüb bu minvâl üzere bir kac gün âyîn-i bâtılların icrâ ve izhar itmekle müsliman müte'ezziler olub hâkime 'ilâm

³²⁷ Fetâvâ-yı Yahyâ Efendi, MS 1116, 1b-289b vr, Serez, Süleymaniye Yazma Eser Kütüphanesi, fol. 85b

itdiklerinde hâkim mezbûrları vech-i mübeyyen üzere if'âlerinden men'e şer'ân kadir olur mu? El Cevab: Olur, elbette lazımdır.³²⁸

In a town whose residents are Muslims and where there is a mosque and a *masjid*, if the infidel priests of an ancient church visit another church by lighting candles and exhibiting the image of Mary and clamorously show them around for a few days to perform their superstitious rituals, upon which the Muslims are discomforted and appeal to judge, is the judge legally entitled to preclude the mentioned [infidels] from these stated performances? Answer: Yes, it is surely needed.

Bir kâfir karyesinde Müslimân mahallesi olup ve mescid olsa Müslimanlar ol karyede olan kefereyî keniselerinde tahte çalmaktan kâziye men'itdürmege şer'ân kadir olurlar mı? El Cevab: Olurlar.³²⁹

In an infidel village, if there is a Muslim neighborhood within which there is a *masjid*, are the Muslims in that village entitled to have the judge to preclude the infidels from ringing the wooden [bells] in their churches? Answer: Yes.

Concerning the church restorations, the chief mufti confirmed the hitherto persistent positions of the sixteenth-century jurists. He thus sought the same principles in approving church restorations and accordingly referred to *kadîm* status, date of register, construction date before or after the takeover, available permissions (*hüccets*) and existence of a Muslim *mahalle* nearby. He, however, issued an opinion, the second one, through which he *could* allow the destruction of a *kadîm* church only if there was an adjoining Muslim settlement. Whereas according to the sixteenth-century corpus, *kadîm* churches could not be demolished regardless of conditions, even though the Muslim inhabitants of that settlement could demand the rejection of non-Muslims' requests to reconstruct that *kadîm* church. It is also

³²⁸ Fetâvâ-yı Yahyâ Efendi, MS 1116, 1b-289b vr, Serez, Süleymaniye Yazma Eser Kütüphanesi, fol 85/b

³²⁹ Fetâvâ-yı Yahyâ Efendi, MS 1116, 1b-289b vr, Serez, Süleymaniye Yazma Eser Kütüphanesi. fol.90/a

noteworthy that the chief mufti defined the setting as *mısr hükmünde olan karye*, which came to mean that the mentioned village was the equivalent of a town.³³⁰

Bir karye-i kebîrenin nısfı Müslimîn ve nısfı kefereler olub, Müslimînin câmi‘-i şerifleri, ve cemâ‘at câmi‘ine sığmayacak mertebede olub mısr hükmünde olan karyenin keferesi, kadîm olan keniselerinde ba‘zı evkâtde hizb-i nâkus eyleseler hâlâ Müslimîn olan kimesneler ol kefereyi ol vech üzere nâkus hizibinden hâkime men‘ itdürmekle kadir olurlar mı? El Cevab: Olurlar.³³¹

In a big village that is the equivalent of a town, half of whose residents consist of Muslims and the other half of infidels, and where the mosque is not big enough for the Muslim congregation, if the infidels are at certain times congregating to ring bells in their ancient churches, are the Muslims entitled to have the judge preclude those infidels from congregating? Answer: Yes.

Mesâkîni ehl-i islâmdan olan bir karyenin keferesi kadîmi olub harâb olan bir keniselerini temelinde değîn hedm idüb bir yeni istediklerini bu kenise binası murâd itdiklerinde mîrlivâ ve sâ‘id-i ehl-i ‘örf ve hükkâm ol keferenin ol kenisesini hedm idüb hey’et-i evvelisinden ziyade bina itmekden men‘e kadir olurlar mı? El Cevab: Etrafında asl ehl-i islam karyesi yogsa olmazlar.³³²

If the infidels of a village where the residents are Muslims wish to have their ancient church razed to the ground and want rebuild it [as] a new church building, are the local authorities and judges entitled to preclude those infidels from razing their church and [then] building a larger church? Answer: If there is no actual village inhabited by Muslims nearby, they are not.

On the same issues, in one case, Ebussuûd once was asked whether the non-Muslims were allowed to have their churches repaired; he stated, with a peculiarly mocking language, that the non-Muslims had been using the church in this condition so far. Thus, they would continue to use it without any further improvements. In this

³³⁰ Johansen, “The All-Embracing Town and Its Mosques,” 148-151.

³³¹ Fetâvâ-yı Yahyâ Efendi, MS 1116, 1b-289b vr, Serez, Süleymaniye Yazma Eser Kütüphanesi, fols.87a-b

³³² Fetâvâ-yı Yahyâ Efendi, MS 1116, 1b-289b vr, Serez, Süleymaniye Yazma Eser Kütüphanesi, fol. 88b

case, Ebussuûd also contradicted with the convention by omitting to bring the church's *kadîm* status into question.³³³

4.2.1.2. Legal opinions on rituals and inter-confessional affairs

The division of the confessional groups in a *mahalle* was frequently highlighted. In a non-Muslim *mahalle* neighboring a Muslim *mahalle*, the non-Muslims were accused of gathering in a residence and reciting the Holy Bible (*cem' idüb incil okudub*).

Respectively, bothered by this condition, the Muslims asked whether they could legally restrain those non-Muslims' ritual engagements. The chief mufti legalized their wishes by further elaborating the taxonomy through which the members of congregations were spatially categorized:

Zimmîler mahallesinde vâki' olub Müslim mahallesine karîb olan bir menzilde Zeyd zimmî, zimmîleri cem' idüb incil okudub ref'-i savt itdirmekle Müslim mahallesinde olan Müslimîn mute'ezziler olduklarında hâkime varub i'lâm idüb mezbûrları ref'-i savtden men' itdirmek şer'ân kadir olurlar mı? El Cevab: Olurlar.³³⁴

If Zeyd the *dhimmi* congregates the *dhimmis* in a house that is situated in *dhimmis*' neighborhood yet adjacent to a Muslim neighborhood and they recite the Bible clamorously, upon which the Muslims in the Muslim neighborhood are discomforted and appeal to judge, are they legally entitled [to demand] the preclusion of those mentioned [*dhimmis*'] clamorous actions? Answer: Yes.

In continuation, the mufti issued another opinion concerning the neighborhoods where the Muslims and non-Muslims cohabited: it was admissible for the Muslims to have the non-Muslims expelled from that mixed neighborhood, if the non-Muslims disturbed the Muslims as they were performing the obligatory prayers

³³³ Ebus'suud Efendi, 130:466.

³³⁴ Fetâvâ-yı Yahyâ Efendi, MS 1116, 1b-289b vr, Serez, Süleymaniye Yazma Eser Kütüphanesi, fol 85b

(*salât iderlerken*) and lead them to depravations (*mâliğler olub*) through their wicked activities (*ef'âl-i kabiha ve evzâ'-i şeni'alarından*). Peculiarly, the fact that the non-Muslims outnumbered the Muslims in that setting did not effect the verdict and the jurist affirmed the Muslims' wishes to have the non-Muslims expelled (*ihrâce kadir olurlar mı?*):

Bir câmi'-i şerîf etrâfında sâkin olanların ekserisi kefare olmağ ile Müslümanlar evkât-ı hamsede ikâmet-i salât iderlerken mâliğler olub dâimâ ef'âl-i kabiha ve evzâ'-i şeni'alarından müte'ezzi olsalar, müslümânlar zikr olunân kefareyî sâkin oldukları menzillerinden ihrace kadir olurlar mı? El Cevab: Hakim ma'rifetiyle olurlar.³³⁵

If the Muslims residing in the vicinity of a mosque are deprived and discomforted by the infidels' sinful actions and wicked predispositions during their obligatory prayers, are they entitled to have the mentioned infidels expelled from the houses they inhabit? Answer: they are, by the act of a judge.

The following *fetva* registers are fundamentally important in uncovering the referential connection between non-Muslims and notions of purity, filth and danger. As expounded by Mary Douglas, in religion-oriented societies, the notions of dirtiness and purity in relation to danger were used to pave the way for the re-organization of the oppression mechanisms to be sanctioned by society and lawmakers. As “social, cultural and symbolic constructs,” dirt and danger were juxtaposed especially in the absence of a reality defined in accordance with orthodoxy.³³⁶ In order not to be isolated and excluded from the rest of society, the individual was expected to perform a “bodily perfection as an extension of social unit.”³³⁷ Otherwise, the individual's existence itself became unlawful and could face

³³⁵ Fetâvâ-yı Yahyâ Efendi, MS 1116, 1b-289b vr, Serez, Süleymaniye Yazma Eser Kütüphanesi, fol.86b

³³⁶ Douglas, *Purity and Danger*, 2-4

³³⁷ Douglas, 3-6.

sanctions delineated in the socio-cultural and religious manuals and borders regulated by the bodies who had the monopoly to perform institutional power. The “potentially” dangerous subject was thus positioned at the juncture of pollution, danger and punishment against orthodoxy.³³⁸ These notions are more intriguing in the context of Islam and the Ottoman Empire: on the one hand, Sunni Islam does not predicate this kind of barrier between the subjects, neither for Muslims nor non-Muslims, no one is indeed seen as inherently impure, except for the formative “-classical-” period of Islam.³³⁹ On the other hand, in this era, the Ottoman jurists imposed these notions on the members of confessional communities. And moreover, these notions began to constitute a religio-legal framework that could justify the coercive state policies and practices implemented against, particularly, non-Muslims.

In the case of the following *fetva*, the Jews residing in the propinquity of a mosque were explicitly identified with an unpleasant smell and filth that spread from their households (*ol tâîfenin telvislerinden hâsıla olan râyihe-i kerihelerinden*). In consequence, the Muslims of that neighborhood were offended by these nauseating conditions. The words *telvis* (dirtiness) and *râyihe-i keriheler* (unpleasant smells) are significantly important in conveying the idea to the audience in which the Jews were juxtaposed with the *najabat* and danger as undesired subjects in those spatial settings. Moreover, the judge depicted in the *fetva* was seen as a savior who not only rescues (*tahlis itmekle*) the discomfited Muslim congregation – whose number in that area was in decline- and but also the area around the mosque by expelling the Jews (*...ihrac idüb câmi'-i şerîf etrâfını telvisden ve cemâ'at-i Müslimin ol vecih üzere te'ezziden tahlîs itmekle*).

³³⁸ Douglas, 5-11, 98-118.

³³⁹ Katz, *Body of Text: The Emergence of the Sunni Law of Ritual*, 164.

The chief mufti, thereby, came to a decision that in order to rescue the mosque and its environs for Muslims, those Jews' houses were to be supplanted by Muslims, and those who were tenants were to be expelled to somewhere else. Another entry projected that if the Jews were impeding Muslims from reaching the *masjid* to perform prayers, they would be expelled, and their houses were to be rented to Muslims. And it was asserted that there was an anxiety due to the danger of misbalancing the congregational demographics of a neighborhood at the expense of the Muslims (*câmi'-i mezbûrun cemâ'at ref'ine killet arize olduğundan*), a condition that motivated the mufti to legalize the sale of those residences to the Muslims as well. To this end, there is ample connection and reason to assume that these consecutive *fetvas* were issued to support the seventeenth-century confiscations and Islamicization policies that were taking place on-and-off during the construction of Yeni Valide Camii between 1597 and 1666. Besides, chronologically, these *fetvas* were issued before 1660; accordingly, it is crucial to note that the notion of Islamicization of Eminönü was already actualized prior to the fire of 1660.³⁴⁰ Otherwise, it was quite impossible for Zekeriyyâzâde Yahyâ Efendi to foresee the events which were going to occur two decades later, given that his term as the chief mufti ended in 1644:

Bir câmi'-i şerîf etrâfında olan büyü ve menazilin ekseriyetini yahudi tâîfesin bağzı şer'ân ve bağzı kira ile olub sâkinler olmak ile câmi'-i mezbûrun cemâ'at ref'ine killet arize olduğundan mâadâ hazır olan cemâ'at dahî ol tâîfenin telvislerinden hâsıla olan râyiha-i kerihelerinden müte'ezzîler olmak mukarrer olmak hâkim ol tâîfeden

³⁴⁰ Although there is ample evidence -specific mentions to Jewish subjects, expulsions and confiscations- to assume that the definitions made in the *fetva* registers seem to be referring to the intermittent cases of expulsions and confiscations enacted in Eminönü, this is a conjectural connection claimed by this thesis. At any rate, these legal opinions can be analyzed taking into consideration that they indeed represent and textually manifest the dominant religio-political discourse behind the mentality which informed such coercive policies and practices during the seventeenth century. The presence of the Rüstem Pasha mosque (completed in the 1560s) and several *masjids* in the area may also suggest the connection between these *fetvas* and designs for Eminönü, at a time when the Yeni Valide mosque project was abandoned.

câmi‘-i mezkûr etrâfında olanların mülk menzillerini Müslimîne misli ile bey‘ itdirüb icâre ile sâkin olanları dahi ihrac idüb câmi‘-i şerîf etrâfını telvisden ve cemâ‘at-i Müslimin ol vecih üzere te‘ezziden tahlîs itmekle şer‘ân kadir ve lazım olur mu? El Cevab: Olur.³⁴¹

If the majority of the houses and properties around a mosque are inhabited by [members of the] Jewish community, some of them being legally [owned] and some rented, besides the decline in the numbers of the that mosque’s congregation, the spreading unpleasant smells due to their pollution discomforts the [Muslim] community, is a judge legally entitled to have the houses in the vicinity of the mosque be sold to Muslims for their equivalent prices and to expel those who are tenants, and thereby to save the area surrounding the mosque from dirtiness and the Muslim congregation from their uncomfortable positions? Answer: Yes.

Bir mescid-i şerîfin vâki‘ olub etrâfında vâki‘ odalarda yahudi tâifesi sâkinler olmağle, ehl-i İslâmdan bir kimesne mescid-i şerîfe varmayub namaz kılmaktan kalsa hâlâ hâkim ol vakt ol yahudi tâifesini ol odalardan ihrâc idüb mütevellisine ol odaları ehl-i islâma icâr itdirmekle kadir olur mu? El Cevab: Olur, hâkim ihtimâm itmek lâzımdır.³⁴²

If a person adhering to Islam cannot reach a *masjid* to perform prayers because the chambers around that *masjid* are inhabited by [members of] the Jewish community, is the judge, then, entitled to expel the Jewish community from those chambers and to sanction the rent of those chambers to the people of Islam? Answer: yes, the judge should approach [the issue] meticulously.

In the next case, the very same notions were affiliated with the non-Muslims in a village where the population consisted of equal numbers of non-Muslims and Muslims. The non-Muslims who were raising pigs (*besledikleri hınzır*) were to be precluded from doing so, since these pigs were strolling in the village and defiling around the mosque and, these animals even stepped inside the harem section of the mosque. Perceptibly it was a transgression and could not be condoned:

Bir karye âhâlîsinin nısfı Müslim ve nısfı zimmî olub zimmî tâifesî besledikleri hınzırlar karyede gezub câmi‘-i şerîfe varub câmi‘inin

³⁴¹ Fetâvâ-yı Yahyâ Efendi, MS 1116, 1b-289b vr, Serez, Süleymaniye Yazma Eser Kütüphanesi, 91b

³⁴² Fetâvâ-yı Yahyâ Efendi, MS 1116, 1b-289b vr, Serez, Süleymaniye Yazma Eser Kütüphanesi, fols. 91a-b

haremine girmekle televvüninden hali olmayub, müslümanlar müte'ezziler olsalar hâlâ ol zimmîleri karye-i merkumede hınzır beslemekden hâkime men'e itdirmeğe kadir olurlar mı? El Cevab: men' lazımdır.³⁴³

In a village one half of whose residents consist of Muslim and the other half of *dhimmis*, the pigs bred by the *dhimmis* are wandering in the village and by reaching the mosque they enter into its *harem* and do not leave [the mosque] upon which the Muslims are discomforted, are [the Muslims] entitled to have those *dhimmis* precluded from breeding pigs? Answer: preclusion is required.

