

To Serdar and Hakan



A GATE TO THE EMOTIONAL WORLD OF
PRE-MODERN OTTOMAN SOCIETY:
AN ATTEMPT TO WRITE OTTOMAN HISTORY
FROM “THE INSIDE OUT”

The Graduate School of Economics and Social Sciences
of
İhsan Doğramacı Bilkent University

by

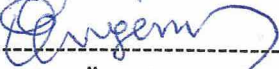
NİL TEKGÜL

In Partial Fulfilment of the Requirements for the Degree of
DOCTOR OF PHILOSOPHY IN HISTORY

THE DEPARTMENT OF
HISTORY
İHSAN DOĞRAMACI BİLKENT UNIVERSITY
ANKARA

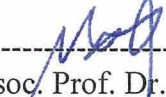
May 2016

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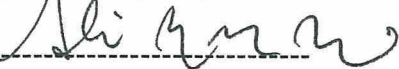
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ABSTRACT

A GATE TO THE EMOTIONAL WORLD OF PRE-MODERN OTTOMAN SOCIETY: AN ATTEMPT TO WRITE OTTOMAN HISTORY FROM “THE INSIDE OUT”

Tekgöl, Nil

P.D., Department of History

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May 2016

Beginning in the 1980's, the research produced on various fields of knowledge including history, neuroscience, sociology, psychology and anthropology asserted that emotions are not only a product of biochemical but also cognitive processes. It is now commonly accepted that emotions do have a history, they are socially constructed changing across time and space. This thesis is an attempt to revisit the relations established within the pre-modern Ottoman society, by taking emotions into consideration. The relations are analyzed within three dimensions; the state and the subjects, intra-communal relations and familial ties. It is argued that the Ottoman state, each *taife/cemaat* within the society and families were not only social but also emotional communities. The collectively constructed emotional norms and codes of each emotional community and their reflections in political relations, negotiations and daily practices are elaborated via linguistic and

discourse analysis of the primary sources. This thesis offers a new perspective and direction in Ottoman social history and thus stands as a first such attempt. The main emotion code, as reflected in the primary sources, was “*telif-i kulûb*” and “*mahabbet*” between the ruler and the ruled; “*rıza ve şükran*” for the community members; and “*hüsn-i zindegani ve musafat*” for husbands and wives. It is emphasized in this thesis that not only the material but also the emotional dimension of the political and social relations was important in shaping relations and that they should not be avoided in Ottoman social history studies.

Keywords: history of emotions, mahabbet, ottoman history, *rıza ve şükran*, *telif-i kulûb*.

ÖZET

PRE-MODERN OSMANLI TOPLUMUNUN DUYGU DÜNYASINA AÇILAN BİR KAPI

Tekgöl, Nil

Doktora, Tarih Bölümü

Tez Yöneticisi: Prof. Dr. Özer Ergenç

Mayıs 2016

Tarih, sinirbilim, sosyoloji, psikoloji ve antropoloji gibi farklı bilgi alanlarında, duygular üzerine 1980'lerden beri yapılmakta olan araştırmaların sonuçları, duyguların insan beyninde sadece biyokimyasal süreçler değil, bilişsel süreçlerin de bir ürünü olduğunu ortaya koymuştur. Bu sonuçlara dayanan genel kabul ile birlikte, duyguların da tarihin bir konusu olduğu, zaman ve mekana göre hem duygular hem de onların ifade biçimlerinin değiştiği ve duyguların toplumsal olarak inşa edildikleri ileri sürülmektedir. Bu çalışma, pre-modern Osmanlı'sında devletin tebaasıyla, taife/cemaat üyelerinin birbirleriyle ve genelde kadın ve erkek olmak üzere özelde karı ve kocanın aralarında kurmuş oldukları ilişkilere, duyguları da gözönüne almak suretiyle bir yeniden bakış denemesidir. Araştırmada, hem devlet, hem her bir cemaat/taife hem de ailenin birer duygu topluluğu olduğu ileri sürülmektedir. Her duygu topluluğunun kolektif olarak inşa edilen duygu normları ve kodları, kullanılan dil üzerinden tespit edilmiş ve bu normların kurulan ilişkilerde, müzakerelerde ve gündelik pratiklerde

yansımaları incelenmiştir. Böylelikle Osmanlı sosyal tarihine bir başka açıdan bakılmıştır. Bu yönüyle, bir ilk olma özelliği taşıdığı söylenebilir. Devletin tebaasıyla kurduğu ilişkide en belirleyici duygu kodu “*telif-i kulub ve mahabbet*” iken, taife/cemaat ilişkilerinde “*rıza ve şükran*”, karı koca ilişkilerinde ise “*hüsn-i zindegani ve musafat*”tır. Araştırmada, bireylerin birbirleriyle, ait oldukları taife/cemaatin diğer üyeleri ile devletin de yönetilenlerle kurduğu ilişkilerin maddi boyutu kadar duygu boyutunun da önem taşıdığı ve sosyal tarih açısından bu yönün ihmal edilmemesi gerektiği tezde vurgulanmaktadır.

Anahtar Kelimeler: duyguların tarihi, mahabbet, rıza ve şükran, osmanlı tarihi, telif-i kulüb.

ACKNOWLEDGMENTS

This thesis represents the end of my journey in obtaining my Ph.D and I would like to express my sincere thanks to all those who contributed scientifically and emotionally and who made it possible and an unforgettable experience for me.

First and foremost, I would like to express my deepest “*şükran*” for my advisor Prof. Özer Ergenç for his continuous support and never lasting patience to my questions. His immense knowledge of Ottoman history and his guidance always enlightened my way throughout my time of research. It would have been impossible to study such an elusive concept like “emotions” without his continuous encouragement. He had not only been my advisor but also my mentor and I always felt myself lucky to feel his deep support. He had always been supportive in my search for emotions in history and could make my journey not only fulfilling but also enjoyable. I am and will always be proud to be one of his students.

I’m thankful to my thesis committee members Prof. Mehmet Kalpaklı and Prof. Tülay Artan for their support by encouraging me and for their insightful comments. I’m specifically thankful to Prof. Cemal Kafadar for his esteemed and generous contribution of his vast knowledge into my thesis and agreeing to be a member of my defense committee. I also thank to Prof. Ali Yaycıoğlu for sparing his time for me and for his valuable comments. I would also like to thank all my

professors in History Department of Bilkent University since they each had an impact on shaping my own understanding of history.

Special thanks also to Prof. Yusuf Oğuzoğlu who had been supportive and always interested in my thesis subject by giving me insightful comments and supplying invaluable primary sources for my thesis.

I also take this opportunity to sincerely acknowledge Prof. Berrak Burçak and Prof. İlker Aytürk for their academic support and friendship.

I would like to expand my huge, warm thanks to my dear friends Birgül, Canan, Füsün, Lale and Sevgi who were always there whenever I needed them helping me to relieve my anxieties by making me laugh and think. I'm thankful for their sincere support. Life would be boring without them. I also owe special thanks to my dear brother Can Erkey who had always been my hero.

I am indebted to all of my colleagues, but in particular to Aslıhan and Michael Sheridan, Can Eyüp Çekiç, Merve Biçer for their valuable help and support.

There's also someone special whom I would like to thank who passed away long ago, my grandmother Ferhunde Betin. She was a member of late Ottoman society in her childhood and a proud citizen of the Turkish Republic as an elementary school teacher in her later life. I always loved to listen to her stories and my passion for history owes a lot to her. I hope she's in peace in heaven now.

Last but not the least, I would like to thank my dear husband Serdar and my beloved son Hakan who had always been supportive, thoughtful and appreciative all throughout my research. I cannot think of a life without them.

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CHAPTER I

INTRODUCTION

There were craftsmen producing goods and services in their field of expertise clustered along the various streets, each of which opening to "Uzunçarşı"(long bazaar). The sounds of their tools rising up from the bazaar were like tunes of a magical, centuries-old music. If it were possible to wander along the streets in which this magical music was being performed, it would have been possible to see the quilts glamorized with colors of nature, the silk, cotton and woolen textiles woven, the harness piled up by the hands of craftsmen, all skilled with the knowledge transmitted from generation to generation. One could have also witnessed a worldly-wise master with lines on his face reflecting his wisdom, and his disciple sitting in front of his master with his legs crossed, respectfully practicing his art. The white-bearded old man that you would have noticed in the entrance hall of the bazaar would most likely be a sheikh, a kethüda or a yiğitbaşı, all acting as the representatives of a five centuries long tradition. You would have felt the power of a vast authority when you saw the muhtesib (regulator of urban economic activity), sitting gloriously on his horse, with a "terazu oğlanı" (young assistant of muhtesib for weighing) on one side and a "falaka oğlanı" (young assistant of muhtesib for bastinadoing) on the other.¹

¹ "Uzunçarşı'ya açılan çok sayıdaki sokaktan her birinde, kendi uğraşı dalında mal ve hizmet üreten sanatkârlar kümelenmiştir. Her üretici grubunun çarşısından yükselen âlet sesleri, yüzyıllar boyu kesintisiz süregelen bir sihirli musikinin nağmelerini oluşturur. Bu musikinin icrâ edildiği mekânda gezinmek mümkün olsaydı, kuşakların birbirine aktardığı deneyimlerin ustalaştırdığı ellerin doğa renkleriyle bezediği yorganları: ipekli, yünlü, pamuklu dokumaları, boy boy pabuçları, koşum takımlarını özenle istiflemiş esnâfi görürdünüz. Yüzündeki çizgilerde yılların görmüş geçirmişliği sezilen, bir ustanın, önünde bağdaş kurmuş bir şâkirdin saygılı çalışmasına tanık olabilirsiniz. Çarşının başında; rastlayabileceğiniz aksakallı bir ihtiyar, ya şeyh ya kethüdâ ya da yiğitbaşı'dır. Bunlar, enaz beş yüz yıllık bir geleneğin temsilcisidir. Bir yanında "terâzu oğlanı", diğer yanında "falaka oğlanı:" ile, atının üzerinde heybetle oturan muhtesib, bir büyük otoritenin gücünü size hissettirebilirdi." Özer Ergenç, "Osmanlı'da Esnaf ve Devlet İlişkileri," In *Osmanlı Tarihi Yazıları Şehir, Toplum, Devlet* (İstanbul: Tarih Vakfı Yurt Yayınları, 2012), 417. Translation belongs to the author.

