

THE FATWA COLLECTION OF AN OTTOMAN PROVINCIAL MUFTI,

VANÍ MEHMED EFENDÍ (D. 1685)

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THE FATWA COLLECTION OF AN OTTOMAN PROVINCIAL MUFTI,
VANI MEHMED EFENDİ (D. 1685)

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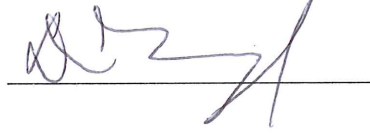
The Fatwa Collection of an Ottoman Provincial

Mufti, Vani Mehmed Efendi (d.1685)

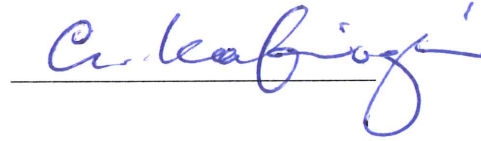
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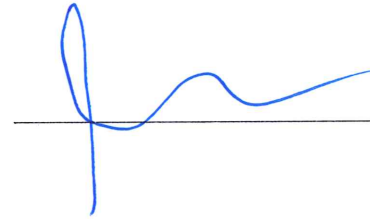
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DECLARATION OF ORIGINALITY

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ABSTRACT

The Fatwa Collection of an Ottoman Provincial Mufti,

Vani Mehmed Efendi (d. 1685)

This study analyzes Vani Mehmed Efendi's fatwa collection, which was compiled by Vani himself following his appointment as the mufti of Erzurum in 1657. The collection is a typical example of Ottoman provincial fatwa collections, compiling legal rulings issued in response to the local people's request for legal guidance concerning their local affairs. Through an analysis of selected fatwas in the collection, this thesis provides valuable information for understanding the mentality of an influential religious figure associated with the Kadızadeli movement. It illustrates that even before he moved to Istanbul, Vani Efendi held views on religious "innovations" that closely paralleled those of the Kadızadeli and which in certain cases, were even stricter than those of the latter. The particularities of Vani's legal opinions are explained and analyzed both with reference to the religious and more broadly socio-cultural landscape of Erzurum, and with reference to the Hanafi legal school, to which he belonged. The analysis of the scholarly references given in the fatwas reveals that Vani was strongly indebted to the legal opinions of Hanafi scholars of the Bukhara-Transoxiana region. In this regard, Vani can be said to have been a not atypical representative of the broader Ottoman scholarly community.

ÖZET

Bir Osmanlı Taşra Müftüsünün Fetva Mecmuası,

Vani Mehmed Efendi (ö. 1685)

Bu çalışma 1657 yılında Erzurum müftüsü olarak atanan Vani Mehmed Efendi'nin fetvalarını derlediği mecmuasını incelemektedir. Mecmua Osmanlı kenar müftülerine ait fetva mecmualarının tipik bir örneğidir ve yerel halkın kendi meseleleri ile ilgili Vani'den talep ettikleri hukuki rehberliğin sonucu olarak verilen fetvaları içermektedir. Bu tez, mecmuadan seçilen fetvaların incelenmesi neticesinde Kadızadeliler hareketi ile ilişkilendirilen önemli bir dini figürün zihni dünyasını anlamlandırmada önemli bilgiler sunmaktadır. Vani'nin henüz Erzurum'da iken "bidatlar" konusunda Kadızadelilerin çizgisine çok benzer bir çizgi izlediği, hatta bazı hususlarda hareketin önde gelenlerinden bile daha keskin fikirlere sahip olduğu gözlenmektedir. Bu çalışmada Vani'nin çeşitli konularda verdiği hükümler, bir yandan Erzurum'un dini, sosyal ve kültürel bağlamında, bir yandan da mensubu olduğu Hanefî mezhebinin metinsel referansları çerçevesinde analiz edilmektedir. Vani'nin fetvalarını dayandırdığı fıkıh kitapları listesi incelendiğinde Buhara-Semerikand bölgesi Hanefî alimlerinin onun hukuki birikiminde önemli bir rol oynadığı görülmektedir. Bu açıdan Vani'nin umumi Osmanlı ulema topluluğunun bir parçası olduğu da söylenebilir.

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CHAPTER 1

INTRODUCTION

On 27 Muharrem 1068/5 November 1657, Sultan Mehmed IV appointed Vani Mehmed Efendi as the mufti of Erzurum. As a pious and knowledgeable man, before his appointment to the post, Vani had been preaching in the mosques of Erzurum, teaching in study circles and guiding people to the right path. In other words, he had already forged a close relationship with the people of Erzurum and, hence his appointment probably did not come as a surprise to anyone. During his service as the mufti of Erzurum, people frequently appealed to Vani asking for fatwas concerning the problems in their daily lives as well as a variety of other legal issues. After a while, Vani compiled the fatwas which he had written in order “for people to be held fast by God and to be protected from the evils of demons, people and djinns” and composed a collection in the format of a classical Hanafi fiqh book including a wide range of topics.¹

The significance of this collection for Ottomanists is twofold. One is related to the identity of the person who issued the fatwas in question; the other is related to the character of the source. To begin with the first, soon after he compiled the fatwas in question, Vani Mehmed Efendi was invited to Istanbul by the grand vizier Fazıl Ahmed Paşa (d. 1676, v. 1661-76). Thereupon, he quickly became a major player in the religious politics of Ottoman Istanbul as an imperial preacher and a trusted advisor to

¹ “Ketebnâ hâzihi’l-evrâk mecmû’aten fi hâ el-fetâvâ elletî nektubuhâ li’ n-nâs musta’simen bi-Rabbi’ n-nâs, Meliki’ n-nâs, İlâhi’ n-nâs, min-şerri’ l-vesvâsi’ l-hannâs ve min-şerri’ l-cinneti ve’ n-nâs.” Vani Mehmed Efendi, *Fetâvâ*, Milli Ktp., MS., Samsun İl Halk Kütüphanesi, 1b. As the subject of this phrase (*ketebnâ*, we wrote) indicates, Vani himself compiled the fatwa collection.

both the Köprülüs and the royal family. It was also in this period that he became closely associated with the Kadızadeli movement. The proponents of the movement, who found their theoretical inspiration in the works of Birgivi Mehmed Efendi (d. 1573), aimed at restoring to the purified version of Islam by “enjoining good and forbidding wrong” (*emr-i bi'l-ma'rûf nehy-i 'ani'l-münker*) and eliminating all “innovations” (*bid'a*) that had infiltrated the practice of Muslims after the time of the Prophet and the four rightly-guided caliphs. As such, this fatwa collection constitutes a precious source for understanding the mentality of an influential religious figure associated with the Kadızadeli movement. This is important because works written by the Kadızadeli leaders have been little studied until now, while works written by Kadızadeli and like-minded religious figures outside the imperial capital have been studied even less.

Another reason for the importance of this collection is related to its character as a source for historians. The collection includes the fatwas of a provincial mufti, which came into existence in the context of Erzurum as a result of the local people's request for legal guidance concerning their local affairs. Therefore, it provides valuable information about the daily activities and concerns of that provincial society. Furthermore, since all the fatwas recorded in the collection are supported by an authoritative Hanafi doctrinal text, it is possible to evaluate the methods Vani used while dealing with the issues at hand. In the selection of the authoritative texts, what kind of strategies did he apply? Did he play any role in the maintenance of the authoritative status of the selected texts? In addition, the lists of the texts he mentions in the fatwa collection could offer an insightful tool for the analysis of his reading repertoire.

In recent years, fatwa collections have attracted the attention of historians and have been used as a source for Islamic legal and social history. In the field of legal history, scholars of Islamic law have begun to question the old paradigm that sees Islamic law as a corpus of legal rulings that were detached from social life and which did not change significantly over time. Thus, along with doctrinal texts, they have started to concentrate much more on the practitioners of Islamic law, namely, muftis and qadis, and their texts, fatwa collections and sharia court records respectively. In the field of social history, the relationship of the fatwas with the mundane world and the reflections of the concerns of real people in fatwas have attracted the attention of scholars of social history especially after the 1990s.² However, since fatwa-texts typically omitted the details of particular cases including references to specific people, places and time, and expressed the question in the language of legal reasoning, scholars have emphasized the need to read them closely and in between the lines. For instance, David Powers makes the following suggestion to historians who wish to use fatwa-texts as a source of social history after mentioning their complex textual character: “the historian attempts to unpack the facts of the case and to engage in yet another round of ‘translation,’ this one having as its goal a reconstruction of the case in a manner that is as faithful as possible to its actual development.”³

Looking at the literature on Ottoman legal history, it appears that the fatwa genre has received little scholarly attention. While there are many studies of the sharia court

² For a historiographical review of the methodological and epistemological changes in the field of legal and social history, see Iris Agmon and Ido Shahar, “Theme Issue: Shifting Perspectives in the Study of Shari‘a Courts: Methodologies and Paradigms,” *Islamic Law and Society* 15 (2008): 1-19.

³ David S. Powers, “The Art of Judicial Opinion: On Tawlīj in Fifteenth-Century Tunis,” *Islamic Law and Society* 5 3 (1998): 365.

records and the institution of the qadi court,⁴ much less has been written on the development of muftiship throughout the Ottoman Empire, on the relationship between the chief mufti and the provincial muftis, and between the state and the provincial muftis, whether appointed by the state or not, and on the role of the muftis in the determination and maintenance of authoritative views of the Hanafi madhhab.

Uriel Heyd's groundbreaking article in 1969 was one of the earliest studies in this field and examined the structural and institutional features of the Ottoman fatwa.⁵ In 1986, Richard Repp's *The Mufti of Istanbul* focused on the establishment and development of the office of chief mufti until Ebussuud (d. 1573) through the biographies of the chief muftis.⁶ After the 1990s, scholarly interest in fatwa-production and muftiship grew and gave birth to a remarkable body of works dealing with the institution of fatwa giving in different Muslim societies including the Ottoman Empire. For example, the international conference "The Making of the Fatwa" held in 1990 resulted in a collective volume, which contains a succinct introduction to the history of fatwas and muftis, and a set of articles examining fatwa-texts produced in different times and places.⁷

⁴ For a review of the literature on the sharia court records, see Iris Agmon and Ido Shahar, "Theme Issue".

⁵ Uriel Heyd, "Some Aspects of the Ottoman Fatwa," *Bulletin of the School of Oriental and African Studies* 32 (1969): 35-56.

⁶ R.C. Repp, *The Mufti of Istanbul: A Study in the Development of the Ottoman Learned Hierarchy* (London: Ithaca Press, 1986).

⁷ Muhammed Khalid Masud, Brinkley Messick, David S. Powers, *Islamic Legal Interpretation: Muftis and Their Fatwas*, ed. Muhammed Khalid Masud, Brinkley Messick and David S. Powers (Cambridge: Harvard University Press, 1996). For some other studies on the functions of the muftis and their fatwas, see Brinkley Messick, *The Calligraphic State: Textual Domination and History in a Muslim Society* (Berkeley: University of California Press, 1993); Wael B. Hallaq, "From Fatwas to Furû': Growth and Change in Islamic Substantive Law," *Islamic Law and Society* 1 (1994): 29-65; David S. Powers, *Law, Society and Culture in the Maghrib, 1300-1500* (Cambridge: Cambridge University Press, 2002);

In recent years, a number of scholars have also paved the way for a more extensive study of fatwas in Ottoman legal and social history. In this context, Şükrü Özen has made a major contribution to the field by classifying the fatwa collections issued by the şeyhülislams, provincial muftis, lecturers, judges and fatwa scribes on the basis of existing published and online catalogues. He has surveyed close to 160 fatwa collections and adds that there are approximately 300 fatwa collections that are mentioned in the catalogues but the authors of which are not known.⁸ In addition, there has been an increase in the publications of Ottoman fatwa collections in modern Turkish. Ertuğrul Düzdağ was the earliest and pioneering figure in this regard. He published a selection from the fatwa collections of Ebussuud (şeyhülislam from 1545 to 1574) organized under different thematic chapters in a 1972 publication titled *Şeyhülislam Ebussuûd Efendi Fetvaları Işığında 16. Asır Türk Hayatı*. After a long hiatus, the last few years have seen the publication of some of the most reliable and popular şeyhülislam fatwa collections partially or completely transliterated into modern Turkish.⁹ While the publication efforts have so far bypassed the fatwas of the provincial

Muhammad Khalid Masud, “The Significance of Istiftâ’ in the Fatwâ Discourse,” *Islamic Studies* 48 (2009): 341-66.

⁸ Şükrü Özen, “Osmanlı Döneminde Fetva Literatürü,” *TALİD Türk Hukuk Tarihi* 5 (2005): 249-378.

⁹ H. Necati Demirtaş, *Açıklamalı Osmanlı Fetvâları: Fetâvâ-yı Ali Efendi, Çatalcalı Ali Efendi (2 vol.)* (İstanbul: Kubbealtı Neşriyat, 2014); Ibid, *Açıklamalı Osmanlı Fetvâları (2 vol.)* (İstanbul: Kubbealtı Neşriyat, 2012); *Ma’rûzât: Şeyhülislâm Ebussuûd Efendi*, haz. Pehlül Düzenli (İstanbul: Klasik Yayınları, 2013); *Behcetü’l-fetâvâ: Şeyhülislam Yenişehirli Abdullah Efendi*, ed. Süleyman Kaya, Betül Algın, Zeynep Trabzonlu and Asuman Erkan (İstanbul: Klasik Yayınları, 2012); *Fetâvâ-yı Feyziye: Şeyhülislam Feyzullah Efendi*, ed. Süleyman Kaya (İstanbul: Klasik Yayınları, 2009); *Netîcetü’l-fetâvâ: Şeyhülislam Fetvaları*, ed. Süleyman Kaya, Betül Algın, Ayşe Nagehan Çelikçi and Emine Kaval (İstanbul: Klasik Yayınları, 2014).

muftis, a number of those have also been transcribed as part of M.A. and Ph.D. theses completed in Turkey.¹⁰

Besides the catalogues and transliterations of fatwa collections, some studies have dealt with the the legal, social or economic contents of fatwas. However, most of these studies have focused their attention on the fatwas issued by the şeyhülislams.¹¹ In a sense, the privileging of the fatwas issued by the şeyhülislams and the neglect of the fatwas issued by provincial muftis stems from a more general tendency in the scholarship to concentrate on the upper echelons of the learned establishment and neglect the lower levels.¹²

Notwithstanding, there are a few pioneering works that have focused on the activities of the muftis from the Ottoman provinces. Haim Gerber and Judith Tucker have conducted substantial research based on the fatwas of the muftis from Palestine and Syria. Especially Gerber's studies shed light on the relationship between the mufti of

¹⁰ Bünyamin Çalık, "Kadızaade Muhammed Arif Efendi'nin 'Bahru'l-fetâvâ' Adlı Eserinin Fetvâ Açısından Değerlendirilmesi," Unpublished Ph.D. diss, Erzurum Atatürk University, 2012; Nuray Keskin, "Fetâvâ-yı Üskübî Latinizesi ve Tahlili," Unpublished MA thesis, Sakarya University, 2014.

¹¹ For some of the studies on the Ottoman fatwas and fatwa collections, see Gökçen Art, "Through the Fetvas of Çatalcalı Ali Efendi: The relations Between Women, Children and Men in the Seventeenth Century," Unpublished MA thesis, Boğaziçi University, 1995; Kürşat Urungu Akpınar, "İltizam in the Fetvas of Ottoman Şeyhülislams," Unpublished MA thesis, Bilkent University, 2000; Tahsin Özcan, *Fetvalar Işığında Osmanlı Esnafı* (İstanbul : Kitabevi, 2003); Emine Ekin Tuşalp, "Treating Outlaws and Registering Miscreants in Early Modern Ottoman Society: A Study on the Legal Diagnosis of Deviance in Şeyhülislam Fatwas," Unpublished MA thesis, Sabancı University, 2005; M. Hadi Hosainy, "Sulh in Eighteenth-Century Ottoman Fatwa Compilations," Unpublished MA thesis, Sabancı University, 2007; Emine Arslan, "Nukûllü Fetva Mecmûaları ve Mehmed Fıkhî'nin *el-Ecvibetü'l-Kâni'a* Adlı Eserinin Bunlar Arasındaki Yeri," Unpublished Ph.D. diss, Marmara University, 2010; Colin Imber, "Eleven Fetvas of the Ottoman Sheikh ul-Islam 'Abdurrahim," in *Islamic Legal Interpretation: Muftis and Their Fatwas*, ed. Muhammed Khalid Masud, Brinkley Messick and David S. Powers (Cambridge: Harvard University Press, 1996), 141-49.

¹² İsmail Hakkı Uzunçarşılı, *Osmanlı Devletinin İlmiye Teşkilâtı* (Ankara: Türk Tarih Kurumu Basımevi, 1988); Madeline C. Zilfi, *Politics of Piety: The Ottoman Ulamâ in the Postclassical Age (1600-1800)* (Minneapolis: Bibliotheca Islamica, 1988); R.C. Repp, *The Mufti of Istanbul*; Colin Imber, *Ebu's-Su'ud: The Islamic Legal Tradition* (Stanford: Stanford University Press, 1997).

Istanbul and the muftis in Ottoman provinces.¹³ More recently, Selma Zecevic has examined the development of the institution of muftiship in Ottoman Bosnia from the mid-sixteenth century to the end of the nineteenth century. She has specifically focused on the fatwas of two eighteenth-century Bosnian muftis and analyzed their use of authoritative texts of the broader Islamic ecumene while dealing with the local problems at hand. Methodologically, she criticizes the existing studies on the Ottoman provincial muftiship due to their general and de-contextualized approaches. The alternative that she suggests and which she also applies in her study is to “combine two commonly irreconcilable methodological approaches: a large-scale, macro-historical approach which focuses on general features of the Ottoman provincial muftiship, and a small-scale, micro-historical approach which examines a myriad of locally derived questions.”¹⁴

Finally, Guy Burak has dealt with the institution of muftiship as part of a broader inquiry into the making and transformation of the Ottoman Hanafi school between the fifteenth and eighteenth centuries. He has emphasized the significant role of the Ottoman dynasty in the evolution of the “state madhhab” and in the designation of “the content of the law”, which was substantially different from the understanding of the Muslim states of pre-Mongol period in which states had not intervened in the structure and content of the madhhab. In addition, Burak has argued that the rise of the chief muftis in the Ottoman learned hierarchy and the appointment of muftis by the sultan to the Ottoman

¹³ Haim Gerber, *State, Society and Law in Islam: Ottoman Law in Comparative Perspective* (Albany: State University of New York, 1994); Ibid, *Islamic Law and Culture 1600-1840* (Leiden: Brill, 1999); Judith Tucker, *In the House of the Law: Gender and Islamic Law in Ottoman Syria and Palestine* (Berkeley: University of California Press, 1998).

¹⁴ Selma Zecevic, “On the Margin of Text, on the Margin of Empire: Geography, Identity and Fatwa-text in Ottoman Bosnia,” Unpublished Ph.D. diss, Columbia University, 2007, 7.

provinces from the mid-sixteenth century onwards played a significant role in the “canonization of Ottoman law” and in its application throughout the empire. In this process, he has mentioned that following the conquest of the Arab land, most of the muftis from these territories opted to integrate into the Ottoman learned class as state-appointed muftis, even though some of them continued their pre-Ottoman practices as non-appointed muftis. In this respect, he has put emphasis on the interactions between different muftis of the empire, both official and non-official, in the evolution of Ottoman imperial canon. For this purpose, he has used a wide range of sources from genealogies of the Hanafi school (*tabaqât*) to biographical dictionaries, to fatwa collections and their bibliographies to examine the relationship between members of the imperial religious-judicial establishment and the muftis of Greater Syria, including both state-appointed and non-appointed ones. As a result, his work has provided an opportunity to look at muftiship in the Ottoman Empire in a broader context.¹⁵

Following on the track opened by the abovementioned studies, this study intends to contribute to the emerging literature on provincial muftis by discussing the fatwa collection of Vani Mehmed Efendi. This thesis comprises of four chapters, including an introduction and conclusion. Chapter two consists of mainly two parts. The first part aims to provide a contextual background for the second part. With this purpose, I present the life story of Vani by concentrating on his political and religious career, and his intellectual advancement both in Erzurum and Istanbul. In the second part, I focus on the

¹⁵ Guy Burak, *The Second Formation of Islamic Law: The Hanafi School in the Early Modern Ottoman Empire* (New York: Cambridge University Press, 2014); Idem, “The Second Formation of Islamic Law: The Post-Mongol Context of the Ottoman Adoption of a School of Law,” *Comparative Studies in Society and History* 55 3 (2013): 579-602; Idem, “Faith, Law and Empire in the Ottoman ‘Age of Confessionalization’ (Fifteenth-Seventeenth Centuries): The Case of ‘Renewal of Faith’,” *Mediterranean Historical Review* 28 1 (2013): 1–23.

textual analysis of the collection with emphasis on those sections that offer important insight into the social and intellectual life of the seventeenth century.

Since taking the whole text into consideration as a research topic exceeds the scope of a Masters thesis, I decided to concentrate mostly on the fatwas in the *Kitâbu'l-kerâhiyye* (Chapter on reprehensible matters) section, but in select cases also resorted to the *Kitâbu'l-cihâd* (Chapter on jihad), *Kitâb'l-hudûd* (Chapter on punishments), *Kitâbu's-şehâde* (Chapter on evidence, witness testimony) and *Kitâbu'l-kadâ* (Chapter on the issuing of a judgement, the duties of a qadi) sections. For the analysis of the fatwas, I group them thematically under three headings: Topics related to Sufi practices, topics related to social and political life, and topics related to religious beliefs and practices.

In the third chapter, I turn my attention to legal history and deal with the authoritative texts that Vani uses in answering the questions posed to him. After determining the texts mentioned in the collection, I analyze them within the context of Islamic legal history and try to make sense of Vani's connection with the doctrinal texts of the Hanafi madhhab. In addition, I compare Vani's sources with those listed in the fatwa collections of some other provincial muftis from the seventeenth and eighteenth centuries, whose bibliographies are documented in modern studies, in order to gain a sense of their representativeness. This kind of analysis also provides us with insights into the intellectual affiliations and reading list of an Ottoman scholar.

In the rest of the introduction, I firstly touch upon the mentality behind issuing fatwas and compiling of them in a book, and the historical development of the institution

of muftiship in the Ottoman Empire. Then, I introduce different copies of the fatwa collection, which is the main source of this thesis, and deal with its general characteristics in terms of content and style.

1.1 Mufti, fatwa and fatwa collections

The fatwa, issued by a master jurist in response to different questions regarding sharia rulings emanating from a wide range of people including ordinary men, qadis and political authorities, has played a distinctive role in the tradition of Islamic law. Due to its connection with daily human affairs, *iftâ*, the act of issuing a fatwa, makes clear the relationship between law in theory and law in practice. M.K. Masud, B. Messick, and D.S. Powers have rightly indicated that “while the more theoretical aspect of the shari‘a is embodied in the literatures dealing with the “branches” of substantive law (*furû‘ al-fiqh*) and with the *roots* of legal methodology and jurisprudence (*usûl al-fiqh*), its more practical aspect is embodied in fatwas issued by muftis in response to questions posed by individuals in connection with ongoing human affairs.”¹⁶ This does not mean that fatwas and substantive law have progressed without affecting each other. In his article “From Fatwâs to Furû‘”, Wael b. Hallaq asserts that fatwas became an essential part of *furû‘* works in the growth and change of legal doctrine through a process of editing,

¹⁶ Muhammed Khalid Masud, Brinkley Messick and David S. Powers, “Muftis, Fatwas, and Islamic Legal Interpretation,” in *Islamic Legal Interpretation: Muftis and Their Fatwas*, ed. Muhammed Khalid Masud, Brinkley Messick and David S. Powers (Cambridge: Harvard University Press, 1996), 4. This chapter also provides a comprehensive history of the institution of muftiship and examines its structure.

abstraction and abridgment. In this way, societal changes and diverse historical settings were incorporated into Islamic law.¹⁷

The comparison of the mufti with the qadi in terms of their functions and positions within the Islamic legal system is instructive for understanding the characteristics of the former. Guy Burak's formalization concerning the differences between the mufti and the qadi is worth citing here:

First, for the most part, the mufti is not appointed by the leader of the Muslim community (the *imâm*), whereas judges are. Second, the ruling of the mufti (the *fatwâ*), unlike the judge's resolution (*hukm*), is not legally binding and enforceable. Therefore, the solicitor of the mufti's opinion does not have to follow the mufti's *fatwâ*. Third, while judges deal only with issues of conflict between individuals or between individuals and the state, muftis can be asked about issues ranging from proper ablution practices to the fundamentals of faith to the interpretation of obscure passages in jurisprudential texts – issues that would never be adjudicated in a court. Finally, the ruling of the mufti is intended to articulate a general legal principle, “an element of doctrine,” on the basis of a concrete case. By contrast, the judge in his ruling aims to resolve a concrete dispute between two parties or litigants.¹⁸

During the early centuries of Islamic history muftiship was highly informal. Any pious Muslim scholar who obtained the necessary religious knowledge could issue fatwas without any ties to the political authorities. However, from the fifteenth century onward, states sought to regulate the activities of muftis and started to appoint muftis regularly.¹⁹ In the Ottoman Empire, over the course of the sixteenth century, state appointed muftis in the provinces became widespread. Moreover, with the integration of the Arab lands

¹⁷ Hallaq, “From Fatwas to Furû’,” 61.

¹⁸ Burak, *The Second Formation of Islamic Law*, 24.

¹⁹ J.R. Walsh, “Fatwâ,” *The Encyclopedia of Islam, Second Edition*, 866-7.

into the empire, a growing number of muftis demanded to serve the central government as an official mufti whereas some muftis continued to operate independently as it had been the case in the pre-Ottoman times.²⁰

The expansion of the state and the centralization of the judicial administration in the early decades of the sixteenth century gave rise to some structural changes both in the hierarchy of the official muftis and their jobs. In the reign of Sultan Süleyman, the system became much more bureaucratized thanks to the efforts of Ebussuud. The şeyhülislam, also known as the chief mufti, became the head of the religious-judicial establishment and gained a supreme authority for the appointments of jurists to various positions.²¹ With the increasing demand for fatwa, the sultan established an official department, *fetvâ kalemi* or *fetvâhâne*, for the şeyhülislam to be able to respond to all the questions that were posed to him. Uriel Heyd describes the process of issuing fatwas by şeyhülislams as follows:

The query was submitted by the questioner (*müstefî*) to one of the draftsmen (*müsevvid* or *müsveddeji*) in what was later known as the *pusula odası*. He made a rough draft of the query in the proper form, which was then examined and, if necessary, corrected by the *fetvâ emîni*. . . . After approval by the *fetvâ emîni*, the *mübeyyiz* produced a fair copy which was submitted to the Shaykh al-Islam. The latter wrote and signed his ruling, whereupon the fetvâ was collated by the *muqâbeleji* and passed to the *müvezzi*, who handed it out to the questioner.²²

²⁰ For a detailed study on the rise of the state appointed muftis and the integration of the muftis from the Arab lands into the empire, see Burak, *The Second Formation of Islamic Law*.

²¹ Imber, *Ebu 's-Su 'ud*; Repp, *The Mufti of Istanbul*.

²² Heyd, "Some Aspects of the Ottoman Fatwa," 46-7. For a comprehensive study on the Ottoman *fetvâ emînis*, see Talip Ayar, *Osmanlı Devleti 'nde Fetvâ Eminliği (1826-1922)* (Ankara: Diyanet İşleri Başkanlığı Yayınları, 2014).

Thanks to this department, the şeyhülislams issued a great number of fatwas in a day only by adding yes or no, *olur* or *olmaz* to the draft of the reply. With this regard, for example, it is reported that Ebussuud issued more than 1400 fatwas in a day.²³

While the mufti of Istanbul acted as the the şeyhülislam and resided at the top of the Ottoman judicial hierarchy, in the provinces of the empire, the provincial or *kenar* muftis were appointed to serve the provincial subjects. These muftis could be chosen from among the ulema class or outside of the *ilmiye* who had the ability to issue fatwa,²⁴ as in the case of Vani. Since the existing studies have presented a single framework for the development of provincial muftiship and have not examined the geographic, administrative and cultural differences, it is not an easy task to determine the identity of the *kenar* muftis and to follow the variations in provincial muftiship both in time and space.²⁵

In terms of content, muftis issued fatwas concerning a wide range of topics including theological and moral issues, social practices, public affairs and, of course, religious questions. Even though many of the questions were very simple and the answers were obvious, people needed to ask in order to have a response from an authority, especially when applying to court. Although the muftis' rulings did not oblige

²³ Özen, "Osmanlı Döneminde Fetva Literatürü," 255.

²⁴ Burak, *The Second Formation of Islamic Law*, 40.

²⁵ For contemporary sources concerning the provincial muftis, see Hezarfen Hüseyin Efendi, *Telhîsü'l-beyân fî kavânîn-i Âl-i Osmân*, ed. Sevim İlgürel (Ankara: Türk Tarih Kurumu, 1998), 197-200; "Hırzu'l-Mülûk" in *Osmanlı Devlet Teşkilatına Dair Kaynaklar*, ed. Yaşar Yücel (Ankara: Türk Tarih Kurumu, 1988), 191-92. For modern studies, see Walsh, "Fatwâ,," Repp, *The Mufti of Istanbul*, 62-68; Uzunçarşılı, *Osmanlı Devletinin İlmiye Teşkilâtı*, 173-215. Selma Zecevic's study is exceptional in the sense that she criticizes the current de-contextualized approach in the literature and also offer an insightful framework in the understanding of Ottoman provincial muftiship by taking into account Bosnia as a research case. Zecevic, "On the Margin of Text".

the qadis to act in favor of the former, they had a great influence on the resolution of the cases due to the muftis' religious and social positions in society. The fatwas brought to the court were also recorded in the Ottoman court registers. Studies on different parts of the empire show that fatwas were extensively used as part of the judicial process.²⁶

Furthermore, not all people had the opportunity to look up a law book for simple, or frequently asked questions. Questions related to public law and social practices constitute one of the most interesting parts of fatwa compilations in the sense that they provide researchers with ample information about specific social and historical settings. Fatwas concerning war and peace, administrative measures and reforms, taxation, the punishment of rebels, policies toward non-Muslims, religious practices, including the practices of the Sufis, and the use of coffee and tobacco are immensely useful for researchers wishing to understand the social and legal changes in the Ottoman Empire.

Even though the legal opinions of a mufti were merely the product of expert opinion rather than orders that were enforced by the state mechanism, they were still supposed to be respected and not to be treated disparagingly. Heyd points out that “according to the rulings of several Shaykh al-Islams, disregard of fetvas (provided they conform with the *sharî'a*) makes a Muslim liable to *ta'zîr* punishment and even reduces him to the status of an infidel (*kâfir*)”.²⁷ By the first decades of the sixteenth century,

²⁶ On the use of fatwas in the Ottoman courts, see Gerber, *State, Society, and Law in Islam*; Ronald J. Jennings, “Kadi, Court, and Legal Procedure in 17th C. Ottoman Kayseri: The Kadi and the Legal System,” *Studia Islamica* 48 (1978): 133-172; Boğaç Ergene, *Local Court, Provincial Society and Justice in the Ottoman Empire: Legal Practice and Dispute Resolution in Çankırı and Kastamonu (1652–1744)* (Leiden: Brill, 2003).

²⁷ Heyd, “Some Aspects of the Ottoman Fatwa,” 56.

there was an attempt by the chief muftis and the state appointed muftis to advance the authority of their legal opinions. For example, the fatwa of the chief mufti Kemalpaşazade (d. 1534) concerning a person who disparaged a ruling by questioning its relevance to an unspecified case claimed that disrespect for a fatwa was an act of unbelief and required the renewal of faith.²⁸

The fatwa collection of Vani Mehmed Efendi also contains three interrelated fatwas, which deal with the case of a *mustefti* (questioner) who shows disrespect to both the mufti and his fatwa. According to these fatwas, Zeyd comes to the mufti due to a quarrel with Amr and requests a fatwa. But in return for the mufti's answer, Zeyd says that "it is not appropriate to act in accordance with this fatwa and claims that the fatwa does not rest on the sharia." Zeyd continually makes disparaging remarks about the mufti. Thereupon, Vani rules that Zeyd should be severely punished and he becomes an infidel.²⁹

Muftis while issuing fatwas were expected to decide in accordance with the Hanafi madhhab. Exceptions were also seen with the approval of the highest authorities and the Sultan. In the Arab provinces where the non-Hanafi population constituted the majority, muftis of the other Sunni schools were allowed to base their fatwas on the

²⁸ For other examples concerning the authority of the muftis' rulings, see Burak, *The Second Formation of Islamic Law*, 41-44.