4.2.2 The *fetva* collection of the Sheikh-ul-Islam Minkârizâde Yahyâ Efendi

A few decades after the end of Zekeriyazade Efendi's term, the famous jurist Minkârizâde Yahyâ Efendi was appointed to the office of chief mufti in 1662. His *fetava* were later compiled by his scribe Atâullah Efendi. At a first glance, it is discernible that his collection adhered to the same stemma of Zekeriyâzâde Efendi's collection; the spatial units and settings were referred according to the residents' confessional affiliations within each register. Minkârizâde, for this reason, made frequent references to the density of non-Muslims and Muslims when he outlined a setting as *mahalle* and *karye*. Sporadically in the *Kitabbü's-siyer* section, he selected terms to express the confessional balance as follows: an infidel neighborhood with entirely non-Muslim residents (*âhâlîsî umumen ehl-i zimmet olan bir karye keferesi*), a village that consisted of the Muslim residents (*âhâlîsî ekseri Müslim olan karye*) a neighborhood in which the infidel and Muslim residents were mixed (*bir mahallede kefere ve Müslimîn mühtelit sâkinler olub*), or a bigger village where half of the residents were Muslim and the other half infidel (*bir karyeyi kebîrinin nısfî Müslimîn ve nısfî kefere olub*). In terms of the content, Minkârizâde's *fetvas* were mostly

³⁴³ Fetâvâ-yı Yahyâ Efendi, MS 1116, 1b-289b vr, Serez, Süleymaniye Yazma Eser Kütüphanesi, 87b

addressed at inter-confessional matters and conditions of the buildings whether they were rebuilt or modified. There were references to the disturbed Muslims' complaints which were conveyed by the words "müte'ezziler olub". In addition, the jurist issued many opinions that favored Muslims in the cases of the forceful selling and renting of the residences occupied by non-Muslims.

4.2.2.1 Legal opinions on the arrangement of settlement units and places of worship

The chief mufti affirmed that in a Muslim neighborhood, transferring the ownership of a house that was originally owned by a non-Muslim was legally justifiable if the Muslims would demand so. In some cases, a Muslim could be found blameworthy of renting his house to a non-Muslim. For, by doing so, he would violate the custom that prevailed among his Muslim fellows in that neighborhood: he allowed a non-Muslim to reside in Muslim space. Another *fetva* discussed within the same section expresses an ideal congregational solidarity to be upheld by the individuals against the danger of misbalancing the congregational demographics (*Yahudi tâifesine icâr itdirmekle cemâ'atine killet gelse*). The Jews' properties, therefore, could be forcibly transferred to the Muslims when the number of Muslim residents decreased in that neighborhood:

...Zeyd zimmî muslimîn mahallesinde menzil iştirâ olsa hâkim Zeyde menzilini bir Müslime bey' eyle deyu cebre kadir olur mu? El Cevab: Olur.³⁴⁴

...if Zeyd the *dhimmi* buys a house in a Muslim neighborhood, is the judge entitled to coerce Zeyd to sell his house to a Muslim? Answer: Yes.

³⁴⁴ Fetâvâ-yı Minkârizâde, 1710, MS 1264, Laleli, Süleymaniye Yazma Eser Kütüphanesi, Istanbul, fol.25b

Zeyd bir kasabada vâki‘ menzilini bağızı yahudi tâifesine icâr itdirmekle cemâ‘atine killet gelse, âhâli-i mahalle kadıya varub yahudiyi menzilden ihrâc itdirmekle kadir olurlar mı? El Cevab: Olurlar.³⁴⁵

If Zeyd rents his house situated in a town to some members of the Jewish community and thereby decreases [the numbers of the] Muslim congregation, are the [Muslim] residents of the neighborhood entitled to expel Jews from [that] house? Answer: Yes.

Specifically mentioned in one register, the congregated Jews were buying buildings to perform prayers in a town situated in the realm of Islam. The opinion of the jurist postulated that it was legally admissible to prevent them:

Dâr el-islâmdan bir kasabada sâkinler olan yahudiler menzillerinin bir beyti mevzi‘ ittihâz idüb ol beytde ictimâ‘ ve ibâdet idüb bî‘a ittihâz eyleseler hakime i‘lâm oldukda hâkim men‘e kadir olur mu? El Cevab: Olur.³⁴⁶

If the Jewish residents of a town in the realms of Islam use a house among their residences as a synagogue to congregate and to hold prayers, is the judge entitled to preclude [them]? Answer: Yes.

Minkârizâde’s *fetvas* illustrated contradictions that were in line with the contemporary confessional politics at that time. He asserted that the Muslims were not entitled to demolish a non-Muslim residence in an infidel neighborhood, if it was harmless to the Muslims, even if that building was added an extra story by breaching the law. Nevertheless, the same principle did not apply to the residences in a Muslim neighborhood; that modified and extended residence was to be taken from its Jewish owner and to be sold to a Muslim:

³⁴⁵ Fetâvâ-yı Minkârizâde, 1710, MS 1264, Laleli, Süleymaniye Yazma Eser Kütüphanesi, İstanbul, fol. 26b

³⁴⁶ Fetâvâ-yı Minkârizâde, 1710, MS 1264, Laleli, Süleymaniye Yazma Eser Kütüphanesi, İstanbul, fol.27b

Zeyd-i zimmî kefere mahallesinde olan menzilin binasını terfî itdikde civarında olan Bekr-i Müslime hevâle ve zararı yok iken Zeydin binasını yıkmaya kadir olur mu? El Cevab: olmaz.³⁴⁷

If Zeyd the *dhimmi* heightens his house located in an infidel neighborhood, is Bekr the Muslim, even though this act does not effect or harm him [his house], entitled to [demand] the destruction of Zeyd's building? Answer: No.”

Zeyd zimmî bir beldede vâki Müslimin mahallesinde sâkin olduğu tahtâni menzilin üzerine bir kaç ota bina idüb terfî eylese Müslimîn hâkime 'ilâm itdiklerinde hâkim Zeyde binasını ref' itdirüb yâhûd menzili bir Müslime bey'e kadir olur mu? El Cevab: Olur.³⁴⁸

If Zeyd the *dhimmi* heightens his house situated in a Muslim neighborhood by adding a few rooms upon the ground floor, upon which the Muslims appeal to judge, is the judge entitled to have [the addition] removed or to sanction the sale of this house to a Muslim? Answer: Yes.

Reminiscent of his predecessors, Minkârizâde too sought the same principles when he evaluated matters related to places of worship; for instance, non-Muslims were not allowed to ring church bells (*ekseri evkâtde tahta çalmak*). The new churches and extensions (*ihdas*) were eligible to be demolished as Muslims appealed to judges, except the ones recorded as *kadîm*. In compliance with Zekeriyâzâde, he buttressed Muslims' position against the priests who were blamed for publicly exhibiting their sacred statues and items (*kenisenin keşişleri putlarını tezyîn idüb keniseden taşra çıkarub*). Moreover, since they could not ring the bells of that church, the priests were using wooden pieces to ring to call for prayers. Obviously, these wicked infringements (*ef'âl-i şeni'a-yı mezkûrlarından*) were not

³⁴⁷ Fetâvâ-yı Minkârizâde, 1710, MS 1264, Laleli, Süleymaniye Yazma Eser Kütüphanesi, İstanbul, fol. 27a

³⁴⁸ Fetâvâ-yı Minkârizâde, 1710, MS 1264, Laleli, Süleymaniye Yazma Eser Kütüphanesi, İstanbul, fol. 28a

received hospitably by the Muslims. He, too, referred to a setting as *mısr hükmünde olan karye* as Zekeriyyâde Yahyâ did:

Bir karye-yi kebîrinin nısfı Müslimîn ve nısfı keferre ve Müslimînin câmi‘-i şerîfleri olub cemâ‘at-i câmi‘ sıfat mertebe olub mısr hükmünde olan karyenin keferesi kadîmi olan keniselerinde ba‘zı evkâtde hizb-i nâkus itseler Müslimin hâkime men‘e itdirmekle kadir olur mu? El Cevab: Olurlar.³⁴⁹

If in a bigger village that is the equivalent of a town, where half of whose residents consist of Muslims and the other half of infidels, the infidels occasionally congregate to ring bells in their ancient churches, are the Muslims entitled to have the judge preclude [those infidels from congregating to ring bells]? Answer: Yes.

Âhâlîsinin ekserisi Müslim olub içinde câmi‘ olan bir karyede sâkin Zeyd-i zimmi karye-i mezbûrda kenise-i ihdâsı hâkim el şeri’ Zeyde hedm itdirmekle kadir olur mu? El Cevab: Olur.³⁵⁰

If Zeyd the *dhimmi* who is a resident of a village inhabited mostly by Muslims in which there is a mosque enlarges a church, is the judge entitled to sanction Zeyd to demolish that church? Answer: Yes.

Kefere karyesinde olan kenise-i kadîminin bazı mevâzi’ müteheddim olsa erbab-ı mahâll ol i‘âdeye kadir olurlar mı? El Cevab: Olurlar.³⁵¹

If some parts of an ancient church situated in an infidel village are destroyed, are the prominent figures of the area entitled to renew [the destroyed part]? Answer: Yes.

Âhâlisi Müslim ve keferre olub içinde câmi‘-i şerîf olan bir karyede vâki’ kenisenin keşîşleri putlarını tezyîn idüb keniseden taşra çıkarub ve ekseri evkâtde tahta çalmak ile Müslimin müte‘ezziler olub hakime i‘lâm itdiklerinde hâkim mezbûrları ef‘âl-i şeni‘a-yı mezkûrlarından men‘e kadir olur mu? El Cevab: Olur.³⁵²

³⁴⁹ Fetâvâ-yı Minkârizâde, 1710, MS 1264, Laleli, Süleymaniye Yazma Eser Kütüphanesi, İstanbul, fol. 26b. A very similar fetva was issued by Zekeriyyâde Yahyâ Efendi, See footnote 333.

³⁵⁰ Fetâvâ-yı Minkârizâde, 1710, MS 1264, Laleli, Süleymaniye Yazma Eser Kütüphanesi, İstanbul, fol. 25a

³⁵¹ Fetâvâ-yı Minkârizâde, 1710, MS 1264, Laleli, Süleymaniye Yazma Eser Kütüphanesi, İstanbul, fol. 21b

³⁵² Fetâvâ-yı Minkârizâde, 1710, MS 1264, Laleli, Süleymaniye Yazma Eser Kütüphanesi, İstanbul, fols. 28a-29b. Zekeriyyâde Yahyâ Efendi issued a *fetva* that tackled the same issue in quite similar way, see footnotes 329 and 330.

In a neighborhood cohabited by Muslims and infidels in which there is a mosque, if the monks of an ancient church display their decorated idols outside the church, and frequently ring wooden [bells] upon which the Muslims are discomforted and appeal to the judge, is the judge entitled to preclude the mentioned [infidels] from [engaging in] these wicked actions? Answer: Yes.

4.2.2.2 Legal opinions on rituals and inter-confessional affairs

The Sheikh-ul-Islam focused on the inter-confessional disputations that emerged during daily encounters, and touched upon the problems pertaining to occupations of non-Muslims. The registers, in this respect, concentrated on the cases of inter-confessional immediacies (such as *muhtelit sâkinler*) and the problems that occurred in the adjacent *mahalles*. The breeding of pigs (*hinzır imsâk olsalar*) was prohibited in a neighborhood where the members of different religions were living in a shared building with one family on the lower floor and another upstairs, in line with the generic *fetva* corpus. By underscoring the proximity of neighborhoods, Minkârizâde brought up a case in which there was a residence located at the intersection of non-Muslim and Muslim neighborhoods, the non-Muslims were reciting the Holy Bible communally (*cemman kefereyi cem' idüb incil okudub*), which irritated the Muslims of the adjacent neighborhood. In the last part of this section, he discussed the complaints of the distressed Muslims who claimed that the non-Muslims turned their houses into taverns from where they spread depravities (*fisk-ı fücur cem' olub*):

Bir mahallede Müslimîn ve keferetâhtalte sâkinler olub ol mahallede keferetâhtalte hınzır imsâk olsalar men'e kadir olurlar mı? El Cevab: Olurlar.³⁵³

If the infidels keep pigs in a neighborhood in which they share residences with Muslims, can they be precluded? Answer: Yes.

³⁵³ Fetâvâ-yı Minkârizâde, 1710, MS 1264, Laleli, Süleymaniye Yazma Eser Kütüphanesi, İstanbul, fol. 25b. A similar *fetva* was issued by Zekeriyazâde Yahyâ Efendi, See footnote 345.

Zimmîler mahallesinde vâki' olub Müslim mahallesine karîb bir menzilde Zeyd zimmî cemman kefereyi cem' idüb incil okudub ref'-i savt itmekle Müslimîn müte'ezziler olmakla hakime 'ilâm itdiklerinde hakim ref'-i savtden men'e kadir olur mu? El Cevab: Olur.³⁵⁴

If Zeyd the *dhimmi* congregates infidels in a house that is situated in *dhimmi* neighborhood yet adjacent to a Muslims neighborhood, and recites the Bible clamorously upon which the Muslims [of that Muslim neighborhood] are discomforted and appeal to judge, is the judge entitled to preclude [*dhimmis*' from engaging those] clamorous actions? Answer: Yes.

İçinde câmi' olan bir kasabada vâki' bir mahallede kefere ve Müslimîn muhtelit sâkinler iken zeyd zimmî menzilîni meyhâne ittihâz idüb hamr bey' ider olsa hâkime 'ilâm olundukta men'e kadir olunur mu? El Cevab: Olunur.³⁵⁵

If in a town with a congregational mosque, in a neighborhood that is cohabited by mixed groups consisting of Muslims and infidels, Zeyd the *dhimmi* uses his house as a tavern and sells alcohol, [and] an appeal is made to the judge, can he be precluded? Answer: Yes.

Bir karye-yi kebîrede kefere ve Müslimîn muhteliten sâkinler olub ol karyenin Müslimîn için câmi'-i şerîfi olub mısır hükmünde olsa hâlâ ol karyede Zeyd zimmî meyhâne ihdâs idüb fisk-ı fücür cem' olub şurb hamr idüb Müslimîn müte'ezzi olsalar hükkam el-şeri' Zeydi men'e kadir olur mu? El Cevab: Olurlar.³⁵⁶

In a big village inhabited in a mixed manner by infidel and Muslim residents, where there is a mosque and [the village] is the equivalent of a town, if Zeyd the *dhimmi* establishes a tavern in which corrupt assemblies are held and alcohol is consumed upon which the Muslims are discomforted, are the judges entitled to preclude Zeyd? Answer: Yes.

These particular *fetvas* were written in response to a demographic change in a neighborhood at the expense of the Muslims (*islâmdan tegayyür olub âhâlîsi umûmen ehl-i zimmet olan*). For instance, by supporting non-Muslims the mufti

³⁵⁴ Fetâvâ-yı Minkârizâde, 1710, MS 1264, Laleli, Süleymaniye Yazma Eser Kütüphanesi, İstanbul, fol. 25a

³⁵⁵ Fetâvâ-yı Minkârizâde, 1710, MS 1264, Laleli, Süleymaniye Yazma Eser Kütüphanesi, İstanbul, fol. 27b

³⁵⁶ Fetâvâ-yı Minkârizâde, 1710, MS 1264, Laleli, Süleymaniye Yazma Eser Kütüphanesi, İstanbul, fol. 28a

decided that in a village, as the population balance shifted to the non-Muslims' benefit, they were allowed to harvest grapes in a vineyard to make wine:

Sâkin-i islâmdan tegayyür olub âhâlîsî umûmen ehl-i zimmet olan bir karye keferesi bağlarının üzümlelerini hamr ittihâz eyleseler, men' olunurlar mı? El Cevab: Olunmazlar.³⁵⁷

In a village in which the majority of residents was formed by the members of *ahl-al dhimma* by a change at the expense of Muslim residents, if the infidels make wine with the grapes of their vineyard can they be precluded? Answer: No.