Ergenç's article titled "Osmanlı'da Devlet ve Esnaf İlişkileri", a part of which is quoted above, narrating the guild structure of the Ottoman Empire, still remains to be one of my favorites. While reading his lines, I feel as if I hear the tunes of this magical music while wandering around a 16th century Ottoman bazaar. What makes this article unique is not only its novel-like style enabling one to recover the living presence of historical actors -a disciple and his master or the *muhtesib* and his young assistants- but also the hard core research substantiating his analysis of Ottoman guilds.

I have always been interested in similar texts reflecting the human contours of history and wondered whether it was possible to trace how people in the past felt. Questions like; what they were afraid of, what made them feel happy, how they perceived the world that they lived in, how they gave meaning to their lives, used to be my topics of interest. The Ottoman historians made great contributions so far to our understanding of ordinary Ottoman subjects, the women, the slaves, the marginal and their daily lives. There is a vast scholarship produced so far on the Ottoman history regarding its social, legal and political structure. However, historical research focused mostly on the demographical analysis, like exploring the number of Ottoman households and the neighborhoods, average life expectations, population counts of Muslim and non-Muslim subjects or social and economic analysis of institutions like the *timar* or the *guild* system. I think Rosenwein's quote below, may as well be easily applied to Ottoman history studies.

"Although history began as the servant of political developments, and despite a generation's work of social and cultural history, the discipline has never

quite lost its attraction to hard, rational things and emotions have seemed tangential (if not fundamentally opposed) to the historical enterprise.”²

I never thought it was possible to trace the emotions of people who lived in the past. While facing difficulties in understanding our beloved’s feelings even today, how one would expect from a historian to understand how people had felt in the past? I felt almost sure that such questions would remain unanswered, up until I got acquainted with this new field of history: “history of emotions”. My interest in history of emotions originates mainly from this curiosity. This field offers a way to:

“recover that living presence, to recapture the way history felt. Because history has been felt; the lives of men and women have lived had an emotional dimension. That dimension has not only given shape to history but also created history, as men and women have acted on their feelings, sometimes knowingly, sometimes not.”³

Now it is widely accepted that not only emotions have a history that is changing across time and place, but also that emotions have larger social, political and legal implications throughout time.

Emotions are everywhere, in every utterance that we make, in every play or movie that we watch, in every book or poem that we read, in every song that we sing. They are in our relations. We love, hate, we get sad, angry, feel ashamed. After all, don’t we all strive for “happiness”? Emotions are embedded in our daily lives, politics, what we value, whether or not those include or exclude emotion words.

² Barbara Rosenwein, “Worrying About Emotions,” *American Historical Review* 107 (2002): 821.

³ Peter Stearns, and Jan Lewis, eds., *An Emotional History of the United States* (New York: New York University Press, 1998), 1.

But what are emotions? As two psychologists commented everybody knows what an emotion is, until asked to give a definition.⁴ The definition of emotion by a neurobiologist would probably differ from that of a historian. While emotion is defined as “a natural instinctive state of mind deriving from one’s circumstances, mood or relationships with others” in *Oxford Dictionary of English*, emphasizing its instinctiveness; Peter Stearns, who is one of the prominent historians of the field, elaborates emotions as a cognitive process in his definition; “a complex set of interactions among subjective and objective factors, mediated through neural and/or hormonal systems, which gives rise to feelings (affective experiences as of pleasure or displeasure) and also general cognitive processes towards appraising the experience; emotions in this sense lead to physiological adjustments to the conditions that aroused response, and often to expressive and adaptive behavior”.⁵

Most European languages have more than one word for the phenomena that Anglophones call “emotions,” and often time are not interchangeable. “In France, love is not an *émotion*; it is a *sentiment*. Anger, however, is an *émotion*, since an *émotion* is short term and violent, while a *sentiment* is more delicate and has a longer duration. German has *Gefühle*, a broad term that is used when feelings are strong and irrational, rather like *les émotions* in French while *Empfindungen* are more contemplative and inward, rather closer to *les sentiments*”.⁶ In Ottoman

⁴ Jan Plamper, *The History of Emotions An Introduction*, trans. by Keith Tribe (Oxford: Oxford University Press, 2015), 11.

⁵ Peter Stearns and Carol Z. Stearns, “Emotionology: Clarifying the History of Emotions and Emotional Standards,” *American Historical Review* 90, no 4 (1985): 813-36.

⁶ Barbara Rosenwein, *Emotional Communities in the Early Middle Ages* (Ithaca, NY: Cornell University Press, 2006), 4.

Turkish, *hiss*, which may be an approximate equivalent of emotions in English, is defined as sense, perception, faculty; feeling, sensation, sentiment. However there were also phrases like *hiss-i batini* (intellectual perception, cognition) and *hiss-i deruni* (inner perception).

Emotion is such an elusive concept. Although we may never know exactly what others feel, we are all in constant search to understand their feelings. Emotions are the most personal; however they may also be collective which was the case in Gezi event in Taksim in year 2013. They are expressed both in our minds and our bodies. They may be subjective, however sometimes they may well be objective. Emotions do not also fit well in our well-known dichotomies like private/public, individual/collective, mind/body and subjective/objective.

Are emotions strictly biological or chemical occurrences? Or are they socially constructed? Do emotions have a history? Do they change from place to place and era to era? Do religious, political or other ideological or collective agencies configure emotions? How do emotions shape and how are they shaped by social, cultural, political and economic factors? Can we have an access to emotional lives of people who lived in the past? How do emotional expressions differ from actual emotional states? These are only some of the questions posed by historians lately. However any attempt to inquire as such remained “tangential” for the historians for a long time as Rosenwein termed.

In fact, the question, why it took so long for scholars to have an interest in emotions, demands an answer. In her comprehensive article, Lutz explores the unspoken assumptions embedded in the concept of emotion as a master Western

cultural category, which I believe also holds true for our culture.⁷ She argues that emotion is either assumed to be opposed to the positively evaluated process of thought, or to a negatively evaluated estrangement from the world. In other words, when we label someone as “unemotional” we either mean that he/she is calm, rational, and deliberate, or he/she is uninvolved and alienated. She argues that this contrast of emotion to rationality and thought has been the dominant and common use of the concept.⁸ I believe the main reason why emotions have always been tangential to the historical initiative, is the bias in both academic and everyday discussions regarding emotions as irrational, insane, unreasonable, insensible, subjective, uncontrollable, involuntary, wild and primitive forces.

Things have changed since the past four decades. Today, the field has expanded so dramatically that some historians like Plamper, even suggested that history has taken an “emotional turn”.⁹ Whether it’s an “emotional turn” or not, there’s a growing interest in emotions not only among historians but also across humanities and natural sciences. This growing interest is manifested in the growing number of edited volumes, monographs, conferences, journals and even research centers established like ARC Centre of Excellence for the History of Emotions in the University of Western Australia/Perth, Center for the History of Emotions/Max Planck Institute for Human Development, Center for the History of Emotions in Queen Mary University of London.

⁷ Catherine Lutz, “Emotion, Thought and Estrangement: Emotion as a Cultural Category,” *Cultural Anthropology* 1, no 3 (1986): 287-309.

⁸ *Ibid.*, 289.

⁹ Jan Plamper, “The History of Emotions: An Interview with William Reddy, Barbara Rosenwein and Peter Stearns,” *History and Theory* 49 (2010): 237-265.

In a virtual roundtable chaired by Frank Biess, remarkable historians of the field discussed the reasons underlying this growing interest.¹⁰ For Ute Frevert, who was a contributor in this forum, it was “due to methods developed in neuroscience since 1990’s providing a new boost to psychological research”. For Uffa Jensen, it was due to “uneasiness with or a longing for an alternative to hegemony of discursive, constructivist assumptions, like “linguistic turn”.

Susan Matt argues that beginning in the 1940’s, historians of Annales School who started studying the history of daily activity, private life and mentalities of earlier generations actually pioneered the historical investigation of emotions.¹¹ She claims that American scholars in 1960’s attempted to write history from “the bottom up”, and focused on social history of ordinary people, writing history of working class, marriage, the family, housing, cleanliness, sex and food. Some scholars expanded the research field and started investigating the emotions in 1980’s. She points out that now there are many historians from Europe and North America who study topics as diverse as the history of lust and the changing experience of nostalgia.¹² For Matt, they are trying to explore the history of subjectivity and uncover intension, motivation and values that might lead to their actions; in short they are committed to write history not only from “the bottom up”, but also from “the inside out”.¹³

¹⁰ Frank Biess, ed., “Forum- History of Emotions,” *German History* 28, no 1 (2010): 67–80.