²⁹ "Mesele: Zeyd ve Amr beyninde bir hâdisê zuhûrunda nizâ' vâki' oldukda Amr şer'-i şerîfe mürâcaat edüb istiftâ talep eyledikde ulemâ-i 'izam dahî fetâvâdan mansûs-ı musarrah mesele istihrâç eylese ba'dehû Zeyd-i mezbur bu fetvâ onlar dediği gibi değil ya fetvâyâ amel olunmaz dese şer'an Zeyd-i mezbura ta'zir lazım olur mu? El-Cevap: Olur. Mesele: Suret-i mezburede Zeyd-i merkum bu ne asl-ı fetva ve bu ne asl-ı şer'dir dese kâfir olur mu? El-Cevap: Olur. Mesele: Suret-i mezburede kütüb-i fetâvâdan mesele istinbât ey istihrâç eden ulemaya sebep-i zâhir söz buğz eylese bâğız-ı mezbur üzerine küfr-i havf olunur mu? El-Cevap: Olunur." Vani, *Fetâvâ*, 23b.

opinions of their own schools. Grand Muftis did not have to cite any legal authority for their fatwas, and usually did not do so except in some fatwas issued in answer to the Sultan or a high official concerning public law or some issues of recent origin. On the other hand, provincial muftis were required to support their views with quotations from earlier authorities and their texts, or from the şeyhülislams' fatwas. The third chapter includes a detailed discussion concerning the provincial mufti's requisite to support their legal rulings from authoritative texts in the case of the fatwa collection of Vani Mehmed Efendi.

Despite recent advances in the scholarship, the relationship between the chief mufti of Istanbul and provincial muftis and the effect of the former over the latter still remains inadequately understood. The question is whether the şeyhülislam was merely the mufti of Istanbul and its neighboring cities or whether he was the mufti of the entire empire and provincial muftis had to rule in accordance with his fatwas. The answer for this question necessitates a specialized study which examines the existence of şeyhülislam fatwas in the court records of the provinces. Furthermore, it would be helpful to examine whether the fatwa collections of the provincial muftis included references to the fatwas of şeyhülislams. In his study based on the court records of seventeenth-century Bursa, Gerber observes that all the fatwas submitted to the court of Bursa without exception were issued by the Grand Mufti of Istanbul whereas the court records of sixteenth-century Ankara and seventeenth-century Kayseri include the fatwas of local muftis and do not bear any reference to any of the şeyhülislam fatwas. Gerber explains this phenomenon with geographical factors: "Distance from the capital must

have played a crucial role in the decision as to whether it was the *şeyhülislam* who was to be the *mufti* or whether the city was too far from Istanbul and needed its own *mufti*.³⁰

The tradition of compiling fatwas goes back to the second half of the tenth century and has continued until the present. Each collection consists of fatwas from a particular school of legal thought. The *Fetâva 'n-nevâzil* compiled by Ebü'l-Leys es-Semerkindî (d. 983), the fatwas of el-Natifi (d. 1054) which were compiled under the title *Mecma'u 'n-nevâzil ve'l-vâki'ât*, and those of Kâdîhan (d. 1195) under the title *Fetâvâ Kâdîhan* are the earliest examples of Hanafi collections.³¹ As we shall see in the third chapter, these were among the most cited authorities in the collection of Vani Mehmed Efendi. In the Ottoman Empire, collections of fatwas formed a distinctive branch of legal literature from the late fifteenth century until the end of the empire. In this respect, the fatwa collection of the chief mufti Molla Arab (d. 1496) is accepted as the first example. In his article, Şükrü Özen examines nearly 160 fatwa collections and adds that there are numerous copies of these collections in the catalogues. These collections, which belonged to the *şeyhülislams*, provincial muftis, lecturers, judges and fatwa scribes, were formed in different types and lengths. Some were anthologies, some contained the fatwas of a single *şeyhülislam* or a mufti; some were written in Turkish with Arabic references, some were in Arabic, especially the works of Arab muftis.³²

The reasons for the compilation of fatwas and their popularity throughout the Ottoman domains necessitate some considerations. One point not to be ignored here is

³⁰ Gerber, *State, Society and Law in Islam*, 104.

³¹ Messick, Masud and Powers, "Muftis, Fatwas," 10.

³² Özen, "Osmanlı Döneminde Fetva Literatürü".

that most of the fatwas, particularly those of the şeyhülislams, were collected by their clerks or *fetvâ emînis* after their death. Since the clerks chose the fatwas that went into the compilations, possibly leaving out some and changing others, these compilations can be said to reflect, to a certain extent, the legal preferences of the compilers. For practical purposes, the fatwas gathered in the manuals were arranged according to familiar legal categories, which made them easy to use, and in addition to this, the compilers provided the readers with a table of contents, which more or less followed the organization of a classical Hanafî *furû' fiqh* book. The topics covered by most of the compilations included guidelines for worship, matters related to family and marriage, problems about the legal status of individuals, economic and commercial regulations, the administration of religious endowments, judicial process, and money, property, land issues. Looking at the function of the collections, it seems that they served as authoritative legal texts for Ottoman legal scholars, muftis and judges throughout the empire both in their training and in the solution of legal problems. Furthermore, since they circulated across the empire, they played a significant role in the standardization and dissemination of legal knowledge, and in the establishment of “public archives”, at least in learned circles.³³

It is obvious that the most popular and widely circulating fatwa collections belonged to the şeyhülislams, not to the provincial muftis. But this does not mean that all şeyhülislam fatwa manuals gained the same reputation. For example, Ebussuud's collection, which included richer, more varied and more interesting fatwas, was copied many times in manuscript form, but was never chosen for publication by either the state printing press or by private publishers in the nineteenth century. On the other hand, the

³³ Burak, *The Second Formation of Islamic Law*, 180.

fatwa collections of some seventeenth and eighteenth century Ottoman şeyhülislams were regarded as reliable and published several times. The *Fetâvâ-yı Ali Efendi* of Şeyhülislam Çatalcalı Ali Efendi (d. 1692 m. 1674-1686), which was published more than ten times in the nineteenth and early twentieth centuries, the *Fetâvâ-yı Feyziye* of the Şeyhülislam Feyzullah Efendi (d. 1703 m. 1688, 1695-1703), which was published twice in 1850 and in 1906-1907, the *Behçetü'l-Fetâvâ* of the Şeyhülislam Yenişehirli Abdullah Efendi (d. 1743 m. 1718-1730), which was published twice in 1850 and 1872, and the *Netîcetü'l-Fetâvâ* of the Şeyhülislam Dürrizade Mehmed Arif Efendi (d. 1800 m. 1785-86, 1792-98), which was published twice in 1821 and 1848, were the four celebrated and widely circulated fatwa manuals in the Ottoman Empire.³⁴ On the other hand, the number of fatwa collections attributed to the provincial muftis and their dissemination throughout the empire compared to the şeyhülislam fatwa manuals were very low. Nonetheless, some of the collections circulated widely across the empire and were accepted as “reliable” such was the case with the *Fetâvâ İbn Nüceym* of Zeynüddin İbn Nüceym (d. 1563), *Fetâvâ-yı Üskübî* of Pîr Mehmed Efendi (d. 1611) and *Fetâvâ-yı Akkirmânî* of Ali Akkirmânî (d. 1620-21).³⁵

1.2 The fatwa collection of Vani Mehmed Efendi

³⁴ Emine Ekin Tuşalp, “Treating Outlaws,” 23-9.

³⁵ Özen, “Osmanlı Döneminde Fetva Literatürü,” 307-8, 321-22.

Following these introductory words concerning fatwas and fatwa collections, let me introduce the source of this thesis: the fatwa collection of Vani Mehmed Efendi.³⁶ There are three extant copies of this compilation. One is preserved in Istanbul Üniversitesi Merkez Kütüphanesi Nadir Eserler Türkçe no. 989, 1b-264a. It was copied by İbrahim bin Abdülkadir in Edincik, near Balıkesir, in 1131/1719. It is written in *ta'lik* and each page includes 23 lines.³⁷ The other copy is preserved in Erzurum İl Halk Kütüphanesi. It was copied by İbrahim b. Hafız in Tavuskar, near Erzurum, in 1126/1713 and consists of 188 folios.³⁸ The last copy is present in Ankara Milli Kütüphane cataloged in Samsun İl Halk Kütüphanesi no. 0322. It was copied by Mehmed bin Ahmed bin Ebu Bekir in 1127/1715. The manuscript consists of 190 folios, and the number of lines on each page varies between nineteen and twenty-one. It is written in *nesh* and the headings of the chapters and the words “question” (*mesele*) and “answer” (*el-cevab*) introducing the principal components of each fatwa are written in red.³⁹ In this manuscript, there is a waqf record, which gives us some clues about its circulation. According to the record, this collection was given by eş-Şeyh Osman Nuri to his sons and placed in the library of a Nakşibendi lodge. In addition, the seal of the library was put under this note, which was dated in 1312/1895.⁴⁰ There is no indication in the manuscript concerning the identity of Osman Nuri and the place of the Nakşibendi lodge. However, it is clear that

³⁶ Concerning the life of the author of this collection, a brief discussion will be provided in the second chapter.

³⁷ Vani Mehmed Efendi, *Fetâvâ-yı Bistâmî*, İstanbul Üniversitesi Nadir Eserler Kütüphanesi, 989, 1b-254a.

³⁸ Idem, *Mecmûa-i Fetâvâ*, Erzurum İl Halk Kütüphanesi, 23906, 1b-188b.

³⁹ Idem, *Fetâvâ*, Milli Kütüphane, Samsun İl Halk Kütüphanesi, 322, 1b-190b.

⁴⁰ Ibid. This waqf record was put on one of the blank pages at the beginning of the collection. See Appendix B, Figure 2.

until the last years of the empire the collection was in circulation and in usage, which is also corroborated by the existence of several fatwas in the margins of the text, which was written in different styles, probably in different times.

For the purpose of this thesis, I have based my study on the copy preserved in Milli Kütüphane, which was the first copy I could reach at the beginning of this thesis. But in Appendix A, I present a table for the comparison of these three copies. With this regard, for each copy, I have noted the headings of the sections, and the number of pages and fatwas that they contain. As can be seen from this table, the headings of the sections are more or less the same in all copies, but in some rare cases, it seems that the compilers united two sections under one title. In the copies preserved in Milli Kütüphane and Erzurum İl Halk Kütüphanesi, a table of contents is added at the beginning of the collection listing the themes in Arabic. There are 55 chapters (*kitab*) and 3 sub-sections (*bab*), which more or less follow the structure of the classical Hanefi furu' books. However, the number of fatwas in each copy differs considerably. While the copy in Milli Kütüphane includes nearly 1230 fatwas, the other copies in Nadir Eserler and Erzurum İl Halk Kütüphanesi have nearly 1390 and 1360 fatwas respectively. The differences in the number of fatwas could be explained by the compiler's involvement in the edition process by either omitting or adding some fatwas. Fatwas on relations between Muslims and non-Muslims (*kitâbu'l-cihâd*), punishments (*kitâbu'l-hudûd*), marriage (*kitâbu'n-nikâh*), divorce (*kitâbu't-talâk*), hiring (*kitâbu'l-icâre*) and endowments (*kitâbu'l-vakf*) constitute the largest parts of the text. Furthermore, in the copy preserved in Milli Kütüphane, there are some pages or half-pages intentionally left blank, most probably to add fatwas later. On those pages, only the heading of the section

is written, or else some fatwas or some *furu'* fiqh information are recorded and the rest is left blank. In other copies, there are no such blank pages.

The compilation begins with an introduction after the title of the manuscript (*hâzâ Kitâbu 'l-Fetâvâ li-Mehmed el-Vânî sellemehullahu Te 'âlâ*).⁴¹ After praising God and blessing the Prophet Muhammad, he explains why and for whom he compiled this manual. He says that when the appointment deed of the sultan about issuing fatwas reached in 1068/1657, he assembled his fatwas, which he had issued to protect people from the evils of djinns and people.⁴² From his wording one gets the sense that these fatwas belong to his pre-appointment period; however, we do not have any clue about his muftiship before his appointment date. Vani's statement "we wrote these folios containing the fatwas, which we had written for the people" (*Ketebnâ hâzihi 'l-evrâk mecmû 'aten fîhâ el-fetâvâ elletî nektubuhâ li 'n-nâs*), suggests that he himself wrote these fatwas within a collection.⁴³ In any case, he does not name any student or assistant who helped him in this endeavor.

It is worth noting that all the extant manuscript copies of the collection date from the beginning of the eighteenth century. In other words, they were copied approximately sixty years later by İbrahim b. Abdülkadir, Mehmed b. Ahmed b. Ebu Bekir, and İbrahim b. Hafiz. Unfortunately, we do not have information about who these people were and what relationship they had, if any, with Vani Mehmed Efendi. But it seems that the collection gained relative acceptance in some parts of Anatolia.

⁴¹ For the introduction parts of three extant copies of the collection, see Appendix B, Figure 1, 4, 5.

⁴² Vani, *Fetâvâ*, 1b.

⁴³ Ibid.

Most of the Ottoman muftis used to receive the question in written form. Then, the mufti himself or his clerk reformulated it according to the defined legalistic terms, which needed the obliteration of real names and concrete circumstances. At the end, the reply of the mufti with the redrafted question was given to the questioner in written form, called *ruk'atu'l-fetvâ*. In the case of Erzurum, there is no way of knowing whether the questions were submitted to Vani Mehmed Efendi in written form. But, fortunately, we have evidence that Vani answered the questions in written form. In the copy preserved in Milli Kütüphane, there is an example of *ruk'atu'l-fetvâ*, which belonged to Vani, added in the midst of the collection by the compiler. It includes two interrelated questions concerning endowments and their answers, and also their references from two authoritative Hanafî fiqh books, namely İbrâhîm el- Halebî's (d. 1549) *Mülteka'l-ebhur* and Molla Hüsrev's (d. 1480) *Dürerü'l-Hükkâm*. At the end of each question, Vani affixed his seal, which bears the words "This poor one, Seyyid Mehmed, mufti at Erzurum, may he be forgiven, wrote it." (*ketebehû el-fakîr es-seyyid Mehmed el-müftî bi-Erzen 'ufiye 'anhu*).⁴⁴

The relatively frequent visits of the people to the mufti may be explained by different factors. Firstly, Vani Mehmed Efendi was regularly preaching in the Lala Mustafa Pasha mosque in Erzurum, hence he was constantly among the people. Therefore, the people could easily reach him to request a fatwa. Secondly, according to the tradition, muftis were supposed not to receive any compensation for the issuance of fatwas. However, it still seems that the questioners were requested to pay a very low fee

⁴⁴ The page where this *ruk'atu'l-fetvâ* is added is not numerized, but it is between the pages 97 and 98. See Appendix B, Figure 3. (I am grateful to Şükrü Özen for his help in reading this *ruk'atu'l-fetvâ*.)

to cover the muftis' expenses while writing their replies. This was the case both for the şeyhülislams and the provincial muftis until the end of the Ottoman Empire, "a fact which explains the very large number of applicants."⁴⁵ Fortunately enough, there is a clue for asserting whether Vani requested any fees for the issuance of fatwa or not. In the collection, Vani reports a fatwa concerning the fees of the muftis. He replies that there is no fee for the fatwa except the fee of the writing of the reply, which is also determined proportionately.⁴⁶ It may be assumed on the basis of this fatwa that this is also what Vani did, and this in turn may have increased his popularity as a source of legal consultation.

In the fatwa compilations of şeyhülislams, the question part is always formulated in an abstract way by omitting unnecessary details and the actual names of the people involved are replaced with fictitious names such as Amr, Zeyd or Hind. Besides, the reply part is very brief except in such matters as relating to the Sultan or the government. Since şeyhülislams did not have to explain the reasons for their decisions, they limited their answers to a single word, such as *olur* "yes", or *olmaz* "no". In contrast, the collection of Vani Mehmed Efendi shows similar characteristics with the collections belonged to the şeyhülislams. Nonetheless, there are some significant variations in Vani's collection. One of the most distinctive one, which is also seen in other provincial

⁴⁵ Heyd, "Some Aspects of the Ottoman Fatwa," 53. Heyd gives some additional information about the fee of the muftis, which shows the changes of it in time and place. For example, eventhough the şeyhülislams were not in need of any fees, the questioners were asked for a certain remuneration for the officials of fetvahane such as seven or eight akces in the seventeenth century, and five or seven paras in the late eighteenth and the early nineteenth century. Furthermore, according to Evliya Çelebi, the provincial muftis received ten akces in the seventeenth century. In the eighteenth century, the muftis of Aleppo took a little over a shilling for each fatwa.

⁴⁶ "Mesele: Müftilerin ücreti nedir? El-Cevap: Ücret yokdur illâ ücret-i ketebetü'l-cevâb ol dahi mikdarınca takdîr olunur." Vani, *Fetâvâ*, 172b.

collections, is that he supported his legal ruling with the views of the earlier Hanafi authorities after all fatwas. The references from the earlier texts were quoted in Arabic and highlighted with red pen (in Erzurum İl Halk Kütüphanesi and Nadir Eserler copies, only the name of the author or the book is highlighted). At the end of the quotation, Vani mentioned where he took the information. Another difference of Vani's collection is that although most of the questions end with a short answer, in some sections like *kitâbu'l-kerâhiyye*, he gives detailed answers. The fatwas on tobacco, some Sufi practices such as *semâ*, *devrân* and *raks*, which will be discussed in detail in the second chapter, are some examples of the longer answers.

CHAPTER 2
CONTROVERSIAL ISSUES IN VANI MEHMED
EFENDİ'S FATWA COLLECTION

This chapter is dedicated to the analysis of selected fatwas from the fatwa collection of Vani Mehmed Efendi. Since analyzing the fatwas in the entire collection exceeds the limit of a Masters thesis, I concentrate on the fatwas listed under the *Kitâbu'l-kerâhiyye* (Chapter on Reprehensible Matters) heading. These fatwas have been chosen for the light they shed on the principal debates that were being conducted in seventeenth-century Ottoman Empire. With the same concern in a few cases I also resort to other parts of the collection, namely *Kitâbu'l-cihâd* (Chapter on jihad, Muslim and non-Muslim relations both during both peace and war, international war), *Kitâbu'l-hudûd*⁴⁷ (Chapter on punishments), *Kitâbu'ş-şehâde* (Chapter on evidence, witness testimony) and *Kitâbu'l-kadâ* (Chapter on the issuing of a judgement, the duties of a qadi).

As mentioned above, Vani issued these fatwas when he was still mufti of Erzurum and before he began to play an active role in the social, political and religious life of Istanbul from the 1660s onwards. For this reason, we cannot directly extrapolate from the said fatwas about his stance on the same issues during his Istanbul years. On the other hand, they can tell us a great deal about his intellectual formation and inclinations. They can also help us determine the similarities and differences between

⁴⁷ *Hudûd* is the plural of *hadd*, which is used for specific punishments of certain major crimes mentioned in the Qur'an such as unlawful intercourse (*zinâ*), false accusation of unlawful intercourse (*kazf*), drinking wine (*hamr*), theft (*sirkat*) and highway robbery (*kat'-ı tarîk*). See Ali Bardakoğlu, "Had," *DİA* 14, 547-51.

the issues Vani dealt with and the positions he took on those issues in both Erzurum and Istanbul. They can also indicate whether or not he came to Istanbul with a well-established agenda already developed in the context of Erzurum.

Before we proceed to the analysis of the fatwas, an overview of Vani's life will be presented in order to construct his political and religious career and his intellectual advancement. In this sense, we will be specifically looking at his education, his muftiship in Erzurum and his remarkable position as a Kadızadeli leader in Istanbul. This contextual survey of his life will provide a solid ground for understanding the fatwas and for clarifying Vani's thoughts on certain issues.

2.1 The life of Vani Mehmed Efendi

2.1.1 Vani's early years

Vani Mehmed Efendi was born in Hoşab, the eastern Anatolian town of Van.⁴⁸ In the introductory part of the collection Vani identifies himself as being from Van by birth and Erzurum by origin (*el-Vânî mevliden ve 'l-Erzenî mahtiden*).⁴⁹ The date of his birth

⁴⁸ For Vani Mehmed Efendi's biography and his effect in the social and political life of seventeenth-century Ottoman Empire, see Uşşakizade İbrahim, *Zeyl-i Şakâik*, facsimile with index published by Hans Joachim Kissling (Wiesbaden: Otto Harrassowitz, 1965), 563-9; Şeyhi Mehmed Efendi, *Vekâyi 'u'l-fudelâ*, facsimile with index published by Abdülkadir Özcan as Vol. 3 (İstanbul: Çağrı Yayınları, 1989), 580-81; *Vani Mehmed Efendi Kongresi: Kayseri*, ed. Ahmet Hulusi Köker (Kayseri: Erciyes Üniversitesi Matbaası, 1998); Erdoğan Pazarbaşı, "Mehmed Efendi, Vanî," *DİA* 28, 458-9; Abdülkerim Abdülkadiroğlu, "Van Meşhurları: Vanî Mehmed Efendi," in *Van Kültüğü*, ed. by Abdülkerim Abdülkadiroğlu, Bekir Oğuzbaşaran and Mehmet Yiğit (Van: Yüzüncü Yıl Üniversitesi, 1993), 184-193; Marc David Baer, *Honored by the Glory of Islam: Conversion and Conquest in Ottoman Europe* (Oxford: Oxford University Press, 2008); Semiramis Çavuşoğlu, "The Kadızadeli Movement: An Attempt of Şeri'at-minded Reform in the Ottoman Empire," Unpublished Ph.D. diss, Princeton University, 1990, 150-178; Derin Terzioğlu, "Sufî and Dissident in the Ottoman Empire: Niyazî-i Mısırî (1618-94)," Unpublished Ph.D. diss, Harvard University, 1999.

⁴⁹ Vani, *Fetâvâ*, 1b.

is not known with certainty, but is estimated to have been sometime in the 1620s.⁵⁰ His father and grandfather were known as respectable and learned persons among the community and were identified as *mollas* (religious scholars). Furthermore, his family traced itself to the Prophet Muhammed, which explains his use of the title of *seyyid* in his writings.⁵¹ Whether this lineage is authentic or not, it was also used by his sons and his grandsons before his names, which probably provided additional prominence and respect to them within society. Concerning his ancestors, one of the compilers of the fatwa collection wrote on the margin of the introductory part, a note about his genealogy, which is somewhat more detailed than the one modern studies present. It could be argued that this marginal text might have been provided in order to confirm Vani's *seyyid* lineage or just to give some additional information. According to this note, Vani's lineage went as follows: "*Mehmed bin es-Seyyid Bistâm bin es-Seyyid Rüstem bin es-Seyyid Şeyh Halil bin es-Seyyid Şeyh Ali bin es-Seyyid Şeyh Yusuf bin es-Seyyid Şeyh Hamza bin Seyyid 'Utbe min evlâd-i Emîr el-Müminîn ve imâm el-müttakîn Ebî Abdullah el-Hasan bin Emîr el-Müminîn ve imâm el-muttakîn Ebî el-Hasan Ali el-Murtazâ bin Ebî Tâlib.*"⁵²

Vani received his first education from his grandfather and then traveled to Tabriz, Gence and Karabağ where he pursued the lessons of Molla Nureddin, İsmail

⁵⁰ Abdülkadiroğlu, "Vanî Mehmed Efendi," 184.

⁵¹ The first study on Vani's family genealogy was carried out by Kamil Kepecioğlu, then Mefail Hızlı developed this study by adding some new information from the Bursa sharia court records. Kâmil Kepecioğlu, *Bursa Kütüğü v. 4* (Bursa : Bursa Büyükşehir Belediyesi, 2009), 221-3; Mefail Hızlı, "Vanî Mehmed Efendi, Ailesi, Yakınları ve Medresesi Hakkında Yeni Bilgiler ve Belgeler," in *Ulusal Vanî Mehmed Efendi Sempozyumu 7-8 Kasım 2009 Kestel-Bursa*, ed. Mehmet Yalar and Celil Kiraz (Bursa: Emin Yayınları, 2011), 17-29.

⁵² Vani, *Fetâvâ*, 1b.

Efendi, Veliyüddin Efendi and Mehmed Abdülmümin Efendi. Especially in Karabağ, he stayed nearly ten years with Molla Nureddin, about whom we do not have information. But, in his autobiography, Feyzullah Efendi, one of Vani's students as well as his son-in-law, mentions Vani's master lineage in four generations, namely Seyyid Nureddin Şirvânî, Şeyh Mehmed Refî' Şirvânî, el-Hüseyin el-Halhâlî (d. 1604) and Mirza Can Şirâzî (d. 1586).⁵³ Mirza Can, his student el-Halhâlî and one of el-Halhâlî's students, Mehmed Emin Şirvânizâde (d. 1627) were among the best-known Sunni scholars in Iran and wrote some works on philosophy, physics, metaphysics, astronomy, logic and theology.⁵⁴ Therefore, it could be argued that Vani may have wanted to attend the study circles of these famous scholars' students. In this sense, the movement of Vani towards the east for receiving education shows us that the interaction between the centers of learning in Ottoman Anatolia and Iran continued, even if to a lesser degree, also after the emergence of the rival Safavid Empire.⁵⁵

Prior to the Safavid take-over, Iran had been home to a lively circle of Sunni scholars. In the fifteenth century, the Timurid rulers had favored Sunni scholars, promoting Hanafites in the cities of the east such as Herat, Khwaf, Juwain, etc., and

⁵³ Ahmed Türek and Fahri Çetin Derin, "Feyzullah Efendi'nin Kendi Kaleminden Hal Tercümesi," *Tarih Dergisi* 23 (1969): 207.

⁵⁴ Khaled el-Rouayheb, "The Myth of 'the Triumph of Fanaticism' in the Seventeenth-Century Ottoman Empire," *Die Welt des Islams* 48 2 (2008): 211-2.

⁵⁵ Francis Robinson claims that "Before the emergence of the Safavid Empire there was considerable interaction between the great centres of learning in Iran, Khorasan, Transoxiana, and India to the east and Egypt, the Fertile Crescent, and Anatolia to the west. After the emergence of the Safavid Empire this wide world of interacting scholarship seems to have contracted. But, if contacts between scholars in the Ottoman and Safavid Empires quickly declined, we should note that those between scholars of the Safavid Empire and India became more frequent and intense." Francis Robinson, "Ottomans-Safavids-Mughals: Shared Knowledge and Connective Systems," *Journal of Islamic Studies* 8:2 (1997): 156.

Shafi‘ites in the cities of the west such as Isfahan, Qazvin, Shiraz and Tabriz.⁵⁶ With the establishment of the Safavids, the rulers put pressure on Sunni scholars to accept the new Shi‘ite ideology, which led them to migrate from Azerbaijan and Iran and to find new opportunities for their scholarly activities. For this reason, they moved mostly westward to the Ottoman territories and played a significant role in the transfer of their academic conventions to the Ottoman Empire.⁵⁷ Nevertheless, the transformation of Iran’s population and religious atmosphere from a generally Sunni to Shi‘ite one did not happen overnight. Especially in the cities of northwestern Iran like Tabriz, Qazvin, Karabağ and Urumiya, the Sunni ulema maintained their activities until the first half of the seventeenth century. Even, there was an example of an exceptional career of a Sunni scholar Mirza Makhdum Sharifi (d. 1587), who was appointed to one of the highest religious office of *sadr* by Shah Ismail II (r. 1576-77), known for his “reconciliatory approach toward Sunnism” unlike his predecessors.⁵⁸

It is recorded that in these cities Vani studied history, history of the prophets and Qur’anic commentary (*tefsir*). Later in his life, he wrote a commentary on the stories of the prophets mentioned in the Qur’an, namely *‘Arâisu’l-Kur’ân ve Nefâisu’l-Furkân ve*

⁵⁶ Maria Eva Subtelny and Anas B. Khalidov, “The Curriculum of Islamic Higher Learning in Timurid Iran in the Light of the Sunni Revival Under Shâh-Rukh,” *Journal of the American Oriental Society* 115 2 (1995): 210-36.

⁵⁷ For the movements of religious scholars from the East to the Ottoman territories, see Abdurrahman Atçıl, “The Formation of the Ottoman Learned Class and Legal Scholarship (1300-1600),” Unpublished Ph.D. diss, Chicago University, 2010, 103-18. For the migration of Sunni Persian, Azeri and Kurdish scholars into the Ottoman Empire in the seventeenth century and bringing with them their works in the rational sciences, see el-Rouayheb, “The Myth of ‘the Triumph of Fanaticism’,” 196-221.

⁵⁸ For Sunnism within Iran during the Safavid period, see Rosemary Stanfield Johnson, “Sunni Survival in Safavid Iran: Anti-Sunni Activities During the Reign of Tahmasp I,” *Iranian Studies* 27, 1-4 (1994): 123-133; Shohreh Gholsorkhi, “Ismail II and Mirza Makhdum Sharifi: An Interlude in Safavid History,” *International Journal of Middle East Studies*, 26 3 (1994): 477-88; Rula Abisaab, *Coverting Persia: Religion and Power in the Safavid Empire* (London, New York: I.B. Tauris, 2004).

Ferâdisu'l-Cinân.⁵⁹ In addition to these fields, it appears that he engaged in the study of some of the renowned Sufi works and jurisprudential works. In one of his treatises, *Muhyi's-sunne ve mumîtu'l-bid'a*, which was written against some Sufi practices, he mentions that until his forties he had been interested in Sufism and Sufi works, but then he started to deal with jurisprudential works and followed the path of the ulema.⁶⁰ As we will see in the third chapter concerning the sources of Vani in the fatwa collection, Vani had a substantial knowledge of jurisprudence, specifically Hanafi works.⁶¹ Furthermore, it seems that Vani benefitted from the convention of the Karabağ region whose scholars had a reputation in the rational sciences. As a master of Feyzullah Efendi, besides traditional sciences, Vani also instructed him in logic, geometry and astronomy.⁶²

2.1.2 Vani as the mufti of Erzurum

After completing his education in Karabağ, Vani came to Erzurum. Erzurum was one of the most important commercial, military and intellectual centers of eastern Anatolia. The city had come under Ottoman rule in 1518, four years after Sultan Selim I had defeated

⁵⁹ For a study on this commentary, see Erdoğan Pazarbaşı, *Vânî Mehmed Efendi ve Araisü'l-Kur'an* (Van: Van Belediye Başkanlığı Kültür ve Sosyal İşler Müdürlüğü Yayınları, 1997).

⁶⁰ Vani Mehmed Efendi, *Muhyi's-sunne ve mumîtu'l-bid'a*, Süleymaniye Ktp., MS., Kasidecizade 663, 1b-12b.

⁶¹ For Vani's understanding of madhhab and an analysis of his jurisprudential treatises, see M. Salih Kumaş, "Fıkıh-Toplum İlişkisi Bağlamında Vâni Mehmed Efendi'nin Mezhep Anlayışı," in *Ulusal Vâni Mehmed Efendi Sempozyumu*, 187-204; Abdurrahim Kozalı, "Fıkıhla İlgili Risalelerinden Hareketle Bir Fakîh Olarak Vâni Mehmed Efendi" in *Ulusal Vâni Mehmed Efendi Sempozyumu*, 87-94.

⁶² Michael Nizri, *Ottoman High Politics and the Ulema Household* (Hampshire: Palgrave Macmillan, 2014), 22.

the Safavid army in Çaldıran in 1514.⁶³ In 1535, a new *beylerbeyilik* was established in Erzurum including the *sancaks* of Erzurum, Paşa, Trabzon, Kız-Ucan, Kiği, Pasin and İspir. In the following years, it seems that the number of *sancaks* connected to the Erzurum *beylerbeyilik* increased. Around the mid-seventeenth century, Evliya Çelebi noted that there were twelve *sancaks* in Erzurum *beylerbeyilik*.⁶⁴

Throughout the sixteenth and seventeenth centuries, Erzurum was used as a military base for the campaigns against the Safavids and Georgians. Because of the long-lasting wars, Erzurum did not become a significant and safe place for settlement until the Kasr-ı Şirin treaty in 1639, which then enabled a long period of peace between the Ottomans and the Iranians. According to the sixteenth-century registers, “the population of Erzurum grew over 2,000 percent between 1540 and 1591”, which is insignificant compared to the urban population growth in many of the Ottoman cities at that time. In 1591, 548 *nefer* were registered, 66 per cent non-Muslims, probably most of them Armenians.⁶⁵ Evliya Çelebi, who visited the city in 1645, portrayed it as a much more prosperous city with its increasing population, its military garrison and its significant commercial activities than is suggested by the data of the sixteenth century. He claimed that Erzurum had seventy quarters of Muslims and seven of infidels (*zimmîs*), and did not include any Jews and Copts. He also adds that it was the third

⁶³ Dündar Aydın, *Erzurum Beylerbeyiliği ve Teşkilatı: Kuruluş ve Genişleme Devri (1535-1566)* (Ankara: Türk Tarih Kurumu, 1998), 45.