In other *fetva* registers, Jews were affiliated with the crimes of bribing judges and they were allegedly committing espionage and were putting other people in spiteful positions. In one case, severe punishment and imprisonment (*ta'zîr-i şedid ve habs*) was called for a Jew:

Zeyd yahudi hükkâma rüşvet olub nice hukukin ibtaline sa'y ve nice kimesneleri zilleye gammaz idüb tağrim itdir olsa zeyde ne lâzım olur? El Cevab: Ta'zîr-i şedid ve habs.³⁵⁸

If Zeyd the Jew bribes the judges and bypasses the law, and he engages in espionage against people, what is needed to be done to Zeyd? Answer: Severe punishment and imprisonment.

4.3. Juxtaposing the normativity of the *fetva* corpus with the veracities of court registers and imperial decrees: a conclusion

In 1674, Sheikh-ul-Islam Minkârîzâde Efendi was succeeded by his pupil Çatalcalı Ali.³⁵⁹ During the time he remained in office, Çatalcalı Ali presumably did not overstep the framework constituted by the seventeenth-century jurists who preceded

³⁵⁷ Fetâvâ-yı Minkârîzâde, 1710, MS 1264, Laleli, Süleymaniye Yazma Eser Kütüphanesi, İstanbul, fol. 25b

³⁵⁸ Fetâvâ-yı Minkârîzâde, 1710, MS 1264, Laleli, Süleymaniye Yazma Eser Kütüphanesi, İstanbul, fol. 26a. This opinion, for example, refers to a Jews specifically by calling him "yahudi" rather than *zimmî*. A consistent pattern that was fairly used throughout these collections.

³⁵⁹ İspirli, *Türkiye Diyanet Vakfı İslam Ansiklopedisi*, s.v. "Çatalcalı Ali Efendi."

him.³⁶⁰ In his *fetvas*, the *mahalles* were again affiliated with the congregation whose members predominately resided there. So that if a neighborhood was constituted solely by non-Muslims, he referred to that *mahalle* as *âhâlîsi zimmîler olub*.³⁶¹ The usual discussion of the restoration and construction of non-Muslims' religious structures' restorations were emphasized by the chief mufti as well. In that regard, they were allowed to keep their *kadîm* churches, if they had any, and non-Muslims were accordingly entitled to renovate and construct those *kadîm* buildings in equivalence with the preexisting ones without any extensions and modifications. Nonetheless, in a spatial setting where Muslims and non-Muslims cohabitated (*âhâlîsi Müslimîn ve kefere olan belde*), it was impossible for non-Muslims to construct a new church. Although his collection seemed to reaffirm the well-established *fetva* traditions of the seventeenth century, Çatalcalı presented some peculiar examples too. For instance, in one register, he replied that it was lawful (*caîz*) to demolish a *kadîm* church under certain conditions: first, churches to be demolished should be in disrepair. Second, an imperial decree was needed to overrule the *kadîm* status of a church. And lastly, to be able to construct a mosque in place of a *kadîm* church, there must be Muslim residents around the construction site, or the non-Muslim residents of that *mahalle* were expected to convert to Islam.³⁶² Actually, preceding the opinions issued after the great fire of 1660, chief mufti Zekeriyâzâde Yahyâ Efendi already defined and recognized this overruling condition.³⁶³ This *fetva* re-emerged in Çatalcalı's collection and obviously

³⁶⁰ Çatalcalı Ali Efendi, *Fetâvâ-yı Ali Efendi (1674-1686)*, 277.

³⁶¹ Çatalcalı Ali Efendi, 277-279.

³⁶² Çatalcalı Ali Efendi, 277-279.

³⁶³ Fetâvâ-yı Yahyâ Efendi, MS 1116, 1b-289b vr, Serez, Süleymaniye Yazma Eser Kütüphanesi, fol. 88b Mesâkin ehl-i islâmdan olan bir karyenin keferesi kadîmî olub harâb olan bir keniselerini temeline değin hedm idüb bir yeni istediklerini bu kenise binası murâd itdiklerinde mîrlivâ ve sâ'id

substantiated a legitimate ground for the authorities' plans to confiscate and demolish the kadîm structures of the city, especially in the post-1660 fire period. Also, a new decree was issued after the fire, which affirmed this condition; if nothing had remained from a non-Muslim religious structure, it could not be rebuilt even though it had *kadîm* status.³⁶⁴ Another example would be the imperial decree issued in 1672 to transfer the land ownership of the various churches of the city to the state as reported by Abdi Paşa. In lieu of those churches, dynastic figures and elite members of the court were asked to commission the constructions of new mosques. Howbeit, in the aftermath of the destructions caused by fires, the ground that those mosques were planned to be erected on was occupied by non-Muslim churches, statues, figurines in addition to the cemeteries adjacent to churches - which were all required to be cleansed (*tathîr olunub*). Of course, in this context, the cleansing of the ground precipitated the exhumation of three or four thousand corpses interred in the cemeteries of those demolished churches, which were to be thrown away to dunghills (*çıkarulub mezbelelere atıldı*):

...ve kiliselerün vâsi'leri fermân-ı hümâyûnla cevâmi' kılınmak için alâmet-i küfr ü şirk olan suret ve sanemlerden tathîr olunup, zîr-ü zeminlerinde medfun üç dört bin kadar kefer meyyitleri kimi çürümüş, kimi dahi bütün âyin-i bâtılları üzre libâsları arkalarında tabutlarıyla çıkarulub mezbelelere atıldı. Pes, cevâmi'ün birin evvelâ fâtihi kal'a Ebü'l feth-i zamân hazretleri nâm-ı hümâyûnlarıyla mu'anven buyurup birin dahi devletlü vâlîde-i muhteremleri Hadîce Sultân hazretlerine ta'yîn ve birin dahi sa'âdetlü Haseki Sultân hazretlerine tahsis buyurdular. Vezîr-i a'zam ve Muhâsib Mustafa Paşa ve kâ'im-makâm Mustafa Paşa kullarına dahi birer câmi' ferman buyurmuşlar idi.³⁶⁵

ehl-i 'örf ve hükkâm ol keferenin ol kenisesini hedm idüb hey'et evelisinden Ziyâde bina itmekden men'e kadir olurlar mı? El Cevab: etrafında asl ehl islam karyesi yoghsa olmazlar."

³⁶⁴ Baer, "The Great Fire of 1660 and the Islamization of Christian and Jewish Space in Istanbul," 165-66. Ebussuûd asserted that it was lawful to renovate a church if it was a *kadîm* church and it must be completely ruined. Ebus'suud Efendi, 130:465.

³⁶⁵ Abdi Paşa, *Vekâyi'-nâme: Osmanlı tarihi, 1648-1682: tahlil ve metin tenkidi*, 387

There are other cases that can elucidate the correspondence between *fetvas*, imperial decrees and court records of the period. A *sicil* from 1700 underlines that the Ottomans were eager to prohibit non-Muslims from residing in the vicinity of a mosque and/or in a *mahalle* largely inhabited by Muslims.³⁶⁶ An unusual case can be seen in eighteenth-century Galata, when the queen mother, Rabia Gülnüş Sultan, commissioned the construction of the Valide Mosque. As another case of Islamicization enacted in the district, which was infamous with its prevailing non-Muslim urban make-up, the mosque was designed to replace the remnants of Saint Francis Church of Galata. Late seventeenth-century traveler Belin tackled the Church's history for he apparently wanted to explore the *lieux de memoire* of the local Latin communities. Until the 1670s, the patron of the Church was the Venetian community, and thereafter, the French and *la cominità* went into a fight to retain its patronage.³⁶⁷ However, in the aftermath of a fire that broke out in 1695, the Ottomans confiscated the land and the remnants of Saint Francis Church and turned it into a convert-and-conquest project. This was organized over a decree which had its basis in a peculiar *fetva* issued after the great fire of 1660. Similar references were also discussed in Sheikh-ul-Islam Çatalcalı Ali's collection as earlier discussed, who provided a justification for the destruction and confiscation of a church on the grounds that it was totally disrupted and could not be rebuilt. Although the government in many cases did overlook the total/partial reconstructions of the damaged or destroyed churches in Galata, for this particular case, the state needed to materialize its intention to project "the glory of Islam" by the help of a dynastic

³⁶⁶ Refik, *Onikinci Asr-ı Hicri'de İstanbul Hayatı (1698-1785)*, 30:42.

³⁶⁷ Belin, *Histoire de L'église Latine de Constantinople*, 74; Girardelli, "Between Rome and Istanbul: Architecture and Material Culture of a Franciscan Mission in the Ottoman Capital," 162-188.

figure's symbolic presence.³⁶⁸ In the same year, immigrant Armenians from Iran who were residing in Yenikapı appealed to the court in order to have a permission to renovate their Church, Hızır İlyas, which was ruined by the fire of 1695. The Armenians claimed that they had obtained a *fetva* from the Sheikh-ul-Islam which affirmed the church's *kadîm* status. Subject to the condition of constructing the church according to its original plan, the kadı allowed the reconstruction project. This demonstrates a pertinent example on the instrumentality of the *fetvas* in the decision making process on behalf of the lawmakers. Yet, the process was undermined by the information that later on came out; the authorities discovered that the land of Hızır İlyas Church had already been endowed to the *waqf* of Valide Sultan and that the Armenian congregation had been using it until the fire. So that it was no longer permissible for them to rebuild it.³⁶⁹ As these instances suggest, it is not possible to come up with a consistent pattern maintained by the Ottomans germane to non-Muslim communities' reconstruction and restoration issues. In many cases, on the one hand, they preferred not to intervene with church restorations and constructions, especially in Galata, if the requests were coming from a political ally, such as the French.³⁷⁰ On the other hand, in the same Galata around the same years, the confiscation of the Saint Francis church and the construction of Rabia Sultan's Valide Mosque in place of it presents idiosyncratic contradictions. In the walled city, however, kadıs followed hitherto accepted processes and procedures, as in the case

³⁶⁸ Baer, *Honored by the Glory of Islam in the Ottoman Europe*, 5; Frazee, *Catholics, and Sultans: The Church and the Ottoman Empire, 1453-1923*, 154; Belin, *Histoire de L'église Latine de Constantinople*, 75; Kömürçüyan, *Istanbul Tarihi XVII Asırda İstanbul*, 223-224; Eyice, *Galata and Its Tower*, 14-17; Arseven, *Eski Galata ve Binaları*, 41-44; Ayvansarayî, *Hadikatü'l Cevâmi: İstanbul Câmileri ve diğer Dini-Sivil Mi'mârî Yapılar*, 34.

³⁶⁹ Kuran, *Mahkeme Kayıtları Işığında 17. Yüzyıl İstanbul'unda Sosyo-Ekonomik Yaşam*, 760- 762.

³⁷⁰ Frazee, *Catholics and Sultans: The Church and the Ottoman Empire, 1453-1923*, 153-155. See also Finkel, *Osman's Dream: the Story of the Ottoman Empire, 1300-1923*, 563-636.

of the Hızır İlyas Church, a fact that allows one to observe the manifold executions of the same set of policies.

The *fetva* collections so far discussed illustrate that there was a sequential correspondence amid the legal opinions issued in the course of the seventeenth century. The Sheikh-ul-Islams who succeeded one another conformed to a common framework in conveying the contemporary realities before them. As responses to imagined or real situations, the *fetva* collections are comprehensive sources on the matters and questions that troubled the society most. Hence, these opinions were and are crucial to unveil the religio-political discourse that left significant vestiges in the history of seventeenth-century Ottoman state and society. And the vicissitudes that were detectable in the organization, language and formation of the collections are potent sources for interpreting the changes and continuities of the epoch. Accordingly, the disputations that came out in the arrangement of the communities' spatial organizations intensified in terms of frequency and were more thoroughly assessed. The cases came up in the collections concentrated on varied forms of cohabitations of Muslims and non- Muslims and questioned the proximity of subjects in the varied spatial configurations. Respectively, the jurists felt obliged to specify each spatial setting by indicating the demographic densities of congregations residing in each neighborhood with regards to the total number of residents. And apparently, such parameters were -not always, yet frequently- decisive for the jurists to come to a decision when a disputation occurred. After all, these disputations within the course of daily life were conditioned by a multiplicity of spatial arrangements, which consisted of multi-confessional and confession-specific neighborhoods in the forms of adjacent/separated/shared residential buildings.

Given Ebussuûd's position as one of the major political actors of the era when the empire was at its zenith, he could exercise the law craftily with the space given to him by the unusual endeavors of Süleyman I who personally intervened and blurred the lines between the legal and the ruling establishments. Yet, the language applied in the seventeenth-century *fetva* collections was downplayed and softened, one could observe that the assertive and scolding overtones of Ebussuûd were absent. On the one hand, apart from the contemporary reflections of the Ottoman identity, Ebussuûd's authoritative and confident language was mostly attributed to his peculiar position in the establishment. On the other hand, this gradual smoothness inaugurated in the language of the seventeenth-century *fetva* corpus should not overshadow the transformation of its contents and the appropriation of new notions. The definitions made in the opinions were more detailed and there were new references in defining space and confessional groups. This alteration transpired in the composition and language of the seventeenth-century *fetvas* can also be interpreted to have abated the gap between the sixteenth-century *fetva* corpus- at it was more authoritative and norm-oriented in disposition- and the events taking place in lived space. As observed within the presented collections, they began to encourage more coercive means of socio-spatial distinctions and exclusions among the confessional communities. After all, the chief mufti, jurists and preachers became unevenly influential during the seventeenth century, and their legal opinions were attributed great importance. As pointed out by Tezcan, the sultans were urged to justify their agendas through the office of chief mufti, which resulted in the instrumentalization of kanun.³⁷¹ In that sense, the correspondence among the decrees, court records and *fetvas* is not a coincidental liaison, especially considering that *fetva* collections were

³⁷¹ Tezcan, 27-45.

useful for kadıs when they needed to justify and elaborate on their rulings. It is known that the office of kadı acknowledged and executed a legal corpus that comprised of *fiqh* literature, *fetva* collections and the customs historically formulated within the Ottoman society.³⁷² Indeed, these sources not only shaped the seventeenth-century religio-political discourse, but under the cardinal priority of the shari'a law, conjointly complemented one another, as discussed in the confessionalization processes of space in the city.

In conclusion, by the intermediation of imperial decrees and legal opinions issued, the process of subjecting spaces, places of worship and socio-religious boundaries to confessional politics had its beginnings in the mid-sixteenth century. By the seventeenth century, this process was hastened and begun to be blatantly articulated. Other than its overt expression, religio-political vocabulary of state documents concerning its non-Muslim subjects was re-oriented toward a more hostile discourse. In addition, the notions of filthiness, impurity and danger were brought into the context of disputations that occurred in varied spatial settings. In the *fetvas*, one can find occasional references to non-Muslim residences, especially those of the Jews', that were allegedly spreading nauseating smells and depravities. The husbandry of pigs was associated with filth and stench and filth often also described houses. More frequently, the symbols and items of non-Muslim rites were received as wicked objects in the eyes of Muslim inhabitants. The expulsion as a state-sanctioned spatial policy was re-affirmed in the *fetvas* in which the judge was to rescue the discomforted Muslims. In the imperial decrees, non-Muslims' cemeteries and their whereabouts were defined as spaces to be cleansed and deceased bodies

³⁷² Şişman, "Osmanlı "Millet" lerinin Girift İlişkileri: 17. Yüzyıl Hasköy Şer'ie Sicillerinde Kaydedilen Bir Cinayet Öyküsü," 387; Heyd, "Some Aspects of the Ottoman Fetvâ," 54-56.

were perceived as waste materials to be disposed of, which endorsed the notions presented in the *fetva* collections and court records. It was presented that there were inevitable correspondences between the imperial decrees, court registers and the *fetva* corpus which were synchronously operative in the enforcement of spatial regulations. And these correspondences, overall, equip one to evaluate the modus operandi of Ottoman religio-legal system in the seventeenth century.