¹¹ Susan J. Matt, “Current Emotion Research in History: or, Doing History from the Inside Out,” *Emotion Review* 3, no 1 (2011): 117-124.

¹² *Ibid.*, 118.

¹³ *Ibid.*

History of emotions represents a fundamentally new direction in history. For the past four decades, history of politics, economics, religions and society are being examined by taking emotions into consideration. Following numerous researches on the subject of emotions, historians brought emotions back into the story and offered explanations of human motivation enriching our understanding of the past. This thesis is an attempt to *do* Ottoman history from “the inside out” bringing emotions into the domain of historical research.

We witness to expressions of emotions, implicitly or explicitly, in almost every Ottoman primary source. A man came to the court in the year 1660 and uttered the distress of his soul and the grief of his heart (*mutazaccir*- the root of the word is *zucret* in Arabic: distress) since his family (*ehl ü iyal*) was within the sight of his next-door neighbor and demanded a wall to be built in between.¹⁴ Likewise, the peasants, in their political demands from the State, almost always referred to their hurt feelings and their freight with the well-known phrase of “*rencide ve remide olmak*”. We witness the ruling elites expressing and displaying their sorrow when shed into chickpea-sized tears within the narratives of Silahdar Fındıklılı Mehmed Ağa quoted below:

“.....defterdârlık büyük işdir, her âdeme i’timâd olunup hakkından gelemez, yerine nasb itmeğe eyü âdem bulunmaduğundan rızâ virmedüğüme bâ’is budur, cürm-i kabâhatım çokdur afv eyle pâdişâhım” deyü, zâr zâr ağlayup, gözlerinden nohud dânesi gibi dökülen yaşa merhamet eyleyüp, “Suçunu bağışladım, sana tekâ’ud ihsân eyledim. Var du’âda ol” buyurup.....¹⁵

¹⁴ Konya JCR10: 12/3

¹⁵ Nezihe Karaçay Türkal, “Silahdar Fındıklılı Mehmed Ağa Zeyl-i Fezleke (1065-22 Ca.1106 / 1654-7 Şubat 1695)” (Unpublished PhD thesis, İstanbul: Marmara Üniversitesi, 2012), 1481.

We also witness subjects or ruling elites demanding compassion (*merhameten*) from the Sultan very often in chronicles, decrees, petitions, or we witness the rage of the Sultan expressed metaphorically as in “*derya-i gazab-ı padişah temevvüc idüb*”¹⁶ (the flood of the rage of the sultan waved) or his mercy to one of the military members who had recently been dismissed from his position or had been sentenced to death. We also face cases when a high military officer had been dismissed from this post on the grounds that he could not succeed in uniting the hearts, *telif-i kulûb*, of the subjects. The Ottoman Palace for instance, is described as a refugee of happiness in decrees and in official letters to other political sovereigns. What do all these displays of emotions or linguistic representations of such displays tell us?

In its essence, this research questions how the field of knowledge produced so far on the history of emotions may be applied to Ottoman History and how this may contribute to our understanding of the past. I argue in this thesis that studying Ottoman emotions or Ottoman discourses concerning emotions will enable us to better explain Ottoman politics and society, which was previously analyzed without regard to the emotional dimension of the relations established between the individuals themselves, intra-communal relations and also the state and subject relations. I further argue that both the emotions in political rhetoric of the Ottoman State and in everyday politics of ordinary people in Ottoman pre-modern era had larger social and political implications in the Ottoman history shaping

¹⁶ Hoca Saadettin Efendi, *Tacü't-Tevarih* (İstanbul: 1341), v:2, 313.

both private and public relations. History of emotions in that sense should not be regarded as a sub-field of history such as religious, economic or political history as Reddy suggests in an interview.¹⁷ Rather, the field offers a new way to understand past by exploring the effect and dimension of emotions to behavior, culture, institutions, rituals and others.

The period under discussion may be regarded as classical and post-classical periods in the Ottoman history, which roughly covers the period until the Tanzimat reforms in the 19th century. Discovering periods of change in Ottoman emotions would be highly praised, unfortunately, this thesis does not explicitly focus on periodization. Although it implicitly assumes that emotional standards of the society started to change with modernity, comparison between pre-modern and modern times does not lie within the scope of this research. I do hope that succeeding scholars will regard my findings as a reference to make such a comparison.

The methodology to discover emotions of past generations is exceptionally challenging. Reconstruction of any emotion in history firstly demands a lexicographic work which means contextualizing the words, understanding the cultural importance and meanings of those emotional notions and signs that characterize the emotional culture of a society or group. Therefore, I should first note that I tried to be faithful to the original vocabulary used in the Ottoman

¹⁷ William Reddy's interview by Jessica Scott and Penelope Lee while visiting University of Melbourne in March 2013 for the conference titled "Feeling Things; A Symposium and Objects and Emotions in History".

sources since every translation is itself an interpretation especially if one is trying to conceptualize a term used in various contexts.

Besides the lexicographic work on emotions, the methodological approach is also crucial and demands critical analysis of the sources utilized revealing both their limitations and potentials. That is why a chapter is devoted to sources and methods utilized, which is lengthier than expected. In addition to the presentation of the Ottoman sources utilized throughout this research and the conventional methods used, it also serves to give the reader a broader understanding of the various sources and theoretical perspectives that historians of emotions have used so far, including the debates regarding the potentials and limitations of their sources. This thesis should also be considered as a methodological attempt to recapture the emotions of Ottoman men and women using our available sources.

This thesis is a journey to the emotional world of Ottoman individuals drawn on both the primary Ottoman sources and the literature produced so far. It is first and foremost assumed in this thesis that emotions are never strictly biological or chemical occurrences; neither they are wholly created by language and society. Instead, emotions have a neurological basis but are shaped, repressed, expressed differently from place to place and era to era. This is what makes emotions to have a history and this is why emotions may be objects of historical research.

This thesis constitutes of five chapters. The first chapter is an overview of what “history of emotions” is. Starting from its origins, I presented the developments in the field starting from 1980s and gave examples on recent studies to show how diversely emotions may be studied and how their effect in social, political,

religious history may be elaborated. Although emotions have been implicitly touched by some Ottoman historians, research structured within the framework of “history of emotions” is quite limited, if not at all. These few studies are further critically examined within this chapter.

The second chapter is devoted to sources and methodology. In this chapter I first presented the various sources that historians of emotions utilize to explore emotions and the ongoing debates regarding the limitations and potentials of these sources. I further give the main theoretical perspectives providing the reader with a sound basis on the tools utilized so far, which I hope will also help future researchers to write their own histories of Ottoman emotions. Secondly I focused on the Ottoman sources utilized in this thesis with a critical analysis of the limitations and potentials of the sources. Although I utilized various different kinds of Ottoman sources, the Ottoman judicial court registers and the copies of imperial degrees recorded in these registers constituted my main sources.

Therefore, I also gave an overview of studies based on Ottoman judicial court records and the ongoing debates on how to use these records as a historical method. After several discussions on their use, historians now do not readily accept the records at their face value. But still, both the quantitative studies and the so-called impressionistic studies still have their limitations to better understand the past. This study also proposes a new approach to utilize judicial court records by conceptualizing the frequently used terms, without which none of the methods would be meaningful.

The third chapter focuses on Ottoman politics of emotion. In this chapter, political rhetoric of the Ottoman State is scrutinized exploring the role of emotions in state-

subject relations. My main sources in this chapter consisted of Ottoman chronicles, imperial decrees recorded in *mühimme* registers or their copies in judicial court records and the petitions to the Sultan as well as the relative chapters of ethics manual *Ahlak-i Alai* written by Kınalızade. I explored the “archipelagos of meaning” embedded in widely held and deeply embraced symbolic codes and their accompanying emotion codes which are socially constructed and culturally shaped. I argue that conceptualizing the symbolic and emotion codes embedded Ottoman political rhetoric enables us to better understand Ottoman political thought and its politics of emotion. I first explored the symbolic and emotion codes in Ottoman political rhetoric which include the terms like *siyanet, itaat, ihtisas, şefkat, refet, merhamet, asude-hal, müreffehü'l-bal, iktidar, zulm ve teaddi, rencide ve remide, evla ve enfa, tuğyan, isyan, gayz* and contextualized them. Utilizing many sources from different genres, I argue that two terms; namely *telif-i kulüb* and *mahabbet*, usually overlooked by historians, were important concepts Ottoman political thought and its politics. My conceptualization of these terms enabled me to propose a new model for better understanding of Ottoman political thought.

The fourth chapter is devoted to exploring the emotional rhetoric of *taife/cemaats* in Ottoman Society. I argued in this chapter that the social sub-groups (*taife/cemaat*) were also distinct emotional communities besides being social communities and the emotional ties between the members were expressed with the term “*rıza ve şükran duymak*” (having consent and feeling gratitude). I made a conceptual analysis of the term “*rıza ve şükran*” in various contexts exploring its functions and implications regarding it as a process and exploring the tools, which

helped to achieve its sustainability. In my search for the term's broader meaning, I mainly utilized judicial court records focusing on cases showing the offences or the penalties of those who deviated from the standards to explore the emotional norms themselves and to discover how people sometimes resisted to or confronted these norms. Like the previous chapter, I conceptualized some terms like *rıza ve şükran, terazu ve tevafuk, maiyyet üzere olmak, kendü halinde olmak* to understand how the solidarity between the members of this community was achieved and had been long-lived in addition to religious or customary norms. The Ottoman society's understanding of "shame" and various expressions of shame depending on its intensity and its functions are also elaborated in this chapter.