⁶⁴ Evliya Çelebi, *Evliya Çelebi Seyahatnâmesi, II*, ed. Zekeriyya Kurşun, Seyit Ali Kahraman and Yücel Dağlı (İstanbul: YKY, 1999), 104.

⁶⁵ Ronald Jennings, “Urban Population in Anatolia in the Sixteenth Century: A Study of Kayseri, Karaman, Amasya, Trabzon and Erzurum,” *International Journal of Middle East Studies* 7 1 (1976): 48-50.

busiest customs office in the Ottoman Empire, after Istanbul and İzmir.⁶⁶ The French traveler Pitton de Tournefort, who visited the city nearly fifty years after Evliya Çelebi, claims that the city had a population of 18000 Turks, 6000 Armenians and 400 Greeks, a total of 24400.⁶⁷ Although the comparison of these numbers with some other numbers from the official registrations of the period does not produce a consistent picture concerning the total population and the distribution of religious groups, it shows us that in the seventeenth century, the city population was growing and the non-Muslim groups, specifically Armenians, still constituted a significant percentage of the population.⁶⁸

Erzurum with its madrasas, schools, mosques, churches and tombs was an important cultural center in the seventeenth century. Evliya Çelebi claims that there was a total of 110 madrasas and elementary schools in the city, but does not name any of the institutions.⁶⁹ Bilgehan Pamuk has identified nine madrasas and three elementary schools in seventeenth-century Erzurum. Among them Ahmediye, Hatuniye/Çifte Minareli and Yakutiye madrasas were from the Seljuk times, while the rest, Cafer Efendi, Feyziye/Kurşunlu, Hacı Halil Ağa, Islahiye and Yeğen Ahmed Ağa madrasas, were mostly built in the seventeenth century.⁷⁰ Evliya noted that the city had a total of 77 mosques (*mihrâb* and *mesâcid*) and he gave information about some of them,

⁶⁶ Çelebi, *Evliya Çelebi Seyahatnâmesi*, 104-111.

⁶⁷ J. Piton de Tournefort, *Tournefort Seyahatnamesi, II. Kitap*, trans. Teoman Tunçdoğan (İstanbul: Kitap Yayınevi, 2005), 130.

⁶⁸ For a comparative analysis of the data concerning the demographic structure of Erzurum in the seventeenth century, see Bilgehan Pamuk, *XVII. Yüzyılda Bir Serhad Şehri Erzurum* (İstanbul: IQ Kültür Sanat Yayıncılık, 2006), 119-151.

⁶⁹ Çelebi, *Evliya Çelebi Seyahatnâmesi*, 107.

⁷⁰ Pamuk, *XVII. Yüzyılda Bir Serhad Şehri Erzurum*, 91-2.

including Ulu Camii, Çifte Minare, Lala Mustafa Paşa, Cafer Efendi, Paşa Camii and Gürce Mehmed Paşa Camii. When describing the Lala Mustafa Paşa mosque, he mentioned Vani Mehmed Efendi and portrayed him as an eloquent and effective preacher as well as an expert scholar of tafsir and hadith. He also deemed him highly as a jurist, calling him a “second Ebû Hanife,” the founder of the Hanafi madhhab.⁷¹

In Erzurum, Vani met with the family of Feyzullah Efendi, who would later become his son-in-law as well as a famous şeyhülislam. Members of Feyzullah’s family had previously been sheikhs at the Halveti lodge in Karabağ. But, after the rise of Shi‘ite Safavids in Iran, the Sunni Muslims and Sufi groups such as the Halvetis and the Nakşbendis, who were more active especially in northwestern Iran, were pressured to convert or leave their land.⁷² It was in this context that Feyzullah’s family had also decided to migrate and arrived in Erzurum. Feyzullah’s uncle, Sheikh Mustafa Efendi, became an important figure in Erzurum and continued his Sufi activities as the head of the Halveti lodge in Erzurum until his death in 1667. With the arrival of Vani in Erzurum, he met with Sheikh Mustafa, of whom he may have heard while he had been

⁷¹ Celebi, *Evliya Çelebi Seyahatnâmesi*, 107. “Ulemâ-yı mütebahhîrînden deryâ-yı ma‘ânî, gûyâ Nu‘mân-ı sâni, ya‘nî müfessir ve muhaddis Vanî Efendi nâmında nâmı rub‘-ı meskûna münteşir olmuş fasîhu'l-lisân ve bedî‘u'l-beyân bir şeyhi var kim va‘z u nasîhatın bir kerre istimâ‘ eden elbette her şeyden tâ‘ib ü tâhir olup hâl sâhibi olur.”

⁷² For the migration of the Nakşbendis and the Halvetis from Iran to the west, see Dina Le Gall, *A Culture of Sufism: Naqshbandis in the Ottoman World, 1450-1700* (Albany: State University of New York, 2005); John J. Curry, *The Transformation of Muslim Mystical Thought in the Ottoman Empire: The Rise of the Halveti Order, 1350-1650* (Edinburgh : Edinburgh University Press, 2010); Hamid Algar, “Naqshbandis and Safavids : A Contribution to the Religious History of Iran and Her Neighbors,” in *Safavid Iran and Her Neighbors*, ed. Michel Mazzaoui (Salt Lake City: University of Utah Press, 2003), 7-48.

in Karabağ. Sheikh Mustafa appreciated Vani's knowledge and enabled him to teach and preach in the Lala Mustafa Paşa mosque. He also married off his daughter to Vani.⁷³

The fatwa collection of Vani makes an important contribution to the literature about his life in Erzurum. Besides his position as a preacher, he began to occupy the office of the mufti of Erzurum with the appointment deed of the Sultan on 27 Muharrem 1068/5 November 1657. The introduction of the fatwa collection gives us clear evidence concerning his appointment.⁷⁴

The appointment of Köprülüzade Fazıl Ahmed Paşa as governor of Erzurum in 1659 changed Vani's life dramatically. They became good friends and established a close relationship. When Fazıl Ahmed became Grand Vizier in 1661, he invited Vani to Istanbul and recommended him to Sultan Mehmed IV. Soon afterward, Vani arrived in Istanbul.

2.1.3 Vani as the leader of the Kadızadeli movement in Istanbul

In Istanbul, Vani established close relations with the Sultan and the queen mother Turhan Sultan thanks to the Grand Vizier. He became the teacher of the Sultan and then of Prince Mustafa. After a while, he received the title of imperial preacher (*hünkâr vâizi*), which provided him with the possibility of delivering sermons and holding study circles in the Palace in front of the Sultan. The Sultan enjoyed spending time with Vani,

⁷³ Nizri, *Ottoman High Politics*, 21-2.

⁷⁴ "Lemmâ verede el-emru's-sultânî ve'l-hükmü'l-hâkânî bi-taklîdî bi'l-fetvâ ve zâlike fi yevmi'l-isneyn es-sâbi' ve'l-'ısrîn mine'l-muharrem fi senete semânin ve sittîn ba'de'l-elf." Vani, *Fetâvâ*, 1b.

and once visited him in his house, attended his Friday sermons, invited him to his hunting trips, asked him to accompany him during military campaigns, and often bestowed on him precious gifts for his servants.⁷⁵ The Sultan also gave him the formal possession (*temlik*) of the Kestel castle in Bursa and of several villages around it, where Vani built a madrasa, a masjid and an imaret. In addition, a forest preserve on the Bosphorus (the former Papaz Bahçesi) was given to Vani, where he built a mosque, a madrasa and a seaside residence, which is known as Vaniköy today.⁷⁶ In due course he invited his pupil and son-in-law, Feyzullah Efendi, from Erzurum to Istanbul and played a significant role in the latter's career. Feyzullah started to give lessons in the presence of the Sultan thanks to Vani, and in 1699 he was appointed as tutor of Prince Mustafa in place of Vani.⁷⁷

In 1665, Vani became the first preacher in the new mosque established by the queen mother Turhan Sultan in Eminönü. According to Baer, the construction of the mosque in a commercial area densely populated by Jews and other non-Muslims following the 1660 Great Fire, in which two-thirds of Istanbul was destroyed, was a project of Turhan Sultan, Fazıl Ahmed and Vani Mehmed Efendi for the Islamization of the city. This project was also a part of a larger policy of the state for seeking a resolution to the political and economic crisis and religious upheavals of the second half of the seventeenth century, which culminated in a “new turn to piety” by consolidation

⁷⁵ Abdi Paşa provided detailed first-hand information concerning Vani's relations with the palace, specifically with Sultan Mehmed IV. See Abdurrahman Abdi Paşa, *Vekâyi'-nâme*, ed. by Fahri Ç. Derin (İstanbul: Çamlıca Basım Yayın, 2008).

⁷⁶ Çavuşoğlu, “The Kadızadeli Movement,” 155.

⁷⁷ Nizri, *Ottoman High Politics*, 27-36.

of a rigorous interpretation of Islam, the conversion of non-Muslims and the transformation of sacred space.⁷⁸ It seems that Vani with his sermons played a pivotal role in the success of the project. Thys-Şenocak indicates that “He [Vani Efendi] appears to have assisted his patroness in a well-orchestrated campaign for the expropriation of non-Muslim property surrounding the Yeni Cami foundation and the subsequent Islamicization of the busy commercial quarter.”⁷⁹

In addition, Vani’s appointment to the valide sultan’s mosque revived the old discussions between the Sufis and the Kadızadelis. Since Vani was widely seen as a close associate of the Kadızadelis in the second half of the seventeenth century, let me give some basic information about the Kadızadeli movement at this point. Kadızadeli is the name given to a puritanical movement that emerged in seventeenth-century Istanbul and which aimed at restoring to the purified version of Islam by “enjoining good and forbidding wrong” (*emr-i bi’l-ma’rûf nehy-i ‘ani’l-münker*) and eliminating all “innovations” (*bid‘a*) that had been regarded as part of the beliefs and practices of Islam after the time of the Prophet and the four rightly-guided caliphs. The most active leaders of the movement were provincial scholars who had not been able to find a position as *müderris* or qadi and who had made a career instead as preachers.⁸⁰

⁷⁸ Marc David Baer, “The Great Fire of 1660 and the Islamization of Christian and Jewish Space in Istanbul,” *International Journal of Middle East Studies* 36 2 (2004): 159-181; Idem, *Honored by the Glory of Islam*.

⁷⁹ Lucienne Thys-Şenocak, “The Yeni Valide Mosque Complex at Eminönü,” *Muqarnas* 15 (1998): 68.

⁸⁰ On the Kadızadeli movement, see Necati Öztürk, “Islamic Orthodoxy Among the Ottomans in the Seventeenth Century with Special Reference to the Qâdî-zâde Movement,” Unpublished Ph.D. diss, University of Edinburgh, 1981; Ahmet Yaşar Ocak, “XVII. Yüzyılda Osmanlı İmparatorluğu’nda Dinde Tasfiye (Püritanizm) Teşebbüslerine Bir Bakış: Kadızadeliler Hareketi,” *Türk Kültürü Araştırmaları* 1-2 (1983): 208-225; Çavuşoğlu, “The Kadızadeli Movement,”; Madeline C. Zilfi, “The Kadızadelis: Discordant Revivalism in Seventeenth-Century Istanbul,” *Journal of Near Eastern Studies* 45 4 (1986):

The movement took its name from its first leader Kadızade Mehmed Efendi (d. 1635), who was trained by one of the students of the famous scholar Birgivi Mehmed Efendi (d. 1573).⁸¹ Throughout his life, Birgivi engaged in teaching and preaching and ended his career in a madrasa in Birgi, the western Anatolian town. There he taught many students, and produced many works in different branches of the religious sciences. Three of them namely *Cilâu'l-kulûb*, *Vasiyyetnâme* and *Tarîkatu'l-Muhammediyye*, became fundamental reference books for the Kadızadelis with their emphasis on strict adherence to the path of the People of Sunna and Community (*ehl-i sünnet ve'l-cemaat*), the principle of commanding right and forbidding wrong (*emr-i bi'l-ma'rûf nehy-i 'ani'l-münker*) and their strict rejection of religious innovations (*bid'at*). In the centuries following his death, Birgivi's influence spread across the empire through his students and followers, specifically the Kadızadelis, and his works, some of which were copied and annotated several times in different places and dates.⁸² Since Birgivi condemned specific Sufi beliefs and practices in his works, modern scholars have tended to depict him and his followers as sharia-minded and anti-Sufi.⁸³ However, recent studies have questioned the designation of both Birgivi and the Kadızadelis as anti-Sufi. Rather, they have suggested that there was not a clear-cut line between the Sufis and the Kadızadelis

251-269; Idem, *The politics of Piety*; Baer, *Honored by the Glory of Islam*; Terzioğlu, "Sufi and Dissident".

⁸¹ For a comprehensive biography of Birgivi Mehmed Efendi, see Huriye Martı, *Birgivi Mehmed Efendi* (Ankara: Türkiye Diyanet Vakfı Yayınları, 2008).

⁸² For the historical dissemination of Birgivi's works, see Ahmet Kaylı, "A Critical Study of Birgivi Mehmed Efendi's (d. 981/1573) Works and Their Dissemination in Manuscript Form," Unpublished MA thesis, Boğaziçi University, 2010.

⁸³ Ocak, "XVII. Yüzyılda Osmanlı İmparatorluğu'nda Dinde Tasfiye,"; Zilfi, "The Kadızadelis,"; Idem, *The politics of Piety*; Fahri Unan, "Dinde Tasfiyecilik Yahut Osmanlı Sünniliğine Sünni Muhalefet: Birgivi Mehmed Efendi," *Türk Yurdu* 10 36 (1990): 33-42.

and they did not categorically reject each other. In this sense, they have emphasized that on the one hand some Sunna-minded Sufi groups showed great respect for Birgivi's works and some Sufi sheikhs wrote commentaries on his *Tarîkat* like Abdulğani en-Nabluşî (d. 1731), Muhammed Emin et-Tokadî (d. 1745) and Ebu Said el-Hadimî (d. 1762). Furthermore, some Sufis also took stringent positions on certain innovations like coffeehouses and smoking.⁸⁴ On the other hand, Birgivi and later the Kadızadelis, even though they put emphasis on different points, the former mostly on matters of the soul the latter mostly on visible innovations, did not stand against all Sufis but directed their criticisms at the "impure types". Some were even affiliated with some Sufi orders throughout their lives or at certain times. For example, Birgivi as a disciple of a Bayramî sheikh Abdullah Karamanî (d. 1564) was constantly in contact with his master and followed his guidance throughout his life. Kadızade Mehmed pledged allegiance to the Halvetî Ömer Efendi (d. 1624) in Istanbul, but following the latter's death, he did not continue his affiliation with the order.⁸⁵ Vani Mehmed Efendi's story vis-à-vis the Sufi orders is much more complicated. As we have mentioned, he once aspired for the Sufi path, but then abandoned it when he was forty. It is clear from his life story that this departure put him on a more hardline stance on certain Sufi beliefs and practices than his predecessors. However, as Terzioğlu rightly proposes that "it is still doubtful that Vani's opposition extended to all Sufis, since his own, favorite, son-in-law Feyzullah Efendi (d. 1115/1703, m. 1099/1688, 1106-15/1695-1703) pledged allegiance to the Nakşbandî-Mujaddidî sheikh, Murâd Buhârî (d. 1132/1720 or 1141/1729) sometime between

⁸⁴ Terzioğlu, "Sufi and Dissident," 234-276; Idem, "Sunna-Minded Sufi Preachers in Service of the Ottoman State: The Nasihatnâme of Hasan Addressed to Murad IV," *Archivum Ottomanicum* 27 (2010): 241-312; Le Gall, *A Culture of Sufism*, 150-6.

⁸⁵ Terzioğlu, "Sufi and Dissident," 208-12.

1092/1681 and 1097/1685-6.”⁸⁶ Furthermore, while Vani was in Erzurum, his father-in-law Sheikh Mustafa Efendi (d. 1667) was the leader of the Halveti lodge. After Mustafa’s death, his brother and also Feyzullah’s father inherited the position.⁸⁷ Therefore, it may be concluded that, as we will see below in one of his treatises and his fatwas, he did not stand against all Sufis, but, if we use his own words, against the “impure types, who behaved as if they were Sufis, which in reality they were not” (*sûfi namında olan nâ-sâfiler*).⁸⁸

Since the Kadızadelis wanted to protect the Muslim community from the changes and deviations in the pure Islamic faith and practice, they severely attacked innovations (*bid‘at*), some of which were highly prevalent among certain Sufi circles, and some others of which were common practices among the Muslim public at large. Through public sermons, especially public sermons delivered in imperial mosques, the Kadızadelis reached a larger audience including the sultans, high-ranking officials and the members of the learned establishment, and warned against innovations. They claimed that those who practiced these innovations and believed in their permissibility should reaffirm their faith (*tecdîd-i iman*) or be punished.⁸⁹ From the late fifteenth century onwards, the concept of “renewal of faith” started to appear most frequently in the fatwa collections as a means of reestablishing the orthodoxy and “maintaining the

⁸⁶ Ibid., 213-4.

⁸⁷ Nizri, *Ottoman High Politics*, 21.

⁸⁸ Vani, *Muhyi’s-sunne*, 3b.

⁸⁹ Zilfi, “The Kadızadelis,” 255.

social and religious order”.⁹⁰ Vani does not make use of this term in the context of innovations in his fatwa collection. However, in a few cases where a layman curses a member of religious community, Vani demands the renewal of faith and also marriage vow due to the fear of unbelief. This could be seen as a sign of Vani’s attempt to defend the status of the ulema within the society.⁹¹

The controversial matters that the Kadızadelis targeted included various beliefs and practices and were declared as innovation and sinful. In this regard, Katip Çelebi’s (d. 1657) *Mîzânu’l-Hak fî İhtiyâri’l-Ahakk* is an indispensable source in determining the polemical issues between the Kadızadelis and the Sufis. His *Mîzânu’l-Hakk* covers almost all the discussed topics, some of which were not mentioned in any of the treatises written by either side and in the accounts of Ottoman chroniclers. Among them were some matters of belief such as whether Hızır⁹² was alive or not; whether the parents of the Prophet died as believers or not; the controversy concerning Ibn Arabî’s (d. 1240) teaching on the “unity of being” (*vahdet-i vücûd*) and his argument on the death of the Pharaoh as a believer; and the cursing of the Umayyad caliph Yezîd (d. 683) on account of his role in the killing of the Prophet’s grandson Hüseyin b. Ali (d. 680). In addition, there were some practices targeted by the Kadızadelis. Some of these practices were specific to Sufi groups, such as singing, dancing and whirling in Sufi ceremonies; other practices were common in society at large such as the invoking of blessing on prophets and companions; the consumption of tobacco, coffee, laudanum, opium and other drugs;

⁹⁰ Burak, “Faith, Law and Empire”.

⁹¹ Vani, *Fetâvâ*, 80a-b.

⁹² Hızır is a religious figure in Islamic culture who taught the Prophet Moses divine wisdom as the Servant of God and is believed to be still alive helping the friends of God in times of difficulty.

the visitation of tombs with the intention of asking for intercession from the souls of buried person; and the performance of supererogatory prayers in congregation on the nights of *Regâib*, *Berat* and *Kadir*.⁹³

Modern historians have generally conceptualized the historical development of the Kadızadeli movement as consisting of three periods, each of which was characterized by a different leading figure. Accordingly, the leader of the Kadizadelis in the first period was Kadızade Mehmed Efendi. From 1622 to until his death in 1635, he gave sermons in different mosques of Istanbul and ended his career in Ayasofya mosque, the highest position for the Friday preachers among the imperial mosques. In his sermons and lessons, Katip Çelebi noted that he used Kâdî Beyzâvî's (d. 1286) commentary on the Qur'an, Birgivi's *Tarîkat*, Gazzâlî's (d. 1111) *İhyâ*, Cürcânî's (d. 1413) *Şerhu'l-Mevâkıf* and Molla Hüsrev's (d.1475) *Dürer*.⁹⁴ Kadızade Mehmed most often clashed with the renowned Halveti sheikh Abdülmecid Sivasi Efendi (d. 1639) and both of them had a close relationship with Sultan Murad IV (r. 1623-40). After Kadızade Mehmed, a Damascene-born preacher Üstüvani Mehmed Efendi (d. 1661) gained popularity among the supporters of the movement. His active role in the first eight years of the reign of Mehmed IV (r. 1648-87) to strengthen the path of the Sunna and Community against innovations ended with his banishment along with several other Kadızadeli preachers by the grand vizier Köprülü Mehmed Paşa (v. 1656-61), who

⁹³ For the details of these topics, see Katip Çelebi, *The Balance of Truth*, translated with an Introduction and Notes by Geoffrey Lewis (London: George Allen and Unwin, 1957). For a discussion of the matters condemned by the Kadızadelis, see Öztürk, "Islamic Orthodoxy," 306-404; Çavuşoğlu, "The Kadızadeli Movement," 238-307.

⁹⁴ Katip Çelebi, *The Balance of Truth*, 136. As we will see in the next chapter, these works were also among Vani's reference books in his fatwa collection except Gazzâlî's *İhyâ*. Concerning Gazzâlî and his works, Vani was very critical and regarded them as unreliable. Below, we will again touch upon this point.

considered them as a threat to social order due to their excessive assault on the Sufis. However, the Kadızadeli movement was revived again with the coming of Köprülü's son Fazıl Ahmed Paşa (v. 1661-76) into power. He met Vani Mehmed when he was serving as governor of Erzurum, and invited the latter to Istanbul after he was appointed grand vizier in place of his father.⁹⁵

It may be speculated that Vani's invitation by Fazıl Ahmed was a purposeful act in the sense that Fazıl Ahmed was willing to take a stringent position on innovations and, as Baer suggests, "to increase the Islamic character of the palace".⁹⁶ He knew that Vani Efendi both in his sermons and in his fatwas, as it will be explained below, targeted some practices and beliefs that had not existed in the origin of Islam, but which were regarded as *sünnet* (exemplary behavior of the Prophet Muhammed) or *farz* (obligatory religious duty) among the common people.⁹⁷ As soon as Vani arrived in Istanbul, in 1073/1662, he wrote a treatise, titled *Muhyi's-sunne ve mumîtu'l-bid'a*, with the intention of clarifying his position on some practices, which he regarded as innovation, such as the practice of vocal zikr in mosques, funerals, and before a dead person, the communal performance of supererogatory prayers on the nights of *Regâib*, *Berât* and *Kadir*, and shaking hands.⁹⁸

⁹⁵ Zilfî, "The Kadızadeli," 251-269.

⁹⁶ Baer, "The Great Fire of 1660," 164.

⁹⁷ Vani, *Muhyi's-sunne*, 1b.

⁹⁸ Ibid., 1b-12b. There are different copies of this treatise in the Süleymaniye Library. But the colophon of the copy recorded in Hafid Efendi 453 informs that it was written in the last days of Rebiulevvel in 1073/1662.

In this treatise, Vani does not categorically reject Sufism or Sufi practices. His main target is the “impure types, who behaved as if they were Sufis, which in reality they were not” (*sûfî namında olan nâ-sâfîler*). Furthermore, he argues that they are innovators and their intention is not sound (*ehl-i bid‘attirler, garazları sahih değildir*).⁹⁹ Moreover, Vani makes a sharp distinction between the books written by the Sufis and the books of jurisprudence compiled in accordance with the rules of the four madhhabs and emphasizes that a Muslim should respect the latter only. In this context, he gives a list of certain respected works, some of which were also widely circulated out of Sufi circles, such as *İhyâ-i Ulûmi’-d-dîn* and *Kimyâ-i Saâdet* by Muhammed Gazzâlî, *Avârifü’l-maârif* by Şehâbeddîn Sühreverdî (d. 1234), *Nefehâtü’l-üns* by Abdurrahman Camî (d. 1492), *Reşehât aynü’l-hayât* by Fahreddin Ali, *Îmâdü’l-İslam* by Abdurrahman b. Yusuf Aksarayî (d. after 1543) and *Gülşen-i Tevhîd* by Dâvud-ı Halvetî (d. 1509). After citing these works, Vani asserts that one should refrain from obeying these books (*kütüb-i meşâyih-i tarikat*) especially in the case of contradiction with the jurisprudential works (*kütüb-i fikh-ı şerîf ve şer‘-i latîf*).¹⁰⁰ It is interesting to note that Vani considered Gazzâlî’s *İhyâ* to be in the same league as Sufi texts and regarded it to be unreliable as a source on jurisprudence in striking contrast to most Ottoman ulema, who held it in high esteem. On the other hand, for Vani, the deeds and works of the authoritative scholars have a higher and respected value and one should follow the most authoritative views of his madhhab. At this point, he mentions some of the respected works and refers to them while dealing with the controversial issues in the treatise. *Tefsîr-i Keşşâf*, *Tefsîr-i*

⁹⁹ Ibid., 3b.

¹⁰⁰ Ibid., 2a.

Beyzâvî, Tefsîr-i Kâşî, Tefsîr-i Kâdî Adud, Tefsîr-i Mealim, Tefsîr-i Medârik, Hidâye, Kâdîhan, Vâkıat, Hakâyık, İbn Melek, İhtiyâr, Mülteka, Tuhfetü'l-mülûk, Teshîl, Şerh-i Kebîr, Mesâbîh, Mişkat-ı Mesabih, Tîbî are the respected *tefsir, fikh* and *hadis* works that he lists and uses in his treatise.¹⁰¹ As we shall see in the third chapter, most of these works were also the main sources of his fatwa collection.

Thanks to his close relation with the Sultan and the ruling elites, Vani found an opportunity to put his thoughts into practice and convinced the rulers to issue orders on certain issues such as the prohibition of the public performance of the Sufi *devrân* and the *semâ* of the Mevlevîs in 1665, the demolition of the tomb of Bektashi sheikh Kanber Baba in 1668 and the destruction of all taverns in the empire and the banning of the sale of wine in 1670. With all these actions, it seems that he displayed a more rigid attitude than his predecessors toward the Sufis and the innovations prevalent within the community.¹⁰² According to Baer, Vani's intention was "to eradicate what he considered illicit Muslim behavior and to strengthen the rule of Shariah and the way of Muhammad against innovation...to suppress the political power and religious influence of Sufis, especially Bektashis, Halvetis, and Mevlevîs."¹⁰³

Vani Mehmed Efendi used to join the military campaigns near the Sultan or the grand vizier as the army preacher (*ordu şeyhi*). In 1683, he was again present in the army en route to Vienne next to Kara Mustafa Paşa (d. 1683, v. 1676-1683), the Grand Vizier after Fazıl Ahmed, and played an important role in the persuasion of the Sultan

¹⁰¹ Ibid., 1b-12a.

¹⁰² Zilfi, "The Kadızadelis," 263-4.

¹⁰³ Baer, *Honored by the Glory of Islam*, 112.

for the campaign and in the encouragement of the army with his preachings. But the disastrous defeat at Vienna caused the banishment of Vani from Istanbul to Kestel in Bursa as one of the leading incentives of the campaign and “the central government to withdraw its support from the *salafî* militants”.¹⁰⁴ As a deposed man from his posts, he died in 1685 and was buried in Kestel.

After Vani’s departure from Istanbul, the Kadızadeli movement lost its influence in the religio-political life of the center. Unfortunately, we have fairly scarce information about the effects of the Kadızadelis or the presence of similar trends, if it existed, in the provinces throughout the seventeenth century while the movement was effective in the center. In this sense, as we will see below in the analysis of the fatwas, the collection provides valuable insights concerning the development of the Kadızadeli movement in an Ottoman province, Erzurum, in the mid-seventeenth century under the leadership of Vani Mehmed Efendi. Notwithstanding, we have some knowledge, but not enough, concerning the dissemination of Kadızadeli thinking in different parts of the empire in the wake of its demise in Istanbul. For example, the interest in Birgivi Mehmed Efendi’s works, as the number of copies in the eighteenth century indicates, continued to increase in Anatolian cities and towns.¹⁰⁵ Furthermore, it seems that Birgivi’s thoughts and the Kadızadelis’ stringent stance concerning some Sufi practices and some mundane

¹⁰⁴ Terzioğlu, “Sufi and Dissident,” 207.

¹⁰⁵ Kaylı, “A Critical Study of Birgivi Mehmed,” 213-6.

innovations like coffee and tobacco found its way in such provincial centers as Cairo, Bosnia and Damascus in the eighteenth century.¹⁰⁶

2.2 Controversial matters in the fatwa collection

The fatwas that will be investigated in the coming pages are mostly from the *Kitâbu 'l-kerâhiyye* section in the collection. In the classical furu' books, there are some sections devoted not to a single topic, but a wide range of issues about daily life, individual and social relations, and some social practices. These sections are given different headings by different scholars like "*Kitâbu 'l-kerâhiyye ve 'l-istihsân*" (Chapter on reprehensible and approval matters), "*Kitâbu 'l-hazr ve 'l-ibâha*" (Chapter on precaution and permission), "*Kitâbu 'z-zühhd ve 'l-verâ*," (Chapter on asceticism and piety) or "*Kitâbu 'l-et'ime ve 'l-eşribe*" (Chapter on food and drinking). The legal status of the topics handled in these sections is debated among scholars due to the absence of clear textual evidence in the Qur'an and the hadiths. Therefore, jurists through different interpretive strategies reach a variety of rulings as forbidden (*harâm*), permitted (*helâl*) or reprehensible (*mekrûh*).¹⁰⁷

¹⁰⁶ For the impact of the movement in Egypt, see Rudolph Peters, "The Battered Dervishes of Bab Zuwayla: A Religious Riot in Eighteenth-Century Cairo," in *Eighteenth-Century Renewal and Reform in Islam*, ed. N. Levtzov and J. O. Voll (New York: Syracuse University, 1987), 93-115; in Bosnia, see Kerima Filan, "Life in Sarajevo in the 18th Century (According to Mulla Mustafa's Mecmua)," in *Living in Ottoman Ecumenical Community: Essays in Honour of Suraiya Faroqhi*, ed. Vera Constantini and Markus Koller (Leiden, Boston: Brill, 2008), 317-45; Selma Zecevic, "On the Margin of Text," in Damascus, see Barbara Rosenow von Schlegell, "Sufism in the Ottoman Arab World Shaykh 'Abd al-Ghani al-Nabulusi (d. 1143/1731)," Unpublished Ph.D. diss, University of California, 1997, 80-101.

¹⁰⁷ Fatma Betül Satoğlu, "İslam Hukuku'nda İstihsan ve Kerâhiyet," Unpublished MA thesis, Uludağ University, 2004.

From now on, I will mostly examine the fatwas that are covered in the *Kitâbu'l-kerâhiyye* part of the collection. In the analysis of the fatwas, I will present the overall picture on the topic in question and then determine Vani's position about it.

2.2.1 Topics related to Sufi practices

2.2.1.1 The performance of vocal zikr (*cehrî zikr*) and singing (*teğanni*)

Zikr, the remembrance/chanting of the names of God, is one of the most important practices of the Sufis. It could be performed silently (*hafî*) or vocally (*cehrî*) depending on the principles of the Sufi orders. The vocal performance of zikr by certain Sufi groups was among the most significant controversial issues between the Kadızadelis and the Sufis in the seventeenth century. In addition, the Kadızadelis also strongly criticized some practices related to vocal zikr, which were performed, according to them, with the intention of amusement and play (*lehv u la' b*) or worship, such as zikr with the accompaniment of rhythmic motions of body, the use of ritual music and dance in Sufi ceremonies, the melodic recitation of the Qur'an, the *ezân* and the *ikâme* (commencing the ritual worship), singing and listening to religious music, and playing musical instruments such as *def* (tambourine with cymbals) and *tabl* (drum). The discussion between the two groups was carried on in the sermons that they gave and in the treatises that they wrote.¹⁰⁸

¹⁰⁸ For a discussion of the Sufi-Kadızadeli debate on the performance of zikr, see Çavuşoğlu, "The Kadızadeli Movement," 187-93, 208-13.

As we have seen in the preceding pages, as soon as Vani arrived in Istanbul, he wrote a treatise, titled *Muhyi's-sunne*, in which he criticized some of the Sufi practices mentioned above. His fatwa collection clearly illustrates that these controversial issues were also on the agenda of Vani while he was in Erzurum, and that he took a hardline stance about them. Consider, for example, the following fatwa:

Question: If a large number of people gather in a mosque and practice vocal *virid* and *zikir* and raise their voice and make a lot of commotion and regard this kind of conduct to be worship, are their loud litanies and the raising of their voice in conformity with the sharia, and [if not,] what should be done to them? And is it permissible according to the sharia to perform after the prayers the *tesbihât* and the *tehlîlât* in a loud voice, or should all these litanies be performed in silence?