CHAPTER 5
STATE-SANCTIONED SPATIAL PRACTICES IN THE SEPARATION OF
CONFESSIONAL COMMUNITIES:
A CASE STUDY

During the seventeenth century, the Ottoman administration began to express new tendencies that emphasized spatial matters with respect to non-Muslim communities. The manifestation of this new tendency can be seen in the implementation of more coercive spatial regulations that had not been utilized up until the seventeenth century as sanctioned on a non-Muslim group in the city. This chapter, in order to problematize this rupture, will focus on the on-and-off expulsion of the Jewish congregations of Eminönü as a case study. By exploring the contemporary hostilities expressed toward the Jews, this chapter argues that their forceful relocations to Hasköy and Balat represent peculiar spatio-temporalities. Through an analysis of these temporalities, the major events of the period can be questioned and illuminated, given that the outcomes had rather different social and cultural implications compared to the earlier periods.

5.1 Revealing the antagonism toward Jews through the calamities and moralistic interpretations of the seventeenth century

Natural disasters had always engendered great frustration among the denizens of Istanbul. Especially in the sixteenth and seventeenth centuries, fires and earthquakes were the most detrimental incidents that impacted the livelihood and functioning of everyday life in the city in irreversible ways. Beyond the lands of Rum, as suggested

by Geoffrey Parker, many contemporary chroniclers in Europe observed a direct correlation between instabilities such as “revolutions, revolts, wars and supernatural forces” that created these socio-political disasters.³⁷³ Henceforward, they interpreted these disasters as signs of calamities to come and/or affiliated them with the doomsday.³⁷⁴ Similar to the Ottoman chroniclers’ moralist tones, for example, the English Parliament recognized a relation in which disastrous natural events were “God’s punishment for official toleration of activities of which they disapproved, ranging from sodomy, witchcraft to stage plays, and were to be prohibited.”³⁷⁵ In the late sixteenth century, contemporary chroniclers Ibrahim Peçevi and Selanikî narrated many incidents caused by fires (*harîk-sing*). Among the registers of 1570, Ibrahim Peçevi asserted that a fire burst out in a Jewish *mahalle* which lasted for seven days and nights, and the people were very terrified of the fire moving further.³⁷⁶ In 1589, Selanikî could not conceal his bafflement when an instantaneous fire broke out in Istanbul. It took only one day for the fire to demolish Jewish neighborhoods, two *bedestens* and many *masjids*, as the chronicler listed the total casualty.³⁷⁷ A decade later, another fire had disastrous consequences in the vicinity of Galata by ruining the old fortification system of the district. For his negligence in controlling the area, the subaşı of Galata was deemed as the scapegoat. While the

³⁷³ Parker, "Crisis and catastrophe: The global crisis of the seventeenth century reconsidered," 1060-1061.

³⁷⁴ Andreasyan, "Eremya Çelebi'nin Yangınlar Tarihi," 74. In 1661, he listed an earthquake, famine and the eclipse of sun as signs of calamity (*felaket alametleri zuhur etti*). Na'imâ, 1142. Na'imâ gave references to some cosmological books with which he interpreted an earthquake and he inferred that the earthquake was the harbinger of an upcoming death of a sultan and bloodshed.

³⁷⁵ Parker, 1060-1062.

³⁷⁶ Peçevi İbrahim Efendi, *Peçevi Tarihi I*, 485.

³⁷⁷ Selânikî Mustafa Efendi, *Tarih-i Selânikî*, 213. “... ve dūd-ı âhî âlemi yakup ve yıkup ehl-i sükun ekâzibiyle cem’u derç olan metâ’ ve erzâkı bi’l-küllîye yandı, iki bezzâstan etrâfî ve Yahûda mahalleleri ve kehle bazarı tâ Gedik Ahmet Paşa hammâmı ve niçe mesâcid mahallâtıyla tutuşdı, bir gün ve bir ice yığirmi dört sâ’atde, hayale gelmez mertebe yerler ihrak oldu...”

source of the fire was unclear, the subaşı was expected to impede reckless consumption of wine, and to make sure that the taverns remained closed during Ramadan. According to the convictions of the angry Muslims, the fire was caused by the festivities held by non-Muslims, who were supposed to be stopped by the subaşı. The Muslims then plundered the subaşı's house as they blamed him for their losses.³⁷⁸

Witnessing many seventeenth-century catastrophes, the prominent historian and intellectual Na'imâ Mustafa recorded major incidents. In 1645, a fire erupted and starting from Darbhâne, it quickly scattered throughout the city. Hastened by the wind, the fire reached Nişancı Mosque, Langa, Yenikapı and Kumkapı, and it was quite detrimental in terms of the affected area, which took a very long time to extinguish. The casualty was great: many shops, taverns, houses and the Armenian and Greek churches were demolished. Na'imâ concluded that the fire lasted for thirty hours and its scale of ferocity had not been seen for the last thirty-four years.³⁷⁹ Furthermore, the historian interpreted these events in connection to the superstitions of the time. For instance, he stated that according to the cosmological books, an earthquake occurred in June 1648, was actually a sign of an approaching bloodshed in Rum in which one sultan was expected to die. The earthquake was so devastating that no other example had been known for a century until 1648 when the pillars of

³⁷⁸ Selânikî Mustafa Efendi, *Tarih-i Selânikî*, 601. "...ve bi-inâye ti'llâhi ta'âlâ Galta hisarı dıvarı hâ'il oldı, içeri şehre s'ari olmadı... İstanbul'da tahtelkal'â kurbında Subaşı Rıdvan Çavuş'un yeniçeri evin yağmaladılar... Mübârek ramazân-ı şeride şarâb içenlere siyâset olunup, meyhâneler açılmayup, ehl-i İslâm ma'siyetden men'e olduğunun intikamın eşkiyâ subaşından aldılar..."

³⁷⁹ Na'imâ Mustafa Efendi, *Târih-i Na'ima: (Ravzatü'l-Hüseyn Fî Hulâsati Ahbâri'l-hâfikayn)*, 1064. "... İstanbul'da Darbhâne kurbunda başçı dükkândında harik peydâ olup... Sultan Bayezid Hamâmı andan darbhâne ve ol çarşı serâpâ yanıp poyraz rüzgârıyla ateş beyne'l – mağrib ve'l-cenâb teveccüh edip Tarhuncu hasan evleri ve... Nişancı camii semtlerine müntehi olunca yanıp itfâya sa'y edenler âciz aklıp müdâfa'a ve kat'ı mümkün olmadı, ancak etrâfını keserlerdi. Ateş Langa ile kum-kapıya mümtedd olup Langa'dan yeni-kapı'ya varınca... Kadırga liminan müntehi olmakla ol gun dahi keferemahallâtı ve Ermeni ve Rum kiliseleri yanıp... otuz sâ'atten ziyâde imtidâd-ı harik, hiçi otuz kırk seneden beri ma'lûm değildir."

minarets were demolished let alone the houses.³⁸⁰ Eremya Çelebi K m rciyan, another seventeenth-century intellectual, confirmed the date and elaborated on the dreadful consequences of the same fire. His version follows the same narrative, however, he mentioned a young Frankish man who was found guilty of igniting the fire and was executed afterward. Eremya was skeptical of this execution since he thought that the man was innocent. One thing that these sources harmoniously agree upon is that the city was in total disrepair and these authors were having difficulty in expressing the severity of the circumstances.³⁸¹

In 1660, Istanbul burst into flames by a fire hitherto known as the most atrocious and destructive as noted in the contemporary chronicles.³⁸² Two-third of the city was brought into mere ashes in forty-nine hours as conveyed by Abdi Pařa.³⁸³ The minarets of the S leymaniye Mosque were burning like candles and the fire immediately took over the entire city “as if the fire of hell devoured the world.”³⁸⁴ After the fire, the urban landscape of Istanbul, especially Emin n  where the Jews clustered, was affiliated with the day of doom.³⁸⁵ The contemporary sources often referred to the fire as a divine punishment in a way that supported the state’s

³⁸⁰ Na m  Mustafa Efendi, *T rih-i Na’im : (Ravzat ’l-H sey n F  Hul sati Ahb ri’l-h fikayn)*, 1142. “... Istanbul’da bir zelzele-i azime olup nica mu’allak h neler ve ocaklar ve minare k l hları yıkıldı. Bunun ems li bir asırda g r lmemiřti. Bazı m cerreb melhamelerde ve hav dis-i k n t ahv lini yazan kitaplarda, hazıranda g nd z zelzele olmak Rum’da kan d k l p bir padiřah hel kine delalet eder, dey  mast r bulundu.”

³⁸¹ Andreasyan, "Eremya Çelebi'nin Yangınlar Tarihi,"61-63

³⁸² Andreasyan, 71-73. In his introduction of *the history of the fires*, K m rciyan spared the fire of 1660 a greater space among other fires of the period. This was evident in his language as he described the fire as a disaster had yet to be seen on this scale. As a terrified witness of this fire, he himself stated that his house was burnt down.

³⁸³ Abdurrahman Abdi Pařa, *Vek yi’-n me: Osmanlı tarihi, 1648-1682: tahlil ve metin tenkidi*, 142-143. Baer, *Honored by the Glory of Islam: Conversion and Conquest in Ottoman Europe*, 84.

³⁸⁴ Mehmed H l fe, *T rih-i Gilm n *, 97 “...sanki cehennem ateři d nyayı tutmuřtu; halkı yok edip mahřer yerine s r yordu...”

³⁸⁵ Abdurrahman Abdi Pařa, *Vek yi’-n me: Osmanlı tarihi, 1648-1682*,142. According to Abdi pařa, the fire from Unkapanı, reached to Ađakapısı, S leymaniye the lodges of yeniçeri corps through Tahtakale it quickly spread to the Jewish neighborhoods around the bedesten up to Kadırga and Samatya.

quest to “purify Istanbul.” The scale of the fire’s destruction was so appalling that it was forbidden even to mention the fire in Edirne, the capital city at that time:

...Edirne’de Istanbul yangınından bahsedilmesi yasaklandı ve bundan dolayı bazı kimseler idam edildi...rüzgarın tesiriyle gitgide şiddetlenen ve hakikaten de Allah’ın bir cezası sayılan yangın, kıvılcımların ve kızgın çivilerin sıçraması ile her tarafa yayılıyor ve kıyamet günü manzarını hasıl ediyordu.³⁸⁶

This connection was pretty much repeated in the scripts of Turhan Hadice Sultan’s *Waqfiyye*. The *waqfiyye*’s text described the landscape of the area when the fire broke out and, its language was harsher than other official documents and chroniclers. Particularly, given the direct references to suras from the Quran, the author of the *waqfiyye* relied on the metaphors of hell, fire and God’s wrath when he defined the condition of Jews, their neighborhoods and residences:

...Şehr-i feridü’ d-dehr mahmiyye-i Konstantıniyye’de murâd-ı fu’âd-ı hayr-i’tiyâdları üzre câmi’ -i şerîf binasına mütehammil ve ma’bed-i latîf inşâsına kâbil mahall-i vâsî’ ve mekân-i mürtefi’ olmayub tazyîk-i Müslimîn ve tadcîr-i mü’minîne hod rızâları mümteni’ olmağın bu niyyet-i hâlisatü’l-azîmleri sûret-pezîr olmağıçün müddet-i medide te’hir olunmuşdı el-hâletü hâzihî hicret-i nebeviyye aleyhi efdalü’t t-tahiyyenin bin yetmiş sâl-i hayr-me’âli evâhirinde irâdet-i kamine-i Cebbar ber-fehvâ-yı inne fi’zâlîke le-ibreten li-uli’l-ebzar izhar-ı kuvvet-ü iktidar idüb hezâr hanuman ü düdmânı ihrâk bi’n-nâr ve meşiyet-i ezeliyye-i fâ’il-i muhtâr ber-mûceb-i yukallibu’llâhu’l-leyle ve ‘n-nehâr şeb-i târı nâr-ı şerer-bâr ile tabdar ve rûz-ı pür-envârı düd-ı âh u duhân-ı siyah ile mütegayyirü’l-âsâr idüb bi-emri’llâhi te’âla bi’l külliyye mahallât-ı Yehûdâ âteş-i kahr-ı ilâhi ile zir u zeber ve ol cemâ’at -i dalâlet-intimânın büyüü me’vâları te’sîr-i nâ’ire-i gazab-ı Mevlâ ile mânend-ı hâkister olub Yehûdî hânelerin her biri âteşgede-i pür-şerer ve e’âdî-i dîn-i Muhammedî olan Cehûdan-sermedînin mekân ü makarrı misâl-i ka’r- sakar olmağla fe emma’llezine fesekü fe me’vahümü’n-nâr nass-ı i’icâz-muhtassının sırrı âşîkar ve münkirân-ı va’d ü va’id içün veylün li’l-kafirîne min azâbin şedid tehvil ü teşdidi zâhir u bedid olub kat’an l mahalde binadan eser ve eser-i bina ıtlâkına sezâ hacir u mederden mâ’ada nesne kalmayub büyüü âliyelerinin esâsı esfelü’s-sâfilîne berâber ve ol câygaha göre hâk-i siyâh pâkize yer oldukda ol mahcûbe-i ehd-i ismet hazretleri bilâ-imhal ü te’hir mest’ure-i sitâre-i zamîrleri olan niyyet-i bina-yı câmi’ -i şerîfli kuvvetden fi’le getirmeğe tedbîr

³⁸⁶ Andreasyan, "Eremya Çelebi'nin Yangınlar Tarihi,"82-85.

eyleyüb arsa-i muhterikanın ba'zını esmân-i gâliye ile iştirâ ve ba'zı âharına bedel mudâ'afeten mahall-i âharda arz-ı hâliye tefviziyle erbânını irza itmek ile bina-yı câmi' i şerîfle kâfiye arsa-i vâfire ve...³⁸⁷

Apparently, the author perceived this as a divine punishment upon the “deviant Jews.” By referring to sura Nûr (24/44), the text declared that it was a warning to those who deserved the wrath of God; captivated by the black smoke, the entire neighborhood of Jews, thousands of houses, places and families of this “deviant congregation” were turned into ashes under the blazing fire. Hereby, the Jews “the enemy of Muslims,” were deemed to the deepest part of hell. By relying on the *secde* sura (32/20), the text associated the Jews with the deniers and infidels who overtly act against the will of god and implied that the fire was their new shelter. And when the soil was cleaned from the black ashes, it became suitable to plan further confiscations and expulsion (*kat'an-ı mahalde binadan eser ve eser-i bina itlâkına sezâ hacir u mederden mâ'ada nesne kalmayub büyü-tü âliyelerinin esâsı esfelü's-sâfilîne berâber ve ol câygaha göre hâk-i siyâh pâkize yer oldukda*).³⁸⁸ In the aftermath of the fire, the arrangements to finalize the construction were accelerated and the mosque was publicly opened in 1666. The long list of guests invited to the opening ceremony, including Vani Efendi, was included in the chronicle of Abdi Paşa.³⁸⁹

The author of the *Risâle-i Kürd Hatîb* shared the same sentiments, he claimed that the darkness of their [Jews'] infidelity covered their religion as much as it

³⁸⁷ Arslantürk, *Turhan Valide Sultan Vakfıyesi*, 57-58; Thys-Şenocak, “The Yeni Valide Mosque Complex at Eminönü,” 58–70.

³⁸⁸ Arslantürk, *Turhan Valide Sultan Vakfıyesi*, 57-58.