The fifth chapter is devoted to Ottoman family focusing on relations between husbands and wives, again taking emotions into consideration and exploring affective ties between them within the most basic social and legal unit, i.e. the family. In the first section of this chapter, I first analyzed the terms (*beyt, buyut, menzil, hane, ehl ü iyal*) used by the Ottomans which denote to "family", "home" and "house", and how they themselves defined "home" within different contexts. In the next section, I searched for emotionology of the familial ties by utilizing Kızalızade's *Ahlak-i Alai*. Determining the idealized codes of behavior between husbands and wives also served as clues to their emotional expectations from one another and I analyzed the features of the pre-modern Ottoman "emotional regime". I then compared the prescriptions of emotions with descriptions of emotions by utilizing judicial court records, which served as a source with ample

examples of such, especially focusing on the conceptualization of the terms and phrases like *rıza* and *hüsn-i zindegani*.

The concluding chapter joins all the arguments given in the preceding chapters and gives an analysis of pre-modern Ottoman state and society, taking emotions into consideration, starting from the widest circle of state-subject relations, moving down into intra-communal relations and finally the personal relationships between a husband and a wife in an Ottoman family; a unit representing the smallest circle of relations in this study.



CHAPTER II

WHAT IS HISTORY OF EMOTIONS?

“What makes the study of emotions so stimulating and yet so maddening is the elusiveness of the subject, the knowledge that we can never be entirely confident that our interpretations are correct. The shifting sands of human emotion and experience both bedevil and beguile us. As such, the endeavor is much like the object of its focus.”¹⁸

This chapter is an overview of the field of the history of emotions. It starts with the origins and continues with the findings of the scientific research starting in 1980s regarding how emotions are processed and activated, which eventually led the social scientists to explore emotions in their research projects. Then several examples are given from the scholarship with topics ranging from emotions in non-Western societies to functions of emotions in religion and politics. This chapter attempts to show how diversely emotions may be studied and how their

¹⁸ Peter Stearns and Jan Lewis, eds., *An Emotional History of the United States* (New York: New York University Press, 1998), 10.

effect in social, political, religious history may be elaborated. The few scholarship produced on the Ottoman history of emotions are also elaborated.

2.1. The Origins and Evolution of the Field

It is commonly accepted that Lucien Febvre, as a member of Annales School, was the first historian who called for histories of emotions in 1941¹⁹. However Febvre was following some other historians, Huizinga, in particular. In *The Waning of the Middle Ages*, published in 1919 in Dutch, Huizinga wrote about child-like nature of medieval emotional life.²⁰ Huizinga argued that the emotional dimension of social life of middle ages was characterized by extremes and lack of restraint and he emphasized a linear progression of emotional control starting with Humanism, the Renaissance and Protestantism.²¹

This master narrative of linear progress of emotional control was further supported by the writings of Norbert Elias, a historical sociologist. Elias, in his book, *The Civilizing Process*²², examined how emotional control had developed

¹⁹ Febvre's article "La sensibilité et l'histoire: Comment reconstituer la vie affective d'autrefois?" published in 1941 was translated to English in 1973 as "Sensibility and History: How to Reconstitute the Emotional Life of the Past," In *A New Kind of History: From the Writings of Febvre*, edited by Peter Burke and translated by K. Folca.

²⁰ Barbara Rosenwein, "Worrying About Emotions," *American Historical Review* 107 (2002): 823.

²¹ Jan Plamper, *The History of Emotions An Introduction*, trans. Keith Tribe (Oxford: Oxford University Press, 2015), 48.

²² Elias, Norbert. *The civilizing process: Sociogenetic and psychogenetic investigations*, trans. Edmund Jephcott (Oxford, UK: Blackwell Publishers, 2000). *The Civilizing Process* was written in German and first published in 1939. It was then republished in 1968 and was translated into English and French in 1970s and became one of the most influential texts on emotions.

and changed since the medieval period and is considered to be the first most comprehensive study on emotions.

Elias and Febvre had many common arguments. Both of them regarded emotions as contagious, in which emotions of one arouse emotions in others entering a mutual relationship, both proposed to use psychology in historical studies and both assumed that emotions were subject to historical transformation. The threat of European fascism prompted Febvre's interest in emotions, and suggested that primarily negative emotions like the history of hate, fear and cruelty had to be studied.²³ He was in search for a moral history, one that would explain fascism and reveal the principles on which a more rational order could be achieved.²⁴ For both, emotions were child-like, irrational, and had to be restrained emphasizing the dichotomy between the rational and the emotional.

For a long time, it was assumed that emotions are like great liquids eager to be let out which largely derives from the medieval notions of the humors and thereby regarding emotions as universal which Rosenwein labels as “hydraulic”²⁵ models arguing that it constituted the basis of the arguments of Febvre, Huizinga and Elias. In fact, Galenic doctrine of the four fluids, blood, phlegm, yellow gall and black gall, was still found in the writings of Kant and some psychologists up until nineteenth century.²⁶ Ottoman medicine was also under the influence of this

²³ Jan Plamper, *The History of Emotions An Introduction*, trans. Keith Tribe (Oxford: Oxford University Press, 2015), 16.

²⁴ Barbara Rosenwein, “Worrying About Emotions,” *American Historical Review* 107 (2002): 823.

²⁵ *Ibid.*

²⁶ Jan Plamper, *The History of Emotions An Introduction*, trans. Keith Tribe (Oxford: Oxford University Press, 2015), 16.

doctrine well until 19th century.²⁷ This theory was also related to the theory of the four elements; earth, fire, water and air. In this doctrine, these four humors corresponded to four basic temperaments each representing one of the four elements. Blood, represented by the element air, corresponded to the temperament sanguine with characteristics of being courageous, hopeful, playful and carefree. The humor yellow bile, represented by fire, corresponded to choleric with the characteristic of being ambitious, restless, easily angered. Black bile representing earth, corresponding to melancholic who is expected to be quiet, serious and analytical, while phlegm was represented by water and corresponded to phlegmatic temperament whose characteristics were calm, patient, peaceful. This system was highly individualistic, assuming that every individual had his/her unique humoral composition.

In parallel to the assumptions of “hydraulic model”, a significant portion of the psychological literature on emotions was dominated by Paul Ekman and his associates’ studies, which argue that basic emotions –happiness, sadness, disgust, surprise, anger and fear– are common to all human beings. Neurobiologists and geneticists have also added their knowledge to these studies, arguing that today’s emotions were the emotions of the past and will remain those of the future. These views may be regarded as “presentist/universalist” views of emotions. However, neither the hydraulic nor the universalist views are justifiable anymore.

²⁷ Özer Ergenç, “Osmanlı Klasik Döneminde Sağlık Bilgisinin Üretimi, Yayılması ve Kullanımı,” In *Osmanlı Tarihi Yazıları Şehir, Toplum, Devlet* (İstanbul: Tarih Vakfı Yurt Yayınları, 2012), 467.

Universalist views were challenged first by cognitive psychologists like Magda Arnold, an early leader in the field of cognitive psychology, who argued that “emotions were the result of a certain type of perception, a relational perception that appraised an object (or person or situation of fantasy) as desirable, valuable or harmful for me”.²⁸ She further argued that such appraisals depended on past experience and present value and goals. The new school argued that an emotional sequence begins by perception and is followed by appraisal, leading in turn to emotion, which is followed by action readiness.²⁹ Arnold’s theory may be summarized with the graphic below;

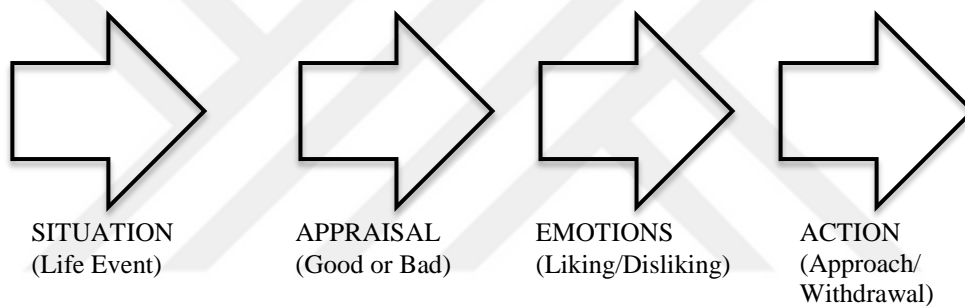


Figure 1. Arnold’s Theory of Cognitive Emotions

These findings, according to Rosenwein,³⁰ led scholars to argue that if emotions are assessments based on experience and goals, the norms of the individual’s social context provide the framework in which such evaluations take place and

²⁸ Magda Arnold, *Emotion and Personality Volume II: Neurological and Physiological Aspects* (New York: Columbia University Press, 1960)

²⁹ Barbara Rosenwein, *Emotional Communities in the Early Middle Ages* (Ithaca, NY: Cornell University Press, 2006), 14.

³⁰ *Ibid.*, 15.

derive meaning. This is the most crucial point in the history of the field. This scientific outcome is what triggered the numerous research projects, which brought emotions into the domain of history, sociology, anthropology and other social sciences.