Answer: In such reliable fatwa books as *Hakâyık*, *Manzûme*, *İbn Melek*, *Mültekâ*, *İhtiyâr*, *Gunye*, *Kâdîhan*, *Vâkı'ât*, *Tuhfe* and many others, it is recorded that vocal *zikir* is an innovation (*bid'at*) and whoever performs it is an innovator (*ehl-i bid'at*), and it is incumbent upon the amirs, qadis and other rulers and ulema to forbid this practice, and it is incumbent upon the lay people to reject [it] in their hearts, and it is necessary to expel them [i.e., the perpetrators of these acts] from the masjids.¹⁰⁹

The *virid* (plural *evrâd*), which is mentioned in the question part, is an arrangement of certain litanies including verses from the Qur'an, the hadiths, and various prayers. Each Sufi order has different *evrâd* composed by mostly their leaders and read at certain times by its members personally or communally.¹¹⁰ The issue that is problematized in the

¹⁰⁹ “Mesele: Cem'-i kesîr ve cemm-i ğâfir bir mescidde cem' olub cehr ile virid okuyub ve cehr ile zikir edüb raf'-ı savt ve hây-ı hûy edüb vaz'-ı mezburu ibadet itikâd etseler kavm-i mezburun ettiđi zikir-i cehri ve raf'-ı savt câiz olur mu ve ol kavm hakkında ne hükm olunur ve edbâr-ı salatda cehr ile tesbihât ve tehlîlât şer'an câiz midir yahut bu mezkûr şeyler cümle ihfâ ile mi lazımdır? El-Cevap: Kütüb-i fetâvâ-yı mu'teberede Hakâyık ve Manzûme ve İbn Melek ve Mültekâ ve İhtiyâr ve Gunye ve Kâdîhan ve Vâkı'ât ve Tuhfe ve bunlardan gayrı çok kütüb-i mu'teberede mestûrdur ki cehr ile zikir bid'at ve eden ehl-i bid'atdır ve emîrler ve kâdılar ve sair hükâmâ ve ulemâya men' vâciptir ve âmmeye kalpleriyle inkar lazımdır ve mescitlerden ihraçları lazımdır.” Vani, *Fetâvâ*, 33b-34a. (The fatwa-texts quoted in the footnotes are from the copy in Milli Kütüphane. In some cases, some words or phrases from other copies are added in order to make the meaning clear. For the copy of Istanbul Nadir Eserler Kütüphanesi, the square bracket [] is used; for the copy of Erzurum İl Halk Kütüphanesi, the curly bracket {} is used.)

¹¹⁰ F.M. Denny, “Wird,” *Encyclopaedia of Islam, Second Edition*, 209-10.

fatwa is the vocal reading of the *evrâd* in a masjid by a large number of people, who also raised their voice and made a lot of commotion (*hây-ı hûy edüb*). In addition, the question includes a part concerning the judgment of the sharia on the performance of the *tesbîhât* (a litany of praise to God) and the *tehlîlât* (pronouncing God's unity by *lâ-ilâhe illa'llah*, there is no God but God) after the prayers in a loud voice. The formulation of the question implies that Vani was against the vocal performance of the litanies, because the last part of the question ("should all these litanies be performed in silence") recommended the practice of performing silent zikr. It is worth reiterating that, in the answer part, Vani instead of discussing each topic separately, which is mentioned in the question part one by one, only deals with vocal zikr. He may have implied that the ruling on vocal zikr could be extended to other issues, which are vocally performed as well. Moreover, Vani did not suffice with a brief reply. Rather he engaged in a process of substantiation. According to him, the performance of vocal zikr is an innovation and the performer is an innovator. In order to prevent those people from performing vocal zikr in the mosques, he put emphasis on the responsibility of different segments of the society including the rulers and the ulema and also the people, who should deny such practices with their heart (*âmmeye kalpleriyle inkâr lazımdır*). This ruling indicates that Vani takes into consideration the socio-political hierarchy and reminds each segment of society of their responsibility. With his approach, it seems that Vani follows Birgiv's method on *emr-i bi'l-ma'rûf nehy-i 'ani'l-münker*, which is "rulers and people in positions of execution should apply this duty by hand, men of science apply it by tongue and people confirm it by the heart."¹¹¹ Furthermore, in his response, he mentioned the

¹¹¹ Çavuşoğlu, "The Kadızadeli Movement," 255.

names of some authoritative fatwa books of the Hanafî madhhab which are in agreement on the impermissibility of vocal zikr. He did not give full quotations from these works as he did in other fatwas. This may be because Vani wanted to give the questioner the impression that it was not an exceptional view among the ulema to consider vocal zikr impermissible. It is interesting that Vani did not mention any of the Ottoman şeyhülislams, who had a more nuanced approach to vocal zikr and who regarded some forms of it to be permissible.¹¹² Rather, he rested his argument on the ulema from outside of the Ottoman world who considered it as an innovation. In another fatwa related to this topic, Vani put forward that the melodic recitation of the *ezân*, the *ikâme* and the Qur'an (*teğannî*), which leads to the distortion of the words and meaning, by *imâm* (a leader in public worship) and *müezzin* (who publicly calls Muslims to worship) was unlawful with the consensus of the ulema (*bi'l-ittifâk haramdır*). He added that the *tesbîhât* should be performed silently.¹¹³ All in all, it is clear that, in his fatwas, Vani harshly criticized the practices of different forms of vocal zikr and strongly advocated their silent performance.

2.2.1.2 *Semâ, devrân, raks*

The controversy over the religio-legal status of some Sufi practices like *devrân* (whirling) or *raks* (dancing) or *semâ* in Islamic history was a long-standing one. As far

¹¹² Terzioğlu, "Sufî and Dissident," 208-33.

¹¹³ "Mesele: İmam ve müezzin olan Müminler ezân ve ikâmet ve Kur'an'da teğannî eyleyüb ve tesbîhât ve tehlîlât ve tekbîrâtda raf'-ı savt eyleseler mezbur imâm ve müezzinlerin e'falleri câyiz olur mu yahud men' lazım mıdır? El-Cevap: Ezân ve ikâmet ve Kur'an'da teğannî bi'l-ittifâk haramdır ve tesbîhatda ihfâ lazımdır. Raf'-ı savt eden âsî olur." Vani, *Fetâvâ*, 34a-34b.

as the Ottoman period is concerned, in the sixteenth and seventeenth centuries, several treatises and fatwas were composed by two sides in order to prove their point of view. While most of the Sufis regarded *semâ* and *devrân* to be permissible (*helâl*) and an act of worship, the Kadızadelis conversely claimed that the practices of the Sufis are unlawful (*harâm*) and a kind of amusement and play. Besides, the Ottoman ulema elite also took part in this discussion with their fatwas and their treatises.¹¹⁴ It seems that from the early sixteenth century to the late seventeenth century, the position of the Ottoman learned establishment on the question of Sufi innovations transformed from a stance defending the controversial Sufi practices and beliefs into “a new understanding of the Sunna, one which, in line with the state’s needs in a changed political terrain, excluded a number of Sufi elements from within the circle of the People of Sunna and Community, while it kept others in check.”¹¹⁵ Furthermore, the critique of the learned establishment concerning the Sufi innovations approached to the Kadızadelis’ stance especially during the period of Vani.

The fatwa collection of Vani contains a few fatwas concerning the performance of *semâ* or *devrân*, in which he presents a representative example of the stringent position of the Kadızadelis. For example:

Question: If people of spiritual voyage [i.e., Sufis] from among the pious people of the umma, whose original purpose in performing litanies and worship is to renounce all that ‘s in their hearts besides God and to turn toward God, practice vocal zikr according to the rite of the [Sufi] path to eliminate their *havâtır-ı râsiha* (strong.?? thoughts), and if their hearts are consequently affected by the fervor of the remembrance (zikr) of God, and if they, after deriving spiritual

¹¹⁴ For a discussin of the Sufi-Kadızadeli debate on the practices of *semâ* and *devrân* see Çavuşoğlu, “The Kadızadeli Movement,” 194-207; Terzioğlu, “Sufi and Dissident,” 208-233.

¹¹⁵ Terzioğlu, “Sufi and Dissident,” 233.

pleasure [from this] in accordance with their aptitude, involuntarily start to move and in a state of ecstasy go around in a circle performing the zikr of God, what should be done to Zeyd the *imâm*, who pronounces these people to be people of sedition and even unbelievers?

Answer: *Devrân* is equivalent to *raks*, and those who regard *raks* as lawful (*mubâh*) are considered as unbeliever according to some ulema. But it is certain that those who regard *devrân* as worship become unbelievers, and the imam who tells the truth deserves nothing other than eternal reward.¹¹⁶

The question part contains a noteworthy passage concerning the atmosphere prior to the practice of *devrân*. From the manner in which the question is posed, it would appear that the questioner was a supporter of *devrân* and the mufti did not reformulate the question in a classical format by omitting favorable descriptions concerning *devrân*. It would seem that the *musteftî* wanted to obtain an affirmative fatwa concerning the performance of *devrân* and, for this purpose, he defined those people with such praiseworthy words as “people of spiritual voyage” (*erbâb-ı sülûk*) and “pious people of the umma” (*sulehâ-i ümmet*); and regarded the practices of those people as the “rite of the Sufi path” (*âdâb-ı tarîkat üzere*). Furthermore, the questioner stated that those people were performing vocal zikr. In his reply, Vani reflects his stringent position concerning *devrân* and does not consider the questioner’s favorable description of the atmosphere before *devrân*.

According to Vani, *devrân* is equivalent to *raks*, and *raks* is unlawful. Furthermore, in another fatwa in the *Kitâbu ’ş-şehade* chapter, it is mentioned that the testimony of the

¹¹⁶ “Mesele: Sulehâ-i ümmetden erbâb-ı sülûk cemî‘ ezkâr u ibâdâtıdan garaz-ı asl kalbini mâ-sivâllâhdan tefrîğ ve cenâb-ı kudsiyye teveccüh edüb havâtır-ı râsihalarını izâle için âdâb-ı tarîkat üzere zikr-i ceħriyye müdâvemet ve harâret-i zikrullâhdan kalpleri [müteessir] olup bi-hasebi’l-isti‘dâd her biri {ezvak-ı} rûhaniyye ile telezzüz tahsîl ettiklerinden sonra fi’l-cümle harekete meşğûl olup bir mikdar tevâcûden dâyırın oldukları halde zikrullâh meşğûl olsalar bi’l-küllîye ihtiyarları [meslûb] değil iken devrân etmeleri ile tâyife-i merkûme-i tefsîk belki tekfir eden Zeyd-i imama ne lazım olur? El-Cevap: Devrân raks hükmündedir. Raks mübahtır diyene bazı ulemâdan ikfâr naklolunmuştur. Amma ibâdetdir diyen kâfir olması {zâhirdir kavî-i bi’l-hakk? olan imama sevaptan gayrı nesne lazım olmaz.}” Vani, *Fetâvâ*, 34b-35b.

performer of the *devr* (to whirl) and *raks* and those who consider them lawful in religion cannot be accepted.¹¹⁷

In order to prove his argument, Vani resorts to the use of inauthentic traditions by quoting from the commentary of Latif Efendi, which I have not been able to identify. He claims that there are several traditions about people who practice *devrân* and two of them, which are similar to each other, are recorded in the quotation part. The tradition is worth citing in full:

The Prophet said, “The day of judgment will not take place unless from among any followers there emerges a group which call themselves Sufis and their signs will be the performance of vocal zikr. They will consider themselves as being in the path of piety, whereas their shaykhs are misguided more than the kuffar. Their actions will be similar to these of Dajjal and their practices will resemble these of Satan. Moreover, they will argue with the ulema. They will have no faith and will like music and raqs, they will listen and find ecstasy and they will beat the tambourine with their hands. All of these actions are haram, and are inherited from the Jahiliyya.”¹¹⁸

A significantly different language is used in another fatwa in the collection about the performance of *semâ* in a mosque. The question might have been a formulation of Vani in order to carry on the discussion concerning *semâ* and *devrân* or it might have been put forth by an opponent of those Sufi practices who had come to Vani requesting a fatwa. In this fatwa, people, who assemble in the corner of a mosque, and “pollute” it by performing *semâ*, *kavl* (singing), *raks* and *devr*, are depicted as innovators (*mübtedi*’).

The question is about whether it is permissible to perform the five daily canonical

¹¹⁷ “Mesele: Fî zamanına devr ve raks âdet edüb halline zâhib olan Zeyd’in şehâdeti nâfiz olur mu? El-cevap: Olmaz.” Ibid., 149a.

¹¹⁸ Ibid., 35a-35b. Necati Öztürk quotes this statement from Vani’s risale, *Muhyi’s-sunne*, and notes that “this tradition cannot be traced and its style and language are unusual for a tradition. It is very likely that it is a fabrication.” Öztürk, “Islamic Orthodoxy,” 359.

prayers (*salât-ı hamse*) and to read the Qur'an in this mosque? Vani replies that it is not permissible (*câiz deđil*) and that just as reading the Qur'an in a church is not permissible, it is not allowed to pray and recite the Qur'an in such a place where *semâ*, *kavl*, and *raks* are performed with the accompaniment of *çöğür* (a lute-like instrument) and *tanbûr* (a large six stringed lute). Furthermore, such a place should be cleansed of these practices and Muslims who practice them should be shunned.¹¹⁹ Considering all these fatwas, it becomes apparent that Vani was sharply critical of the Sufi ceremonies of *semâ* and *devrân* with the accompaniment of some musical instruments. His stance on these issues clearly differentiates him from some of the sixteenth century Ottoman ulema like Ebussuud, who had a much more nuanced approach and proposed some "appropriate forms" for *devrân*.¹²⁰ With his approach, he also shows us the presence of the critics of some Sufi practices in an Anatolian city, in Erzurum, which had parallels with the Kadızadeli views of the first half of the seventeenth century in Istanbul.

2.2.2 Topics related to social and political life

2.2.2.1 Tobacco

Tobacco arrived in Istanbul at the beginning of the seventeenth century, and quickly gained popularity among the people like coffee, which had reached the Ottoman Empire

¹¹⁹ "Mesele: Bir câmi'in bazı cânibinde tâyife-i mübtedi'a cem' olup semâ ve kavl ve raks ve devr edüb mekân-ı mezburu telvîs eyleseler şer'an mekân-ı mezburda salât-ı hamsenin edâsı veya Kur'an-ı 'âzîm tilâveti câyiz olur mu? El-Cevap: Olmaz. Nitekim kenâyis-i biya'da Kur'an-ı 'âzîm tilâveti câyiz olmadığı gibi ve semâ ve kavl ve raks ve çöğür ve tanbur ile beraberdir ve mekân-ı mezburun tatahhuru vaciptir ve Mümin olanlara men' lazımdır." Vani, *Fetâvâ*, 39b-41a.

¹²⁰ Terziođlu, "Sufi and Dissident," 224-5.

from Yemen in the mid-sixteenth century. This prompted a heated debate about the legal status of tobacco consumption.¹²¹ Since there was no explicit mention either in the Qur'an or in the hadiths concerning the consumption of tobacco, the ulema used different interpretive strategies and reached different rulings about it. Some deemed it to be prohibited (*harâm*); others considered it merely reprehensible (*mekrûh*), while yet others considered it permissible (*helâl*). The government also took its place in this discussion depending on its political needs. For this purpose, from time to time the state interfered with the consumption of tobacco, and banned it along with coffee and coffeehouses. The first ban on the use of tobacco was promulgated in the reign of Sultan Ahmed I (r. 1603-1617), but was not effective throughout the empire. But, in the reign of Sultan Murad IV (r. 1623-1640), smoking tobacco was again prohibited and coffeehouses were banned throughout the empire. These prohibitions seemed to be more effective than previous ones. In this official suppression of tobacco and closure of the coffeehouses, it seems that the concerns of Murad IV became more effective. At this point, the contemporary sources indicated that he started to consider tobacco as a threat to the city after the great fire in 1633 and regarded coffeehouses as a place for gossip and disaffection.¹²² Furthermore, according to Grehan, in the motivation behind the rulers' interventions was to prevent the impact of tobacco, which brought "a new sociability" to Ottoman society along with coffee and coffeehouses, and threatened

¹²¹ For discussions concerning tobacco in the Ottoman Empire, see James Grehan, "Smoking and 'Early Modern' Sociability: The Great Tobacco Debate in the Ottoman Middle East (Seventeenth to Eighteenth Centuries)," *American Historical Review* 111 5 (2006): 1352-1377; Fehmi Yılmaz, "Osmanlı İmparatorluğu'nda Tütün: Sosyal, Siyasî ve Ekonomik Tahlili (1600-1883)," Unpublished Ph.D. diss, Marmara University, 2005; Katip Çelebi, *The Balance of Truth*, 50-59; Yahya Michot, *An Ottoman Manifesto Against Smoking: Ahmad al-Aqhisârî* (Leicestershire: Kube Publishing Ltd., 2010); Çavuşoğlu, "The Kadızadeli Movement," 215-24.

¹²² Katip Çelebi, *The Balance of Truth*, 59.

“long-standing social hierarchies.” With this purpose, he states that by the late sixteenth century, the Ottoman state “issued a burst of sartorial regulations that sought to restrain a growing exuberance in popular fashion.”¹²³ Throughout the seventeenth century, although many official bans were declared by the state, they were not effectual, and people continued to smoke tobacco, drink coffee and attend coffee-houses.

Looking at the views of different religious groups over the legal status of smoking tobacco, different groups reached different solutions according to their interpretation of the legal sources or their political considerations. On the one side, the great Ottoman jurists from the center in former times declared the practice of smoking disapproved, but towards the mid-seventeenth century they pronounced it lawful. Katip Çelebi argues that the ulema took into consideration public interest (*maslahat*) by declaring the consumption of tobacco to be lawful “as being an act of compassion towards the addict and protecting the public from sin.”¹²⁴ Katip Çelebi also adds that contrary to the great jurists’ mild stance, “certain provincial muftis have declared it forbidden.” The Sufis, on the other side, often deemed it permissible. However, there were some Sunna-minded Sufis who regarded the consumption of tobacco to be impermissible.¹²⁵ Lastly, the Kadızadelis regarded the consumption of tobacco and some other substances such as coffee, opium and other drugs as innovation and targeted those who consumed them in their sermons and in their works. Furthermore, due to their close relationship with the sultan and administrators, they played an influential role in

¹²³ Grehan, “Smoking and ‘Early Modern’ Sociability,” 1363.

¹²⁴ Katip Çelebi, *The Balance of Truth*, 56.

¹²⁵ For some examples who wrote on the impermissibility of tobacco in the seventeenth century, see Terzioğlu, “Sunna-Minded Sufi Preachers,” 274-6; Michot, *An Ottoman Manifesto Against Smoking*.

the promulgation of the official ban on the use of such substances throughout the seventeenth century. In this sense, Katip Çelebi notes that Kadızade Mehmed Efendi persuaded the Sultan to outlaw tobacco.¹²⁶ Kadızade, in his sermons, developed different interpretative strategies concerning the impermissibility of tobacco, one of which was to obey those in positions of authority in the absence of definite legal rulings.¹²⁷ As we will see below, this kind of strategy was used by Vani as well in the evaluation of the fatwa concerning tobacco. Smoking tobacco was not only discussed in the central lands of the empire. For example, in the eastern part of Anatolia, Vani Mehmed Efendi as a mufti of Erzurum deals with this issue by giving a fatwa against its practice and most probably giving sermons in the Lala Mustafa Paşa mosque. In the collection, there is an interesting fatwa which does not conform to the classical question-and-answer format. It goes as follows:

Question: It is certain that there is great merit in and reward for issuing a shar‘i judgment, based on rational and scriptural arguments and in deducing proofs from the Book (Qur’an), sunna (hadiths) and *icmâ* (consensus of the ulema belonging to the four Sunni schools of law) about men who insist on smoking and people who rule it permissible to smoke tobacco, that despicable thing which in our time denigrates the light of faith, which results in the piss of Satan, which is the custom of people of sedition, which has a bad smell, taste and name and which is a bad custom. Please benefit us by explaining.

Answer: The four imams agreed that obedience is obligatory when the order of the sultan is in accordance with the sharia. As for those who remain undecided about the unlawfulness of smoking after its having been prohibited by the great sultans, the Qur’anic verse *Ulâike ke’l-en’âmi bel-hum edall* [these are as the cattle. No, but they are worse (7:179)] provides manifest evidence about them. The Qur’anic verse *Yâ eyyühe’l-lezîne âmenû etî’ullâhe ve etî’urresûle ve uli’l-emri minküm* [O you who believe! Obey Allah and obey the Messenger and those of you who are in authority (4: 59)]¹²⁸ and the hadith *men etâ’anî fe-kad*

¹²⁶ Katip Çelebi, *The Balance of Truth*, 59.

¹²⁷ Çavuşoğlu, “The Kadızadeli Movement,” 217-8.

¹²⁸ *The Holy Qur’an With English Translation*, (İstanbul: İlmî Neşriyat, 1996).

etâ'allâh ve men 'asânî fe-kad 'asallâh ve men yutî 'i'l-emîre fe-kad etâ'anî ve men yu'sî'l-emîre fe-kad 'asânî (whoever obeys me, obeys God. Whoever opposes me, opposes God. Whoever obeys those in positions of authority, obeys me. Whoever opposes those in positions of authority, opposes me) provide clear evidence for the obligation to obey those in positions of authority (*ulu'l-emr*). But those who accept the unlawfulness of tobacco, [but] who still insist on smoking do harm to themselves and set upon the path of disobedience.[At this point, Vani gives references to the books of some commentators, and then continues to his fatwa]. It is understood from the words of these commentators that when the pious people among the Muslim community by their nature regard something as abominable, that thing becomes unlawful, and the abominableness of smoking in the nature of the pious people is clearer than the sun. Yet the smokers do not despise it just as tanners do not despise carcasses. For their nature is not free from all defects.¹²⁹

It is interesting to note that the fatwa-text seems to be Vani's rhetorical formulation in order to make clear his point of view on tobacco rather than a questioner's request for a fatwa on this issue. In the question part, Vani, instead of formulating the problem on tobacco in the classical question format, firstly describes *duhân* and its users with negative words such as "the practice of trouble-makers and rebels" (*sanat-ı ehl-i fesâd ve't-tuğyân*), a "product of satanic urine" (*hâsıl-ı bevl-i şeytân*) and "extinguisher of the light of faith" (*muzîl-i nûr-ı îmân*). Therefore, it is clear that the question is not about

¹²⁹ "Mesele: Fî zamaninâ duhân-i muzîl-i nûr-ı îmân ve hâsıl-ı bevl-i şeytan ve sanat-ı ehl-i fesâd ve't-tuğyân dedikleri habîsü'r-râyihâ ve habîsü't-ta'am ve habîsü'l-ism ve habîsü'r-resm olan murdarın şurbuna musırr olan âdemler ve hıll tarafında ikâmete delîl eden şahıslar hakkında hükm-i şerîf-i meşru' ve emr-i münîf-i ma'kûl ve menkûl beyanıyla müsâb olunmak mukarrer ve kitab ve sünnet ve icmâdan müstanbat edille tahrîri ile ecr-i cezîl muhakkaktır.[Beyân buyrulup müsâb oluna] El-Cevap: Eimme-i erba'a ittifâk etmişlerdir ki hükm-i Sultân şer'-i şerîfe muvâfık oldukda itâ'at vâciptir. Pes duhân hakkında nehy-i selâfîn-i 'izâm vukû'undan sonra hürmetinde mütereddit olanlar Ulâike ke'l-en'âmi bel-hum edall haklarında hücce-i nâtık[a]dır. Zira âyet-i kerîme Yâ eyyühe'l-lezîne âmenû etî'ullâhe ve etî'urresûle ve uli'l-emri minküm ve hadîs-i nebevî men etâ'anî fe-kad etâ'allâh ve men 'asânî fe-kad 'asallâh ve men yutî 'i'l-emîre fe-kad etâ'anî ve men yu'sî'l-emîre fe-kad 'asânî vucûb-ı itâat-i uli'l-emrde burhân-ı sâtî'dır ve amma ol kimseler ki hürmetine ikrâr edüb şurbuna dahi isrâr ederlerse nefislerine zulm edüb ve isyân tarîkine sülûk etmiş olurlar. Bu müfessirler kelâmından mefhûm oldur ki sulehâ-i ümmet ve etkıyâ-i millet tabiatları ki bir şey istihbâs edüb habîs addederler ol şey haram olur ve bu duhân dedikleri mel'unun teneffürü sulehâ tab'ında habîs olmak azhar mine'ş-şemsdir lakin şâriblerinin adem-i nefretleri debbâğ necasetten nefret etmediği gibidir. Zira tab'ları selîm değildir.[Allahu a'lem]." Vani, *Fetâvâ*, 32b-33b.

whether tobacco is permissible or not. Instead, the main concern of the fatwa is to condemn those who smoke it constantly and who speak in favor of its consumption. Furthermore, at the end of the question, there is a request for rational and traditional evidence derived from the Qur'an, hadiths and scholarly consensus, which is different from requesting a fatwa supported by authoritative fiqh books. This is an indication of the fact that since there is no clear textual evidence concerning the ruling of tobacco, scholars tended to deduce proof from the main sources of Islamic law, the Qur'an, hadiths and *icmâ* in order to support their own individual reasoning. For example, an early seventeenth century Ottoman scholar, Ahmed Rûmî el-Akhisarî (d. 1631), wrote a treatise on tobacco, namely *er-Risâletü 'd-duhâniyye*, and developed an independent reasoning (*ictihâd*) in his argumentation against tobacco by deducing proofs from the Qur'an, hadith and medicine.¹³⁰ Vani, in this respect, is much more conservative and does not attempt to develop his own legal argument against tobacco. Instead, he prefers to base his argument on the general rule agreed upon by the imams of the four madhhabs that if the ruler imposes a ban on something which is not in contradiction with the sharia, then, it is an obligatory act for Muslims to obey that rule. Therefore, Vani reminded the questioner of the previous official bans on tobacco and said that if there are still indecisive people about its impermissibility, "they are like beasts-indeed, they are less enlightened." Then he quotes a verse from the Qur'an and a tradition of the Prophet to stress the necessity of obeying those in positions of authority. It is apparent that for Vani, those in positions of authority, which are emphasized in the verses and the hadiths as the ones to be obeyed, were the ruler, specifically the sultan.

¹³⁰ Michot, *An Ottoman Manifesto Against Smoking*.

The imperative to obey those in positions of authority, to which Vani resorted in the evaluation of the legal status of smoking tobacco, is also taken into consideration in a separate fatwa mentioning the binding authority of the sultan over everyone including the ulema, *suleha* (righteous people), *a 'yan* (notables) and other people. In this fatwa, Vani is asked if the sultan imposes an order or a ban on something which is in conformity with the sharia; and if then the ulema, *suleha*, notables and other people of a certain town oppose that ruling even though it is stated in the fatwa collection of Kâdîhan that opposing the ruler is impermissible (*harâm*), how would they be punished (*ta 'zîr*)?¹³¹ In his answer, Vani explains the required punishment for each layer of society one by one.¹³² The importance of this fatwa lies in the fact that the sultan had a great power and, even, a binding authority especially in cases where the sharia is silent or on which jurists could not reach consensus.

2.2.2.2 *Benc* (*bengilik*) and some musical instruments like *tanbûr*, *çöğür*, *saz*, *mezâmîr*, *tabl*, *zurna*

Besides the strong opposition to the consumption of tobacco and coffee, the Kadızadelis also targeted the use and sale of substances such as wine, opium, hashish and *benc*,

¹³¹ *Ta 'zîr* means discretionary punishment for the offences that stand outside the legal category of *hadd* penalties like banishment, imprisonment. For a detailed study on the *ta 'zîr* punishments specifically in the Ottoman Empire, see Uriel Heyd, *Studies in Old Ottoman Criminal Law* (Oxford: Clarendon Press, 1973).

¹³² “Mesele: Pâdişâh bir hususta şer‘a muvâfik emr veya nehy eyledikte bir belde halkının ulemâ ve sulehâ ve eşrâfdan ve sâir nâs hükm-i mezbura muhalefet ettikte fetâvâ-yı Kâdîhan kavli üzere ki “Muhâlefetü’l emîri harâmun” buyrulmuşdur ta‘zîr ve te‘dîb lazîm geldikte nice ta‘zîr olunur? El-Cevap: Kavm-i mezbur alimlerine ve eşraflarına sadatlarına kavli-i ‘anîf ve vech-i ‘abûs ile ve umerâ ve a‘yân-ı devlete hem kavli-i ‘anîf ve hem bâb-ı hâkime cerr ile ve evsat-ı nâsa ve sevkiyyesine hem kavli-i ‘anîf hem bâb-ı hâkime cerr ve hem habs ile te‘dîb olunur ve ahardan olanlarına hem eşyâ-i sülûse ve hem darp ile te‘dîb olunur.” Vani, *Fetâvâ*, 82b.

which have intoxicating qualities and, hence, were regarded as impermissible (*harâm*) by Muslim jurists belonging to different madhhabs. Furthermore, they criticized gatherings which involved wine drinking, the playing of musical instruments and the free association of unrelated men and women. These criticisms concerning all these intoxicating substances, which were brought into the fore by the Kadızadelis in the seventeenth century, could be seen as an indication of “the heightened shariah consciousness”, which had been on the agenda from the late sixteenth century onwards and continued throughout the seventeenth century “as a response to the social, political and economic crisis that had struck the empire at the turn of that century”.¹³³ It could be argued that these criticisms may have become effective in the rulings of the central government concerning the prohibition of the sale of wine and the destruction of all taverns in the empire around the mid-seventeenth century.¹³⁴

In the collection, there are a few fatwas about these issues which show us that wine and some other intoxicating drinks were consumed by Muslims and non-Muslims in Erzurum. Concerning the production of wine in Erzurum, Tavernier, who visited the city around 1630s, stated that drinking wine was certainly forbidden and wine was only produced outside of the city, probably referring to the places where non-Muslims were living. Furthermore, he urged that it should be secretly bought and the judge should not notice this.¹³⁵ In addition, the late seventeenth century traveler Tournefort had similar

¹³³ Derin Terzioğlu, “Where *İlmihal* Meets Catechism: Islamic Manuals of Religious Instruction in the Ottoman Empire in the Age of Confessionalization,” *Past and Present* 220 (2013): 86.

¹³⁴ Terzioğlu, “Sufi and Dissident,” 206; Zecevic, “On the Margin of Text,” 318-24.

¹³⁵ Jean Baptiste Tavernier, *Tavernier Seyahatnamesi*, trans. by Teoman Tunçdoğan (İstanbul: Kitap Yayınevi, 2006), 59-60.

observations concerning the consumption of wine. He noted that Turks applied the rules here more strictly than in other places and people who sold wine could be punished with a stick (*değnek*).¹³⁶

Although there were certain restrictions in wine-drinking and wine-selling, as the observations of the travelers indicate, it seems that some people both Muslims and non-Muslims continued to practice their habits. Therefore, the following fatwas concerning Muslim consumption of wine in which Vani offers extraordinary punishments could be evaluated as an attempt to prevent people from indulging in this practice. In one fatwa, Vani was asked if the people of a village customarily buy wine and “their treachery to the Community of Muhammad is well known”, what should be the punishment for these people? He replied that their houses should be burned down.¹³⁷ In another fatwa, if “Zeyd the wrongdoer” plays musical instruments like *tanbûr* and *çöğür* in front of the people for amusement and play and drinks wine, what should be the required punishment for him? In his answer, Vani offers an optional penalty to the ruling authority. Firstly, the wrongdoer should be warned (*tenbîh*). If he does not repent, then the ruling authority has four options: he can restrain (*zecz etmek*) him, or throw him into prison, or he can restrain and beat (*darb*) him, or can burn his house.¹³⁸ In a similar case,

¹³⁶ Tournefort, *Tournefort Seyahatnamesi*, 129.

¹³⁷ “Mesele: Bir karye halkının mu‘tâdları ittihâz-ı hamr etmek olup ümmet-i Muhammed’e ihanetleri[ve gadr eyledikleri] zâhir oldukda hammâr-ı mezburlara ne ukûbet lazımdır? El-Cevap: Dârlarını ateşe yakmak lazım olur. Ya tecrîd edüb yakmak lazım olur.” Vani, *Fetâvâ*, 35b-36a.