³⁸⁹ Abdurrahman Abdi Paşa, 142-143. See Çelebizâde and Mehmed Efendi, *Târîh-i Râşid Ve Zeyli*, 69-70. The attendance of Vani Efendi to the opening procession of Valide mosque was recorded in these sources.

covered the [remains of the foundations of Safiye Sultan's] mosque until no one could see it. After the fire destroyed the whole city and the neighborhood, the mosque transpired and showed itself as the religion of Muhammad:

...iki devrede hums devr ziyâde ki altmış altı sene ider ol câmi' mu'attal ve harâb Yehudîler içinde kalub zulmet-i küfr dînlerini bürüdüğü gibi has ü hâşâk ile câmi' i mezkûrun esâs u bünyâdı setr idüb bir mertebeye vardı ki câmi' esâssı idüğünü kimse bilemez oldu. İttifâkan günlerden bir gün yetmiş bir târîhinde hikmet-i Hakk'la câmi'-i mezbûrun esâsının etrâfindan bir nâr-i azîme ve âteş-i sûzende zâhir olub mahrûse-i İstanbul'un esker yerlerini ihrâk idüb ve ba'zı cevâmi'vü mesâcid dahi münharik u münhedim oldu ve câmi'-i mezkûr dahi zulümât-ı küfürden dîn-i Muhammedî gibi kendüyi gösterün nümâyân oldu...³⁹⁰

Metaphorically, the idea of the glory of Islam was penetratingly persistent underneath the expulsions and confiscations of the post-fire period. After all, as to these sources' interpretation, it was the divine intervention that brought this fire upon the infidels, which economically and politically, obviated the undesired and dirty subjects' presence in the center of the city. Eminönü in this context signified more than a trade center. With its environs and hinterlands, the area had been subjected to a degree of Islamicization prior to the fire. In 1597, the merchants of Istanbul appealed to the court by petitioning that the Jews were monopolizing the market by inflicting unbearable financial encroachments upon the rest of the merchants. Having heard these complaints, Safiye Sultan utilized the petitions to legitimize her intentions to order the confiscation of Jewish properties in Eminönü; and through the money obtained by these confiscations, the construction of the complex was organized.³⁹¹ The account of Selanikî elaborated that after the construction was started, the area essential to the project's endurance was prepared by Kapucı Kara

³⁹⁰ Arslantürk and Kocaaslan, *Risâle-i Kürd Hatib: Dördüncü Mehmed Saltanatında İstanbul*, 40.

³⁹¹ Baer, *Honored by the Glory of Islam*, 96-101.

Mehmed who was in the service of Darüssa'ade Ağası Osman Ağa to oversee the destruction of Jewish residences.³⁹² For the Queen mother, her desire to perform a charity work as a pious Muslim was the compelling reason behind the planning of this majestic imperial complex. Yet at the same time, this venture could alleviate Muslim subject's yearnings to see the revitalization of Islamic notions and orthopraxy instead of non-Muslims' activities in Eminönü. The construction soon came to a halt, and the complex could only be finished a half-century later, when another Queen mother, Turhan Hadice Sultan, presented her intention to see the imperial complex of Safiye Sultan completed. For that reason, the complex became infamous among the commoners who called it "*zulmiye*" because of the construction process that extended over seventy years and effected the daily life severely in Eminönü.³⁹³

First, the coercive policies were justified through the condition that everything in the vicinity of the mosque, like most of the city, was burnt. Thereupon, not only the entire Jewish congregation was forced to leave, but also the whole neighborhood was subjected to state-led confiscations and expulsions since the fire destroyed houses, synagogues, and shops permanently. The administration, by taking advantage of the worsened conditions issued a new decree and legally appropriated its expulsion and confiscation projects. According to this new decree, if nothing had remained from a non-Muslim religious structure, it could not be rebuilt even though it had *kadîm* status.³⁹⁴ As discussed earlier, one of the earliest mentions

³⁹² Selânikî, *Tarih-i Selânikî*, 723.

³⁹³ Evliya Çelebi, *Seyahatname*, 1:302; as cited in Thys-Şenocak, "The Yeni Valide Mosque Complex at Eminönü," 64-68.

³⁹⁴ Baer, "The Great Fire of 1660 and the Islamization of Christian and Jewish Space in Istanbul," 165-66. Also Ebussuûd asserted that it was lawful to renovate a church if it was a *kadîm* church and it must be completely ruined. Ebus'suud Efendi, 130:465.

of this condition was already articulated in the *fetva* collection of the chief mufti Zekeriyâzâde Efendi who conditionally authorized the destruction of *kadîm* structures.³⁹⁵ His *fetvas*, therefore, can be understood as the omen of the policies that were to be introduced a few decades later, when forceful transfers of Jewish properties to Muslims were permitted during the expulsions.³⁹⁶ Nonetheless, the post-fire policies were more radical in the sense that the confiscations of properties and transfer of the ownership of houses to Muslims had not been conducted on this scale previously.³⁹⁷ After the fire, as Marc Baer documented, the Jews who wished to resettle in the area were rejected and moreover, they were severely warned if they resisted selling their properties to the state or those who were designated as new - Muslim- owners.³⁹⁸ There are records exemplifying that some Jews who earlier rented houses belonging to Muslims were expelled from the area.³⁹⁹ Another court record stated that following a decree, the Jews were no longer residing in the area that encompassed the quarters from the eastern boundaries of Topkapı Palace to Zeyrek.⁴⁰⁰

³⁹⁵ Fetâvâ-yı Yahyâ Efendi, MS 1116, 1b-289b vr, Serez, Süleymaniye Yazma Eser Kütüphanesi, fol. 88b Mesâkin ehl-i islâmdan olan bir karyenin keferesi kadîmî olub harâb olan bir keniselerini temeline deđin hedm idüb bir yeni istediklerini bu kenise binası murâd itdiklerinde mîrlivâ ve sâ'id ehl-i 'örf ve hükkâm ol keferenin ol kenisesini hedm idüb hey'et evelisinden Ziyâde bina itmekden men'e kadir olurlar mı? El Cevab: etrafında asl ehl-i islâm karyesi yoghsa olmazlar."

³⁹⁶ See the *fetva* registers on the arrangement of settlement units and places of worship presented in the related sections of the fourth chapter.

³⁹⁷ Cited in Baer, *Honored by the Glory of Islam*, 88. IŞS 9, fol. 143b, September 29, 1661; I□S 10, fol. 82a, June 5, 1662

³⁹⁸ Cited in Baer, *Honored by the Glory of Islam*, 87-88; Silahdar, *Tarih-i Silahdar*, 1:218-219; Kürd Hatib, *Risâle*, fols. 22a-b.

³⁹⁹ Baer, *Honored by the Glory of Islam*, 88-89. Those names were noted by Baer: IŞS 9, fol. 110a, August 31, 1661; Yasef son of Yako: I□S 9, fol. 174a, October 30, 1661; İshak son of Avraham: I□S 9, fol. 194b, October 26, 1661.

⁴⁰⁰ Baer, *Honored by the Glory of Islam*, 88. IŞS 9, fol. 143b, September 29, 1661; IŞS 10, fol. 82a, June 5, 1662.

Second, one cannot disregard the strong economic stimulus that motivated the authorities to implement the means of confiscation. Undoubtedly, Eminönü was the juncture itself, where the trade predominantly prospered around the bazaar and harbor. The state actors thus could not miss an opportunity to reclaim an economically invaluable space in the period of regression when the maintenance of the empire was getting harder due to the decreased booty revenues and extortionate costs of military campaigns.

Third, the religious references and analogies appropriated by the contemporary chroniclers and sources were often associated with a new sense of spirituality that emerged overtly in the seventeenth century. Epitomized by the Kadızadelis, the new puritanism began to influence the leading political figures and society from the early seventeenth century onward.⁴⁰¹ The Kadızadeli preachers first designated the corrupt invented traditions, subjects, ideas and practices which were seen as obstacles in pursuing the right path of Islam guided by the prophet.⁴⁰² They criticized the subjects who went astray by neglecting the essentials of Islam and the notion of the purest form of Islamic piety introduced by the Prophet. To their interpretations, the corrupted behaviors and ideas of Muslims, covering the state agents as well, paved the way for the military defeats and economic immiseration.⁴⁰³ As an antidote to this decadence, the Kadızadelis represented themselves as the genuine guides to the Muslims who should rather be “enjoining the good and

⁴⁰¹ Zilfi, "The Kadızadelis: Discordant Revivalism in Seventeenth-Century Istanbul," 251-69.

⁴⁰² Tezcan, 126, 216-217. Also see Baer, *Honored by the Glory of Islam*, 19, 63, 80, 109.

⁴⁰³ Baer, *Honored by the Glory of Islam*, 70; Pfeiffer, “Confessional Polarization in the 17th Century Ottoman Empire and Yusuf ibn Ebi Abdu’d-Deyyan’s *Keşfü’l-Esrar fi ilzami’l-Yehud ve’l-Ahbar*,” in *Contacts and Controversies between Muslims, Jews and Christians in the Ottoman Empire and Pre-Modern Iran*, 21-23.

forbidding evil.”⁴⁰⁴ Hence, having managed to propitiate the sultans, they were able to get involved with political affairs and as concluded in the previous chapter, they were in the end act as the agents of confessional politics whose agenda overlapped with the ruling establishment’s intentions. So that the preachers could cajole the authorities to reinforce prohibitions on the consumption of substances, such as coffee and wine, and the practices of tomb visitations and veneration of saints. The condemnation of popular traditions, practices and beliefs, which they declared “innovation” and heresy came along with the unequivocal denunciation of the non-Muslims as the “wicked subjects” who introduced such things into the realms of Islam.⁴⁰⁵ As Cemal Kafadar touched upon, their ideas revoked the “ancient but neglected” principles of the shari’a to be imposed on non-Muslims, particularly addressed the sartorial limitations.⁴⁰⁶ In the end, these limitations and restrictions were utilized to stigmatize non-Muslims and to represent Muslims’ superiority at the same time. For, the non-Muslims’ visibility in the city with their “unsuitable” clothing posed challenges to notions revoked by the Kadızadeli. Solakzâde Mehmed Çelebi commented that influenced by these ideas, officials instigated a witch-hunt to disclose the corrupted Muslims, and subsequently, many innocent people, to the

⁴⁰⁴ Tezcan, 124-127; Kafadar, "Janissaries and other riffraff of Ottoman Istanbul: rebels without a cause?" 121.

⁴⁰⁵ Tezcan, 127; Terzioğlu, "Sufi and dissident in the Ottoman Empire: Niyazi-i Misri (1618-1694)," PhD.diss., 192-194; Rycout, *The History of the Present State of the Ottoman Empire*, 128-31; Linda Darling, "Ottoman Politics through British Eyes: Paul Rycout's The Present State of the Ottoman Empire," 71-97; Grehan, "Smoking and "Early Modern" Sociability: The Great Tobacco Debate in the Ottoman Middle East (Seventeenth to Eighteenth Centuries)," 1352-377; Tezcan, 64-67, 124-127; Mehmed Hemdemi Çelebi, *Solak-zâde Tarihi*, 629; Zilfi, "The Kadızadeli: Discordant Revivalism in Seventeenth-Century Istanbul," 251-69;

⁴⁰⁶ Kafadar, "Janissaries and other riffraff of Ottoman Istanbul: rebels without a cause?" 121-122.

Kadızelis. Those who were the designated as the unbelievers were killed or were exposed to the wrath of the Sultan.⁴⁰⁷

On the one hand, it is probable that the seventeenth-century historian Solakzâde Mehmed might have approached this matter hyperbolically; after all, he gives an impression that he was quite placated by the Kadızadeli leaders' banishment from the city by the orders of the sultan. On the other hand, these pellucid initiatives of the administration support the idea that it had a predilection to embrace a more rigid interpretation of Sunni Islam to reinforce the orthodoxy and the legal regulations over the flock. Moreover, the Kadızadeli movement could gather a considerable number of followers who later on acted as the new agents of confessional politics. Kâtip Çelebi, on this matter, commented that people were gathering around and engaging in fierce debates on the issues brought up by the preachers in public spaces. Katip Çelebi also asserted that although these people were incapable of distinguishing the notions and principles promoted by the Kadızadelis, their impact on society mobilized neighbors, families and individuals as various social units to participate in the consolidation of the confessional policies apropos the maintenance of religio-social boundaries.⁴⁰⁸ Similarly, the overtness of their impact on different echelons of society was noticed by the contemporary chroniclers and the English ambassador to Istanbul.⁴⁰⁹ The agency thus was not limited to the preachers and jurists but also included other members of society as well. At the level of society, confessionalization from below could be interpreted as

⁴⁰⁷ Hemdemi Çelebi, *Solak-zâde Tarihi*, 628-630. "padişah hazretlerini cebir kullanmaya ve katle tahrik ettiler... böylece parmakla gösterilir oldular... derfli insanları padişahın gazabına uğrattılar." See also Zilfi, 251-256, 265. Vani's aversion toward the Christians was noticed.

⁴⁰⁸ Kâtip Çelebi, *Mizanü'l-Hakk fi İhtiyari'l-ahakk*, 92-94; Kafadar, *Janissaries and other riffraff of Ottoman Istanbul: rebels without a cause?*, 121-122.

⁴⁰⁹ Rycout, *The History of the Present State of the Ottoman Empire*, 130-131.

more of a seventeenth-century phenomenon, for the ruling establishment needed to ensure that revised doctrines and notions regarding social orthopraxy and religious orthodoxy were circulating among society. The commoners, in this respect, could be edified and admonished under the guidance of Sunni-orthodoxy oriented agents, - state agents or those who had influence over society and conforming to state's agenda- who were to oversee the flocks' participation in this process to encourage them in acting as the social agents of confession building.

On the other hand, preceding the great fire of 1660, the propensity of the state to monitor non-Muslims, particularly the Jews, were already apparent in the 1620s.⁴¹⁰ When the popularity of Sabbatai Sevi reached an intimidating level, not only the Ottomans but also Christian subjects were concerned that the Jews were on the edge of jeopardizing the integrity of society.⁴¹¹ The chronicler Abdi Paşa reported that Sevi declared himself to be the new messiah of the Jews and created a turmoil in Izmir. In the meantime, as stated by Jane Hathaway, the Jews of the empire, whether they were adherents to Sevi or not, were facing financial hardships in conducting business, a condition that effected particularly those were in the service of the Ottoman court.⁴¹² Sevi, however, was immediately summoned to Edirne and allegedly, he was ordered to deny all the prophetic claims ascribed to him.⁴¹³

⁴¹⁰ On the contrary to Baer's conclusion which is inclined to cluster inter-confessional tensions in the post-fire period, conflicts and distputation among confessional communities always emerged in Ottoman society. However, there seemed to be an upsurge trend indicating that instances of inter-confessional conflicts became more frequent and severe in the seventeenth century, even before the fire of 1660. Baer, "The Great Fire of 1660 and the Islamization of Christian and Jewish Space in Istanbul." 159-181; Fariba Zarinebaf, "Intercommunal Life in Istanbul During the Eighteenth Century," 84.

⁴¹¹ Şişman, *Sabatay Sevi ve Sabataycılar: Mitler ve Gerçekler*, 33-45; Antoine Galland, *İstanbul'a Ait Günlük Hâtıralar (1672-1673)*, 171-172. Galland offers the accounts of how people perceived and disseminated the news about Sevi; Mantran, *XVI.- XVII. Yüzyıl'da İstanbul'da Gündelik Hayat*, 52.

⁴¹² Hathaway, "The Grand Vizier and the False Messiah: The Sabbatai Sevi Controversy and the Ottoman Reform in Egypt," 665-71.

⁴¹³ Abdurrahman Abdi Paşa, *Vekâyi'-nâme: Osmanlı tarihi, 1648-1682: tahlil ve metin tenkidi*, 247.

Following his detention at the capital, his followers were already interpreting these events as the fulfillment of his prophecies.⁴¹⁴ Sevi then was told by Vani Efendi that he might be pardoned if he would convert to Islam, an offer accepted by Sevi. To support his conversion through appearance, he was adorned with new fabrics and furs in agreement with Muslims' privileged sartorial arrangements. This motivation had serious intersections with the agenda of Vani Efendi of the Kadızadeli movement, who did not conceal his passion to "convert non-Muslims."⁴¹⁵ This was indeed a relevant example of the Ottoman use of sartorial arrangements, an issue that had been troubling the government since, as also noted by Hezarfen Hüseyin Efendi, it was troublesome to distinguish the followers of different religions.⁴¹⁶ The slaughter of Esperanza Malchi in 1600 was one of the most graphic incidents on the eve of the coming century. Her case represents a rare example that the Jewish community had not experienced until then. As a prominent figure among the community, Esperanza, like many other *Keiras*, was in the service of the Queen mother as an intermediary who was conducting the Queen mother's mercantile conducts. Her lynching is quite telling to illuminate the quiescent irritation that could be occasionally re-oriented toward non-Muslims. Because despite the fact that she was under the patronage of the Ottoman court a *keira* could be put into target because of her involvement with

⁴¹⁴ Baudin, *Les Israélties de Constantinople*, 31-34.