In 1970s, social constructionism, which is an offshoot of cognitive theory, pointed out that, although some emotions are “hardwired” in the human (and animal) psyche, emotional expression takes as many forms as there are cultures. In other words emotions were socially constructed and culturally shaped. In Japan for example, there is a feeling, called *amae*, meaning contended dependence on another, however in English there is nothing comparable and presumably no feeling that corresponds to it.³¹ Sarah Tarlow argued that “emotions are unbounded, existing only through cultural meaning, culturally specific, and subject to transformation or disappearance through time”.³² Anthropology may be considered in this sense, as a discipline, which contributed most to invalidate the assumption that emotions are timeless and everywhere the same.

An anthropologist, Catherine Lutz, who studied *Ifaluk* culture – inhabitants of an atoll in the Caroline Islands of Micronesia- noted that these islanders had words for emotions that corresponded very poorly to Western terms. For example, the Ifaluk word *song* meant something more or like “justifiable anger”. However, it did not involve any discharge, loss of control and an outburst, which the Western idea

³¹ H. Morsbach and W. J. Tyler, “A Japanese Emotion: *Amae*,” In *The Social Construction of Emotions*, ed. Rom Harre (New York: Basil Blackwell Inc, 1986), 289-308.

³² Sarah Tarlow, “Emotions in Archeology,” *Current Anthropology* 41, no 5 (2000): 713-46.

of anger may imply.³³ *Song* in *Ifaluk* society functioned as a form of regulation, with the more powerful ones having the right to declare *song* more frequently than the less powerful.³⁴

Lila Abu-Lughod was another anthropologist, who made important contributions to the field. Her book (1986) titled “*Veiled Sentiments*” is based on a fieldwork conducted among settled Bedouin nomads living west of Alexandria, called Awlad Ali.³⁵ She investigates the ideology of honor and modesty and shows how these concepts serve to rationalize social inequality in the Awlad Ali society, which will be referred to in more detail in the succeeding chapters.

However, extreme social constructivist approach assumes that there are no universal human emotions, rather, different societies construct different emotions, and develop different strategies in their expression. William Reddy, one of the prominent historians of the field was not satisfied with their assumptions, since they reject the plasticity of the individual and concentrate only on the social and collective excluding the individual pointing out to the inability of the social constructionist approach to bridge the gap between the social and the subjective.³⁶

³³ Catherine Lutz, *Unnatural Emotions: Everyday Sentiments on a Micronesian Atoll and Their Challenge to Western Theory* (Chicago: University of Chicago Press, 1988).

³⁴ Jan Plamper, *The History of Emotions An Introduction*, trans. Keith Tribe (Oxford: Oxford University Press, 2015), 107.

³⁵ Abu-Lughod, L. *Veiled Sentiments: Honor and Poetry in a Bedouin Society*. Berkeley: Univ. of California Press, 1986.

³⁶ Koziol, Geoffrey, “Review of Rosenwein, Barbara H. *Emotional Communities in the Early Middle Ages*. Ithaca, NY: Cornell University Press, 2006,” *The Medieval Review*, 2008 Reviews (08.01.04), 1.

In his criticisms,³⁷ Reddy pointed out that emotions are the most complicated zone of conflict and negotiation between individual and society. Even though we cannot fully understand the others' feelings, we are constantly trying to do so, and he coined the term "emotive"³⁸ to describe the process by which emotions are managed and shaped, not only by society and its expectations, but also by individuals themselves as they seek to express how they feel.³⁹

In the next section examples from the studies in the field are cited to give the reader a broader understanding on how historians historicize emotions.

2.2. Recent Studies and Their Contributions to the Field

Some scholars focused on specific emotions like anger⁴⁰, shame, jealousy, disgust, nostalgia⁴¹, homesickness⁴², pity⁴³, happiness⁴⁴, compassion⁴⁵, fear⁴⁶ and

³⁷ William Reddy, *The Invisible Code Honor and Sentiment in Postrevolutionary France, 1814-1848* (Berkeley: University of California Press, 1997) and *The Navigation of Feeling: A Framework for the History of Emotions* (Cambridge: Cambridge University Press, 2001).

³⁸ Emotive is an analogy to linguistic performative. Linguist J.L. Austin divided words into two categories: constatives (words that describe a situation) and performatives (words that incite action). For example, while "this table is black" is a constative, "I wed thee" is a performative. However, "I am happy" is an emotive.

³⁹ Barbara Rosenwein, "Worrying About Emotions," *American Historical Review* 107 (2002): 837.

⁴⁰ See for example; Linda Pollock, "Anger and the Negotiation of Relationships in Early Modern England," *The Historical Journal* 47, no 3 (2004): 567-590; Dawn Keetley, "From Anger to Jealousy: Explaining Domestic Homicide in Antebellum America," *Journal of Social History* 42, no 2 (2008): 269-297.

⁴¹ Jean Starobinski, "The Idea of Nostalgia," *Diogenes* 54 (1966): 81-103.

⁴² Susan J. Matt, *Homesickness: An American History* (New York: Oxford University Press, 2011).

⁴³ Rachel Sternberg, *The nature of pity* (New York: Cambridge University Press, 2004).

⁴⁴ See for example; Darrin McMahon, *Happiness: A History* (New York: Atlantic Monthly Press, 2006) and "Finding Joy in the History of Emotions," In *Doing Emotions History*, ed. Susan J. Matt

explored changing expressions across time or space. However, it was mostly the negative emotions that were explored like anger, shame, and jealousy. McMahon points out that, this is not surprising because psychologically, information with a negative valence impacts us more strongly than the positive and painful events stay longer in memory and are recalled more often.⁴⁷ Carol and Peter Stearns were the first scholars who focused on specific emotions of anger⁴⁸ and jealousy⁴⁹. Keetley explored the domestic homicide in the early and late 19th century where he points to a change in emotional norms constructed by the society. While analyzing the trial accounts of domestic violence between 1800-1830, he found that in most of the cases the violence was precipitated by what appeared to be a husband's simple anger at a wife's failure to perform her duties where happiness seemed to lie in husbands and wives soberly performing their respective and very material duties; the work of labor for subsistence (on the part of the man) and of labor within the household (on the part of the woman). However, virtually absent until 1830, toward the mid-nineteenth century romantic jealousy began to appear

and Peter Stearns (Urbana, Chicago: University of Illinois Press, 2014), 103-119; Philip Ivanhoe, "Happiness in Early Chinese Thought." In *Oxford Handbook of Happiness*, ed. Ilona Boniwell and Susan David (Oxford: Oxford Univ. Press, 2012); Daniel Haybron, *The Pursuit of Unhappiness: The Elusive Psychology of Well-Being* (Oxford: Oxford University Press, 2008).

⁴⁵ Lauren Berlant, ed. *Compassion The Culture and Politics of an Emotion* (New York: Routledge, 2004).

⁴⁶ Joanna Bourke, *Fear: A Cultural History* (London: Virago, 2005).

⁴⁷ Darrin McMahon, "Finding Joy in the History of Emotions." In *Doing Emotions History*, ed. Susan J. Matt and Peter Stearns (Urbana, Chicago: University of Illinois Press, 2014), 104.

⁴⁸ Carol Zisowitz Stearns and Peter Stearns, *Anger: The Struggle for Emotional Control in America's History* (Chicago: University of Chicago Press, 1986).

⁴⁹ Peter Stearns, *Jealousy: the evolution of an emotion in American history* (New York: New York University Press, 1989).

much more frequently as a motive in domestic violence reflecting the prevailing ideal that marriage is held together by love.⁵⁰

Frevert focuses on emotions that either lose their intensity or gain importance. For example she argues that over the course of 19th and 20th centuries, significance attributed to shame and honor decreased, while that of empathy and compassion increased.⁵¹ She concludes that emotions do change throughout history, while some disappear, some change in context and the process of change is dynamic in the sense that they continuously enact and react to cultural, social, economic and political challenges.⁵²

William Reddy in his latest book, *The Making of Romantic Love*, compares Western conception of romantic love with different practices of sexual partnerships in regional kingdoms of Bengal and Orissa in South Asia from 9th through 12th centuries and Heian Japan in the 10th and 11th centuries. He argues that the dualism of sexual desire and love is unique to Western societies where it was socially constructed after the 12th century Gregorian reforms as a dissent from the sexual teachings of the Christian churches.⁵³

Stephen White, exploring anger in the middle ages, questions Marc Bloch who argued that medieval politics was irrational, medieval people were emotionally

⁵⁰ Dawn Keetley, "From Anger to Jealousy: Explaining Domestic Homicide in Antebellum America," *Journal of Social History* 42, no 2 (2008): 269-297.

⁵¹ Ute Frevert, *Emotions in History: Lost and Found* (Budapest: Central European University Press, 2011).

⁵² *Ibid.*, 13.

⁵³ William Reddy, *The Making of Romantic Love: Longing and Sexuality in Europe, South Asia and Japan, 900-1200 CE* (Chicago: University of Chicago Press, 2012).

unstable and lordly anger was an unrestrained, unrepressed force that stimulated political irrationality. Unlike Bloch, while making a close reading of medieval political narratives, White argued that lordly anger was indeed an important element in a secular feuding culture, and that the displays and representations of such displays had political and normative force. He argued that anger acted for political purposes and proposed that instead of assuming that a lord's anger and expression of hatred automatically produced irrational acts of political violence, we should posit a much more complicated relationship between displays of lordly anger and the many different political acts that angry lords instigated.⁵⁴ Likewise, Richard Barton argued that anger was a social signal, which helped keep the peace. The anger of the lords was nicely calibrated to show that something was wrong in a relationship, to get mechanisms of change underway, and to produce a new (generally more amicable) relationship.⁵⁵

Research on political science is largely influenced by ratiocentric methods of economics based on purely rational approach to politics assuming that emotions should not play a role in politics since rational public policy should be freed from uncontrollable emotions. However, recent research points to a shift in political analysis in which the role of emotions in political decision making or as

⁵⁴ Stephen White, "The Politics of Anger." In *Anger's Past The Social Uses of an Emotion in the Middle Ages*, ed. Barbara Rosenwein (Ithaca and London: Cornell University Press, 1998), 127-153.