¹³⁸ “Mesele: Zeyd-i fâsık-ı şakî tanbur ve çöğür ve sair alete lehv u la‘b {alâ-melei’n-nâs} isti‘mâline ısrâr ve şurb-ı hamra ikrâr eylese şer‘an alet-i fiskin isti‘mâline ısrâr ve şurb-ı hamra ikrâr eyleyen fâsıka ne ukûbet lazım olur? El-Cevap: Hâkime lazımdır ki evvela te’kîd ve tenbîh eyleye. Mütenebbih olmaz ise hâkim muhayyerdir, dilerse zecz eder, dilerse habs eder, dilerse zecz eder ve darb eder, dilerse dârını yakub ateşe yakar.” *Ibid.*, 36a.

Vani again responded that the house of the wrongdoer should be burned down following the example of the second rightly-guided caliph Ömer (d. 644) who was reported to have burned the house of drunkards. At this point, he gives a reference to İftihârüddîn el-Buhârî (d. 542/1147)'s *Hulâsatu'l-fetâvâ* in which el-Buhârî mentions optional punishments for the drunkards like restraining, flogging and banishment and also expresses the caliph Ömer's punishment.¹³⁹ Furthermore, there is a similar fatwa in the collection asking the punishment appropriate for Hind, who drinks wine, plays some musical instruments like *saz* and *tanbûr*, and sits with men who are not her relatives. Vani responds that the ruling authority should firstly warn her, if she does not heed the warning, then the ruler could either discipline her by restraining and flogging or banish (*nefy*) her.¹⁴⁰ Since we do not have enough information about the actual process behind all these fatwas, it is not easy to understand Vani's differentiated legal reasoning in each case. But it is apparent that he offers various punishments to different situations from warning to more severe ones including imprisonment, banishment, burning one's house or flogging. It seems that in most of the cases, flogging, the fixed penalty (*hadd*) of the sharia for wine-drinking requiring eighty lashes, is not offered at first. Instead, some other punishments like warning, imprisonment and banishment are recommended to be inflicted on drunkards to give them a chance to repent and not to repeat their practices again. It is possible to find the infliction of, for example, banishment or penal servitude

¹³⁹ Ibid., 36b.

¹⁴⁰ "Mesele: Daimâ hem-celîs olup nâ-mahremiyle her-bâr saz ve tanbur ve şurb-ı hamrı âşikâre eden Hind-i fâsıkaya şer'an ne ukûbet lazımdır? El-Cevap: Hâkime lazımdır ki evvelen tenbîh ede mütenebbih olmazsa hâkim muhayyerdir dilerse zecr u darb ile te'dib eder dilerse nefy eder." Ibid., 36b.

on the galleys (*kürek*) concerning wine-drinking in the Ottoman court records.¹⁴¹ But, burning down of the offender's house, which is an extraordinary and unusual punishment, should be evaluated as a severe threat to him rather than an offer to the ruling authority in order to apply in practice.

The entertainments of the infidels inside the Muslim community were also on the agenda of Vani. One fatwa states that the rulers should prevent the infidels from their "indecent acts" if they open wine-taverns and *boza* stalls in a Muslim district, sell wine and *boza* (a drink made from malted millet) openly, and, for amusement, drink *boza* and play musical instruments like *rebab*¹⁴², *mezâmîr*¹⁴³ and *tanbur*, and sing.¹⁴⁴ As we have mentioned above, while Vani was in Istanbul, with his influence, Fazıl Ahmed ordered to raze every tavern in Istanbul. Baer notes that "according to Vani Mehmed Efendi, taverns and the wine trade caused moral corruption, especially when located in neighborhoods that were predominantly Muslim."¹⁴⁵ It is apparent that in Erzurum Vani had a similar stance concerning the existence of taverns in Muslim communities. Furthermore, the performance of musical instruments with the accompaniment of wine and *boza* is regarded as a major disorder, which should be prevented. In his reply, Vani does not discuss the legal status of *boza*. What he concerns here is that, according to

¹⁴¹ Uriel Heyd, *Studies in Old Ottoman Criminal Law*, 301-4.

¹⁴² A sort of guitar.

¹⁴³ Plural of *mizmâr*, a musical pipe or flute.

¹⁴⁴ "Mesele: Belde-i Müslimînde kefer-i fecere meyhâne bozahâne peydâ edüb âşikâre hamr ve boza bey' eylediklerinden gayrı lehv için alaniyeten boza içüb ve rebâb ve mezâmîr ve tanâbîr ve ğınâyı izhâr eyleseler hükkâm-ı Müslimîn üzerine mezkûr fevâhişin men'i vâcip olur mu? El-Cevap: Olur." Vani, *Fetâvâ*, 22b-23a.

¹⁴⁵ Baer, *Honored by the Glory of Islam*, 116.

him, both wine-taverns and *boza* stalls were places where certain “indecent acts” were practiced for amusement (*lehv*) and, thereby, people should be restrained. With regard to *boza* stalls, the Şeyhülislam Ebussuud issued similar fatwas in the sixteenth century and classified these places as the “wicked places” (*mevzi ‘-i fisk*) where people engaged in useless works.¹⁴⁶

There is also one fatwa about the use of *benc* (henbane). It has a long history in the Muslim world. Concerning its origin, there are various suggestions, which indicates that it came from India or Iran or Central Asia. *Benc*, which was used for medical treatments or for pleasure, “refers to the dried leaves and small stalks of Indian hemp, and is thus identical to hashish.”¹⁴⁷ In the fatwa collection, there is an explanatory note next to the fatwa about *benc*: “*Benc* is an herb called *banrı*, it is also called *esrâr* (a preparation of the leaves of hemp).”¹⁴⁸ In the manuscript recorded in Erzurum İl Halk Library, the definition of *benc* is given from a different dictionary: “*Benc* is the name of an herb, it is called *pâk*.”¹⁴⁹ Judging by the handwriting, these marginal notes were added by later readers and not the original scribe. The need for an explanation about the meaning of *benc* might be related to the fact that these collections were copied in different parts of the empire and the people of that region may not be familiar with the word *benc*. Furthermore, in the question part of the fatwa, Vani emphasizes the Turkish version of *benc*, namely *bengilik*. The fatwa is as follows:

¹⁴⁶ Düzdağ, *Şeyhülislam Ebussuud Efendi Fetvaları*, 147-8.

¹⁴⁷ Rudi Matthee, *The Pursuit of Pleasure: Drugs and Stimulants in Iranian History, 1500-1900* (Princeton: Princeton University Press, 2005), 109.

¹⁴⁸ “Banrı dedikleri otdur. Esrâr dahî derler. Halîmî.” Vani, *Fetâvâ*, 33b.

¹⁴⁹ “Benc bir otun adıdır ki adına pâk derler. Ahter.” Idem, *Mecmûa-i Fetâvâ*, Erzurum İl Halk Ktp., 30a.

Question: what is the ruling of the sharia concerning the consumption of that accursed [substance] called *benc*, which is called in the Turkish language as *bengilik*, and those who consume it, and who regard it to be permissible, who sell and buy and disseminate it in our time?

Answer: The consumption of this nasty *bengilik* is unlawful and those who consume it should be restrained and threatened, and those who consider it permissible are innovators (*mübtedi'*) and heretics (*zındîk*), and those who buy it should be prevented and disciplined, and it is an obligation for the rulers to burn it.¹⁵⁰

The formulation of the question shows some similarities with the fatwa on tobacco. Both start with the words in our time (*fî zamâninâ*) and describe the substance in question as accursed (*mel'ûn*). The use of the words “in our time” would seem to indicate that both tobacco and *benc* were popular among the people of Erzurum and the mufti of Erzurum tried to prevent their consumption through his sermons and fatwas. In his reply, Vani does not just declare the consumption of *benc* to be prohibited. He also condemns those who sell, buy and legitimate it, and advises that *benc* should be burned. Furthermore, he adds that those who say that eating *benc* is lawful are both heretics and innovators. In general, the authoritative Hanafî view concerning the use of *benc* was severe *ta'zîr* punishments rather than the *hadd* penalty, even if its use leads to intoxication.¹⁵¹ In accordance with the Hanafî view, it is clear that Vani does not offer the *hadd* penalty for the use of *benc*, but takes a strict position against it.

¹⁵⁰ “Mesele: Fî zamâninâ *benc* deyülen *mel'ûn* ki lisân-ı Türkîde *bengilik* tabir ederler ekli ve âkili ve müstehilli ve bâyi'î ve müşterisi ve mütenâvilleri haklarında hükmi-şerîf-i meşrû' beyân buyrula. El-Cevap: {*Bengilik* deyülen necisin ekli haramdır ve âkillerine} zecr u men' ve tehdid lazımdır ve müstahilli *zındîk* ve mübtedi'dir ve müşterisine men' u te'dîb lazımdır ve hâkimler ol habîsi ihrâk bi'n-nâr etmek vaciptir.” Idem, *Fetâvâ*, 33b.

¹⁵¹ For the legal discussion on the use of *benc*, see Franz Rosenthal, *The Herb: Hashish Versus Medieval Muslim Society* (Leiden: Brill, 1971), 101-30.

2.2.2.3 The extermination of dogs

There is an interesting topic in the fatwa collection which deals with dogs. The problem is that the number of dogs was high and they started to cause different kinds of harm to the people. It has been argued that in Ottoman daily life, dogs were often shown compassion and care, and that they guarded the neighborhood and cleaned the streets from waste.¹⁵² Although they had a positive image in the minds of many people, the state from time to time attempted to exterminate or relocate dogs in order to reduce their numbers or to prevent them from posing a threat to the people. An early example of the exile of dogs was from Istanbul to Üsküdar, in other words from the main city to the suburbs, in the seventeenth century.¹⁵³

Although there are abundant witnesses about dogs in Istanbul thanks to the writings of foreigners, we do not have much information about Erzurum. But, it is clear from the collection that the number of dogs and their damage to the people caused unrest in Erzurum around the mid-seventeenth century. The following fatwa clearly illustrates this situation:

Question: If there are many dogs (*kilâb*) in a town and the people of the town suffer injury, for example, if the dogs tear the people's clothes, eat their calves, damage their houses and roofs, and pollute the meats (*murdar*) in the butcher by touching them, is it incumbent upon Muslim rulers and qadis to order the dogs' execution?

Answer: Yes. But if dogs have owner, it has to be proclaimed that everybody kills his/her dogs, and it is incumbent upon the public not to oppose the

¹⁵² İrvın Cemil Shick, "İstanbul'da 1910'da Gerçekleşen Büyük Köpek İtlâfı: Bir Mekân Üzerinde Çekişme Vakası," *Toplumsal Tarih Dergisi* 200 (Ağustos, 2010): 22-33; Ekrem Işın, "Dört Ayaklı Belediye ya da İstanbul Köpekleri," in *İstanbul'da Gündelik Hayat: İnsan, Kültür ve Mekân İlişkileri Üzerine Toplumsal Tarih Denemeleri* (İstanbul: İletişim Yayınları, 1995), 205-214.

¹⁵³ Shick, "İstanbul'da 1910'da Gerçekleşen Büyük Köpek İtlâfı," 24.

judgement of the ruler. The Prophet of God, peace be upon him, ordered the killing of dogs. Anyone who does not submit to this order harms his religion.¹⁵⁴

In a similar fatwa, Vani repeatedly issues that dogs should be killed by their owners and that if dogs do not have an owner, then, the people of the district (*ehl-i belde*) should exterminate them.¹⁵⁵ These fatwas are interesting in the sense that though dogs were socially tolerated and utilized in the Ottoman Empire, in this case, it seems that their number and their damage to the people came to a point that they could not be tolerated any more. Furthermore, in his answer, Vani reminded the questioner of the hadith of the Prophet, who had ordered the extermination of dogs. In the quotation part, he fully cites the hadith from *Miškâtü'l-Mesâbih*, in which İbn Ömer reported from the Prophet that he had ordered dogs to be killed except those which guard the field or the herd and used for hunting. In addition, he also gives a reference from *Kâdîhan*. According to *Kâdîhan*, dogs that reach an excessive number in a town and damage people should be killed. People can have dogs only for purposes of protecting their properties and for hunting.¹⁵⁶ Another striking point here is that he puts an emphasis on that dogs should be killed by their owners and people should not oppose to the judgement of the ruler, which may be

¹⁵⁴ “Mesele: Bir beldede kilâb-ı kesire olup ehl-i belde mutazarrır olsalar mesela kilâb bazı kimesnenin esvâbını hark ve bazının buzağuların ekl ve bazının sakf ve büyütnu tahrip ettiklerinden madâ kasabhânelerde lahme dokunup lahmi murder eyleseler hükkâm-ı Müslimîn ve kudât-ı Müminîn üzre kilâbın katline emr vâcip olur mu? El-Cevap: Olur lakin kilâbın sahipleri var ise herkes kelbini katl eyleye deyu tenbîh oluna ve âmme üzerine de lazımdır ki hükm-i hâkime muhalefet etmeyeler ve Hazret-i Rasûlullâh aleyhi’s-selâm kilâbın katline emr etmişdir bu emre râzı {olmayanın dinine zarar-ı havf var}.” Vani, *Fetâvâ*, 38a.

¹⁵⁵ “Mesele: Bir beldede kilâb çok olup ehl-i beldeye zarar isâbet eyledikde ashâb-ı kilâb herkes kendi kelblerin katle emr olunup ve eğer sahipleri yok ise ehl-i belde katl etmeğe ve eğer katilden ibâ ederler ise hâkim ta’zîr etmek lazım olur mu? El-Cevap: Eğer kelblerin sahipleri var ise kendiler katl edeler ve eğer sahipleri yoğsa ehl-i belde katl edeler eğer katilden ibâ ederler ise hâkim ta’z’ir ede.” Ibid., 37b-38a.

¹⁵⁶ Ibid., 38a.

an indication of the fact that some people were not in favor of their extermination. It seems that in the following years this matter continued to occupy a significant place in Ottoman community. For example, Saçaklızade Mehmed Maraşî (d. 1737) wrote a treatise concerning the extermination of dogs, namely *Risale fî itlâfi'l-kilâbi'l-muzırra*. In the introduction, he stated that in some cities there were lots of useless and vicious dogs and damaged people, but people were abstaining from their extermination. In this respect, he mentioned that he wrote this treatise in order to prove the extermination of dogs allowable (*mübah*) and, thereby, people could execute them.¹⁵⁷

2.2.2.4 Church restoration

Renovating or repairing of the non-Muslim places of worship was an interesting issue that takes place in the collection. For any repair works to be launched, the process had to be initiated with the permission of the Ottoman authorities and according to the legal principles. In theory, non-Muslims, who were able to prove that their places of worship predated the Ottoman Muslim conquest or the olden times (*kadîmden beri*), could repair or rebuild their ruined house of worship without changing its structure, enlarging its size and adding a new building next to it. Concerning the restoration projects, it seems that the seventeenth-century Ottoman authorities applied the general rules more strictly due to the political and religious upheavals, which played significant role on the relations of Muslims and the rulers with the non-Muslim population.¹⁵⁸ The rise of the Kadızadeli

¹⁵⁷ Shick, “İstanbul’da 1910’da Gerçekleşen Büyük Köpek İtlâfi,” 30.

¹⁵⁸ For church restoration processes in the Ottoman Empire, see Rossitsa Gradeva, “From the Bottom up and Back Again Until Who Knows When: Church Restoration Procedures in the Ottoman Empire,

and like-minded groups in Ottoman politics, and more specifically Vani Efendi's influence on the ruling elites in the second half of the seventeenth century, led to the stricter application of Islamic law in this regard. For example, the great fire of 1660 in Istanbul caused Christians and Jews to lose their places of worship and to be evicted from their residential areas. The state did not permit to rebuild their religious buildings and, instead, took advantage of the fire in order to complete the Valide mosque complex (Yeni Cami) in that area, of which the construction had started at the end of the sixteenth century. In the application of this project, Vani Efendi took an influential role with his sermons, in which he interpreted the Great fire as God's warning to the Muslims and charged the non-Muslim population with the evils in the city.¹⁵⁹

As we have mentioned above, there were considerable numbers of non-Muslims, specifically Armenian, living in Erzurum and especially its suburbs. According to the seventeenth-century travelers, the churches of the city were not in good condition and were few in number. Tavernier, who visited the city in 1632, stressed the importance of Erzurum for the Armenians in the past. There were still several Armenian families living in the suburbs of the city and worshipping freely in their churches. He also noted that there were a few ruined churches left from the Armenians.¹⁶⁰ In 1645, Evliya made similar observations and mentioned that the Erzincan-gate, outside of the city, was

Seventeenth-Eighteenth Centuries,” in *Frontiers of Ottoman Space, Frontiers in Ottoman Society* (İstanbul: The Isis Press, 2014), 85-114; Idem, “Orthodox Christians and Ottoman Authority in Late-Seventeenth Century Crete,” 57-83.

¹⁵⁹ Baer, “The Great Fire of 1660”; Thys-Şenocak, “The Yeni Valide Mosque Complex”.

¹⁶⁰ Tavernier, *Tavernier Seyahatnamesi*, 59-61.

mostly inhabited by Armenians and they had thirteen churches.¹⁶¹ The late seventeenth-century traveler Tournefort stated that Armenians had one bishop and two churches in Erzurum and a few monasteries in the countryside. All of these were affiliated with the Erivan patriarch. As to the Greeks, they had one bishop and a poor church.¹⁶²

In the collection, there are two fatwas concerning the church restorations in Erzurum, which shows us that Vani had been already dealing with these issues before his arrival in Istanbul. Before proceeding to the analysis of the fatwas, let me introduce an interesting event which occurred in 1662 while Vani was still in Erzurum.

Accordingly, with the intervention of Vani Mehmed Efendi, the Saint-Etienne, which had been used as a church since 1629 thanks to the efforts of an officer in Erzurum customs, Sanos Çelebi, was transformed into a mosque. A *fermân*, which was sent to the governor of Erzurum, the judge and the customs officer in 1072/1662, gives some details concerning the transformation of the church. According to the *fermân*, Süleyman the Magnificent built a mosque here, but in time fell into ruins. Then, the Armenians started to use it as a church by taking official permission from the Sultan. But now, the state wanted this building to be used as a mosque again.¹⁶³ Keeping in mind this information, the following fatwas from the collection of Vani may be evaluated as an indication of the fact that Vani as a mufti of Erzurum played a crucial role in the issues concerning the churches and the non-Muslims may have applied to Vani requesting fatwa for the construction or repair of their ruined churches. Generally, in the Ottoman Empire, the

¹⁶¹ Çelebi, *Evliya Çelebi Seyahatnâmesi*, 108.

¹⁶² Tournefort, *Tournefort Seyahatnamesi*, 130.

¹⁶³ Pamuk, *XVII. Yüzyılda Bir Serhad Şehri Erzurum*, 89-91.

non-Muslims may have been seeking to obtain a fatwa from the mufti in order to “speed up the issuance of the permit and to ward off negative reactions among the local Muslim community.”¹⁶⁴ Furthermore, the local Muslim community may have also applied to the mufti concerning an ongoing restoration or construction process. One of the fatwas is as follows:

Question: When a church is in sound condition and does not need any restoration, and the evil-doing infidels destroy the building of the church secretly and prepare stones with the intention of rebuilding it on grander scale, when the aforementioned conditions are made known to Muslim, and when the construction of the aforementioned church is prevented, do the prepared stones belong to the public treasury (*beytü’l-mâl*) or does the owner of each stone take them?

Answer: The owner takes them.¹⁶⁵

This fatwa was probably directed to the mufti upon an ongoing or a finished process by Muslims. Another fatwa seems to be channeled by non-Muslims with the intention that they wanted to rebuild the ruined part of their church. The standard legal ruling on the reconstruction project is repeated in the answer by Vani: “It may be rebuilt in its first place, but its length and location should not exceed its first position.”¹⁶⁶ It becomes apparent that the strict application of Islamic law with regard to the church restoration was in practice in an Ottoman province, in Erzurum, in the mid-seventeenth century.

¹⁶⁴ Gradeva, “From the Bottom up,” 107.

¹⁶⁵ “Mesele: Bir kilisenin binâsı ziyâde müstahkem olub tamire muhtaç olmadıkda keferetü’l-fecere hafıyyeten hedm ve tekrar binâ-yı vâsî’ etmeye vâfir taşlar müheyya edüb binâ etmek sadedinde iken tâife-i müslimîne ahvâl-i mezbur i’lâm olundukda şer’an kilise-i mezburun binâsı men’ olundukda müheyya olunan taşlar beytü’l-mâle mi aid olur veyahut her taşı sahibi mi alır? El-Cevap: Sahibi alır.” Vani, *Fetâvâ*, 15b-16a.

¹⁶⁶ “Mesele: Bir karyede kadîmü’l-eyyâmdan binâ olunan kenîsanın bir mikdar mekânı yıkıldıkda karye-i mezbure keferesi münhedim olan mekânı binâ murad eyleseler şer’an binâsı caiz olur mu? El-Cevap: Mekân-ı evvelinde binâ ederler lâkin tûlen ve arzen ve sümken binâ-i mezburdan asla tecavüz etmeyeler.” Ibid., 23b.

2.2.3 Topics related to religious beliefs and practices

2.2.3.1 Nawruz

One of the most important topics mentioned in the collection is nawruz (*nevrûz*). It was the first day of the solar calendar celebrated both in the palace and by the general public in various parts of the Ottoman Empire.¹⁶⁷ The way in which people were behaving in that day was a controversial issue among the religious scholars. Generally speaking, the ulema viewed the celebrations to be permissible though with some reservations. For example, in the sixteenth century Şeyhulislam Ebussuud Efendi issued a fatwa concerning the situation of Muslims who go out for a trip on nawruz. He was asked if Zeyd wears his good clothes and junkets and goes out with his friends on that day, would he be a wrongdoer? He replied that no punishment is incumbent on him because nawruz is not the custom of *Mecûsi*, but the custom of the Sultan.¹⁶⁸ This ruling of the chief mufti illustrates the perception of the nawruz in the center of the empire.

Be that as it may, the position of Vani Mehmed differs from the center's stance concerning the activities on nawruz. In the collection, there is an interesting fatwa, which contradicts with the center's point of view and tries to prevent people from nawruz activities. Here is the fatwa from Vani's collection:

¹⁶⁷ Fatih Köse, *Osmanlı Devleti'nde Nevrûz* (İstanbul: IQ Kültür Sanat Yayıncılık, 2007); R. Levy and C.E. Bosworth, "Nawrûz," *Encyclopedia of Islam, Second Edition*, 1047.

¹⁶⁸ "Mesele: Nevruz gününde zeyd müselleme eyü libaslarını giyüp yiyüp içse, yaranlarıyla sahrâya gitse, ism lâzım gelür mi? Cevap: Nesne lâzım gelmez. Nevruz Mecûsi degüldür, nevrüz sultânîdür." Cited in Filiz Kılıç, "Osmanlı Devletinde ve Klâsik Edebiyatımızda Nevruz," in *Türk Dünyasında Nevruz Üçüncü Uluslararası Bilgi Şöleni 18-20 Mart 1999* (Ankara: Atatürk Kültür Merkezi Yayını, 2000), 205-6.

Question: If some people from among Muslims assemble in a place to celebrate the nawruz, eat various kinds of food, wear colorful clothes and honor that day more than other days, would it be appropriate to rule that they become infidels because of their reverence for the nawruz?

Answer: Yes. If they assemble to celebrate the nawruz, they become infidels; but, if they assemble as on other days and not with the intention to celebrate the nawruz, they do not become infidels. Yet, it is recommended to abandon it due to its spiritual damage to Muslims. It is not worthy of Muslims. It is the false custom of *Mecûsi*, if Muslims celebrate the nawruz, they resemble *Mecûsi* and *Râfizîs*.¹⁶⁹

In this fatwa, Vani associated the celebration of nawruz with the Zoroastrian faith and argued that Muslims who observe nawruz resemble Râfizî and Mecûsî and cease to be Muslims. With the term Mecûsî, it is apparent that Vani, contrary to Ebussuud and also to the common perception in the Ottoman center, regarded the nawruz as a practice of pre-Islamic Iran and related the celebrations in that day with the customs of Zoroastrians.¹⁷⁰ Moreover, the use of the term Rafîda goes back to the early centuries of the Islamic history and it denotes to “the proto-Imâmiyya (and, subsequently, the Twelver *Shî‘a*) and any of a number of *Shî‘î* sects.”¹⁷¹ But in the Ottoman Empire, its meaning and use widened and gained some negative connotations. Those who were members of the Shii sects like İmamiyye or Caferiyye, and had some beliefs and practices similar to the Shiats like Kızılbaş or Kalenderis were designated as Râfizî. In

¹⁶⁹ “Mesele: Tâyife-i Müslimîn’den birkaç eşhâs ta‘zîm-i nîrûz/neyrûz için bir mekana cem’olup envâ‘-ı et‘ime ile mütene‘‘im ve elvân-ı elbise ile mütelebbis olup sair eyyâmlarda etmedikleri riâyete yevm-i mezburda eyleseler şer‘an ta‘zîm-i nîrûz sebebiyle eşhâs-ı merkûmelerin küfürlerine hükm olunur mu? El-Cevap: Olunur. Ta‘zîm-i nîrûz için cem’ olurlarsa kâfir olurlar eğer ta‘zîm için cem’ olmayıp sayir eyyâm gibi cem’ olsalar kâfir olmazlar. Lakin Müslimanlara zarar-ı uhrevî isabet eylediği ecilden terki mendûbdur. Müslüman olana layık değildir. Mecûsî âdet-i bâtılası ki yevm-i nîrûzdan ta‘zîmdir ihyâ edib mecûsa ve râfizîlere müteşebbih olalar.[Hakk Te‘ala ümmet-i Muhammedi bu asl-ı adet-i bâtıladan hıfz eyleye, Amin.]” Vani, *Fetâvâ*, 31a-31b.

¹⁷⁰ Şinasi Gündüz, “Nevruz,” *DİA* 33, 60-1.

¹⁷¹ E. Kohlberg, “Al-Râfîda,” *The Encyclopedia of Islam, Second Edition*, 386.

other words, the term was used to cover unorthodox attitudes of some communities.¹⁷² Concerning the wider and negative use of the term Râfizî, there is a fatwa in the collection. In this fatwa, Vani was asked that if Zeyd was asked in the court what your madhhab is, and replied with his consent that I am Caferî and repeated three times when asked, what is legally required? Vani gives a short answer and does not go into the details. Zeyd is designated as Râfizî.¹⁷³ All in all, it becomes apparent that Vani relates the celebrations in the nawruz with Iranian culture and by extension with the practices of Shi'is. Most probably, the existence of Kızılbaş-Bektashi groups in Erzurum and their observation of nawruz triggered Vani to issue this severe fatwa. His use of the term “Râfizî” to label those who celebrate nawruz could have been also to make use of its negative connotations.

2.2.3.2 Magic (*sihr*)

In Islamic literature, magic has been defined in various ways on the basis of its general characteristics.¹⁷⁴ Katip Çelebi regards the science of magic among the physical sciences and includes fourteen concepts and techniques related to magic.¹⁷⁵ Based on the

¹⁷² Ahmet Yaşar Ocak, “Türk Heterodoksi Tarihinde ‘Zındık’-‘Harici’-‘Rafizi’-‘Mülhid’ ve ‘Ehl-i Bid’at’ Terimlerine Dair Bazı Düşünceler” *Tarih Enstitüsü Dergisi* 12 (1981-2): 507-520.

¹⁷³ “Mesele: Mahkemede Zeyd’e ne mezhepdesin deyu sual olundukda kendü rızasıyla dese ki Cafer mezhebindeyim üç kerre sualde yine böyle dese Zeyd’e ne lazım olur? El-Cevap: Rafzına hükm olunur.” Vani, *Fetâvâ*, 81b.

¹⁷⁴ For a general overview on the discussions of magic in Islamic literature, see T. Fahd, “Sihr,” *The Encyclopedia of Islam, Second Edition*, 567-71; Toufic Fahd, “Magic: Magic in Islam,” *Encyclopedia of Religion, Second Edition*, 5583-7; İlyas Çelebi, “Sihr,” *DİA* 37, 170-2.

¹⁷⁵ Fahd, “Sihr,” 568.

literature of magic in Islam, various forms of *sihr* are grouped under three categories: Black magic (*ilm-i sihr*), theurgy (*ilm-i havâss ve talâsim*) and white magic (*ilm-i hiyel*). The first one, in which magicians use some demoniacal forces to perform their acts, is condemned and prohibited in Islamic law. Divinatory magic, exorcism of demons, spells and the summoning of spirits into bodily form are examples of black magic. Divination (*kehânet*) is regarded as a branch of magic, which is believed to provide the seer (*kâhin*) with knowledge of the occult (*ilm-i gayb*). The second category deals with the properties of divine names (*esmâ-i husnâ*), numbers, charms, talismans in order to acquire the aid of their spiritualities and secrets. According to Katip Çelebi, talisman is more accessible than magic, “for both its principles and its causes are known. Its usefulness is obvious, but mastery comes only after a great deal of effort.” The last one, white magic, includes practices like alchemy (*simiya*) and illusionism, which is considered as permitted insofar as it does not damage others.¹⁷⁶ Magic (*sihr*) and magical practices, had a significant place in folk beliefs in the Ottoman world. Since society sheltered different religions, ethnicities and cultures, they affected each other and constituted a complex mixture of different belief systems.¹⁷⁷

In the collection, Vani added three fatwas concerning magic and some related topics to it. The first one is about the magicians:

Question: In some of the provinces governed by Muslim rulers, if a group of magicians (*sehere*) emerge and injure both Muslims and infidels, and then those magicians are taken and they themselves confess their magic (*sihr*) and damage, what punishment is incumbent on these magicians according to the sharia,?

¹⁷⁶ Fahd, “Magic”.

¹⁷⁷ Nimet Elif Uluğ, “Elemterefiş: Superstitious Beliefs and Occult in Ottoman Empire (1839-1923),” Unpublished Ph.D. diss, Boğaziçi University, 2013.

Answer: If the magician confesses and asserts his magic, even if he is a Muslim, it is decreed that he is an infidel, and he is murdered. If he is an infidel, he is murdered in order to put a stop to his injury. If he repudiates his magic, and the injuries he caused to people and the signs of magic are proved with the testimonies of Muslims, he is again murdered due to his damage to religion.¹⁷⁸

One gets the impression from the fatwa-text that magic was seen as a problem not just for Muslim folk, but for the whole society. But the fatwa does not include any detail concerning the activities of magicians. The citation part of this fatwa, in which Vani refers to Ebü'l-Leys es-Semerkindî (d. 983)'s *Fetâva 'n-nevâzil*, differentiates between magic, which causes injury to people and *ilm-i nücûm* (astrology), which is useful and provides valuable information. This may have indicated the close relations between magic and astrology in Vani's mind. Keeping in mind his interest in rational sciences, it is meaningful for Vani to distinguish *ilm-i nücûm* from magic and favor the former.

The following two fatwas shed light on some of the practices of magicians in Erzurum. They are both related to divinatory magic, which was seen as a kind of black magic. In the first fatwa, Vani is asked if Zeyd loses some of his belongings and asks Amr for help find his stolen belongings, and Amr says that he can find it with his knowledge of the occult (*ilm-i mugayyabât*), do Zeyd and Amr become infidels? He replies that both become infidels due to the claim of occult knowledge by the former and

¹⁷⁸ “Mesele: Hâkim-i Müslimîn olanların taht-ı hükûmetinde vâkı‘ eyâletin bazısında bir nice tâyife-i sehere zuhûr edüb Müslimîn ve kefereye zarar isabet etdîrseler ba‘dehû mezbur sehereleri ahz u kabz etdikde kendiler dahi sihirlerine ve etdikleri ızrâra mu‘terif olsalar şer‘an mezkûr sehereye ne ‘ukûbet lazım olur? El-Cevap: Eđer sihrine ikrâr edüb ve sihir davâsın ederse Müslüman ise de küfrüne hükm olunup katl olunur, eđer kâfir ise def‘-i zarârı için katl olunur ve eđer sihrini inkâr ederse ve şehâdet-i Müslimîn ile nâsa zararî ve şeâyir-i [sihri] isbat olunursa dine zararî için yine katl olunur.” Vani, *Fetâvâ*, 30b-31a.

the belief and confirmation of the latter.¹⁷⁹ In the second one, if a group of Muslims comes to the occultist and asks about the knowledge of the unseen and dictates some pages with illicit blood and confirms what the occultist says, Vani assumes that those people become infidels because of their belief in that *kâhin* (occultist).¹⁸⁰ Taken together, these rulings reflect the fact that Vani as a representative of the Sunni community, tried to protect people from magicians and their practices, and from appealing to occultists. Conversely, it seems that there was a tendency of people to go to magicians and occultists to obtain knowledge about what they do not know.