⁴¹⁵ Terzioğlu, "Sufi and dissident in the Ottoman Empire: Niyazi-i Misri (1618-1694)," 142-144; Abdurrahman Abdi Paşa, *Vekâyi'-nâme: Osmanlı tarihi*, 247; Jane Hathaway, "The Grand Vizier and the False Messiah: The Sabbatai Sevi Controversy and the Ottoman Reform in Egypt," 668-69; Abdurrahman Abdi Paşa, 247.

⁴¹⁶ Hezarfen Hüseyin Efendi, *Telhîsü'l-Beyân fî Kavânîn-i Âl-i Osmân*, 55. In this respect, the Jews were ordered to wear red fabrics, as they were being mistaken for the Mollas due to the similarity of their headgears in 1593. Yet, changing the color of headgears did not work either; in 1600, a new decree prescribed that the Jews' red gear was reminiscent of the cap of the people working in the shipyards. The decree then ordered that those colors should be changed again in the light of the new instructions. Needless to say, these sartorial arrangements were always a matter of disputation as they were abundantly argued in the sixteenth-century *jetvas* and imperial decrees. See Refik, *On Altıncı Asırda İstanbul Hayatı (1553-1591)*, 47-50.

the financial matters. Whatever the reason on the surface was, she was blamed for the redistribution of the tax registers to the elites who were on better terms with the court. While expecting more registers to sell, the troops channeled their anger into a rebellion with the *keira* at the center of their distress whom they ruthlessly killed. Following the death of *keira* Esperanza, her entire property was confiscated.⁴¹⁷

Although the sources gathered from the seventeenth century indicate an opposition trend oriented at non-Muslims in general, it was especially the Jews who became the potentially dangerous community that could engage in riotous and deviant acts with which the social, moral and religious boundaries could be blurred. Thereby, the state's desire to distinguish communities and to underline the confessional stigmas increased in the seventeenth century.⁴¹⁸ Because they were infringing the laws and boundaries and thus ill-influencing the Muslim subjects. After all, disturbed by the existence, signs and spaces of the "infidels," Muslims complained and asked whether they were legally entitled to expel non-Muslims, let alone averting their daily activities and practices. The danger, actually, was always latent in the spaces where the non-Muslim groups resided, prayed and pursued their social activities, which were capable of endangering the integrity of Islam and pulling the true followers of Muhammad from the righteous path out. The point is that precisely in this epoch, these jurists not only cherished these ideas and gave voice to them by issuing legal opinions, but also appreciated being a key partner among the ruling cadres in enacting these measures. Moving beyond Ebussuûd's individual adroitness that enabled him to tackle the issues of his time, the office of

⁴¹⁷ Tezcan, 188. Selânikî Mustafa Efendi, *Tarih-i Selânikî II*, 854-856; Lamdan, "Jewish Women as Providers in the Generations following the Expulsion from Spain," 58-59.

⁴¹⁸ Baer, *Honored by the Glory of Islam*, 159-181. See also Zarinebaf, "Intercommunal Life in Istanbul During the Eighteenth Century," 79-85.

the Sheikh-ul-Islam itself closely guided the administration of state affairs in the seventeenth century. Inevitably, as echoed in the official documents, this change had its repercussions in the execution of more coercive policies toward the non-Muslims of the empire.

5.2 The making of a Jewish habitus: expulsion and intervention of social space

At the outset of the seventeenth century, the urban morphology of Istanbul was undergoing detectible alterations vis-à-vis the Jewish quarters. Many Jews from Eminönü began to re-establish themselves in new *mahalles* along the Bosphorus, and others moved eastward toward the inner districts of the Golden Horn. Therefore, the populous Jewish quarters in the trapezoid that consisted of Eminönü, Sirkeci, Tahtakale and Mahmud Paşa were in the phase of dépeuplement.⁴¹⁹ However, the depopulation and relocation processes took almost a century.

The *jizya* (poll-tax) tax registers of 1608 and 1623, as presented by Heyd and later on discussed by Epstein, show that the number of registered Jews of Istanbul was around ten thousand excluding those who were exempted from the poll-tax.⁴²⁰ By the end of the century, this total increased to twenty thousand according to the registers of 1688. The sum of the Jews who were recorded as taxpayers from Balat, Galata, Hasköy and Ortaköy respectively was: five thousand, four thousand, one

⁴¹⁹ For a detailed definition on the trapezoid area see footnote 256. Heyd, "The Jewish Communities of Istanbul in the Seventeenth Century," 310. Regarding the creation of new Jewish settlements in Ortaköy see, Rozen, "Public Space and Private Space among the Jews of Istanbul in the sixteenth and seventeenth centuries," 340-341. For the expansion of Jewish settlements elsewhere in the city see, Rozen, *A History of the Jewish Community in Istanbul*, 228.

⁴²⁰ Epstein, *The Ottoman Jewish Communities and Their Role in the Fifteenth and Sixteenth Centuries*, 186-189.

thousand five hundred and two thousand.⁴²¹ Deduced from Robert Mantran's estimations, the Jews of Istanbul constituted one-tenth of the total non-Muslim population; the figures for the Jewish population corresponded to 4% in 42% of the total non-Muslim population.⁴²² It is thus possible to infer that within the course of the seventeenth century, roughly, the total number of Istanbul Jewry varied within the range of fifteen and twenty thousand. This information is consistent with the *jizya* registers of 1691 which grouped the Istanbul Jewry in line with the *mahalles* they lived in and it refers to five thousand tax-payer names that can be calculated around twenty thousand as well.⁴²³

Keeping in mind the remarks of Rozen and Yerasimos, as noted in the registers of the Mehmed II *waqf* from 1595-97, by the end of the sixteenth century, Jews were still residing populously -about 60% of the total in the trapezoid. But the axis of this trapezoid was moving toward the parts of Golden Horn as a result of the decrease that occurred in the number of Jewish residents of Balıkpazarı, Cuhud Kapısı/Yahud Kapı and Molla Gürani. It is very likely that the initiatives taken for the construction of the Yeni Valide Camii stimulated a depopulation in these central Jewish quarters of Eminönü.⁴²⁴ Meanwhile in the Golden Horn, in Balat only, there were hundred and twenty-seven Jewish inhabitants recorded, a number that began to increase. Whereas in Hasköy, there were only forty-nine Jewish residents as indicated in the registers of 1595-97.⁴²⁵ Nonetheless, the number of Jewish residents

⁴²¹ Gerber, *Crossing Borders: Jews and Muslims in Ottoman Law, Economy and Society*, 105-107.

⁴²² Mantran, *XVI.- XVII. Yüzyıl'da İstanbul'da Gündelik Hayatı*, 46-47; Galanté, *Histoire Des Juifs De Turquie*, 189. Galanté gives what he considered as more accurate number by comparing the registers and the accounts of various chronicles, and concluded that in Istanbul, between the mid-seventeenth and late eighteenth century the total population of Jews was between ten thousand and thirty thousand.

⁴²³ Heyd, "The Jewish Communities of Istanbul in the Seventeenth Century," 309-310.

⁴²⁴ Rozen, *A History of the Jewish Community in Istanbul: The Formative Years, 1453-1566*, 57-58, Yerasimos, "La communauté juive d'Istanbul a la fin du XVIe siècle," 119-125.

⁴²⁵ Yerasimos, "La communauté juive d'Istanbul a la fin du XVIe siècle," 124.

of Balat was not high enough to be separated from the category of others, which corresponded to 20% of the total by the end of the century.⁴²⁶ Seventeenth-century Balat, in stark opposition to these numbers, with one thousand five hundred forty-seven residents was the most crowded Jewish center in the city, and it was followed by Galata and Hasköy which housed thousand and thirty-three and five hundred fifteen respectively in the *jizya* registers of 1691. During the same period, the number of Jewish inhabitants residing in Eminönü and its environs reduced to five hundred, an insignificant number compared to the figures in seventeenth-century Hasköy.⁴²⁷ Thus, toward the end of the seventeenth century, Balat emerged as, first and foremost, a multi-confessional district with a significant Jewish population- the highest in the city. The main quarters of Balat were predominantly occupied by the Jews and a few quarters were populated by other non-Muslim communities. In conformity with these numbers, seventeenth century-chronicler Eremya Çelebi's accounts affirm Balat's position as the most populated Jewish habitus in the city. The quarter's novel position hereby allows us to support the demographic shift indicated in these *jizya* registers which concomitantly pointed to a gradual depopulation in Eminönü subsequent to the series of relocations.⁴²⁸

Preceding the Ottoman capture of Istanbul, Hasköy was a minor district with a very small Jewish population that consisted of Karaite Jews. Yet, in the post-takeover period, it became a center to the Ashkenazi Jews who emigrated in part

⁴²⁶ Rozen, *A History of the Jewish Community in Istanbul*, 56-58.

⁴²⁷ Heyd, "The Jewish Communities of Istanbul in the Seventeenth Century," 309-310. Heyd concludes that these quarters were destroyed and disappeared in the registers of 1691; Kömürçüyan, *Istanbul Tarihi XVII Asırda Istanbul*, 15. He compiled his work in the 1680s.

⁴²⁸ Kömürçüyan, *Istanbul Tarihi XVII Asırda Istanbul*, 19.

from Germany between the late fifteenth and seventeenth centuries.⁴²⁹ Hasköy as a summer place of Jews, harbored merely 5% of the Istanbul Jewry at the beginning of the sixteenth century.⁴³⁰ Although the area around which Hasköy was located was not large enough to house the surplus-population that emerged in the late seventeenth century.⁴³¹ However, until then, it promised a more spacious environment compared to the city-proper without fortifications. Also with the paucity of the Karaite Jews inhabiting Hasköy, the century-long migration of the Ashkenazis impeded the district's transformation into a vibrant and crowded setting until the seventeenth century.⁴³² Eremya, meanwhile, mentioned the presence of Armenians and Greeks in Hasköy, but he also underlined that the Jewish predominance was evident. The cemetery, "Çıftıların Koteri," a number of bazaars and shops in the district were well-known Jewish spaces inasmuch as they were focal for the continuation of the everyday life.⁴³³ A more detailed depiction of seventeenth-century Hasköy is provided by Evliya Çelebi. He began with the depiction of the multi-story houses, especially of the Jews', that he calculated around three thousand, facing the sea view. Then, he went on with the vegetation of Hasköy, of its lemons, grapes, peaches and oranges, which were carefully cultivated by the local Jews. He recorded only one mosque, a pier and the Saraçhane *masjid*, seven churches and two synagogues. As

⁴²⁹ Leal, "The Balat District of Istanbul: Multiethnicity on the Golden Horn," in *The Architecture and Memory of the Minority Quarter in the Muslim Mediterranean City.*, ed. Susan Gilson Miller and Mauro Bertagnin, 190-191.

⁴³⁰ Rozen, *A History of the Jewish Community in Istanbul*, 59-60, 217.

⁴³¹ This condition will be further examined, see footnote 451.

⁴³² Yerasimos, "La Communauté Juive à Istanbul à la Fin du XVI^e siècle, 125-127. Rozen, *A History of the Jewish Community in Istanbul*, 58-60, 213-218; Refik, *On Altıncı Asırda İstanbul Hayatı (1553-1591)*, 53. As for the Karaites of the seventeenth century, their presence did not go unnoticed by the travelers Samuel Bar David and Benjamin Elie Yeruşalmi who observed that there were distinguishable number of Karaites in Hasköy and Balat. See Deleon, *Balat Ve çevresi: Bir Semt Monografisi*, 99-100.

⁴³³ Kömürçüyan, *Istanbul Tarihi XVII Asırda İstanbul*, 32-33.

Hasköy was notorious with its taverns, Evliya too noted that there were fifty taverns, and among these taverns, two of them were regularly visited by Istanbulites for the delightful drinks they served. His final observation was about the Jewish cemetery and its centrality to the Jewish community on the grounds that from every corner of Istanbul Jews came to Hasköy to bury their deceased.⁴³⁴ In terms of the district's division, there were one Muslim, one Armenian, two Greek, and eleven Jewish quarters in Hasköy. The latter Jewish quarters, as Evliya confirmed, were inhabited by the Jews of Şuhud Kapı who were coming from Eminönü subsequent to the fire broke out in the whereabouts of Yeni Camii. The Jews, to his knowledge, formerly had numerous shops, were forced to deport (*nefy*) to Hasköy and the number of deported settlers was equal to the scale of twenty congregations who now comprised of eleven thousand in the district. Of course, this number given by Evliya does not fit into the data that can be gathered from the registers belonging to either previous or the later periods. Yet, his impression enables one to make some inferences: for instance, after providing a total number, he used the term *mâlâ-mâl* which came to mean that Hasköy was a very crowded place teeming with the Jews, to the extent that it reminded him the cities of Salonica in Rumeli and Safed in the Arabian Peninsula, the cities were known to harbor a significant number of Jewish residents.⁴³⁵ Such impression of Evliya's actually was still applicable by the end of the century, the *sürsat* registers of 1680 illustrated that, to that year's calculations, the distribution of grain to be supplied by the Muslim, Greek and Armenian communities of Hasköy

⁴³⁴ Evliya Çelebi, *Seyahatname*, 175-176.

⁴³⁵ Evliya Çelebi, *Seyahatname*, 175-176.

was hundred-seventeen. Whereas the same share of grain stock to be provided solely by the Jewish congregation was hundred-fifty-six.⁴³⁶

In all, the comparisons made among the registers of 1595-97, 1608, 1623, 1688 and 1691 allow one to come to the conclusion that over the course of a century, the Jewish residents' movements in the city had been taking place sporadically and continuously as they moved elsewhere and re-settled their households along the Bosphorus shores and the Golden Horn.⁴³⁷ These movements caused an alteration in the overall spatial and demographic distribution of the Jewish community in Istanbul. By surpassing Eminönü and its proximate quarters, Balat and Hasköy gradually arose as the spaces where the Jewish congregations largely clustered.⁴³⁸ The Jewish predominance in these districts was highlighted in various seventeenth-century sources through which the centrality of these spaces to the community can be observed. Albeit, there is no monolithic causation that could explicate these spatial and demographic fluctuations. Among plausible explanations, the intervention of disastrous fires, on-and-off construction of the Yeni Camii within the court's policies of Islamicizing the Eminönü port and customs area seem to shape the course of events more decisively.⁴³⁹ Whatever the reasons might have been, the point should be stressed that such changes were accompanied by coercive state policies that had not been executed in such rigor in the earlier decades.

⁴³⁶ *İstanbul Kadı Sicilleri Hasköy Mahkemesi 10 Numaralı Sicil* (H. 1085 - 1090 / M. 1674 - 1679) / 120:137.

⁴³⁷ Rozen, "Public Space and Private Space among the Jews of Istanbul in the sixteenth and seventeenth centuries," 334.

⁴³⁸ Rozen, "Public Space and Private Space among the Jews of Istanbul in the sixteenth and seventeenth centuries," 336; Leal, "The Balat District of Istanbul: Multiethnicity on the Golden Horn," 192-195. For instance, in Balat, such transition can be observed in the linguistic shift emerged in aftermath of the Sephardic Jews' re-settlement in the district. Soon after the settlement of newcomers, Ladino became the major spoken language by replacing Greek.

⁴³⁹ Rozen, *A History of the Jewish Community in Istanbul*, 57-58. See also Uriel Heyd, 311.

Aiming to control and maintain boundaries, states implicitly or explicitly manifest their quests to employ particular spatial regulations. As discussed in the introduction, from an institutionalist outlook that can be contested, the designation of the *other* and accordingly, its alienation, is often followed by a tendency to homogenize and separate.⁴⁴⁰ The previous chapter elaborated on the ways in which the Jews and other non-Muslims in the city were subjected to a religio-political discourse that imposed confessional boundaries in space and social life with a distinctive language and notions attributed to them. In this respect, the seventeenth-century Hasköy and Balat can be considered as the designated loci of exclusions since these districts were already populated by the *other* and this connection was underlined by the ruling body when it expelled the former Jewish congregations of Eminönü to these districts.⁴⁴¹ Although the relocations of the Jews were conducted on an ad-hoc basis from 1597 up until the 1660s, particularly in the aftermath of the fire of 1660, confiscations and dislocations of the Jewish households transformed into state-sanctioned practices.⁴⁴² The peculiarity, in that regard, was embedded in the arbitration of locations designated for the expelled Jews. For, Balat and Hasköy were the loci of the non-Muslims where they constituted the majority in *mahalles*.⁴⁴³ Moreover, Hasköy was a well-known seventeenth-century Jewish center, a fact that

⁴⁴⁰ Rae, 36, 63,81; Tilly, 25-26.