⁵⁵ Richard Barton, "Zealous Anger and the Renegotiation of Aristocratic Relationships in Eleventh- and Twelfth-Century France." In *Anger's Past The Social Uses of an Emotion in the Middle Ages*, ed. Barbara Rosenwein (Ithaca and London: Cornell University Press, 1998), 153-171.

contributors to social and political discourse is being reevaluated.⁵⁶ Eustace rightly claims that, until recently, “emotions’ influence has been thought to reside in the private realm of family, faith and fiction, and interest has often more than waned when the topic has turned to political philosophy or power relations”.⁵⁷ Some historians working on American Revolution,⁵⁸ demonstrated the important role that debates about feelings played in the independence movement, showing that the revolutionary cause was based on widely shared convictions about passion, sentiment, and sensibility, and built on particular modes of emotional expression.⁵⁹ Eustace’s research provides a perspective on the role of emotion in the articulation of 18th century social and political philosophy and offers new insights into how the ordinary people tested or contested such theories in the course of their daily lives and she considers emotion as a key form of social communication.⁶⁰

Some scholars on the other hand, focused on emotional styles, or emotional cultures and discourses on emotions either in everyday life or in politics. Kutcher, by drawing some common threads in Chinese Emotions History studied and suggested new directions for future research. He points to specific Chinese

⁵⁶ Laureen Hall, “Review Essay Impassioned Politics New Research on the Role of Emotions in Political Life,” *Politics and the Life Sciences* 28 no 2 (2009): 84.

⁵⁷ Nicole Eustace, *Passion is the gale: Emotion, power, and the coming of the American Revolution* (Chapel Hill, NC: University of North Carolina Press, 2008), 3.

⁵⁸ See for example; Andrew Burnstein, *Sentimental Democracy: The evolution of America’s romantic self-image* (New York, NY: Hill and Wang, 1999). Sarah Knott, *Sensibility and the American Revolution* (Chapel Hill, NC: University of North Carolina Press, 2008).

⁵⁹ Susan Matt, “Current Emotion Research in History: or, Doing History from the Inside Out.” *Emotion Review* 3, no 1 (2011): 117-124.

⁶⁰ Nicole Eustace, *Passion is the gale: Emotion, power, and the coming of the American Revolution* (Chapel Hill, NC: University of North Carolina Press, 2008), 6.

traditions like Confucianism dictating the rules of behavior, which also included regulation of emotions as one thread. Expression of emotions differently in different genres and formulaic structure of emotional expressions are considered as the remaining threads.⁶¹ Pernau on the other hand, discusses how Indo-Muslim advice literature can be used as a source, not only for feeling rules, but also for emotion knowledge, which sets the framework for the possible perception and expression of emotions. Focusing on two sermons on anger by one of the most prolific Urdu writers, the reformer and Sufi Ashraf Ali Thanawi, she explores emotions in different traditions for giving advice i.e. moral philosophy, the Sufi tradition and legal sources reconstructing the 20th century Indo-Muslim emotional culture.⁶²

Steinberg explored Eastern European emotional life and discussed how the Soviet leaders worked to create enthusiasm and optimism about their policies and how disillusioned citizens came to see expressions of unhappiness as potent signs of dissent.⁶³

Sara Ahmed, in her book *“The Cultural Politics of Emotion”*, proposed to ask what emotions do instead of what emotions are and focused on the relation between emotions, language and bodies. She concentrated on the power of

⁶¹ Kutcher (2014: 58) Norman Kutcher, “The Skein of Chinese Emotions History.” in *Doing Emotions History*, ed. Susan J. Matt and Peter Stearns (Urbana, Chicago: University of Illinois Press, 2014), 57-73.

⁶² Margrit Pernau, “Male Anger and Female Malice: Emotions in Indo-Muslim Advice Literature,” *History Compass* 10, no 2 (2012): 119–128.

⁶³ Mark D. Steinberg, “Emotions History in Eastern Europe,” In *Doing Emotions History*, ed. Susan J. Matt and Peter Stearns, (Urbana, Chicago: University of Illinois Press, 2014), 74-99.

emotional language producing social relationships, which determine the rhetoric of nation.⁶⁴

Matt argued that “the history of emotions is changing the familiar narratives of history and that politics, religion, economics, labor and family life all look different when explored with an eye to emotion”.⁶⁵ Just to cite a few examples from the most recent publications regarding religious history, Austrian historian Lutter showed how representations of emotions in exemplary miracle stories had an impact on the readers’ spiritual lives using monastic texts from the 12th century.⁶⁶ Baseotto on the other hand, analyzed Elizabethan and Stuart conversion narratives and found that it was not fundamental doctrinal matters but a shared emotional repertoire, which acted as a unifying factor in a heterogeneous group of sect, labeled by contemporaries as “Puritans”.⁶⁷ Although research on emotions in Islam is quite few relatively, Gade explored how the Qur'an, the normative model of the Prophet Muhammad, and interrelated frameworks of jurisprudence and ethics as the most authoritative sources of Islam highlight emotions as a means of access to an ethical ideal.⁶⁸ Furthermore, Gade examined emotion in Islam,

⁶⁴ Sara Ahmed, *The Cultural Politics of Emotion*, (New York: Routledge, 2004).

⁶⁵ Susan Matt, “Current Emotion Research in History: or, Doing History from the Inside Out.” *Emotion Review* 3, no 1 (2011): 120.

⁶⁶ Christina Lutter, “Preachers, Saints, and Sinners: Emotional Repertoires in High Medieval Religious Role Models,” In *A History of Emotions, 1200-1800*, ed. Jonas Liliequist, (London: Pickering& Chatto, 2012), 49-63.

⁶⁷ Paola Baseotto, “Theology and Interiority: Emotions as Evidence of the Working of Grace in Elizabethan and Stuart Conversion Narratives,” In *A History of Emotions, 1200-1800*, ed. Jonas Liliequist (London: Pickering& Chatto, 2012), 65-77.

⁶⁸ Anna Gade, "Islam," In *The Oxford Handbook of Religion and Emotion*, ed. John Corrigan (Oxford: Oxford University Press, 2008), 35- 50.

focusing on the cultivation and expression of sentiment, aesthetics, affect and performance.

Some scholars explored how past theorists/intellectuals talked about, theorized, classified and interpreted emotions. For example Konstan explored the emotions of the Ancient Greeks.⁶⁹ Aristo, interestingly classified basic emotions (he used the term *pathe*, which is a near-equivalent of the term “emotion”) as anger, mildness, love, hate, fear, confidence, shame, shamelessness, benevolence, lack of benevolence, pity, indignation, desire to emulate, and “happiness”, which is considered today to be one of the basic emotions, was lacking from his list.⁷⁰ However, Aristo included mildness in his list as a basic emotion, which for some of us today would not take part in such a list.⁷¹ Gazali for example, who was one of the theoreticians of Muslim philosophy, was especially concerned with the fusion of the mind and the soul and with the practices through which perfect Gnostic communion with God could be achieved. And, one of the aspects of the self that must be worked on in pursuit of this goal is emotional experience. In his works, Ghazali elaborates on the need for “disciplining the heart,” “breaking desires,” and “cultivating the emotions”.⁷²

⁶⁹ David Konstan, *The Emotions of the Ancient Greeks: Studies in Aristotle and Classical Literature* (Toronto: University of Toronto Press, 2006).

⁷⁰ Barbara Rosenwein, “Problems and Methods in the History of Emotions.” *Passions in Context Journal of the History and Philosophy of the Emotions* 1 (2010): 14.

⁷¹ Ibid.

⁷² Richard Shweder et.al., “The Cultural Psychology of the Emotions Ancient and Renewed,” In *Handbook Of Emotions* (Third Ed.), ed. Lewis, Michael and et.al (New York: The Guilford Press, 2008), 423-424.

An understanding of how emotions could be an object of historical studies demanded a wider than expected search for literature and that is mainly why such a detailed analysis of review of secondary sources is given in this chapter. They all shaped my perceptions on how to approach emotions in Ottoman society, which would not be possible otherwise.

2.3. Emotions in Ottoman History

As far as Ottoman History is concerned, the interest is quite new, if not at all. There are some previous studies regarding the Ottoman and the Middle Eastern history, especially the ones on women, gender, family and honor⁷³ which implicitly refer to some emotions, however they are not framed within the context of history of emotions.⁷⁴

The work of Robert Dankoff regarding Evliya Çelebi's Traveller Account has to be mentioned in which he made both a linguistic and a historical analysis of the term "ayıb" (shame). Dankoff made a contextual analysis of the word "ayıb" in Evliya Çelebi's *Seyahatname* arguing that different societies had different understandings of shame in Ottoman Society. He also explored different words of shame, each having a different meaning in different contexts. His work

⁷³ See for example; Leslie Peirce, *Morality Tales: Law and Gender in the Ottoman Court of Aintab* (Berkeley: University of California Press, 2003); Yaron Ben-Naeh, "Honor and Its Meaning Among Ottoman Jews," *Jewish Social Studies* 11, no 2 (2005): 19-50; Robert Dankoff, "Ayıp Değil!" In *Çağının Sıradışı Yazarı Evliya Çelebi*, ed. Nuran Tezcan (Istanbul: YKY, 2009), 109-122.