2.2.3.3 Resemblance to infidels

There are some fatwas concerning people who resemble infidels because of their practices and beliefs. (Nevruz da bu kategoriye giriyor aslında) As it is clear from other fatwas, Vani was very critical of people who resembled “others”, namely infidels or Râfîzîs. In one of these fatwas, a group of Muslims who gathers with infidels is described. They eat with them, believe as they believe, worship what they worship, show respect to trees, *çevgân* (a hooked stick), *ocak*, graves (*mezar*) and idols, which are honored by infidels, they sacrifice animals, burn little woods and wander around them. According to Vani, these people can no longer be considered as Muslims, and being

¹⁷⁹ “Mesele: Zeyd’in bazı eşyası musrûk oldukda Amr’a varıp benim mesrûk mefkûdu bul dedikde Amr dahi mesrûk mefkûdu bulurum deyü ilm-i mugayyabât iddi’â eylese Zeyd ve Amr kâfir olur mu? El-Cevap: Olurlar. Amr ‘ilm-i gayb iddi’âsıyla ve Zeyd i’tikâdı ve tasdîk ile kâfir olurlar.” Ibid., 42a.

¹⁸⁰ “Mesele: Müslümanlardan bazı kimesneler kâhin-i bâtıla gelüb ilm-i mugayyabâtdan sual edüb ve haram olan dem ile bazı nüсахât tahrir edüb ve kelamına tasdîk etseler bi-hasebi’ş-şer’ kâhin-i mezbura i’tikad edenlerün küfürlerine hükm olunur mu? El-Cevap: Olunur.” Ibid., 7b.

infidels their marriages with Muslim women are considered void as well. If they insist on acting like this, they should be murdered.¹⁸¹

In another fatwa, the ruling of the sharia concerning Zeyd who wears the infidels' clothes and their *kalensüve* (a turban with some distinguishing marks) was asked to Vani. He replies that it depends on the intention of Zeyd, if he wears with the belief of blasphemy, he becomes an infidel; if not, he becomes a sinner (*fâsık*), not an infidel.¹⁸²

2.2.3.4 Visiting tombs

Visiting tombs and graves were one of the most hotly debated issues between the Kadızadelis and the Sufis. The controversy did not stay only in the theological field, but also caused the officials to prevent people from visiting tombs and to destroy some tombs thanks to the Kadızadelis' influence upon the sultan. As it was the Kadızadelis' stance in most of the Sufi practices, they were not categorically opposed to the visitation of tombs, but their criticism was mostly related to the purpose of the visitors and their practices during the veneration like asking for intercession, making sacrifices,

¹⁸¹ “Mesele: Tâyife-i Müslimîn'den bazı kimesneler keferenin deyri ve cem'iyetleri ve bed-nâmları günleri keferi ile beraber cem' olub onların bid'atları ile bid'atlanub ve et'imeleri ile mütene'im ve keferenin itikâd-ı bâtlı gibi itikâd edüb keferi mabed ittihâz eylediği eşyayı mabed ittihâz eylese keferi ta'zîm eylediği ağaçlara ve çevgânlara ve ocaklara ve mezarlara[ve putlara] ta'zîm ile kurbanlar kesub ve çıraklar yakub etrafında kurbanlar tavaflar edüb bid'at ve dalâlet eyleseler tâyife-i mezburların küfürlerine hükm olunur mu? El-Cevap: Küfürlerine hükm edüb avratları boş olur, eğer ısrâr ederlerse katillerine hükm olunur ve eşyâ-i mezbûru kal' u hedm eden sevâb-ı cemîle ve ecr-i cezîle nâil olur.” Ibid., 31b-32a.

¹⁸² “Mesele: Zeyd-i Müslim risâlet ile dâr-ı harbe lâhık oldukda onda olan keferenin libâsını ve kalensüvesini giyse Zeyd-i mezbur bu libâsı giyme ile kâfir olur mu? El-Cevap: Lâbisin itikâdına mahmûldür, eğer lebsini küfür itikâdıyla giyerse kâfir olur, eğer küfür itikâd etmezse kâfir olmaz. Lakin fâsık olur.” Ibid., 41a.

distributing foods or performing the ritual worship. As long as the visitors pray for the souls of the dead, it would be allowed. Otherwise, their actions are considered as *şirk* (the worship of any other with the one true God) to God and those who commit them become an infidel.¹⁸³

For example, while Vani was close to the sultan in Istanbul, he took advantage of his growing power to prevent people from improper practices associated with the veneration of tombs. In his chronicle, Abdi Paşa cites an anecdote showing Vani's great influence on the determination of official verdicts. In September 1667, Vani was giving sermons, probably in the Yeni Valide mosque, and charging people who asked for spiritual aid from the dead and made sacrifices. And he gave an example from Edirne, the tomb of Kanber Baba near Hafsa, which was a renowned place for the masses in the sixteenth and seventeenth centuries. Since the visitors did not know how to behave during the veneration and their actions were tantamount to the sin of *şirk*, Vani requested the demolition of that Bektashi shrine. In line with Vani's words about the tomb, the sultan wrote an imperial order to forbid the visitation of the tomb and to demolish it.¹⁸⁴

The practice of tomb visitation had a significant place in the culture of Erzurum. Around the mid-seventeenth century, Evliya Çelebi did not neglect visiting these places and mentioned a few of them in his work such as Abdurrahman Gazi, Ebû İshak Kazvîni, Hatun Baba, Hindî Baba and some others from the ulema and statesmen.¹⁸⁵

¹⁸³ Çavuşoğlu, "The Kadızadeli Movement," 302-307.

¹⁸⁴ Abdi Paşa, *Vekâyi'-nâme*, 267-8.

¹⁸⁵ Evliya Çelebi, *Evliya Çelebi Seyahatnâmesi*, 110-1. For a detailed study on the constructions of Erzurum, see İbrahim Hakkı Konyalı, *Âbideleri ve Kitabeleri ile Erzurum Tarihi* (İstanbul: Erzurum Tarihini Araştırma ve Tanıtma Derneği, 1960).

Furthermore, there are lots of tombs belonging to the certain *babas* like Umudum, Ortozi, Akbaba, Özbek and Pir Ali, which suggests to us the existence of certain Alevi-Bektashi communities in Erzurum.¹⁸⁶ In the collection, Vani issued fatwas concerning practices related to the visitation of tombs. Let us first see the fatwas:

Question: If Zeyd the wrongdoer habitually, or in a specific instance, takes an oath by God, and, God forbid, by the *ocak* of a certain sheikh by showing great respect to it and firmly believes in the tombs of sheikhs, does the aforementioned Zeyd become an infidel?

Answer: Yes. He does.

Question: If Zeyd the innovator sacrifices animals at the tombs of sheikhs and offers vows to them with the intention of showing reverence to them and being close to them, does Zeyd the slaughterer (*zâbih*) become an infidel and do the *slaughtered* animals become carcass (*meyte*; carcass, meaning unfit for consumption)?

Answer: Yes.¹⁸⁷

It is clear from these fatwas that Vani considers it to be an act of blasphemy to request and expect help from the tombs of sheikhs and, with that purpose, sacrificing animals and vowing. The term *ocak* in the question part could be an indication of the existence of certain Kızılbaş or Bektashi groups in Erzurum and, Vani with this fatwa may have intended to criticize the practices of these groups. “*Ocak* (hearth) is the name of the sacred lineages of the *dedes* (elders) and *seyyids* (Ar. *sayyid*), which were widespread in

¹⁸⁶ Abdürrahim Şerif Beygu, *Erzurum: Tarihi, Anıtları, Kitabeleri* (İstanbul: Bozkurt Basımevi, 1936), 170-88.

¹⁸⁷ “Mesele: Zeyd-i fâsık her-bâr veya bir husûsda yemîn müteveccih olsa yemîn bi’llâh edüb hâşâ filan şeyhin ocağı hakkıyçün deyû ziyâde ta’zîmen yemîn eyleyüb merâkîd-ı meşâyiha küllî itikâdıyla mu’tekid olsa Zeyd-i mezbur kâfir olur mu? El-Cevap: Olur. Mesele: Zeyd-i mübtedi’ merâkîd-ı meşâyiha ta’zîm ve [kurbet kasdıyla] muvâcehesinde kurbanlar kesip ve nezirler eylese Zeyd-i zâbih kâfir ve mezbûh ve kurbanlar meyte olur mu? El-Cevap: Olur.” Vani, *Fetâvâ*, 42a-42b.

Anatolia.”¹⁸⁸ In particular, the *ocak* system played a central role in the socio-religious organization of the Kızılbaş sects from the fifteenth century onwards. Therefore, visiting the tombs of the sheikhs, praying for them and offering gifts for their souls were among the common practices of these communities.

2.3 Conclusion

In this chapter we have analyzed some of the selected fatwas from Vani’s collection in the context of social and intellectual debates that were being conducted in seventeenth-century Ottoman Empire. It becomes clear at the end of this chapter that most of the issues, which were on the agenda of the Kadizadelis in Istanbul, were also being discussed in Erzurum. Concerning his position on these issues, it is apparent that there were great similarities between Erzurum and Istanbul cases such as harsh criticism of some Sufi practices, opposing to the visitations of tombs, the strict application of Islamic law on church restoration and the condemnation of the use of some substances like wine and tobacco. Besides, since seventeenth-century Erzurum consisted of the mixed settlement of the Muslims and non-Muslims, Vani issued several fatwas concerning their relationship. Specifically, with his fatwas, he always warned Muslims not to resemble to the infidels and not to practice their activities. At the same time, he tried to prevent non-

¹⁸⁸ Markus Dressler, “Alevîs,” *The Encyclopedia of Islam, Third Edition*. For a discussion on the development of the *ocak* system, see Ayfer Karakaya-Stump, “16. Yüzyıldan Bir Ziyaretname: Yazı Çevirimli Metin-Günümüz Türkçesine Çeviri-Tıpkıbasım,” *Journal of Turkish Studies/Türklük Bilgisi Araştırmaları* 31/II (2007): 67-79; Idem, “The Forgotten Dervishes: The Bektashi Convents in Iraq and Their Kizilbash Clients.” *International Journal of Turkish Studies* 16 (2011): 1-24.

Muslims who drunk and played some musical instruments publicly. With these rulings, it could be argued that he intended to secure Islamic character of the city. Furthermore, he also dealt with some social problems that damaged the whole society such as the rise in the number of vicious dogs and the emergence of magicians. Concerning these issues, he considered to protect the community from their damages.

CHAPTER 3

THE SOURCES OF VANİ MEHMED EFENDİ'S FATWA COLLECTION

The most striking feature of the fatwa collections compiled by the provincial muftis is that they had to include references from the authoritative texts of their madhhab. It is not clear when this requirement was imposed on the local muftis. But, in different historical sources and documents, there are some clues about it. The earliest two examples are from the late sixteenth century, and their dates are close to each other. One, dated 1002/1594, is an edict of Sultan Murad III (r. 1574-1595) to the judge and the mufti of the northwestern Anatolian town of Balıkesir. The problem discussed in the *fermân* was that the present mufti of Balıkesir did not refer to any legal authority while issuing fatwas and his answers consisted merely of “yes” or “no”. The Sultan ordered the mufti to “resume the previous usage and cite authorities for his rulings.”¹⁸⁹ The statement of the Sultan on the previous application implies that the requirement of citing authority had been in practice before the end of the sixteenth century.

The other example is a fatwa of the Şeyhülislam Bostanzâde Mehmed Efendi (d. 1598). He was asked about what should be done to the provincial muftis if they, by imitating the şeyhülislam, respond to the questions asked with a single word, “*olur*” (yes) or “*olmaz*” (no), and do not cite any authority even though they have to, and if they say that I gave the fatwa according to my own view when they are requested a reference. He replied that they should be dismissed and prohibited from the office of

¹⁸⁹ Heyd, “Some Aspects of the Ottoman Fatwa,” 46.

iftâ. Furthermore, when the Şeyhülislam was asked in another question whether or not the litigant has a legal right to request a reference from the mufti, his response was positive.¹⁹⁰ Keeping in mind the fact that Bostanzâde was the şeyhülislam of Sultan Murad III, the issue of citing an authoritative text in the fatwas of provincial muftis must have been hotly debated in the second half of the sixteenth century.

Concerning references to authoritative sources, the seventeenth-century historian and encyclopedist Hezârfen Hüseyin Efendi (d. 1691) makes a distinction between the chief mufti (the şeyhülislam) and the provincial muftis (*kenar müftileri*). He mentions that the latter are required to cite the authoritative texts they consulted for their ruling, whereas the former are not.¹⁹¹ In addition, the requirement of specifying the legal text on which the mufti based his opinion was also mentioned in the appointment deeds of the provincial muftis. For example, when Mehmed Efendi Çaynevî was appointed mufti of Sarajevo in 1783, some instructions about issuing fatwas were presented to his attention: “You must take into consideration the most correct opinions of the Hanefi imams, may God have mercy on them. You must write the sources on which you base your expert-opinions, and must sign your fatwas, clearly indicating your name and position as the Mufti of Sarajevo.”¹⁹² An examination of the fatwa collections compiled by provincial muftis from the sixteenth century to the end of the empire makes manifest the fact that

¹⁹⁰ Cited in Şükrü Özen, “Osmanlı Döneminde Fetva Literatürü,” 341.

¹⁹¹ Hezarfen Hüseyin Efendi, *Telhîsü'l-beyân*, 200.

¹⁹² Cited in Selma Zecevic, “On the Margin of Text,” 87.

the requirement of citing authoritative texts was mostly performed in accordance with the instructions of the religious establishment.¹⁹³

The requirement of conveying the opinions of the authoritative scholars for the provincial muftis could be the result of the historical development in the qualities of the muftis. The works of the scholars writing about the qualities of the muftis shows us the fact that until the thirteenth century, muftis were among the *muctehids* who were capable of interpreting the Qur'an and the Prophet's hadiths, and employing independent discretion and reasoning. But after the later centuries, it seems that the majority of theoreticians reduced the requirements for being a mufti to the level of the *mukallid*. A *mukallid*, who was a follower of the beliefs of the founder of his madhhab and his predecessors, and could not engage in independent reasoning, was accepted as a legitimate mufti due to the exigencies of reality.¹⁹⁴ Looking at the Ottoman Empire, especially after the sixteenth century, most of the muftis in the provinces were *mukallid* muftis, and were expected to issue fatwas in accordance with the preferred views of the madhhab. Therefore, an obligation for provincial muftis to cite legal authorities while issuing fatwas may also be seen as an indication of the control of the state whether or not they offer religious interpretation within the domains of the madhhab.

On the other hand, except in some fatwas issued in response to the Sultan or a high official concerning public law or some social practices, şeyhülislams did not have

¹⁹³ Şükrü Özen's article on the different types of the fatwa collections in the Ottoman context clearly depicts this point and gives ample examples from the collections compiled by the provincial muftis, which almost all included citations from authorities (*nakl yazmak*) in their fatwas. See Özen, "Osmanlı Döneminde Fetva Literatürü," 249-378.

¹⁹⁴ Wael B. Hallaq, "Ifta' and Ijtihad in Sunni Legal Theory: A Developmental Account," in *Islamic Legal Interpretation: Muftis and Their Fatwas*, ed. by Muhammed Khalid Masud, Brinkley Messick and David S. Powers (Cambridge: Harvard University Press, 1996), 33-43.

to cite the sources that they used. However, they sometimes gave references to the valued fatwa collections. For instance, Şeyhülislam Ebussuud Efendi occasionally referred to *Fetâvâ-yı Kâdîhân* and *Fetâvâ-yı Bezzâziyye* or used general expressions like “it is written in the fatwa books” (*kütüb-i fetâvâda mestûrdur*) or “the fatwa in the illustrious fatwa books is according to this” (*meşâhir-i kütüb-i fetâvâda fetvâ bunun üzerinedir*).¹⁹⁵ Furthermore, the fatwas issued by şeyhülislams were sometimes collected in a compilation by their clerks (*fetvâ emînîs*) or by their former students, and they often wrote down the authoritative sources that the şeyhülislam had consulted during the deliberation of the issues at hand.¹⁹⁶

As mentioned above, provincial muftis were expected to support their views with the authoritative texts of the Hanafî madhhab. Vani Mehmed Efendi, as a mufti of Erzurum, was not an exception and, therefore, he consulted the works of earlier legal authorities. One question that arises here is what it takes (or what it means) for a text to be considered authoritative? Through what process did a text gain jurisprudential authority and who or what determined the authoritative status of a text? This chapter will first attempt to track how, throughout the centuries, a certain Hanafî legal text assumed an authoritative status. Then, we will analyze Vani’s bibliography in order to understand how and to what extent Vani Mehmed Efendi relied on this legacy. And finally we shall try to answer what it meant in the eyes of the members of the Ottoman learned

¹⁹⁵ See, for example, Düzdağ, *Şeyhülislam Ebussuud Efendi Fetvaları*, 79, 104, 194, 195; For an extensive analysis of Ebussuud’s sources in his fâtwas, see Pehlül Düzenli, *Osmanlı Hukukçusu Şeyhülislâm Ebussuud Efendi ve Fetvâları* (İstanbul: Osmanlı Araştırmaları Vakfı, 2012), 362-395.

¹⁹⁶ For the fatwa collections of the şeyhülislams including citations, see Özen, “Osmanlı Döneminde Fetva Literatürü,” 282-305; Emine Arslan, “Osmanlı Dönemi Nuküllü Fetva Mecmuaları,” *Türk Hukuk Tarihi Araştırmaları* 5 (2008): 131-153.

establishment to refer to this legacy? How representative were Vani's selections of authoritative texts within the broader scholarly community of which he was part?

The Ottomans, from the beginning, easily appropriated the heritage of the Hanafi doctrine thanks to the Saljuks, which brought the madhhab from Central Asia and provided the requisite political and social atmosphere for its establishment and dissemination in Anatolia. The Great Seljuks and, later, the Rum Seljuks mostly favored the Hanafite qadis over the Shafiites and played an active role in bringing the Transoxanian Hanafite scholars to Anatolia.¹⁹⁷ By the second half of the fifteenth century, the Ottoman state established a hierarchical learned system, which provided its members with a common educational background and standardized career opportunities, and gradually adopted the Hanafi law as its official legal school. Related to this institutional and legal development, the centrally appointed qadis were obliged to adjudicate according to the Hanafi views and the muftis were expected to give their fatwas in accordance with the favored opinion of this madhhab. While the supremacy of the Hanafi madhhab was prevalent throughout the Ottoman domains, in the Arab provinces, where most of the population was followers of other Sunni madhhabs, the local scholars as deputies of the Hanafi qadi were given the right to judge in accordance with the locally significant schools of law. Since Hanafi doctrine includes a variety of opinions, the state and the Hanafi scholars tended to create a more or less homogenous body of law by favoring the most authoritative views of the doctrine in order to apply them in the courts. Nevertheless, the sultan could prefer the view that has a weak

¹⁹⁷ W. Madelung, "The Spread of Mâturîdism and the Turks," *Actas IV Congresso de Estudos Arabes e Islâmicos* (Leiden: E.J. Brill, 1971), 109-168; Ali Bardakoğlu, "Hanefî Mezhebi," *DİA* 16, 6-7.

authority in the tradition of the madhhab considering the conditions of the time. Due to his lack of necessary knowledge, the Sultan consulted with the chief jurist when giving priority to the alternative views of the madhhab. For this, the şeyhülislam presented an elaborate legal opinion to the sultan mentioning the significant points of the discussed issue and proposing a conceivable solution at the end. The sultan then instructed judges to adjudicate according to the newly compromised views of the madhhab.¹⁹⁸

3.1 Determining jurisprudential authority

The issue of determining jurisprudential authority and its content in the Ottoman context displays a sharp differentiation when the long history of the relationship between the ruler and the religious scholars is taken into consideration. Before the Ottomans, in the Abbasid period and also in the Mamluk territories, jurists had managed to preserve their independence from the state's intervention in their studies of Islamic law. On the other hand, in the Ottoman domains, the sultan started to play a significant role and claim authority in regulating the legal content of the Hanafî madhhab starting in the second half of the fifteenth century. The centralization of the religious-judicial establishment, which accompanied the incorporation of religious scholars into the state bureaucracy and, in addition to this, the emergence of the şeyhülislam as the head of the learned

¹⁹⁸ For the Hanafi school in the Ottoman Empire, see Rudolph Peters, "What Does It Mean to Be an Official Madhhab? Hanafism and the Ottoman Empire" in *The Islamic School of Law: Evolution, Devolution, and Progress*, ed. Peri Bearman, Rudolph Peters and Frank E. Vogel (Cambridge: Harvard University Press, 2005), 147-158; Engin Deniz Akarlı, "The Ruler and Law Making in the Ottoman Empire," in *Law and Empire: Ideas, Practices, Actors*, ed. Jeroen Duindam, Jill Harries, Caroline Humfress and Nimrod Hurvitz (Leiden: Brill, 2013), 87-109; Burak, "The Second Formation of Islamic Law: The Post-Mongol Context"; Ibid, *The Second Formation of Islamic Law*; Reem Meshal, "Antagonistic Shari'as and the Construction of Orthodoxy in Sixteenth-Century Ottoman Cairo," *Journal of Islamic Studies* 21:2 (2010): 183-212.

hierarchy, facilitated the attempt to establish governmental authority in the interpretation of the law.¹⁹⁹

The term authority and particularly jurisprudential authority requires some consideration. What does it mean for a text to be considered authoritative text? Through what kind of process does a text need to go to be considered authoritative? Is an authoritative view open to exchange and dialogue with less authoritative ones or is it a fixed stance that does not approve of any intervention and alterations? In their critical overview of religious authorities in Muslim societies, Sabine Schmidtke and Gudrun Krämer point out:

Religious authority can assume a number of forms and functions; the ability (chance, power, or right) to define correct belief and practice, or orthodoxy and orthopraxy, respectively; to shape and influence the views and conduct of others accordingly; to identify, marginalize, punish or exclude deviance, heresy and apostasy and their agents and advocates...Religious authority can be ascribed to individuals, groups of people, or institutions. While it rests on certain qualities and/or qualifications, inherited or acquired, it is the willingness of *others* to credit any given person, group or institution with religious authority that ultimately renders it effective. Like any kind of authority, religious authority does not denote a fixed attribute, but is premised on recognition and acquiescence. Put differently, it is relational and contingent.²⁰⁰

When it comes to jurisprudential authority, the attention of the scholars has mainly concentrated on the formative and medieval periods of Islamic law. The studies point out the importance of the legal schools in the formation of jurisprudential authority and

¹⁹⁹ For the relationship between the ruler and the religious scholars on the content of Islamic law, especially in the Ottoman context, see Burak, *The Second Formation of Islamic Law*, 122-162.

²⁰⁰ Gudrun Krämer and Sabine Schmidtke, *Speaking for Islam: Religious Authorities in Muslim Societies* (Leiden: Brill, 2005), 1-2.

the mechanisms that contributed to its consolidation.²⁰¹ However, the evolution and transformation of jurisprudential authority in the Ottoman context and its relationship with the tradition of the Hanafi school has not been examined adequately. Since the changes or continuity in the doctrine of the Hanafi madhhab can only be grasped through the investigation of the legal texts produced throughout the history of Islamic law, we need to take all of them into consideration. Furthermore, a diachronic as well as synchronic examination of the textual dialogue and exchange between different religious scholars makes it possible to understand the effects of authoritative texts on the production of new texts and the application of law.

In order to reconstruct Vani's intellectual world and his relationship with the heritage of the Hanafi madhhab, we need to take a look at the hierarchical classification of doctrines and texts in Hanafi jurisprudence. In terms of doctrine, there exist three levels of authoritative reference for the legal scholars. The highest level includes the views of the founding masters of the Hanafi madhhab, Ebû Hanîfe (d. 150/767), and his two disciples Ebû Yusuf (d. 182/798) and Muhammad el-Şeybânî (d. 189/805), known as *zâhiru'r-rivâye*. These views were transmitted through a large number of channels by trustworthy and highly qualified jurists and exist in the works of el-Şeybânî (*el-Asl, ez-Ziyâdât, el-Câmi'u'l-kebîr, el-Câmi'u's-sağîr, es-Siyerü'l-kebîr, es-Siyerü's-sağîr*). The second level, which is called *mesâilü'n-nevâdir*, consists of views that were not transmitted through reliable and multiple channels and which do not exist in the works

²⁰¹ For the question of jurisprudential authority in the early centuries of Islamic history, see Christopher Melchert, *The Formation of the Sunni Schools of Law, 9th-10th Centuries C. E.* (Leiden: Brill, 1997); R. Kevin Jaques, *Authority, Conflict, and the Transmission of Diversity in Medieval Islamic Law* (Leiden: Brill, 2006); Ahmed el-Shamsy, *The Canonization of Islamic Law: A Social and Intellectual History* (New York: Cambridge University Press, 2013).

of el-Şeybânî. The third of the three levels of the Hanafî doctrine, which is termed *vâkıât/fetâvâ/nevâzil*, contains cases of law that were not mentioned by the early masters, but which were brought up by later jurists.²⁰²

In terms of text, there are three different layers of legal literature in the Hanafî madhhab: authoritative texts (*mutûn*), commentaries (*şurûh*) and collections of legal opinions (*fetâvâ*). The *mutûn* are textbooks that include the canonized version of the law, the *zâhiru'r-rivâye*, and are the highest authoritative reference for the legal scholars. Since these manuals were read and studied in madrasas and, as a result, provided the students of law with a common educational background, they became one of the most frequently cited sources for the religious scholars. In the hierarchy of texts, the commentaries (*şurûh*) on the *mutûn* constitute the second important genre. Baber Johansen presents the following useful explanation for the commentaries in his discussion of texts in Islamic law: “They refer to the discussions of the various legal opinions within one school of law and between different schools of law. The image that the *shurûh* gives of Islamic Law is, therefore, more complex than that of the *mutûn*. They show that the tradition of one school of law is, by no means, monolithic but consists of many legal opinions that exist side by side and together from the tradition of one school of law.”²⁰³ Thirdly, together with the texts and their commentaries, another important genre developed in the Hanafî literature, namely the fatwa collections,

²⁰² Ahmet Özel, “Hanefî Mezhebi (Literatür),” *DİA* 16, 21; For a detailed discussion on the formation of this hierarchal classification among the Hanafî texts, see Murteza Bedir, *Buhara Hukuk Okulu: Vakıf Hukuku Bağlamında X-XIII. Yüzyıl Orta Asya Hanefî Hukuku Üzerine Bir İnceleme* (İstanbul: İsam Yayınları, 2014), 83-115.

²⁰³ Baber Johansen, “Legal Literature and the Problem of Change: The Case of the Land Rent,” in his (ed.) *Contingency in a Sacred Law: Law and Ethical Norms in the Muslim Fiqh* (Leiden: Brill, 1999), 446-464.

especially after the tenth century. These collections included concrete examples of Hanafi fiqh and over time gained a respected and favored status especially among the practitioners of law.²⁰⁴

3.2 Vani Mehmed Efendi's bibliography

In what follows, I will list the citations of Vani by adding some basic information, identifying the title of the work, the subject matter, the name of the author, and his date of death. The citations in the collection that are transcribed in bold italics shall be brief and consist either of the title of the work or the name of the author. Then, I will analyze the bibliography of Vani.

Kuhistâni. This is the commentary composed by Şemsüddîn Muhammed b. Hüsâmiddîn el-Horasânî el-Kuhistânî (d. 962/1555) on the *en-Nukâye muhtasaru 'l-Vikâye* by Sadrüşşerîa es-Sânî (d. 747/1346), entitled *Câmi 'u'r-rumûz*. el-Kuhistânî was a Hanafi mufti in Bukhara and gained jurisprudential authority in Transoxiana.²⁰⁵

Kâdîhan. This is the collection of the legal opinions of the Hanafi jurist Ebu'l-Mehâsin Fahrüddîn Hasen b. Mansûr b. Mahmûd el-Özkendî el-Fergânî (d. 592/1196), known as *Fetâvâ Kâdîhan* or *el-Fetâvâ 'l-Hâniyye*.²⁰⁶

²⁰⁴ For a detailed list of the Hanafi literature and the relationship between the texts, the commentaries and the fatwa collections, see Özel, "Hanafi Mezhebi (Literatür)," 21-27.

²⁰⁵ Ahmet Yaman, "Kuhistânî," *DİA* 26, 348.

²⁰⁶ Ahmet Özel, "Kâdîhan," *DİA* 24, 121-3.

Nevâzil. This is the collection of the legal opinions of the Hanafî jurist Ebü'l-Leys İmâmu'l-hüdâ Nasr b. Muhammed b. Ahmed b. İbrâhîm es-Semerkindî (d. 373/983), known as *el-Fetâvâ or en-Nevâzil mine'l-Fetâvâ or Fetâva'n-nevâzil or Muhtârâtü'n- nevâzil*. This work is considered as the first example of nevâzil or vâkîât literature.²⁰⁷

Fusûl. This is *el-Fusûlü'l-İmâdiyye* of the Hanafî jurist Ebü'l-Feth Zeynüddîn Abdurrahîm b. Ebubekr İmâdüddîn b. Ali el-Merğînânî (d. 670/1271).²⁰⁸

Câmi'u'l-fetâvâ. This is the fatwa collection of Kırk Emre Mehmed b. Mustafa el-Hamîdî (d. 880/1475), entitled *Câmi'u'l-fetâvâ*.²⁰⁹

Tatarhâniyye. This is the fatwa collection of Ferîdüddîn Âlim b. Alâ (d. 786/1384), a famous Hanafî scholar of India, entitled *el-Fetâvâ't-Tatarhâniyye*.²¹⁰

Hidâye. This is the commentary of Ebü'l-Hasen Burhânüddîn Alî b. Ebî Bekr b. Abdilcelîl el-Fergânî el-Merğînânî (d. 593/ 1197) on his own *Bidâyetü'l-mübtedî*, which was, in turn, based on two important works of the Hanafî fiqh, *el-Cami'u's-sağîr* of Muhammed b. Hasan eş-Şeybânî (d. 187/805) and *el-Muhtasar* of Ahmed b. Muhammed b. el-Kudûrî (d. 428/1037), entitled *el-Hidâye fî'l-furû'*.²¹¹

²⁰⁷ İshak Yazıcı, "Semerkandî, Ebü'l-Leys" *DİA* 36, 473-5.

²⁰⁸ Ahmet Özel, *Hanefî Fıkıh Alimleri* (Ankara: Türkiye Diyanet Vakfı Yayınları, 2013), 112.

²⁰⁹ Özen, "Osmanlı Döneminde Fetva Literatürü," 347-8.

²¹⁰ Ferhat Koca, "el-Fetâvâ't-Tatarhâniyye," *DİA* 12, 446-7.

²¹¹ Cengiz Kallek, "el-Hidâye," *DİA* 17, 471-3; Ferhat Koca, "Merginânî, Burhâneddîn," *DİA* 29, 182-3.

Bezzâziyye. This is *el-Fetâvâ 'l-Bezzâziyye* or *el-Câmi 'u'l-vecîz* or *Fetâva 'l-Kerderî* composed by Hâfizüddîn Muhammed b. Muhammed b. Şihâb el-Kerderî el-Hârizmî el-Bezzâzî (d. 827/1424) as a compendium of the fatwas of the early masters and later jurists of the Hanafi school.²¹²

Kenzü 'd-dekâik. This is *Kenzü 'd-dekâik*, one of the most authoritative fiqh texts of the Hanafî school, composed by Ebü'l-Berekât Hâfizüddîn Abdullâh b. Ahmed b. Mahmûd en-Nesefî (d. 710/1310) as a compendium of his own *el-Vâfi*. It became the subject of many commentaries and was taught as part of the Ottoman madrasa curriculum for many years.²¹³

Molla Miskîn. This is *Şerhu Kenzi 'd-dekâik* by Molla Miskîn Muînüddîn Muhammed b. Abdillâh (İbrâhîm) el-Ferâhî el-Herevî (d. 954/1547). It is a commentary on *Kenzü 'd-dekâik* of Ebü'l-Berekât en-Nesefî (d. 710/1310).²¹⁴

Înâye. This is the commentary of Ekmelüddîn Muhammed b. Mahmûd b. Ahmed el-Bâbertî er-Rûmî el-Mısrî (d. 786/1384) on *el-Hidâye* of el-Mergînânî, titled *el-Înâye*.²¹⁵

Halebî. This is *Mülteka 'l-ebhur*, a handbook of Hanafî law in the Ottoman Empire, composed by İbrâhîm b. Muhammed b. İbrâhîm el-Halebî (d. 956/1549). It became the subject of various commentaries and was translated into Turkish.²¹⁶

²¹² Ahmet Özel, "Bezzâzî," *DİA* 6, 113-4.