⁴⁴¹ Rozen, "Public Space and Private Space among the Jews of Istanbul in the sixteenth and seventeenth centuries," *Turcica* 30 (1998): 331-346; Rozen, *A History of the Jewish Community in Istanbul: The Formative Years, 1453-1566*, 57-60, 213-218; Yerasimos, "La Communauté Juive à Istanbul à la Fin du XVIe siècle," 125-127; Baer, *honored by the Glory of Islam*, 102-104; Incicyan commented that the isolated condition of the Jews in Hasköy enabled them to develop a congregational solidarity spirit. Incicyan, 18. *Asırda İstanbul*, 24.

⁴⁴² Bourdieu, *In Other Words: Essays Towards a Reflexive Sociology*, 185-192; Bourdieu, "Chapter Four: Structures, Habitus, Power: Basis for a Theory of Symbolic Power," in *Culture/Power/History: A Reader in Contemporary Social Theory*, ed. Nicholas B. Dirks, Geoff Eley, and Sherry B. Ortner, 158-165.

⁴⁴³ Baer, *Honored by the Glory of Islam*, 91; Evliya Çelebi, *Seyahatname*, 175-176; Heyd, "The Jewish Communities of Istanbul in the Seventeenth Century," 310; Mantran, *XVI.- XVII. Yüzyıl'da İstanbul'da Gündelik Hayat*, 46-47; Galanté, *Histoire Des Juifs De Turquie* 189.

allows one to question the state's policies whether they aimed to homogenize the neighborhoods.⁴⁴⁴ On the one hand, Eminönü, the center of the city, would be a Muslim dominated space, and Hasköy and Balat's significance as being non-Muslim loci would be strengthened on the other. Because, first and foremost, expulsion for instance, as a practice, had not been executed continuously by the Ottomans, and it is impossible to track a recurrent pattern later on. Also the explanations and motivations underlying these practices were equally novel: prior to the seventeenth-century sources (*fetvas*, decrees, *sicils*, contemporary narratives, chronicles, *waqf* deeds), there was no concise and solid reference to the notions of dirtiness, impurity and blaspheme attributed to non-Muslims who were "undesired and endangering the integrity of Islam." Exactly in this epoch, non-Muslims' spaces, objects, religious and social practices were associated with darkness and corruption as if they were bringing calamities. Carried away by the debauched non-Muslim acts and conducts, Muslims were also deemed guilty on the basis that they ignored the Islamic principles and omens of these calamities by enjoining the devil. Hence, after the great fire of 1660, what had remained on the ground in Eminönü seemed "purer and cleaner" to the eyes of Muslims, who were eager to salute the expulsions of the undesired Jews.⁴⁴⁵

The latter spaces, Hasköy and Balat, however, cannot be examined through the spatial conceptualization of Ghetto, as discussed in the first chapter. First, even though quarters could be confession-specific in Istanbul, the districts that consisted of a few quarters were multi-confessional. Second, in many cases, the adjacent quarters were highly intertwined in terms of the residents who were adherents of

⁴⁴⁴ Rae, 4-5.

⁴⁴⁵ Baer, *Honored by the Glory of Islam*, 93-95.

different religions. Third, we do not have evidence for strictly regulated schedules that were enforced on non-Muslims and/or Muslims in entering and leaving the quarters. Fourth, members of each congregation were free to stroll around the whole city. And finally, the Hanafi *madhab* of the Sunni creed did not lay out any prohibitions for non-Muslims pertaining to the use of Muslim religious spaces where their existence would not be “tolerated.” Notwithstanding, these explanations should not be impeding one from seeing the manifestation of state’s quests to have confessional communities in separate spaces in compliance with the political conjuncture of the period. There were *de facto* “contexts of inadmissibility” that lead the Ottomans to express their sensitivities and reluctance toward some practices, cases and instances associated with the *other/heretic* subjects.⁴⁴⁶ Such *de facto* practices enabled the ruling establishment, by drawing subjects’ attention to the orthodoxy, to reinforce the rules and regulations of the shari’a. Especially, from the mid-sixteenth century onward, the burgeoning tendencies of the state to control and monitor non-Muslim communities were overtly and consistently expressed in the imperial decrees and *fetvas*, as presented earlier. In this era, the ruling cadre mobilized its agents to preserve socio-religious boundaries, particularly in public spaces. Nevertheless, during the seventeenth century, in addition to these extant mechanisms of social control, the Ottomans began to put emphasis on spatial matters and disputations, with references to the presence, circulation, visibility, rites and traditions of non-Muslims. In this respect, such an agenda apropos of outlining the boundaries in the urban, social and residential spheres came along with a proclivity to underline confessional affiliations attributed to the quarters and districts and the separation of the groups. From the perspective of the hegemon, the continual

⁴⁴⁶ Ahmad and Filipovic, “Two Seventeenth-Century Ottoman Heretics,” 36-51.

expulsion of the Jews from Eminönü to Balat and Hasköy was, therefore, was a manifestation of a kind of mindset that was supported by the religio-legal corpus, as illustrated in the selected examples from contemporary *fetva* collections.

5.2.1. Subjects' agency and the formation of social space in Hasköy

Eremya Çelebi, in his brief history of seventeenth-century Istanbul, wrote about the piers located by the shores of Eminönü from where people could take ferries to Hasköy and Balat. Apparently, even though the residents were driven away from the area they formerly lived in, they were still frequently paying visits to Eminönü and Balıkpazarı in the course of everyday life. And the residents of Hasköy could still own shops around Eminönü. According to Eremya Çelebi's descriptions, there were almost one hundred Jewish butchers' shops in the vicinity of the Valide Mosque in which they conducted business.⁴⁴⁷ So that even in the face of the expulsions and relocations, the city-dwellers were able to pursue daily activities, professional occupations and thus express their attachment vis-à-vis their former habituses. And there is much more to explore regarding this continuity within the realms of social space where the inter-confessional encounters and cohabitations, mutual influences took place. Hasköy and Balat – but especially the former, became in the mid-seventeenth century a notorious district that housed not only non-Muslim communities, but many well-known taverns, alcohol dealers and fugitives. As for those elite Jews who could afford to settle elsewhere, they moved to the Bosphorus around Ortaköy or they settled by the shores of Golden Horn. Furthermore, as underlined earlier, Hasköy was not spacious enough to accommodate that plethora of

⁴⁴⁷ Kömürciyan, *Istanbul Tarihi XVII Asırda İstanbul*, 15.

people after the mid-seventeenth century expulsion series, which already was very crowded and densely inhabited. Hasköy, therefore, became a *nahiye* with a great number of poor dwellers who consisted of non-Muslim Istanbulites, Jews explicitly.⁴⁴⁸ As noticed by Evliya, the district was overpopulated during the mid-seventeenth century, amid its designation as a nascent habitus for the expelled Jews. After all, this contributed greatly to a visible population increase in the district. To authorities, Hasköy was a sort of “slum” located at the outskirts of the city-proper, which happened to be inhabited by Jews predominantly.⁴⁴⁹ Due to these conditions, the district emerged as an eligible locus to relocate undesired subjects. The court records from the period support these inferences and allow one to excavate the slum status attributed to Hasköy, from where all the crime, infringements and debaucheries seemed to spread all over the city.

In 1638, a certain Konstantin and a certain Istemad, residents of Hasköy, were warned upon the allegations that they were not closing their tavern and were serving alcohol until the first lights of morning. The reveling accompanied by the consumption of wine was causing disturbance and uneasiness in the neighborhood as reported by the local Muslims.⁴⁵⁰ Three years later, another court record argued that

⁴⁴⁸ Rozen, “A Survey of Jewish Cemeteries in Western Turkey,” 100. Ben-Naeh, “Blond, Tall, with Honey-colored Eyes: Jewish Ownership of Slaves in the Ottoman Empire,” 321. Naeh notes that according to data presented in the 1691-92 tax registers, the 80% of the residents paid the lowest tax rate in Hasköy and only the 4% of the total tax-payers were listed wealthy.

⁴⁴⁹ The term slum is used to underline the peripheral and marginalized position of Hasköy within the urban layout of Istanbul. First, the scene depicted in seventeenth-century sources was rather unpleasant due to the seventeenth-century-long expulsions into the district that over-populated the area more than it could house. The residents constituted predominantly by one the *other* of the regime, the Jews. Second, the Jews were expelled to Hasköy, from Eminönü, financially more promising area located in the heart of the city, whereas in Hasköy, population belonged to the lower strata of Ottoman society in terms of economic status. Third, the motivations carried out by the authorities were part of a discourse that associated the Jews with the notions of dirtiness and impurity. And lastly, as court records illustrated in Hasköy, it seemed easier to transgress socio-religious boundaries and to commit crime.

⁴⁵⁰ *İstanbul Kadı Sicilleri Hasköy Mahkemesi 5 Numaralı Sicil (H. 1020-1053 / M. 1612-1643)*, 148-149:150.

even though it was strictly forbidden to smuggle alcohol into the walled part of the city, the Jews and *dhimmis* from Hasköy were infringing this prohibition both by selling alcohol and opening taverns. The record demanded that in order to prevent these, the subaşı of Hasköy should be alerted.⁴⁵¹ A year later, however, two Muslim subjects were captured by the Subaşı, Mustafa Bey, who conducted an investigation following their arrival in Hasköy. They admitted that they came to Hasköy to consume wine by taking a boat through Eyüp.⁴⁵² The same Mustafa Bey caught out a group of people red-handed, men and women together. In the Piri Paşa Quarter of Hasköy, these people gathered to drink and smoke in a house owned by İbrahim Bey, as discovered after the inquiry.⁴⁵³ Again in 1641, the Jewish residents of Hasköy were banned from playing instruments as they were strolling around. The Subaşı of Hasköy summoned them along with their instruments, and warned them not to repeat such acts.⁴⁵⁴ In another register from 1650, a homicide case was brought up. In one of the local taverns of Hasköy, two *dhimmis* engaged in a fight that ended with the death of İstemâti. Despite his efforts to escape, the alleged-murderer Diko was soon after captured and he claimed that he was defending himself. The relatives of İstemâti, on the other hand, asked for the employment of the *kısas* principle while Diko was demanding *sulh* to evade the possibility of death penalty. Afterward, both parties agreed upon a *sulh* agreement whereby Diko paid some money that could cover the renewal of the rent contract of İstemâti. The court recorded the amount of

⁴⁵¹ *İstanbul Kadı Sicilleri Hasköy Mahkemesi 5 Numaralı Sicil (H. 1020-1053 / M. 1612-1643)*, 332:455.

⁴⁵² *İstanbul Kadı Sicilleri Hasköy Mahkemesi 5 Numaralı Sicil (H. 1020-1053 / M. 1612-1643)*, 386:554.

⁴⁵³ *İstanbul Kadı Sicilleri Hasköy Mahkemesi 5 Numaralı Sicil (H. 1020-1053 / M. 1612-1643)*, 387:556.

⁴⁵⁴ *İstanbul Kadı Sicilleri Hasköy Mahkemesi 5 Numaralı Sicil (H. 1020-1053 / M. 1612-1643)*, 278:373.

money and copies of the transaction to close the case.⁴⁵⁵ Even though they occurred less frequently compared to Hasköy, in Balat too there were graphic cases. Around the cemetery of Tokmaktepe, located in the upper east corner of Balat, an Armenian man named Ogas was accused of raping the son of Ali, a recent convert to Islam, in 1661. The son, Mehmed Şahbaz, was rescued by the Muslims who were accidentally passing by and, later on, who also testified against Ogas as the witnesses to the incident.⁴⁵⁶

There were cases that are indicative of the adherents of different religions living close to each other and sharing the same quarters in various cases.⁴⁵⁷

According to a *sicil* dating back to 1636, a certain Pîrî Rıdvan and a Hüseyin sold a vacant part of their land to their Jewish neighbor Yahuda who was living in an adjacent plot just below that vacant land. Yahuda, then, in return for a price, incorporated that part of the land into his property.⁴⁵⁸ In 1641, akin to this case, in the quarter of Piri Paşa, the plaintiff Mahmud Bey appealed to the court by complaining that his Jewish neighbor opened up five new windows (*ihdas*) to his residence which was facing his view. Mahmud, however, later retracted his complaint.⁴⁵⁹

Muslim subjects' agency in partaking of the social disciplining process became evident in the later half of the seventeenth century. In 1675, a resident of Galata named Yako was caught by Musa Bey, the Subaşı of Hasköy upon the

⁴⁵⁵ Şişman, "Osmanlı "Millet" lerinin Girift İlişkileri: 17. Yüzyıl Hasköy Şer'ie Sicillerinde Kaydedilen Bir Cinayet Öyküsü," 383-90.

⁴⁵⁶ *İstanbul Kadı Sicilleri Eyüb (Havass-ı Refîa) Mahkemesi 74 Numaralı Sicil (H. 1072 - 1073 / M. 1661 - 1662)*, 286-287:291.

⁴⁵⁷ *İstanbul Kadı Sicilleri: Hasköy Mahkemesi 5 Numaralı Sicil (H. 1020-1053 / M. 1612-1643)*, 250:321.

⁴⁵⁸ *İstanbul Kadı Sicilleri: Hasköy Mahkemesi 5 Numaralı Sicil (H. 1020-1053 / M. 1612 1643)*, 132:119.

⁴⁵⁹ *İstanbul Kadı Sicilleri: Hasköy Mahkemesi 5 Numaralı Sicil (H. 1020-1053 / M. 1612-1643)*, 250:321.

complaints of Muslims. While he was docking at the pier of Hasköy with four barrels of alcohol beside him, Yako confessed to the subaşı that he came to Hasköy to sell these barrels of alcohol.⁴⁶⁰ This incident reaffirms the “slum-like” status of Hasköy particularly the outer parts around with multiple scars caused by stabbing, and at that time, there was no suspect to be charged with this crime.⁴⁶¹ Second, a register overtly condemned a number of “immoral” Muslims, *dhimmis* and Jews who were reveling with musical instruments accompanied by the consumption of alcohol. The deprivation spread from these houses was to be impeded by the local imams and spiritual leaders of other confessions accordingly. Those who refuse to obey the shari’a were left to the will of the sultan.⁴⁶² Needless to say, these people were defying a set of boundaries and their acts entailed the intermingling of genders and those of different confessions. Moreover, they also defied social and moral codes by consuming alcohol and enjoying music all at once. One can also see the resurgence of attempts by authorities that aimed to quell the social and public activities of the Jews. For example, one register from this period was addressed at a certain non-Muslim man named Orcih, a performer of shadow plays. He, reportedly, was not “behaving well” while performing his mimics and imitations. Allowing him to pursue these actions would contradict the religious law, thus he was to be stopped. Although the details and inconvenient content of his displays were not uttered, the publicness of his performance was considered as a hazard to the social order.⁴⁶³

⁴⁶⁰ *İstanbul Kadı Sicilleri Hasköy Mahkemesi 10 Numaralı Sicil* (H. 1085 - 1090 / M. 1674 - 1679), 57-58:27.

⁴⁶¹ *İstanbul Kadı Sicilleri Hasköy Mahkemesi 10 Numaralı Sicil* (H. 1085 - 1090 / M. 1674 - 1679), 143:169.

⁴⁶² *İstanbul Kadı Sicilleri Hasköy Mahkemesi 10 Numaralı Sicil* (H. 1085 - 1090 / M. 1674 - 1679), 173:231.

⁴⁶³ *İstanbul Kadı Sicilleri Hasköy Mahkemesi 10 Numaralı Sicil* (H. 1085 - 1090 / M. 1674 - 1679), 173:232.