⁷⁴ Artan's lecture should also be noted; Tülay Artan, "Duygu İmparatorluğunda Üç Kişi: Mektuplarıyla Fatma Sultan, Damad İbrahim Paşa ve Sultan III. Ahmed," Speech delivered at İhsan Doğramacı Bilkent University (Ankara, December 12, 2013).

contributes to our understanding of not only 17th century Ottoman social norms especially towards women but also differing emotional norms regarding notions of honor and shame constructed by various sub-societies.⁷⁵

A cultural history of emotions conference jointly organized by Bilkent University and Sabancı University in Istanbul in 2011 titled “Emotions in East and West” may be regarded as the first call to scholars from different disciplines to study emotions. The conference was organized by the network for Cultural History of Emotions in Pre-Modernity (CHEP) as a workshop, the first of which was held at Umea University (Umea/Sweden) in 2008. Unfortunately, the papers presented in Istanbul conference have not yet been published. I could only find an unfinished version of Walter Andrews’ paper (walterandrews.wordpress.com) in his personal blog. In his first essay on the blog, based on recent neuroscience theories about mind-culture relations, Andrews proposes a model in which he examines the case of bonding, separation, and separation-related emotions in Ottoman poetry and argues that Ottoman culture scripts not only social behaviors but also the internal architecture of the brain and consequent unmediated “emotional” reactions to real world events. However before this first call to historians, Kalpaklı and Andrews, in their pathbreaking study published in 2005, analyzed the emotion of “love” using literary sources to better understand relations in Ottoman society.⁷⁶ What makes it important for the claims of this study is that the authors attempted to depict “love” not as an object of private sphere but as a part of cultural script. In

⁷⁵ Robert Dankoff, Robert, “Ayıp Değil!” In *Çağının Sıradışı Yazarı Evliya Çelebi*, ed. Nuran Tezcan (Istanbul: YKY, 2009), 109-122.

⁷⁶ Mehmet Kalpaklı and Water G. Andrews, *The Age of Beloveds* (Durham; London: Duke University Press, 2005).

other words they were the first who claimed that “it’s in language that we learn how and whom to love, what is normal and what is deviant, what the words and actions of love are” emphasizing the socially constructed feature of emotions.⁷⁷

To my own knowledge, there are only two published articles, one unpublished master’s thesis which explicitly studied Ottoman emotions, and one published book, which used the framework of history of emotions in its analysis.

Andrews, in his article based on the findings of *The Age of Beloveds*, demonstrated “how the idea of love -in the specific example of early modern Ottoman culture and society- can be used to describe one, possibly central feature of an Ottoman emotional ecology”. Using the literary genres like poetry and exploring the cultural symbols inherent in them, he argued that “it was possible to describe the Ottoman emotional ecosystem, as a function of certain primary social relationships that generate emotion and interact with emotional language to interpret both the relationships and the emotions”.⁷⁸ He further concluded that “a particular notion of love was indeed central to the ways in which Ottoman society understood and scripted the emotional content of a broad range of primary relations: for example, parent-child, lover-beloved, friend-friend, patron-client, student-teacher, employer-employee, master-servant, spiritual adept-disciple, courtier-ruler, believer-God, etc”.⁷⁹

⁷⁷ Ibid., 38.

⁷⁸ Walter Andrews, “Ottoman Love: Preface to a Theory of Emotional Ecology.” In *A History of Emotions, 1200-1800*, ed. Jonas Liliequist (London: Pickering & Chatto, 2012), 21.

⁷⁹ Ibid., 24.

In a very recent article, following Norbert Elias, Yelçe explored the norms of anger in pre-modern Ottoman courtly culture as to who gets to experience and display anger, when, why, towards whom, how and to what extent using narratives of Tursun Beg's (d.1490s) *Tarih-i Ebu'l-Feth*, Kemalpaşazade's (d.1534) *Tevarih-i Al-i Osman*, Mustafa Ali's (d. 1600) *Künhü'l-Ahbar* and Kınalızade's (d. 1571) *Ahlak-i Alai*.⁸⁰ She argues that royal wrath was a tool of intimidation reinforcing the authority of the sultan, and expressions of it served as warning and threat against possible opposition.⁸¹ Anger in other words, had several functions, mainly used as a tool to remind the image and the authority of the sultan against those who overstep the boundaries of obedience. This article is also important in the sense that it depicts emotions, anger in particular, as a social construct rather than a purely individual/psychological trait.

Özizmirli explored the narratives of fear, *hayf*, in the travelogue of the seventeenth century Ottoman traveler Evliya Çelebi and examined how this prominent traveler participated in, observed, and commented upon the seventeenth century Ottoman transformations.⁸² This study has to be appraised since it's the first comprehensive attempt to study Ottoman history of emotions. Özizmirli used a first-person narrative as a source of history and compared the narratives of fear in Evliya's Travelogue with other narrative sources like *İsazade*

⁸⁰ Zeynep N. Yelçe, "Royal Wrath: Curbing the Anger of the Sultan," In *Discourses of Anger in the Early Modern Period*, ed. Karl Enenkel and Anita Traninger (Leiden: Brill, 2015), 442. I am thankful to Tülay Artan for drawing my attention to this article.

⁸¹ *Ibid.*, 455.

⁸² I would like to thank Özizmirli for sharing his unpublished thesis with me. Görkem Özizmirli, "Fear in Evliya Çelebi's Seyahatname: Politics and Historiography in a Seventeenth Century Ottoman Travelogue," (Unpublished master's thesis, İstanbul: Koç Üniversitesi, 2014).

Târihi, Abdurrahman Abdi Paşa Vekaiyanamesi, Tarih-i Gılmai, Tarih-i Naima and Solakzade Tarihi. Özizmirli categorized Evliya’s fears into four according to their occurrence and function in the narratives in his search for the selfhood of Evliya and discussed them in their particular historical context. He counted the use of the word “*havf*” (fear) in all volumes of *Seyahatname* by using one of the methods that Rosenwein also utilized and made a contextual analysis. Evliya Çelebi most frequently used the emotion word “*havf*” for İbşir Mustafa Paşa, who caused a political crisis in the seventeenth century and Özizmirli examined the political aims and positions of Evliya Çelebi during this period using his narratives of fear.

Lastly Göcek, in her book *Denial of Violence: Ottoman Past, Turkish Present, and Collective Violence against the Armenians, 1789-2009*, analyzes “denial” which emerges through the interaction of structural and affective elements over time and across space.⁸³ She argues that affective component of “denial” leads to the suppression of knowledge contrary to one’s own stand. She discusses the significance of collective emotions and the connection of emotions with nationalism and trauma in particular⁸⁴ and examines the significance of emotions to the nation-building process especially in the creation and subsequent legitimacy of the abstract conception of the imagined community of the nation.⁸⁵

⁸³ Fatma Müge Göcek, *Denial of Violence: Ottoman Past, Turkish Present, and Collective Violence against the Armenians, 1789-2009* (Oxford: Oxford University Press, 2014), 11.

⁸⁴ *Ibid.*, 28.

⁸⁵ *Ibid.*, 31.

As a last word for this chapter on what history of emotions is, Reddy's own understanding of the field should be added, which summarizes its essence. He states in one of his interviews that some historians adopting "the new cultural history" approach, refused the simplistic functionalism of Marxist history and even of some old economic and liberal history, favoring a relativistic approach to the past suggesting that each moment in history had its own characteristics and qualities that we need to understand, appreciate and interpret. Each moment in the past demands a careful study and understanding of the undermining structure of the texts, works of art, rituals, garments, etc. However, while trying to explore those perfect moments of past, they lost their ability to find causes for change. Why would there be a need for a change then, if every moment was perfect? Therefore, Reddy thinks that emotions might be a register, a dimension of culture where one may again begin to explain change. Marxist and liberal historians assumed that people pursued their own interests. Contrary to their arguments however, Reddy suggests that people pursued their emotional wellbeing instead, which may be a subtler, a more deft and sensitive way of grasping why a change occurs.⁸⁶

Inspired by Reddy's premise, this research represents an attempt to determine the function of emotions in pre-modern Ottoman politics and society, which implicitly assumes a change during the modern era.

⁸⁶ William Reddy's interview in his attendance to the conference "Feeling Things: A Symposium of Objects and Emotions in History" held in March 2013 in University of Melbourne. For more details on the symposium, see historyofemotions.org

CHAPTER III

SOURCES AND METHODOLOGY

3.1. Sources, Main Theoretical Approaches and Debates

There are many studies exploring historical emotions using an immense variety of sources like advice literature, religious sermons, food, music, advice manuals, poetry, newspapers, religious texts, diaries, biographies, legal sources, letters, some of which have already been mentioned in the previous section. Artistic representations of emotions, symbols or popular literature are also sources commonly used which also reveal about emotional practices. For example, William Reddy has used the essays of Voltaire and the novels of Balzac as a way to understand the emotional mood in France. Similarly, the novels of Jane Austin illustrated how new ideas about female friendship emerged in late 18th century.⁸⁷ Rosenwein on the other hand used epitaphs from 5th and 6th centuries in Central

⁸⁷ Susan Matt and Peter Stearns, eds. *Doing Emotions History*, (Urbana, Chicago: University of Illinois Press, 2014), 48.