²¹³ Murteza Bedir, "Nesefî, Ebü'l-Berekât," *DİA* 32, 567-8; Ahmet Yaman, "Kenzü 'd-dekâik," *DİA* 25, 261-2.

²¹⁴ Abdülkadir Şenel, "Molla Miskîn," *DİA* 30, 259.

²¹⁵ Arif Aytekin, "Bâbertî," *DİA* 4, 377-8.

Dürer. This is *Dürerü'l-Hükkâm*, an authoritative handbook of Hanafi law in the Ottoman Empire by Muhammed b. Ferâmurz b. Ali (d. 885/1480), known as Molla Hüsrev. It is a commentary on the author's own work *Gurerü'l-ahkâm*.²¹⁷

Attâbiyye. This is the collection of the legal opinions of the Hanafi jurist Ebû Nasr (Ebü'l-Kâsım) Zeynüddîn Ahmed b. Muhammed b. Ömer el-Attâbî el-Buhârî (d. 586/1190), known as *el-Fetâvâ'l-Attâbiyye or Câmi'u (Cevâmi'u) 'l-fikh*.²¹⁸

Ahî Çelebi. This is the super-commentary composed by Yûsuf b. Cüneyd et-Tokâdî (d. 905/1500), known as Ahî Çelebi/ Ahîzâde, on the commentary authored by Sadrüşşerîa es-Sânî Ubeydullah b. Mesûd (d. 747/1347) on the *Vikâyetü'r-rivâye fî mesâ'ili'l-Hidâye* of Burhanüşşerîa Mahmûd b. Ubeydillah b. Mahmûd el-Mahbûbî (d. 730/1330), entitled *Zahîretü'l-'ukbâ fî şerhi Sadri's-şerî'ati'l-'uzmâ*, known also as *Hâşiye-i Çelebî*.²¹⁹

İhtiyâr. This is the commentary of Ebü'l-Fazl Mecdüddîn Abdullah b. Mahmûd b. Mevdûd el-Mevsilî (d. 683/1284) on his own *el-Muhtâr li'l-fetvâ*, one of the most fundamental texts of Hanafi fiqh, called *el-İhtiyâr li-ta'lîli'l-Muhtâr*.²²⁰

Mecma'u'l-bahreyn. This is an adaptation of two significant Hanafi texts *el-Muhtasar* of el-Kudûrî (d. 428/1037) and *el-Manzûmetü'n-Nesefiyye fî'l-hilâf* of Ebû

²¹⁶ Şükrü Selim Has, "Halebî, İbrâhîm b. Muhammed," *DİA* 15, 231-2; Idem, "Mülteka'l-ebhur," *DİA* 31, 549-52.

²¹⁷ Ahmet Akgündüz, "Dürerü'l-hükkâm," *DİA* 10, 27-8; Ferhat Koca, "Molla Hüsrev," *DİA* 30, 252-4.

²¹⁸ Halit Ünal, "Attâbî, Ahmed b. Muhammed," *DİA* 4, 93.

²¹⁹ Idem, "Ahîzâde Yûsuf Efendi," *DİA* 1, 549.

²²⁰ Davut Yaylalı, "Mevsilî, Abdullah b. Mahmûd," *DİA* 29, 487-8.

Hafs Ömer en-Neseîî (d. 537/1142) by Ebü'l-Abbâs Muzafferüddîn Ahmed b. Alî b. Taġlib el-Ba'lebekkî el-Baġdâdî İbnü's-Sââtî (d. 694/1295) titled *Mecma'u'l-bahreyn ve mültekâ'n-neyyireyn*.²²¹

Hulâsa. This is *Hulâsatu'l-fetâvâ*, the Hanafî fiqh book of İftihârüddîn Tâhir b. Ahmed el-Buhârî (d. 542/1147), a Hanafî scholar from Bukhara.²²²

Tuhfetü'l-mülûk. This is a Hanafî catechistic book titled *Tuhfetü'l-mülûk* compiled by Zeynüddîn Muhammed b. Ebubekr b. Abdülmuhsin er-Râzî (d. after 666/1268).²²³

İbn Melek. This is the commentary of İzzüddîn Abdüllatîf b. Abdülazîz b. Melek (d. after 821/1418) on the *Mecma'u'l-bahreyn ve mültekâ'n-neyyireyn* of İbnü's-Sââtî, titled *Şerhu Mecma'i'l-bahreyn*.²²⁴

Mebârik. This is *Mebâriku'l-ehâr fi şerhi Meşâriku'l-envâr*, a jurisprudential commentary composed by İzzüddîn Abdüllatîf b. Abdülazîz b. Melek (d. after 821/1418) on the *Meşâriku'l-envâri'n-nebeviyye*, which is a collection of two canonical hadith books, *Buhârî* and *Müslim*, compiled by Radyüddîn es-Sâġânî (d. 650/1252).²²⁵

Sadrüşşerîa. This is the commentary of Sadrüşşerîa es-Sânî Ubeydullah b. Mesûd b. Tâcişşerîa Ömer b. Sadrişşerîa el-Evvel Ubeydillâh b. Mahmûd el-Mahbûbî el-

²²¹ Ahmet Özel, "İbnü's-Sââtî, Muzafferüddîn," *DİA* 21, 190-2.

²²² M. Esat Kılıçer, "Buhârî, Tâhir b. Ahmed," *DİA* 6, 376.

²²³ Özel, *Hanefî Fıkıh Alimleri*, 110-2.

²²⁴ Mustafa Baktır, "İbn Melek," *DİA* 20, 175-6.

²²⁵ *Ibid.*

Buhârî (d. 747/1346) on the *Vikâyetü'r-rivâye fî mesâ'ili'l-Hidâye* of Burhanüşşerîa Mahmûd b. Ubeydillah b. Mahmûd el-Mahbûbî (d. 730/1330), titled *Şerhu'l-Vikâye*.²²⁶

Sirâc. This is one of the most prestigious Hanafi fiqh books on Islamic inheritance titled *el-Ferâizü's-Sirâciyye* by Ebû Tâhir Sirâcüddîn Muhammed b. Muhammed b. Abdürreşîd es-Secâvendî (d. after 596/1200).²²⁷

Şerh-i Sirâc. This is the commentary of Ebû'l-Hasen Alî b. Muhammed b. Alî es-Seyyid eş-Şerîf el-Cürcânî el-Hanefî (d. 816/1413) on *el-Ferâizü's-Sirâciyye* of Abdürreşîd es-Secâvendî (d. after 596/1200) titled *Şerhu's-Sirâciyye (el-Ferâizü's-Şerîfiyye)*.²²⁸

el-Fetâva's-suğrâ. This is *El-Fetâva's-suğrâ* composed by Ebû Hafs (Ebû Muhammed) Hüsâmüddîn es-Sadrü's-şehîd Ömer b. Abdilazîz b. Ömer b. Mâze el-Buhârî (d. 536/1141), a prominent Hanafi jurist from Transoxiana.²²⁹

el-Fetâva'z-Zahîriyye. This is the collection of legal opinions of the Hanafi jurist Zahîruddîn Ebû Bekr Muhammed b. Ahmed b. Ömer (d. 619/1222), known as *el-Fetâva'z-Zahîriyye*.²³⁰

²²⁶ Şükrü Özen, "Sadrüşşerîa," *DİA* 35, 427-31.

²²⁷ Ahmet Özel, "Secâvendî, Muhammed b. Muhammed," *DİA* 36, 266-8; Ferhat Koca, "el-Ferâizü's-Sirâciyye," *DİA* 12, 367-8.

²²⁸ Sadreddin Gümüş, "Cürcânî, Seyyid Şerîf," *DİA* 8, 134-6.

²²⁹ Ahmet Özel, "Sadrüşşehîd," *DİA* 35, 425-7.

²³⁰ M. Esat Kılıçer, "Buhârî, Zahirüddîn," *DİA* 6, 376-7.

Fetâva 'n-Neseîî. This is *Fetâva 'n-Neseîî* composed by Ebû Hafîs Necmüddîn Ömer b. Muhammed b. Ahmed en-Neseîî es-Semerkindî (d. 537/1142), a famous Hanafi scholar.²³¹

el-Muhît. This is a Hanafî fiqh book by Burhânuddîn Mahmûd b. Ahmed b. Abdülazîz b. Ömer b. Mâze el-Buhârî (d. 616/1219) and is titled *el-Muhîtu 'l-Burhânî*.²³²

Şerhu 'l-Mevâkîf. This is the commentary of Ebü'l-Hasen Alî b. Muhammed b. Alî es-Seyyid eş-Şerîf el-Cürcânî el-Hanefî (d. 816/1413) on *el-Mevâkîf* of Adüddîn Abdurrahman b. Ahmed b. Abdulgaffâr el-Îcî (d. 756/1355) entitled *Şerhu 'l-Mevâkîf*, a book on theology.²³³

Şeyhzâde Hâşiyetü 'l-Beyzâvî. This is the commentary of Şeyhzâde Muhyiddîn Muhammed b. Muslihiddîn Mustafa el-Kocevî (d. 950/1543) on the *Envâru 't-tenzîl ve esrâru 't-te'vîl*, the Qur'an commentary of Ebû Saîd Nâsîrüddîn el-Kâdî Abdullah b. Ömer b. Muhammed el-Beyzâvî eş-Şirâzî eş-Şafîî (d. 685/1286), entitled *Hâşiyetü 'l-Beyzâvî*.²³⁴

Şifâ. This is *eş-Şifâ bi-ta'rîfî hukûkî 'l-Mustafâ* composed by Ebü'l-Fadl Iyâz b. Mûsa b. Iyâz b. Ömer el-Yahsûbî es-Sebtî (d. 544/1149), a Maliki jurist from Andalusia.

²³¹ Ayşe Hümeýra Aslantürk, "Neseîî, Necmeddîn," *DİA* 32, 571-3.

²³² Özel, *Hanefî Fıkıh Alimleri*, 96-7.

²³³ Gümüş, "Cürcânî, Seyyid Şerîf," 134-6.

²³⁴ Erdoğan Baş, "Şeyhzâde," *DİA* 39, 97-8.

The work, which gained canonical status in Islam, is about the life of the Prophet Muhammed and the duties and attitudes of people towards him.²³⁵

Tarikat-ı Muhammediyye. This is *et-Tarikatü 'l-Muhammediyye fî beyâni 's-sîreti 'n-Nebeviyye* of Muhyiddîn Muhammd b. Pîr Ali el-Birgivî (d. 981/1573), an Ottoman scholar, known as the intellectual father of the Kadızadeli movement.²³⁶

Kunye. This is *Kunyetü 'l-Münye li-tetmîmi 'l-gunye* of Ebü'r-Recâ Necmuddîn Muhtâr b. Mahmûd b. Muhammed ez-Zâhidî el-Gazmînî el-Harizmî (d. 658/1260), a Hanafî scholar from Khwarezm.²³⁷

Hızânetü 'l-fetâva. This is *Hızânetü 'l-fetâva* of İftihârüddîn Tâhir b. Ahmed el-Buhârî (d. 542/1147), a Hanafî Scholar from Buhara.²³⁸

Muîn. This is the work of the Hanafî scholar Ebü'l-Hasan Alâuddîn Ali b. Halil et-Tarâblusî (d. 844/1440) on the method of judgement, entitled *Mu 'înü'l-Hükkâm fî mâ yeterdededu beyne'l-hasmeyn mine'l-ahkâm.*²³⁹

Miškâtü 'l-mesâbîh. This is the hadith collection of Ebû Abdillah Veliyyüddin el-Hatîb Muhammed b. Abdillah et-Tebrîzî el-Ömerî (d. 741/1340) entitled *Miškâtü 'l-mesâbîh.*²⁴⁰

²³⁵ M. Yaşar Kandemir, “eş-Şifâ,” *DİA* 39, 134-8.

²³⁶ Huriye Martı, “et-Tarikatü'l-Muhammediyye,” *DİA* 40, 106-8.

²³⁷ Özel, *Hanefî Fıkıh Alimleri*, 107-8.

²³⁸ Kılıçer, “Buhârî, Tâhir b. Ahmed,” 376.

²³⁹ Özel, *Hanefî Fıkıh Alimleri*, 178.

²⁴⁰ İbrahim Hatipoğlu, “Mesâbîhu's-Sünne,” *DİA* 29, 258-60.

Mecmûu 'n-nevâzil. This is *Mecmû' u 'n-nevâzil ve 'l-havâdis ve 'l-vâkiât* of Ahmed b. Musa b. İsa el-Keşşî (d. after 550/1155), who gathered the fatwas of some important Hanafi scholars in it.²⁴¹

Mutemed. This is the concise version of *el-Müsned* attributed to Ebû Hanîfe composed by the Hanafi scholar Ebü'l-Mehâsin Cemâlüddîn Mahmûd b. Sirâciddîn Ahmed b. Mesûd el-Konevî ed-Dımaşkî (d. 770/1369). It is entitled *el-Mu'temed fî ehâdîsi 'l-Müsned*.²⁴²

İğâsetü 'l-lehfân. This is *İğâsetü 'l-lehfân min mesâyidi 'ş-şeytân* of famous Hanbali scholar Ebû Abdillâh Şemsüddîn Muhammed b. Ebî Bekr b. Eyyûb ez-Zürâî ed-Dımaşkî el-Hanbelî (d. 751/1350) known as İbn Kayyim el-Cevziyye.²⁴³

el-Eşbâh ve 'n-nezâir. This is *el-Eşbâh ve 'n-nezâir* composed by Zeynüddîn b. İbrâhîm b. Muhammed b. Nuceym el-Mısrî (d. 970/1563), a prominent Hanafi jurist from Cairo.²⁴⁴

Mepsût. This is the commentary of Ebû Bekr Şemsü'l-eimme Muhammed b. Ebî Sehl Ahmed es-Serahsî (d. 483/1090[?]) on *el-Kâfi* of Hâkim eş-Şehîd (d. 334/945), entitled *el-Mepsût*.²⁴⁵

²⁴¹ Özel, *Hanefî Fıkıh Alimleri*, 74.

²⁴² Kâmil Yaşaroğlu, "Konevî, Cemâleddin," *DİA* 26, 164-5.

²⁴³ H. Yunus Apaydın, "İbn Kayyim el-Cevziyye," *DİA* 20, 109-127.

²⁴⁴ Ahmet Özel, "İbn Nuceym, Zeynüddin," *DİA* 20, 236-7.

²⁴⁵ Muhammed Hamîdullah, "Serahsî, Şemsüleimme," *DİA* 36, 544-7.

Hakâik. This is the commentary of Ebü'l-Mehâmid Mahmûd b. Muhammed el-Efsencî el-Buhârî el-Lü'lûî (d. 671/1272) on *el-Manzûmetü'n-Nesefiyye* of Ebû Hafs Necmuddîn Ömer b. Muhammed b. Ahmed en-Neseî es-Semerkindî el-Mâturîdî (d. 537/1142) entitled *el-Hakâik or Hakâiku'l-Manzûme*.²⁴⁶

Manzûme. This is *el-Manzûmetü'n-Nesefiyye*, the first Hanafi fiqh book written in verse, composed by Ebû Hafs Necmuddîn Ömer b. Muhammed b. Ahmed en-Neseî es-Semerkindî el-Mâturîdî (d. 537/1142).²⁴⁷

Esrâru'l-Fetâva. This is *el-Esrâr fi'l-furû'* of Ebû Zeyd Abdullah b. Muhammed b. Ömer b. Îsâ (d. 430/1039), known as Debûsî, a Hanafi scholar from Samarqand.²⁴⁸

Kifâye. This is the commentary of Celâluddîn b. Şemsuddîn el-Harezmî el-Kurlânî (d. 767/1366) on *el-Hidâye* of Burhânüddîn el-Merġinânî (d. 593/1197), titled *el-Kifâye*.²⁴⁹

We can now proceed to an analysis of the texts Vani quoted in his fatwas. The aim of this part is twofold: One is to delineate Vani's intellectual world, specifically his legal mind, through an examination of the works he used in his fatwa collection. We are, of course, aware of the fact that the library of Vani might have included other texts from different branches of Islamic sciences, but the choices of some texts among others can be an indicator of particular significance for Vani. The other aim is to identify what the circulated texts among Ottoman muftis tell us about the historical development of

²⁴⁶ Özel, *Hanefî Fıkıh Alimleri*, 112-3.

²⁴⁷ Aslantürk, "Neseî, Necmeddîn," 571-3.

²⁴⁸ Ahmet Akgündüz, "Debûsî," *DİA* 9, 66-7.

²⁴⁹ Özel, *Hanefî Fıkıh Alimleri*, 144.

Islamic law. Can we speak of a common pattern in the legal tradition of which Ottoman muftis were part and representative? How can we interpret Vani's relation with the legacy of the Hanafi madhhab?

One of the most remarkable features of Vani's list of sources is the geographical distribution of the authors. Almost 50% of the authors were originally from Transoxiana and adjacent areas or were associated with the scholars of that region either as their students or as commentators on their works. The second important geography, approximately 25% of the list, whose authors had an influence on Vani's legal background, is today's Middle East including Damascus, Cairo, Aleppo, Baghdad. Lastly, the remaining authors were mostly from Anatolia, and also there were a few examples from Iran and India. The predominance of Bukhara-Transoxiana region in the list is a sign of the historical development of Hanafi madhhab in the sense that by the end of the ninth century the Hanafi madhhab spread over the region and the Hanafites were encouraged in their scholarly activities by the ruling elites and, thus, made a significant contribution to the development of the doctrine. From roughly the eleventh century, the influence of Baghdad in the formation of the Hanafi doctrine decreased and, in Murteza Bedir's words, "the Bukharan Legal School", which emerged and developed in Central Asia, replaced it. With the migration of Turks to the west, especially as a result of the thirteenth-century Mongol invasions, Transoxiana-based Hanafi jurisprudence spread to other parts of the Islamic world and gained significant strength especially in the Ottoman Empire and India. Especially after the sixteenth century, it seems that the Bukharan legal school made a profound effect on the Ottoman religious establishment. The large number of the manuscript copies of this school's works in the

libraries of Turkey and the predominance of these works in the citation parts of the fatwa collections could be given as an example of this influence.²⁵⁰ As a result, the distribution of the authors and the predominance of Bukhara-Transoxiana region in Vani's collection delineate for us the geographical boundaries of the intellectual tradition to which he was heir.

The chronological dimension of the bibliography is another interesting point that necessitates some considerations. The taxonomy of the texts according to the dates of death of the authors reveals the following results: 11 works between the fourth/tenth century and the sixth/twelve century, 25 works between the seventh/thirteenth century and the ninth/fifteenth century, 7 works in the sixteenth century. This kind of taxonomy suggests that the works produced in the post-Mongol period increased in number and occupied a significant place in the Hanafi tradition, and by extension, also in Vani's bibliography.

Although the chronological and geographical dimension of the bibliography is a significant analytical tool in the reconstruction of a scholar's intellectual background, it is not sufficient to explain the whole dynamics. In order to determine the importance of a certain text in the collection, the frequency with which a work is quoted is an important indicator. Therefore, we need to have a look at the frequency of the quoted texts in Vani's collection.

el-Hidâye of el-Merğînânî (d. 1197) and its commentary *el- 'Înâye of el-Bâbertî* (d. 1384) are two of the most frequently quoted authoritative texts in Vani's fatwa collection. *el-Hidâye* was one of the most authoritative texts of Hanafi fiqh throughout

²⁵⁰ Bedir, *Buhara Hukuk Okulu*, 86-7; Bardakoğlu, "Hanefî Mezhebi," 11.

the Islamic world and had maintained its status through commentaries and annotations, some of which gained an authoritative recognition as well among Hanafi scholars such as *el- 'Înâye* of el-Bâbertî, *el-Kifâye of Celâleddin el-Kurlânî*, (d. 1366), *el-Binâye* of Bedreddin el-Aynî (d. 1451), *Fethu 'l-kadîr* of İbnü'l-Hümâm (d. 1457). Thanks to its primary role as a textbook of Hanafi jurisprudence, *el-Hidâye* played an important role in the Ottoman madrasas providing the students of Islamic law with a common educational background and providing jurists and muftis with a guide in their juristic activities. In the fatwa collection, Vani, who had probably worked on *el-Hidâye* and some of its commentaries at different levels of his training, frequently used the commentary, *el- 'Înâye*, and rarely quoted the text, *el-Hidâye*, in order to support his fatwas. He did not refer to any other commentaries of *el-Hidâye*, but just in one place where he quoted from *el-Kifâye*.

In addition to *el-Hidâye* of el-Merğînânî, other popular and authoritative handbooks of Hanafi jurisprudence and some of the commentaries on them, which also had an equally authoritative status in the madhhab, frequently appeared in Vani's fatwa collection. In order to understand the significance of these texts and the relationship between them, it is necessary to pay attention to the well-known classification of authoritative texts in Hanafi literature. According to this taxonomy, the handbooks of Hanafi jurisprudence *el-Muhtasar* of el-Kudûrî (d. 1037), *Kenzü 'd-dekâik* of Nesefî (d. 1310), and *el-Vikâye of Burhanüşşerîa* (d. 1330) constitute the *mutûn-ı selâse* (the three books) and *Kenzü 'd-dekâik* of Nesefî, *el-Vikâye of Burhanüşşerîa*, *el-Muhtâr* of Mevsilî (d. 1284) and *Mecma 'u'l-bahreyn* of İbnü's-Sââtî (d. 1295) constitute the *mutûn-ı erba 'a*

(the four books).²⁵¹ These texts and some of the commentaries on them maintained their theoretical and practical significance for several centuries by means of madrasas and qadi courts.

Looking at Vani's fatwa collection, it is clear that he was the follower of this tradition and based a reasonable amount of his fatwas on these sources. But the remarkable point here is that the commentaries (*şurûh*) other than the texts (*mutûn*) were frequently quoted in the collection. This is an indicator of the fact that the commentaries played a prominent role in the evolution of jurisprudence and the contemplation of fiqh progressed via this commentary literature by privileging some texts and disregarding others. Between the thirteenth and the fifteenth centuries, Hanafi scholars generated the highest number of commentaries and until the twentieth century the composition of commentaries continued its importance even if the rate of production diminished.²⁵²

One of the most respected texts with some commentaries in Vani's collection is *el-Vikâye* of Burhanüşşerîa (d. 1330). Since Burhanüşşerîa compiled this work by selections from *el-Hidâye* of el-Merğînânî, it can be regarded as a continuum of the *el-Hidâye* tradition. However, this work with its several commentaries constituted an independent and influential genre in the Hanafi literature. In the collection, there is no reference to *el-Vikâye*, but there are lots of references to certain commentaries and super-commentaries on it. The most widely quoted source among them is *Câmi' u 'r-rumûz* of el-Kuhistânî (d. 1554), which is the commentary of *en-Nukâye* of Sadrüşşerîa

²⁵¹ Ahmet Özel, "Hanefî Mezhebi (Literatür)" *DİA* 16, 22.

²⁵² Eyyüp Said Kaya, "Şerh (Fıkıh)," *DİA* 38, 560-4; For the position of commentaries in Islamic tradition, see İsmail Kara, *İlim Bilmez Tarih Hatırlamaz: Şerh ve Haşiye Meselesine Dair Birkaç Not* (İstanbul: Dergâh Yayınları, 2011).

es-Sânî (d. 1346), a concise version of *el-Vikâye*. In some rare cases, one of the most significant commentaries of *el-Vikâye*, *Şerhu 'l-Vikâye* of Sadrüşşerîa (d. 1347) and super-commentaries of it, *Zahîretü 'l-'ukbâ* by the Ottoman jurist Ahî Çelebi (d. 1500) appeared in the citation parts of the collection. Like *el-Hidâye*, *el-Vikâye* with some of its commentaries was held in high esteem in the Ottoman educational system and became a reference book for legal practitioners. Furthermore, Ottoman scholars made significant contributions to the Hanafî literature by commenting on *el-Vikâye*.²⁵³

Another important source Vani frequently quotes is *Şerhu Mecma 'i 'l-bahreyn* of İbn Melek (d. 1418). This is the commentary on one of the most authoritative texts *Mecma 'u 'l-bahreyn* of İbnü's-Sââtî (d. 1295), which is also, with some additions, a combination of two illustrious handbooks of Hanafi jurisprudence *el-Muhtasar* of el-Kudûrî (d. 1037) and *el-Manzûmetü 'n-Nesefiyye* of en-Nesefî (d. 1142). İbn Melek, who was originally from the western Anatolian town of Tire, gained recognition among Ottoman scholars with his legal works. For instance, the Şeyhülislam Ebussuud Efendi confirmed the significance of his commentary on *Mecma 'u 'l-bahreyn*. In one of his fatwas, when he was asked whether the commentary on *Mecma 'u 'l-bahreyn* by Firişteoğlu [İbn Melek] was credible or not, he replied as “*eyüdüür*” (It is good).²⁵⁴ Furthermore, along with *Şerhu Mecma 'i 'l-bahreyn*, his *Şerhu Menâri 'l-envâr* and *Mebâriku 'l-ezhâr fî şerhi Meşâriku 'l-envâr* were respected and taught in the Ottoman madrasas.

Other authoritative sources from the *mutûn* classification also took their place in

²⁵³ For the commentaries of Ottoman scholars on *el-Vikâye*, see Recep Cici, “Osmanlı Klâsik Dönemi Fıkıh Kitapları,” *TALİD Türk Hukuk Tarihi* 5 (2005): 220-1.

²⁵⁴ Düzdağ, *Şeyhülislam Ebussuud Efendi Fetvaları*, 184.

the collection, but not as much as others. In this sense, Vani based some of his fatwas on *el-İhtiyâr* of el-Mevsilî (d. 1284) and *Kenzü'd-dekâik* of en-Neseî (d. 1310) with its commentary *Şerhu Kenzi'd-dekâik* of Molla Miskîn (d. 1547). Furthermore, some other significant texts of the Hanafi literature were frequently quoted in the collection such as *el-Fusûlü'l- 'Îmâdiyye* of Zeynüddîn el-Merğînânî (d. 1271) and the commentary of el-Cürçânî (d. 1413) on *el-Ferâizü's-Sirâciyye* of Secâvendî, especially in the parts about inheritance.

Although all these authoritative texts maintained their privileged status among Ottoman Hanafi scholars for several centuries, by the sixteenth century two texts were added to them and recognized as “the texts” of the Ottoman Hanafites due to their easy-to-use format and the fact that they relied on already celebrated textbooks of Hanafi jurisprudence. These are *Dürerü'l-hükkâm fî şerhi Gureri'l-ahkâm* by Molla Hüsrev (d. 1480) and *Mülteka'l-ebhur* by İbrâhîm el- Halebî (d. 1594). Both works acquired a pre-eminent status among Ottoman-Hanafi legal scholars and were used as textbooks in the madrasa and as handbooks in the courts. The interest of the Hanafi scholars can be seen in the number of commentaries on these works. Vani based his fatwas on Molla Hüsrev's *Dürer* almost as often as he referred to other abovementioned authoritative texts of the Hanafi tradition. But the frequency of references from *Mülteka* is very low when compared to other texts.

Another important genre in Hanafi literature that Vani quoted most frequently is the fatwa collections. In this category of the fatwa collections, the purpose is to refer to the collections compiled until the Ottomans and developed into the standardized authoritative sources for the legal scholars. *Hulâsatu'l-fetâvâ* of İftihârüddîn el-Buhârî

(d. 1147), *el-Fetâvâ 'l-Hâniyye (Fetâvâ Kâdîhan)* of Fahrüddîn el-Fergânî (d. 1196), *el-Fetâvâ 't-Tatarhâniyye* of Âlim b. Alâ (d. 1384) and *el-Fetâvâ 'l-Bezzâziyye* of el-Bezzâzî (d. 1424) are the most respected of them in the Hanafi tradition and Vani also held them in high esteem in his fatwa collection. These collections gained significant strength among Ottoman-Hanafi legal scholars and were used in the madrasas and in the courts as textbooks due to the fact that they contain all necessary questions one may need to know and the preferred views of the Hanafi madhhab. Furthermore, on the basis of these collections, Ottoman scholars produced many works such as commentaries, annotations, abridgments and compilations based on different topics.²⁵⁵ In addition to these collections, Vani cited most frequently some other collections like *Fetâva 'n-nevâzil* of Ebü'l-Leys es-Semerkindî (d. 983), *Kunyetü 'l-Münye* of ez-Zâhidi (d. 1260) and *Câmi 'u 'l-fetâvâ* of Kırk Emre Mehmed (d. 1475).

Interestingly, in Vani's bibliography, there is no reference to the collections of the şeyhülislam, which had particular authoritative significance for the Ottoman-Hanafi legal scholars, specifically for the qadis and muftis. This may have been related with the historical development of the fatwa collections in the Ottoman text. According to Şükrü Özen, between the fifteenth and the seventeenth centuries, Ottoman religious scholars mostly tended to work on the authoritative texts and the fatwa collections written in Arabic in their writing activities. On the other hand, the fatwas by Ottoman muftis, especially by the şeyhülislams, began to be compiled in collections only after the sixteenth century. As a result of this, while the Arabic fatwa literature played a

²⁵⁵ For the studies of Ottoman scholars on these fatwa collections, see Özen, "Osmanlı Döneminde Fetva Literatürü," 373-5.

significant role until the end of the seventeenth century, from then on, the Turkish fatwa literature started to gain strength among Ottoman legal scholars.²⁵⁶

Vani's bibliography, in addition to all these fiqh manuals, comprised of other books from different Islamic sciences such as tafsîr, hadith, theology and ethics. Although the frequency of the citations to these works is very low and the number of quotations does not exceed ten within the whole collection, their existence is highly significant in the sense that the issue of giving fatwas and supporting them with authoritative texts was not only perceived as a jurisprudential activity. Rather, it could be argued that the muftis were looking at *iftâ* activity more broadly, and could also use works from different branches of the Islamic sciences even if they relied predominantly on fiqh manuals. In this respect, the following manuals from Vani's bibliography can be mentioned: *Hâşiyetü'l-Beyzâvî* of Şeyhzâde (d. 1543), *eş-Şifâ* of Kâdî İyâz (d. 1149), the commentary of İbn Melek (d. 1418) on *Meşâriku'l-envâr*, *Mişkâtü'l-mesâbîh* of et-Tebrîzî (d. 1340), *Şerhu'l-Mevâkıf* of el-Cürcânî (d. 1413), and *et-Tarîkatü'l-Muhammediyye* of el-Birgivî (d. 1573).

So far, we have examined the texts which Vani used in the collection as the sources of his fatwas and looked at their significance within the tradition of Hanafi legal texts. The analysis of the texts offers an important insight into the intellectual world of a seventeenth-century provincial mufti from Ottoman Erzurum and his relationship with the authoritative works of Hanafi scholars. According to this, it is apparent that the scholars of Bukhara-Transoxiana region constitute a significant place in Vani's legal world. Furthermore, he mostly relied on the commentaries of certain Hanafi legal texts

²⁵⁶ Ibid., 376.

rather than the texts (*mutûn*). In addition, by the second half of the fifteenth century, Ottoman scholars started to produce their own canonical texts such as *Dürer* and *Mülteka*, and these texts occupied a particular place in Vani's bibliography.

In what follows, I will briefly compare Vani's bibliographic references with the bibliographic references in other contemporary Ottoman fatwa collections in order to determine how representative he was of the broader scholarly community in the Ottoman Empire. I will base my comparison on some of the existing studies on fatwa collections from different parts of the empire. These are Nuray Keskin's study on *Fetâvâ-yı Üskübî* of Pîr Mehmed Efendi (d. 1611), a late sixteenth and early seventeenth century provincial mufti of Üsküp;²⁵⁷ Selma Zecevic's study on *el-Fetâvâ 'l-Ahmediyye el-Mustariyye* of Ahmed el-Mustârî (d. 1776), an eighteenth century provincial mufti from Mostar;²⁵⁸ Guy Burak's study, which compares the bibliographies of the chief mufti Minkârizade Yahyâ (d. 1678 m. 1662-1674) and the Palestinian mufti Hayreddin b. Ahmed er-Remlî (d. 1671);²⁵⁹ Emine Arslan's study, which provides the sources of some parts of four şeyhülislams' collections, *Fetâvâ-yı Ali Efendi*, *Fetâvâ-yı Feyziyye*, *Behcetü 'l-fetâvâ* and *Netîcetü 'l-fetâvâ*, which were added later by their scribes, and the bibliography of *el-Ecvibetü 'l-kâni'a* of Mehmed Fikhî el-Aynî (d. 1730 or 1735), a clerk in the şeyhülislam's office and lastly Bünyamin Çalık's study on *Bahru 'l-fetâvâ* of

²⁵⁷ Keskin, "Fetâvâ-yı Üskübî Latinizesi ve Tahlili".