Undoubtedly, social and spatial proximity of religious communities was not limited to daily life events and court cases, which were seen as dangerous to the social order. Especially from the viewpoint of Jews, there was always a space for mutual influence. As discussed by Ben Naeh, the Ottoman Jews adapted some Muslim customs such as disguising females from the public sphere. An Egyptian Rabbi of the sixteenth century issued an opinion which stated that “it is the way of women, especially Sephardic women, modest and respectable, to stay inside their homes.”⁴⁶⁴ When conducting commercial activities, they stayed at home, and particularly engaged in “money-lending and real-estate transactions.”⁴⁶⁵ The Ottoman Jews, in order to be respected in the community, attended religious prayers, sermons and cared much to be cultivated in the Judaic creed just as their Muslim counterparts who tried to conform to the religious orthodoxy edified by their religious leaders.⁴⁶⁶ The space created for mutual influences and encounters, therefore, left a long-lasting impact on each community’s culture and practice. The wealthy Jews often managed to recruit slaves in their households; their aspiration to keep slaves was not only a matter of domestic help but also a symbol of prestige since this practice was widespread among Muslim elite families. And despite the fact that it was restricted by the principles of Islamic law, paying an extra tax could allow Jews to keep slaves, owing to the relative admissibility of Ottoman policies.⁴⁶⁷

⁴⁶⁴ Cited in Lamdan, "Jewish Women as Providers in the Generations following the Expulsion from Spain," 51; Shemuel di Medina (Rashdam), Resp. *Even ha'ezer* (Lvov, 1868), §32. Cf. Renée Levine Melammed, "Medieval and Early Modern Sephardi Women," in J.R. Baskin (ed.), 117, 121.

⁴⁶⁵ Lamdan, 51-54. Lamdan introduced many *responsa* works that could illuminate the position of early modern Jewish women in terms of their economic activities in society. Elsewhere in the empire, Jewish women could and did engage in various occupations other than trade such as metalworking, shopkeeping, wool industry, dying, embroidering.

⁴⁶⁶ Ben-Naeh, "Honor and Its Meaning Among Ottoman Jews," 27-34

⁴⁶⁷ Ben-Naeh, "Blond, Tall, with Honey-colored Eyes: Jewish Ownership of Slaves in the Ottoman Empire," 322–332.

Regarding the residential patterns, the division of a household in *selamlık* and *haremlık* parts, a tradition that was preserved by the Muslim Ottomans in compliance with the Islamic principles, was frequently adapted by the Jews, as well as by other non-Muslim communities. Whether or not living in *Yahudihanes*, Jewish families' residences were often very crowded. Also, as an indicator of social stratification among the congregation, upper stories were occupied by the rich.⁴⁶⁸ And finally, as disclosed by Minna Rozen, there were striking similarities between the tombs of Jews and Muslims in comparison. As materialized in the Hasköy cemetery, the Jewish congregation borrowed funerary rites including the use of layered tombs in addition to the appropriation of exterior ornaments that were used in Muslim gravestones.⁴⁶⁹

5.3 Conclusion: the making of a habitus

Hasköy as a space, was reshaped by a series of expulsions that aimed to locate the members of the same confessional community. The interpretation of the court registers that relate to this process has a twofold bearing. First, the occurrences of infringements suggest that people could and did cut across social, religious, gender and moral boundaries regardless of confessional affiliations. Through their agency, transgressors/subjects were performing in the realms of social space where spatial reproduction dialogically carried on within the influx of daily life -that encompasses social practices, encounters, economic transactions, and individual pursuits. The court records, in that respect, disclose authorities', and also some Muslim subjects,'

⁴⁶⁸ Rozen, "Public Space and Private Space among the Jews of Istanbul in the sixteenth and seventeenth centuries," 344-345.

⁴⁶⁹ Rozen, "A Survey of Jewish Cemeteries in Western Turkey," 88-90.

impulses to reinstate social, religious and gender boundaries primarily upon the non-Muslims, and then the Muslims, living in Hasköy. Furthermore, the ruling establishment frequently materialized its intentions by the intermediation of agents, prohibitions and irregular inauguration of spatial policies such as expulsion, if not by the religio-political discourse that aimed to propagate the notion of socio-spatial differentiation in line with confessional affiliations.

Nevertheless, the overall evaluation of the registers and the instances of cultural exchange enables one to evaluate Hasköy rather as a district where the social space could mediate beyond the physical space. Second, it was underlined that in the aftermath of the expulsions, to a certain and limited extent, the Jewish residents of Hasköy could re-establish their shops in the vicinity of Eminönü from where they were expelled.⁴⁷⁰ There were piers designed for their transportation from Hasköy and Balat to Eminönü where they run businesses. This fact brings these ventures into question as they could not fulfill the state's preliminary agenda in economic terms, that is, the plan to Islamicize the economic capital in Eminönü as well. It is thus in social space where the subjects' languages, dispositions and actions revealed their consciousness, perceptions and future practices, to either confirm or to defy the codes and constructs of confessional distinction. For various reasons, social spaces in that sense were always formed by inter-confessional encounters in everyday life. And indeed, these encounters and social gatherings were predisposed to cut across religious, social and gender boundaries. Hence, the agent's agenda mirrored in the

⁴⁷⁰ Although the shops and residences in the proximity of Eminönü were destroyed and later on rented to Muslims there records that provided some Jews were able to re-establish themselves and properties even in small numbers. See Kömürçüyan, *Istanbul Tarihi XVII Asırda İstanbul*, 15. He compiled his work in the 1680s and this section of this narrative depicts specifically the environs of Balıkpazarı. "Mısır çarşısının karşısında kahveci'lerin tahmisi, bir yanında da muazzam bir cami vardır. Bu cami, bir Rus kızı olan ve Sultan İbrahim'in haremi bulunun Valide Turhan Sultan yaptırmıştır. Cami, alt tarafından görülmekte olan Bahçekapısı'na kadar uzanır. Hasköy ve Balat'a işleyen kayıklara mahsus iskeleler burdadır. Bu mahallede yüz kadar Yahudi kasap ve manav dükkanı vardır."

forms of discourse, intention or action cannot be regarded independent of the molding aspects of social space, or, in Lefebvre's words, "spatial codes."⁴⁷¹ The inclusivity of social space that can entail cohabitations and conflicts at once illuminates its formation processes. As Lefebvre stated, the generation of social space was rooted in the "past actions" that simultaneously possess a potential to "reproduce new actions in order and/or disorder."⁴⁷² The word action, inevitably, urges one to acknowledge the "human practice" in the creation of space in a given relative time-space, at least one of the stipulators during this "relational" interplay, according to David Harvey.⁴⁷³ Hereafter, the conceptualization of space cannot be fully understood without exploring the role of human agency in a transition from "conceived/ representation of spaces" to "representational/lived spaces."⁴⁷⁴ Hereafter, the space in question turns out to be a habitus. As conceptualized by Bourdieu, habitus transforms and is transformed by the individuals' agency and reflects their representations in given spatio-temporalities.⁴⁷⁵ As argued in the introduction, the agents' "dispositions" engender tools that can create "their own social and cultural contexts."⁴⁷⁶ Habitus is in a constant transformation by the participation of the agents who reproduce "ideas and actions."⁴⁷⁷ The Jewish, non-Muslim -or even some Muslim- residents of Hasköy, as the court registers reveal, turned to the *other* and transgressor subjects who expressed their *rather different dispositions* in their

⁴⁷¹ Lefebvre, *The Production of Space*, 1-2, 12-22, 33-34, 48.

⁴⁷² Lefebvre, *The Production of Space*, 44-46, 73.

⁴⁷³ Harvey, *Space as a Keyword*, 128-136.

⁴⁷⁴ Lefebvre, 33-41; Harvey, 122-130.

⁴⁷⁵ Rae, 45-47; Calhoun, *Critical Social Theory*, 144, Brubaker, 'Rethinking Classical Theory: "The Sociological Vision of Pierre Bourdieu," 758, as cited in Rae.

⁴⁷⁶ Brubaker, "Rethinking Classical Theory: The Sociological Vision of Pierre Bourdieu," 758, as cited in Rae, 45-47.

⁴⁷⁷ Bourdieu, *Outline of a Theory of Practice*, 82-83, 94-95.

actions, and certainly created new spatio-temporal realities.⁴⁷⁸ In the midst of a spatio-temporal reality that emerged in late seventeenth-century Hasköy, they seem to have violated social, gender and religious boundaries. Therefore, the formation of a habitus in Hasköy created challenging social-cultural contexts as opposed to the outcomes of the policies implemented by the Ottoman state. And further studies can transmit the untold hi(stories) embroiled in documents yet to be unearthed by focusing on this intertwined relation formed by the production of social space and human agency.



⁴⁷⁸ Michel De Certeau, *The Practice of Everyday Life*, trans. Steven Rendall (Berkeley, California: University of California Press, 1984),117-123.

CHAPTER 6

CONCLUSION

This thesis has attempted to explore the changing role of spatial organization with regard to inhabitation in the multi-confessional city, both in terms of the discourse of legal and regulatory texts, and in the ways these were or were not implemented in urban space by urban actors. By doing so, the framework of the confessionalization paradigm has been applied to uncover these changes materialized in the urban sphere and in the execution of confessional politics during the seventeenth century.

From the mid-fifteenth century onward, the Ottoman ruling establishment ventured into new imperial projects to reconstruct and reshape the newly captured capital city, Istanbul. Among these projects, erection of mosques and *masjids* and church conversions were utilized by the state to ensure that the silhouette and the institutions of the city were in harmony with the imagery of an Islamic city.

Moreover, to revitalize the city, various groups of people, irrespective of confessional affiliations, were relocated in a dispersed manner, which created a multi-confessional layout in the urban morphology of Istanbul. Yet, these initiatives of the ruling establishment were stemmed from an Islamic legal framework that planned to instate administrative apparatuses and settlement regulations in line with the population changes in the city. Consequently, it would not be plausible to interpret them as efforts that aimed to separate confessional communities.

This situation started to change from the sixteenth century onward when a new imperial agenda began to emphasize the Islamic character of the city and Islamic identity pellucidly, which became a decisive medium in the spatial definitions and representations of Istanbul. Initially, such change occurred in the governing body

mentality, a few decades later, it generated a discourse that reflected a re-orientation, and a plan to oversee a more rigid execution of the shari‘a regulations in distinguishing confessional identities. In that respect, this thesis’ attempts in deconstructing the religio-political discourse that was embedded in the contemporary sources has led to the conclusion that these documents complemented each other and conformed to a common framework. As planted by the agents of the administration, this framework expressed and re-affirmed religious orthodoxy, social orthopraxy and the desired subject. On the other hand, court registers and imperial decrees conveyed the actualities that occurred in lived space, which enable one to recognize human agency and transgressive actions that materialized in breaking social and religious boundaries. In this way, the extent to which the practices and restrictions were actually informed by the tendencies of the state toward confessionalization of society can be evaluated. This study has revealed that the mid-sixteenth century was also the beginning of the circulation of references to notions of dirtiness and danger with respect to non-Muslims. These stigmas were juxtaposed in the sources, though very infrequently, when inter-confessional encounters and disputations were defined by authorities. These references gathered from the written sources, however, concomitantly and implicitly acknowledged the persistence of multi-confessional spaces of in the city. Furthermore, by the end of the century, inter-confessional disputations, as examined through the cases, were triggered by Muslims’ reactions to non-Muslims’ appropriation of items, practices and materials that were regarded luxurious and restricted to Muslims’ use. And the same discomfort turned out to be acute against the cases in which non-Muslims kept servants or slaves, breached the sartorial and spatial restrictions and enhanced or transformed their places of worship. It was also a characteristic of the period that violations of imposed regulations were

stressed the most when such violations transpired publicly in the urban sphere. For, incidents in the public sphere could easily draw Muslim commoners' attention. In those cases, there were Muslims who were motivated to appeal to kadıs, and thus participated in the implementation of confessional politics from below in harmony with the state's quests to intensify its surveillance and control over non-Muslim groups. Lastly, this thesis has underlined that in course of the sixteenth century, in confession building processes from above, the representatives of legal and ruling establishments, *muezzins*, *imams* were operative as they were supervised by state. The last quarter of the sixteenth century, thereby, represents the beginning of the societal transformation ignited by leading political figures and accelerated by the society. The more Muslim subjects could involve with inter-confessional matters, the more they articulated their discontent toward non-Muslims, which can be seen as the harbinger of the emergence of a more severe rancor that emerged in the following decades. For this reason, economic incentives and socio-religious indicators of superiority/inferiority between Muslims and non-Muslim groups were not sufficient in explicating the reasons motivating inter-confessional tensions that emerged in the seventeenth century.

In the early seventeenth century, the Ottoman state was struggling with the repercussions of the social, political and economic transformations that had emerged by the end of the sixteenth century. In compliance with the alterations that took place in the administrative body of the state, the agents who were formerly less visible-excluding the exceptional figures such as the chief mufti Ebussuûd, - became influential in the execution of confessional politics of the period. Among them, the chief mufti, jurists and preachers whose influence were enhanced in state and society, started to navigate the religio-legal discourse toward a new framework in

which new references, notions and concerns were revoked. Especially addressed at non-Muslims, their opinions constituted rather a different corpus, which can be traced in the transformation of the organization, language and formation of *fetva* collections. More importantly, prominent chief muftis of the mid-seventeenth century now began to forcefully emphasize spatial matters in defining inter-confessional cohabitations, encounters and disputations. Strikingly, the incorporation of a new vocabulary and references that were absent in the sixteenth-century *fetva* collections, supports the proclivities in highlighting the centrality of the spatial organization of confessional communities in the city. More fundamentally, a textual analysis of the sources enables one to detect a more hostile discourse concerning non-Muslims, their inter-confessional affairs and questions on places of worship with references to spatiality. In that respect, the developing tensions and the alteration of language can be observed in the appropriation of notions of filthiness and impurity in relation to danger, as articulated in the decrees, court records and *fetvas*. And further, compelling overlaps manifested among these sources can explain the state's agenda in the execution of more coercive practices and policies addressed at the Jews in the seventeenth century. In the dominant state discourse, danger was always dormant in spaces where non-Muslim groups lived, worshiped and pursued their quotidian activities which were capable of jeopardizing the integrity of Islam. This rationale, as buttressed with economic incentives of the era and a new sense of Islamic piety, created a basis for the expulsion of the Jewish residents of Eminönü to Hasköy and Balat.

In the mid-seventeenth century, Hasköy and Balat -especially the former- became infamous districts that housed not only non-Muslim communities but also many infamous taverns, alcohol dealers and fugitives. Thus, one can imagine Hasköy

as an overpopulated slum, with residents belonging to lower strata of the non-Muslim groups. In addition, the subjects driven to Hasköy were part of a discourse which associated the Jews, the dominant non-Muslim group in Hasköy, with the notions of dirtiness and impurity. Finally, to the contrary of contemporary chronicler's romanticizing narratives, as court records illustrated, it was easier to transgress socio-religious boundaries and to commit crime in Hasköy due to its location in the peripheries of the city-proper. It is this thesis' suggestion that because of these conditions, Hasköy turned out to be an eligible spot for the expulsion and separation of the undesired body of subjects. It is, nevertheless, equally important to note that both non-Muslims and Muslims in Hasköy violated the regulations prescribed in legal regulations and breached social, religious and gender boundaries. This spatio-temporal reality highlights the manners in which the residents of Hasköy first challenged the boundaries imposed by the relocation policies of the ruling body. Second, in the course of daily life – entailing personal pursuits, random encounters and economic transactions (referring to Bourdieu's terms)- human agency constantly mobilized ideas, actions and expressions that created certain social and cultural contexts. And these contexts paved the way for multi-confessional encounters and networks to reproduce social space. Henceforward, the amalgamation of agents' dispositions and contexts transformed Hasköy into a habitus in which residents could defy norms, ideas and boundaries imposed by the state. Therefore, this thesis proposes to revisit Hasköy as a habitus in which the ruling body's tendencies to separate and differentiate confessional communities precipitated the emergence of new social and cultural structures that were not anticipated by the Ottoman rule.

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