²⁵⁸ Zecevic, "On the Margin of Text," 239-257.

²⁵⁹ Burak, *The Second Formation of Islamic Law*, 147-154, 231-244.

Kadıızâde Muhammed Arif (d. 1759), an eighteenth century provincial mufti from Erzurum.²⁶⁰

Based on these studies, it is possible to speak of some general conventions concerning the legal texts that were in circulation among Ottoman scholars throughout the seventeenth and eighteenth century. First of all, the predominance of the scholars of Bukhara-Transoxiana region in the bibliographies of these scholars, as it is the case in Vani's collection, is apparent. Although the frequency of citations from these works varies from collection to collection, it seems that certain texts were held in high esteem in almost all of them such as *Fetâvâ Kâdîhan*, *Hulâsatu'l-fetâvâ*, *el-Hidâye* and *Câmi'u'r-rumûz*. In addition to these, some other texts from different parts of Muslim world including the core lands of the empire are quite often mentioned in these collections like *el-Fetâvâ'l-Bezzâziyye*, *el-Fetâvâ't-Tatarhâniyye*, *Dürerü'l-Hükkâm* and *Mülteka'l-ebhur*.

Secondly, our observation concerning the use of commentaries rather than original texts in Vani's collection is prevalent also for other collections. The interesting point here is that there are variations in the bibliographies of these collections concerning the commentaries of certain Hanafi texts (*mutûn-ı selâse* or *mutûn-ı erba'a*), which is an indication of the fact that the muftis or the fatwa scribes exercised their own preference for one source over the other. For example, while *el-Înâye*, el-Bâbertî's commentary on *el-Hidâye*, was referred quite frequently in the collections of Vani and Üskübî; Kadıızâde Muahmmmed Arif, Minkârizâde, er-Remlî and Mehmed Fikhî mostly preferred to cite İbn Hümâm's *Fethu'l-kadîr*, another well-known commentary of el-

²⁶⁰ Çalık, "Kadıızade Muhammed Arif".

Hidâye and mentioned *el-‘Înâye* sporadically. Another example is that while İbn Nüceym’s *el-Bahru’r-râik*, a commentary on en-Neseft’s *Kenzü’ d-dekâik* was cited frequently in the collections of şeyhülislams, Mehmed Fıkhî and er-Remlî, and less frequently in Üskübî’s collection it was completely absent in Vani’s collection; the latter instead preferred Molla Miskîn’s *Şerhu Kenzi’ d-dekâik*.

Thirdly, as we have mentioned above, by the end of the seventeenth century, the fatwas attributed to Ottoman şeyhülislams started to appear most frequently in the collections, specifically in the collections of provincial muftis. It could be possible to observe this development in the collections that we have used for comparison. Just as Vani did not consult the views of any şeyhülislam, neither did Üskübî in the early seventeenth century feel the need to make a reference to the şeyhülislams. On the other hand, the fatwa collections of two eighteenth century provincial muftis, el-Mustârî and Kadızâde Muhammed Arif, include several references to the chief muftis’ rulings. While the former Bosnian mufti consulted the rulings of Menteşezâde Abdurrahîm (d. 1718), Ebussuud Efendi (d. 1574) and Ankaravî Mehmed Efendi (d. 1687), Kadızâde Muhammed Arif resorted to a wider array of şeyhülislams such as Yenişehirli Abdullah Efendi (d. 1743), Ankaravî Mehmed Efendi, Atâullah Mehmed Efendi (d. 1715), Çatalcalı Ali Efendi (d. 1692), Çivizâde Muhyiddin Mehmed Efendi (d. 1547), Ebussuud Efendi, İbn Kemal (d. 1534) and Minkârizâde Yahya (d. 1677).

Lastly, the examination of different bibliographies offers us the possibility to make suggestions about the muftis’ reading repertoire and the circulation of the texts. It is clear that they had various kinds of jurisprudential texts in their libraries, and most probably owned other texts from the different branches of the Islamic sciences. It also

casts light on the circulation of the texts as well as of ideas between the different parts of the empire as well as across the Muslim world. In addition, the lists of the muftis clearly depicts the fact that a remarkable standardization was established throughout the empire as a result of the canonization practices of the Ottoman learned hierarchy, which also led to the formation of “establishment consciousness” among its members.²⁶¹

²⁶¹ For the canonization processes in the Ottoman Empire and the formation of “establishment consciousness”, see Burak, *The Second Formation of Islamic Law*, 122-162.

CHAPTER 4

CONCLUSION

This study has been an attempt to analyze Vani Mehmed Efendi's fatwa collection within its social and legal context. The collection, which was compiled by Vani himself following his appointment as the mufti of Erzurum in 1657 is a typical example of Ottoman provincial fatwa collections compiling legal rulings issued in response to the local people's request for legal guidance concerning their local affairs. Therefore, on the one hand it provides valuable information about the daily activities, the concerns and the problems of the people living in Erzurum. On the other hand, it gives us notable clues about the mentality of an influential religious figure associated with the Kadızadeli movement.

The collection presents clear evidence concerning Vani's muftiship in Erzurum, which has not been mentioned in any of his biographies. From the mid-sixteenth century onwards, the appointment of muftis to the Ottoman provinces became a common practice throughout the empire. Most of the muftis were selected among madrasa professors of the region or among those who had the necessary qualifications for issuing fatwas. Interestingly, Vani did not have an official position within the learned hierarchy and had not completed his formal education within the Ottoman learned system. However, he was still chosen as the mufti of Erzurum due to his level of knowledge while he was serving as a preacher in the mosques of Erzurum.

The fatwas analyzed in this study were mostly selected from the *Kitâbu'l-kerâhiyye* chapter of the collection and dealt with a wide range of issues most of which had great significance in the social and intellectual life of seventeenth-century Ottoman Empire. Since Vani became a major player of the Kadızadeli movement in Istanbul in the second half of the seventeenth century, we have the chance to compare his positions on those issues in both Erzurum and Istanbul. It becomes apparent as a result of the analysis of the fatwas that there are certain similarities between Erzurum and Istanbul cases in terms of content and approach. In this regard, the controversial matters on which Vani issued fatwas in the context of Erzurum - most notably, some Sufi practices like vocal zikr and the performance of *semâ* and *devrân*, the use of intoxicating substances like wine, tobacco and *benc*, church restoration and the visitation of tombs - would also become major concerns of Vani in Istanbul. He even took much stricter positions on some of these issues than earlier Kadızadeli leaders. At the same time, it seems that some of his fatwas - including those on nawruz, magic and the extermination of harmful dogs - were strongly grounded in the social and cultural particularities of Erzurum.

Quite a few of the fatwas examined in this thesis are not formulated in an abstract or impersonal fashion, which was the common structure of the fatwas. This made it easier to reach much more detailed information concerning the cases and their local nature. Furthermore, in some cases, it seems that Vani by himself discussed some topics in the format of a fatwa-text and conveyed his views on those issues like tobacco, nawruz, and magic.

As a provincial mufti, Vani was expected to consult the works of earlier Hanafi legal authorities while issuing fatwas. This requirement may have stemmed from the desire of the central state to retain a degree of control over the *muqallid* provincial muftis whether or not they issued fatwas in accordance with the preferred views of the madhhab. Therefore, in the collection, each fatwa-text follows a citation or citations from the authoritative texts of the Hanafi madhhab. By this means, we have an opportunity to evaluate Vani's relation with this legacy and his legal mind. The analysis of Vani's bibliography has indicated that he was a typical provincial mufti, who examined the legal questions posed to him within the boundaries of the Hanafi madhhab. In particular, the scholars of Bukhara-Transoxiana region appear to have had a major influence on his legal thought. It is interesting to note that Vani based his arguments concerning some controversial issues mostly on the scholars of this region, who regarded them as innovations and took rigid positions. He did not follow the path of the earlier Ottoman-Rumi scholars, who had adopted a much more nuanced and moderate approach to these issues. Furthermore, in accordance with the historical development, the commentaries rather than the main texts (*mutûn*) of the Hanafi furu' fiqh were the most frequently referred sources in Vani's collection. Another finding of this study is that Vani does not cite any şeyhülislam fatwas, which had particular significance for the Ottoman legal scholars.

APPENDIX A

THE COMPARISON OF THREE EXTANT COPIES OF VANİ MEHMED EFENDİ'S

FATWA COLLECTION

Chapters	Library					
	Ankara Milli Kütüphane (MK)		İstanbul Üniversitesi Nadir Eserler Kütüphanesi (NE)		Erzurum İl Halk Kütüphanesi (EK)	
	Folios	Number of Fatwas	Folios	Number of Fatwas	Folios	Number of Fatwas
<i>kitâbu't-tahâre</i> (chapter on cleanliness)	1b-2a	1	1b-2a	1	1b-3a	1
<i>kitâbu's-salât</i> (chapter on prayer)	2a-6a	8	2a-5a	8	3a-6a	9
<i>bâbu salâti'l-cenâiz</i> (chapter on funeral prayer)	6a-8a	13	5a-7a	13	6a-8b	14
<i>kitâbu'z-zekât</i> (chapter on alms)	8a-10b	16	7a-9b	17	8b-10b	15
<i>kitâbu's-savm</i> (chapter on fasting)	10b-11a	4	9b-11b	20	10b-11a	4
<i>kitâbu'l-hacc</i> (chapter on pilgrimage)	11a-12a	4	11b-12a	3	11a-11b	3
<i>kitâbu'l-udhiye</i> (chapter on sacrifice)	12a-12b	1	12a-12b	7	11b-11b	-
<i>kitâbu'l-'ıydeyn</i> (chapter on two religious festivals)	12b	-	-	-	-	-
<i>kitâbu'z-zebâyah</i> (chapter on the slaying of animals for food)	13a-13b	1	12b-13a	1	11b-12a	1
<i>kitâbu'l-cihâd</i> (chapter on jihad)	13b-27a	80	13a-28b	89	12a-23a	86
<i>kitâbu'ihyâi'l-emvât</i> (<i>ihyâ-i emvât</i> in NE, <i>ihyâi'l-mevât</i> in EK) (chapter on the cultivation of waste lands)	27a-30b	27	28b-33a	27	23a-27a	32
<i>kitâbu'l-kerâhiyye</i> (chapter on reprehensible matters)	30b-42b	29	33a-47a	29	27a-37a	32
<i>kitâbu'n-nikâh</i> (chapter on marriage)	42b-58b	126	47a-68a	124	37a-56b	136
<i>kitâbu'r-razâ'</i> (chapter on fosterage)	58b-60b	23	68a-70a	17	56b-58b	21
<i>kitâbu't-talâk</i> (chapter on divorce)	60b-73a	112	70a-86a	110	58b-74b	115

<i>kitābu</i> 'l- 'itāk (chapter on the manumission of slaves)	73a-76a	21	86a- 89a	20	74b- 77b	22
<i>kitābu</i> 'l- <i>mūkāteb</i> (chapter on manumission by contract)	76a	-	89a- 89b	1	-	-
<i>kitābu</i> 'l- <i>velâ</i> ' (chapter on the propinquity arising on manumission)	77a-77b	4	89b- 89b	3	77b- 77b	3
<i>kitābu</i> 'l- <i>eymân</i> (chapter on vows)	78a-79b	11	89b- 91b	11	77b- 79a	8
<i>kitābu</i> 'l- <i>hudûd</i> (chapter on punishments)	79b-84b	43	91b- 97b	40	79a- 85b	43
<i>kitābu</i> 's- <i>serika</i> (chapter on larceny)	84b	1	97b- 97b	1	85b- 86b	3
<i>kitābu</i> 'ş- <i>şirb</i> (<i>eşribe</i> in NE and EK) (chapter on drinking)	85a-85b	2	97b- 98a	2	86b- 86b	2
<i>kitābu</i> 'l- <i>cinâyât</i> (chapter on offences against the person)	85b-90a	35	98a- 103b	34	86b- 91b	32
<i>kitābu</i> 'd- <i>diyât</i> (chapter on fines)	90a-92b	17	103b- 106a	16	91b- 94b	26
<i>kitābu</i> 'l- <i>âbık</i> (chapter on the absconding of slaves)	92b-93a	2	106a- 106b	2	95a- 95a	3
<i>kitābu</i> 'l- <i>mefkûd</i> (chapter on missing persons)	93a-96a	22	106b- 109b	21	95a- 98a	21
<i>kitābu</i> 'l- <i>lakît</i> (<i>multekât</i> in EK) (chapter on foundlings)	96b	1	109b- 109b	1	98a- 98a	1
<i>kitābu</i> 'l- <i>lukata</i> (chapter on troves)	97a	-	-	-		-
<i>kitābu</i> 'l- <i>vakf</i> (chapter on appropriations)	97b- 106b	69	109b- 121a	79	98a- 108b	80
<i>kitābu</i> 'l- <i>büyû</i> ' (chapter on sale)	106b- 109b	31	121a- 126a	43	108b- 112b	34
<i>bâbu</i> 'r- <i>ribâ</i> (chapter on usury)	109b- 111b	16	126a- 129a	18	112b- 121a	63
<i>bâbu</i> 's- <i>selem</i> (chapter on contract of future sale)	111b- 117a	39	129a- 137a	41	-	-
<i>kitābu</i> 'ş- <i>şuf'a</i> (chapter on pre-emption)	117a- 119a	14	137a- 139a	15	121a- 123a	18
<i>kitābu</i> 'l- <i>hibe</i> (chapter on gifts)	119a- 123b	39	139a- 146a	49	123a- 128b	47
<i>kitābu</i> 'l- <i>icâre</i> (chapter on hire)	123b- 131a	61	146a- 157a	75	128b- 136b	63
<i>kitābu</i> 'l- 'âriye (chapter on loans)	131a- 132a	7	157a- 158a	6	136b- 137a	6
<i>kitābu</i> 'l- <i>vedî'a</i> (chapter on deposits)	132a- 133b	12	158a- 161a	24	137a- 139a	19
<i>kitābu</i> 'r- <i>rehn</i> (chapter on pawns)	133b- 135b	15	161a- 164a	18	139a- 141b	18

<i>kitābu 'l-gasb</i> (chapter on usurpation)	136a- 139a	25	164a- 169a	33	141b- 145b	30
<i>kitābu 'l-ikrāh</i> (chapter on compulsion)	139a- 140b	4	169a- 169b	3	145b- 147b	15
<i>kitābu 'l-hacr</i> (chapter on inhibition)	140b- 142a	12	169b- 172b	16	-	-
<i>kitābu 'l-me 'zūn</i> (chapter on licensed slaves)	142a- 142b	1	-	-	147b- 150a	22
<i>kitābu 'l-vekāle</i> (chapter on agency)	142b- 145a	15	172b- 175b	18	-	-
<i>kitābu 'l-kefāle</i> (chapter on bail)	145a- 146b	12	175b- 177a	12	150a- 152a	14
<i>kitābu 'l-havāle</i> (chapter on the transfer of debts)	146b- 147b	6	177a- 178b	8	152a- 153a	7
<i>kitābu 'l-mudārebe</i> (chapter on co-partnership in the profits of stock and labor)	147b- 150b	23	178b- 182b	28	153a- 155b	21
<i>kitābu 'š-širke</i> (chapter on partnership)	150b- 152b	18	182b- 185b	22	155b- 158a	20
<i>kitābu 'l-mūzāra 'a</i> (chapter on compacts of cultivation)	152b- 154a	14	185b- 187a	12	158a- 159b	12
<i>kitābu 'l-mūsākāt</i> (chapter on compacts of gardening)	154a- 154b	2	187a- 187b	1	159b- 159b	1
<i>kitābu 'd-da 'vā</i> (chapter on claims)	154b- 164b	33	187b- 204b	39	159b- 164b	36
<i>kitābu 'l-ikrār</i> (chapter on acknowledgments)	164b- 166a	12	204b- 207a	16	164b- 166b	16
<i>kitābu 'š-šehāde</i> (chapter on evidence)	166a- 170a	38	207a- 214b	58	166b- 172b	55
<i>kitābu 's-sulh</i> (chapter on composition)	170a- 172a	14	214b- 217b	17	172b- 175a	21
<i>kitābu 'l-kadā '</i> (chapter on the duties of the qadi)	172a- 176b	31	217b- 224a	40	175a- 181a	46
<i>kitābu 'l-kīsme</i> (chapter on partition)	176b- 178a	9	224a- 226b	15	181a- 188b	64
<i>kitābu 'l-vesāyā</i> (chapter on wills)	178a- 183b	43	226b- 234b	53	-	-
<i>kitābu 'l-ferāyız</i> (chapter on inheritance)	183b- 187a	17	234b-	21	-	-

APPENDIX B

SAMPLES FROM VANİ MEHMED EFENDİ'S FATWA COLLECTION

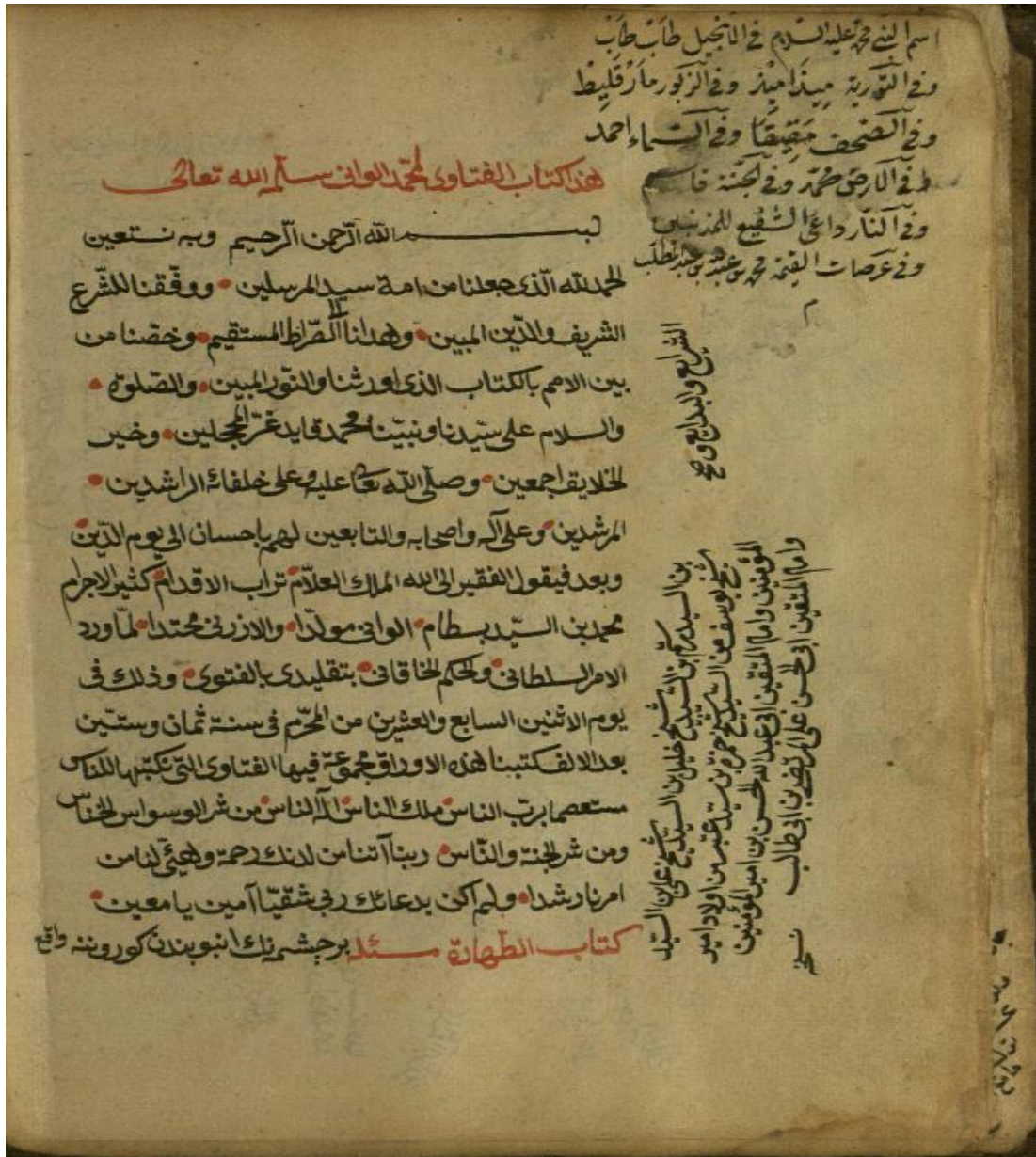


Fig. 1 The introduction of *Fetâvâ*, Milli Kütüphane, 1b.

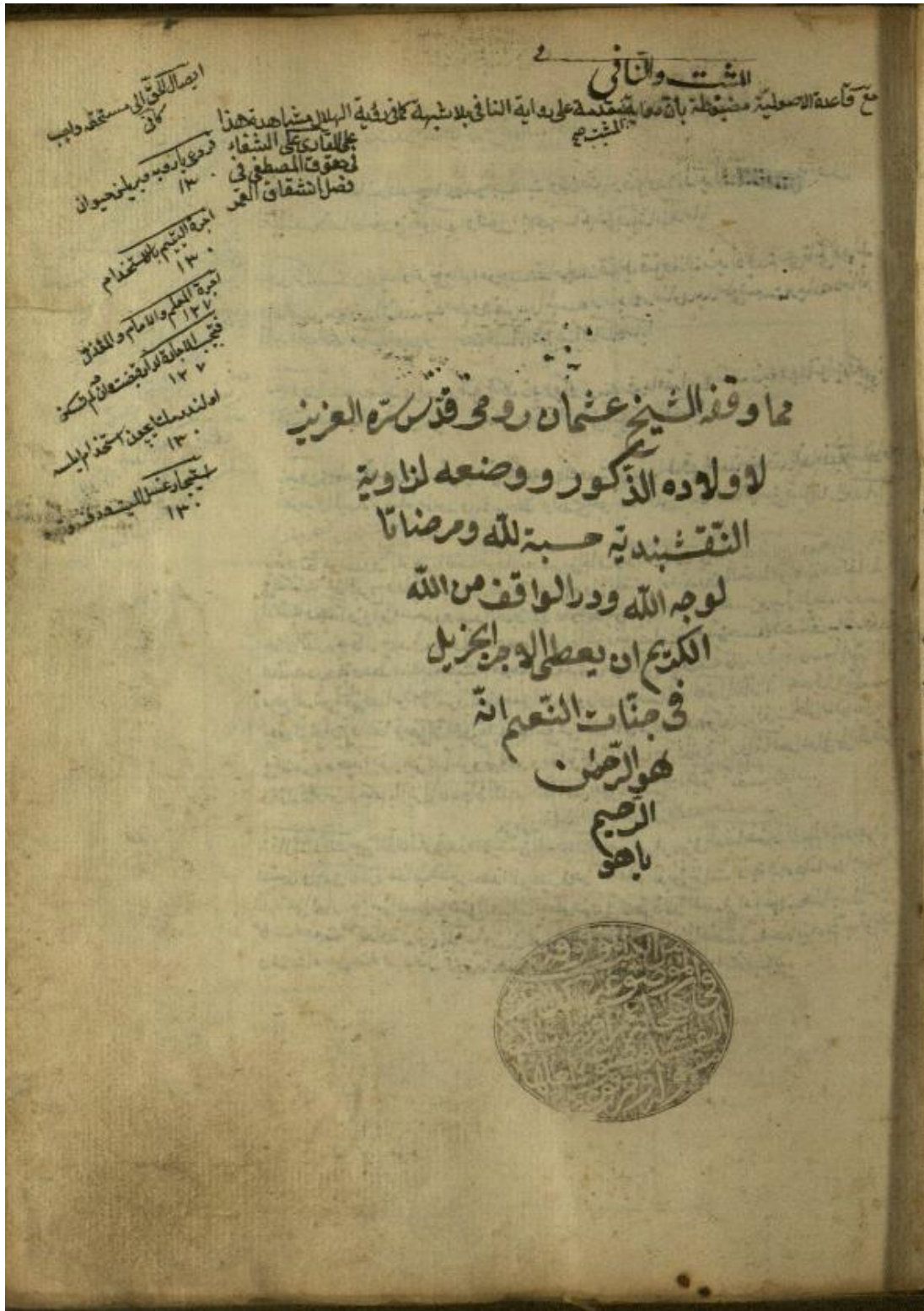


Fig. 2 The waqf record in *Fetâvâ*, Milli Kütüphanesi.

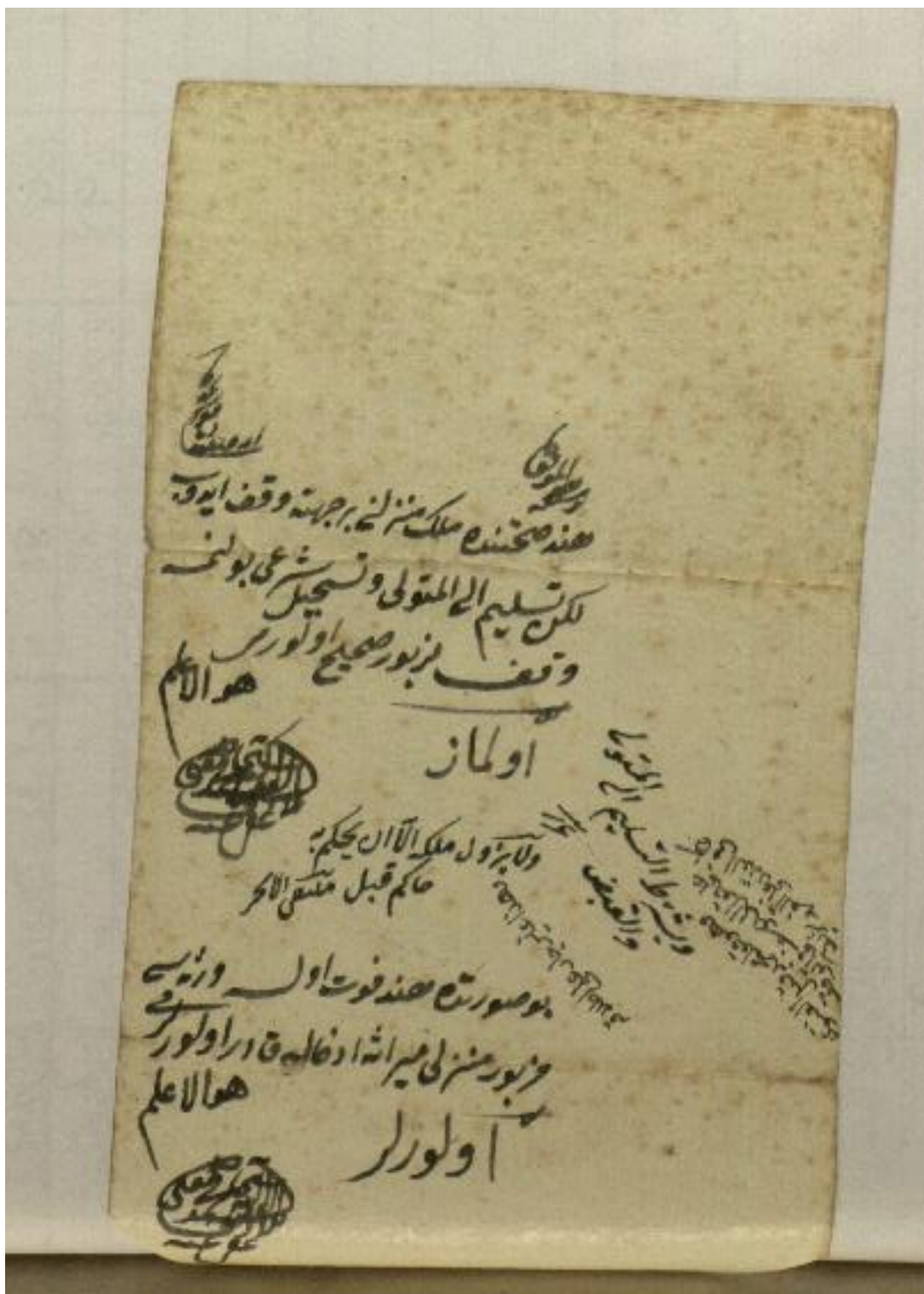


Fig. 3 The *ruk'atu'l-fetvâ* in *Fetâvâ*, Milli Kütüphane.

هذا الكتاب فتاوى الوافي

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ وَبِهِ نَسْتَعِينُ
 الحمد لله الذي جعلنا من أمة سيد المرسلين ووفقنا للشرع الشريف
 والدين المتين وهدانا بالشرع والطراط المتبين وخصنا من بين الأمم
 بالكتاب الذي أورثنا والنور المبين والصلوة والسلام على سيدنا ونبينا
 محمد القاصد الغر المحجلين وخير الخلائق أجمعين صلى الله تعالى عليه وسلم وعلى
 الأئمة والخلفاء الراشدين المرشدين وعاله واصحابه والتابعين لهم بإحسان إلى
 يوم الدين فيقول الفقير إلى الله الملك العلام تراب الأقدام كثير الاجرام محمد بن
 بن نظام الوافي مولد اوارثي بحسنة المأورد الامور السلطاني والحكم الخاقاني
 تقليدي بالفتوى وذلك يوم الثلاثاء الثاني السابع والعشرين من المحرم في سنة
 ثمان وستين بعد الالف كتبنا هذه الاوراق بمجموعة فيها الفتوى الذي نكتبها للناس
 متعصما برب الناس ملك الناس اله الناس من شر الوسوس الخناس الذي
 يوسوس من الجنة والناس ربنا اتنا في اليقين من لدنك رحمة وهيئ لنا من امر
 رشدا ولم تكن بدعا نك رب شقيا امين يا رب العالمين **كتاب الطهارة**
سئلة بسئله نك ابنو بندن كورونه واقح اولان ماء تحت ارض بندن عرول
 بهر نك ايله كتور بخرمك انده چشمه بنا ايدوب ماو جاري لجرى ايلد اوده
 كنه لومار مبر من دن شرب وغسل اتمه اتمه اتمه لوسر عما ماء مذبور طاه
 اولوب شرب وغسل جائق اولور **الجواب** اولوي قال عامة المشايخ ان اذا
 دخل الماء من الانبوب والاغش اف متد ارك لم يتجسس وعليه الفتوى كذا في
 المحيط ومفسر الاغش اف المتدرك ان لا يسكن وجه الماء فيما بين العرفين كما في
 الذاهدي قهستان في كتاب الطهارة وان كان الحوض مدورا يعين ان يكون

1068

Fig. 4 The introduction of *Mecmûa-i Fetâvâ*, Erzurum İl Halk Ktp., 1b.

بِسْمِ الرَّحْمَنِ الرَّحِيمِ وَرَبِّ السَّمَوَاتِ السَّبْعِينَ

الحمد لله الذي جعلنا من امة محمد سيد المرسلين ووقفنا
 للشرع اليميني والدين المبين وهدانا للسير والبيع والقرط
 المستبين ورضا من بين الامم بالكتبه الذي اوتينا والفتوة
 المبين والفتوة والعلام على سيدنا ونبينا محمد قبايد الصراط
 المحمدين وفيه الخلايق اجمعين صلى الله تعالى عليه وعلى آله
 الراشدين المرشدين وعلى اله واصحابه والتابعين بهم حيث
 ابي يوم الدين **وبعد** فيقول الفقير الى الله الملك
 العلم تراب الاقدام كثير الاجرام محمد بن بسطام العاقبي
 مولود اوالارذ في محنتها كما ورد الامر السلطاني والحكم
 الحاقني بتقليدي بالفتوى وذلك يوم الاثنين الثامن
 والعشرين من الحرم في سنة ثمان ستين والفا كتب هذه
 الاوراق مجموعة في الفتوى التي كتبتها لاني مستعصما
 برب ان من ملك الناس آله النكس من ثمر الوساو الحسن
 ومن ثمر الجنة والناس ربنا اتنا من لذة لذة حمة ولاي
 لنا من امرنا رشدا ولم اكن بدعا نك رب شقيا مهي
 يا مهي **كتبه بطلها ره سو** بر چشمه نك انبؤ
 كورتين واقع اولان مائي تحت ارضه عمير نك
 كندرله زمكانه چشمه بنا ايدوب ما و جاري افرى ايليكه
 بعض كندهر ما و جاري و نك جعس جانيز اولور
الجواب اولور وقال عامة المشايخ انه اذا دخل الماء
 من الانبوع الاعتراف متدارك كط بنج و على الفتوى
 وكذا في الحيط وتغلبه لا عترة المتدارك ان لا يسكن

Fig. 5 The introduction of *Fetâvâ-yı Bistâmî*, İstanbul Nadir Eserler Ktp., 1b.

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