Europe to show how the loving connections between parents and children differed among societies.⁸⁸

There are also many ways and methods that historians, sociologists and political scientists use either to explain past emotional expressions or integrate them into social, political and intellectual histories for a better understanding of the past. Rosenwein proposed some methods for historians of emotions which include problematizing emotion terms, weighing the words and phrases to establish their relative importance, reading metaphors and the ironies and considering social role of emotions.⁸⁹ Reading the silences constitutes yet another approach. She argues that some sources may be unemotional in tone and content. However, they are just important as overtly emotional texts. Besides, silence of emotions should not be considered as an evidence of absence of emotions. For example, Plamper searched for fear in Russian army. The absence of fear-talk among Russian soldiers in early nineteenth century did not mean that they were fearless; rather the fear-talk was non-normative for the soldiers up until the beginning of twentieth century.⁹⁰ Eustace on the other hand, encountered a historical example in eighteenth century Virginia in which a wealthy slaveholder had recorded the loss of his son in his diary with no mention of grief. While some historians interpreted the case as early modern family's lack of love for their children, one historian, basing his claim on

⁸⁸ Barbara Rosenwein, *Emotional Communities in the Early Middle Ages* (Ithaca, NY: Cornell University Press, 2006).

⁸⁹ Barbara Rosenwein, "Problems and Methods in the History of Emotions," *Passions in Context Journal of the History and Philosophy of the Emotions* 1 (2010), 1-32.

⁹⁰ Jan Plamper, "Emotional Turn? Feelings in Russian History and Culture (Special Section)," *Slavic Review* 68, no 2 (2009): 229-37.

the slaveholder's report of disabling stomach complaints during the same time of his loss, inferred that he had expressed his emotional pain as a physical suffering.⁹¹ Likewise, Ottoman self-narratives, which are expected to give more room for expressing personal emotions, fail to do so. For example, in the diary of Sadreddinzade Telhisi Mustafa Efendi, which was written in early 18th century, there was no expression of sorrow displayed when his son passed away.⁹² Karahasanoğlu relates this to the possibility that his son died at a very early age and that the father and son did not have enough time for accumulating memories for one another. Although his record of the death of his grandson was more detailed, giving the cause of his death as smallpox, still there were no mentions of emotions in his verses. The diary of Seyyid Hasan, a dervish in 17th century İstanbul, also gives us clues on expression of emotions. During the first months of his diary, his friends and family members were dying because of plague epidemic and while he was away visiting his relatives outside the city, he learned that his wife had been infected by the fatal disease.⁹³ When his wife passed away, they cooked *helva* at home, which is quite customary, and he recorded in his diary how delicious the *helva* was⁹⁴, which may seem contradictory to our contemporary understanding of our expressions of sorrow or loss. Although he also wrote that he couldn't sleep that night and went to see his wife and cried till morning, he

⁹¹ Nicole Eustace, "AHR Conversation: The Historical Study of Emotions," *American Historical Review* December (2012): 1503.

⁹² Selim Karahasanoğlu, *Kadı ve Günlüğü Sadreddinzade Telhisi Mustafa Efendi Günlüğü (1711-1735) Üstüne Bir İnceleme* (İstanbul: Türkiye İş Bankası Kültür Yayınları, 2013), 8.

⁹³ Cemal Kafadar, "Self and Other: The Diary of a Dervish in Seventeenth-Century İstanbul and First Person Narratives in Classical Ottoman Literature," *Studia Islamica* 69 (1989): 143.

⁹⁴ *Ibid.*, 144.

added in his diary that he had cheese and watermelon right after his wife's funeral.⁹⁵ Although this research aims to provide at least some explanations, exploring possible reasons for the absence or insufficient emphasis of emotions in Ottoman self-narratives is not within the scope of this thesis. However, it is apparent that neither Sadreddinzade Telhisi Mustafa Efendi nor Seyyid Hasan should be considered as one without having an emotion of sorrow; rather, it may be interpreted as being non-normative to express them in self-narratives.

There are also several debates regarding the methodology, which also needs to be mentioned. One of the debates is the contested connection between words and emotions, while the second one is the relationship between emotional norms and individual emotional experience. A number of historians have argued that feelings cannot exist completely independent of language and that words give shape to emotion.⁹⁶ In other words individuals, when naming or identifying their emotions in a particular way, they also define them in the process of expressing. William Reddy argues that, "verbal expressions of emotions are themselves instruments for directly changing, building, hiding, intensifying emotions..."⁹⁷ Starobinski also maintains that "the history of emotions could not be anything other than the history of those words in which the emotion is expressed".⁹⁸ If words shape the

⁹⁵ Ibid.

⁹⁶ Susan J. Matt, "Recovering the Invisible: Methods for the Historical Study of the Emotions," in *Doing Emotions History*, eds. Susan J. Matt and Peter Stearns (Urbana, Chicago: University of Illinois Press, 2014), 43.

⁹⁷ William Reddy, *The Navigation of Feeling: A Framework for the History of Emotions* (Cambridge: Cambridge University Press, 2001), 105.

⁹⁸ Jean Starobinski, "The Idea of Nostalgia," *Diogenes* 54 (1966): 81-83.

emotions of those who lived in the past, in the same manner, our vocabularies of today may limit our understanding of the previous cultures' emotions. This is especially a serious problem for Ottoman historians, since we do not have a historical dictionary. We do not have an easy access to past emotions' meanings, when specific emotion words had been started to be used and how and when the meanings shifted. For western scholars, it is somewhat easier since they may learn from historical dictionaries for example; that the word nostalgia was created in 1688 and meant a formal medical term for homesickness, however, in the early 20th century, the same word took on the meaning of a diffuse longing for the past and lost times.⁹⁹ For example, in a recent research historians analyzed cultural history of the emotional terms in German, French and English language encyclopedias since 17th century presenting the field of knowledge on emotions of past societies embodied in concepts which change their meaning in time.¹⁰⁰

Historians therefore must be careful in interpreting the emotion words that they encounter in historical texts. Exploring the use of emotion words in various contexts, and showing the original vocabulary used in historical texts while translating into English, are valuable attempts to better understand earlier generations' "archipelagos of meaning".

The second most contested connection is between the emotional norms and emotional experience. Historians started with exploring emotional norms, codes and standards of the society and tried to understand how norms changed in

⁹⁹ Susan Matt and Peter Stearns, eds., *Doing Emotions History*, (Urbana, Chicago: University of Illinois Press, 2014), 43.

¹⁰⁰ Ute Frevert, Monique Sheer, Anne Schmidt et al., *Emotional Lexicons: Continuity and Change in the Vocabulary of Feeling 1700-2000* (Oxford: Oxford University Press, 2014).

reaction to transformations either in family life, low economic growth or political upheaval.¹⁰¹ These studies depended on advice manuals, sermons, or other forms of prospective literature. However, they had their limitations. Firstly, exploring emotional norms does not necessarily explain actual experience of emotions. Secondly, advice manuals were consumed only by the literate people, which may limit our understanding of how widely the emotional norms were being shared. Nevertheless, they suggested that, exploring emotional norms may lead the way to understand how individuals either conformed or deviated from those norms, how they repressed or expressed their feelings. Additionally, some historians used legal sources like those, which recorded the deaths, divorces or disputes of ordinary people who are illiterate to bridge this gap. For example, one study of wills from Tudor England traced the lineaments of familial affections and connections across generations, countering earlier notions that family love was less intense before the rise of capitalism and industrialism.¹⁰²

In the next section, three of the main approaches, which also constitute the tools that had been utilized to explore emotions in the Ottoman history in this thesis, are elaborated.

¹⁰¹ See for example; Peter Stearns and Carol Z. Stearns, "Emotionology: Clarifying the History of Emotions and Emotional Standards," *American Historical Review* 90, no 4 (1985): 813-36.

¹⁰² Susan Matt and Peter Stearns, eds. *Doing Emotions History*, (Urbana, Chicago: University of Illinois Press, 2014), 50.

3.1.1 Emotionology

Peter N. Stearns and Carol Zisowitz Stearns published a path-breaking article¹⁰³ whose work may be regarded as a manifesto for those scholars of history of emotions in which they coined the term “emotionology”. Emotionology is referred as “the attitude or standards that a society, or a definable group within a society, maintains toward basic emotions and their appropriate expression and ways that institutions reflect and encourage these attitudes in human conduct”.¹⁰⁴ To explore the change of emotions in time, they basically attempted to find the “emotional standards” of a society by examining popular advice manuals, thinking that change in emotional norms would mean change in actual experiences of emotions. They argue that the norms governing feelings change over time and that pre-modern period had less precise standards than the modern, regarding emotional history of United States as “the history of progressive self-constraint”. For example, the decades around 1800 and again around 1920 involved new ideas like democratic beliefs, change in commercial relations, a growing acceptance of leisure, redefining gender, a change in social men-women interactions, alteration in class relations and historians of emotions searched for possible emotional changes accompanying such social, economical changes.¹⁰⁵

“Emotionology” may be regarded as one approach to history of emotions, which proposes that we may explore emotional standards of the past by examining

¹⁰³ Peter Stearns and Carol Z. Stearns, “Emotionology: Clarifying the History of Emotions and Emotional Standards,” *American Historical Review* 90, no 4 (1985): 813-36.

¹⁰⁴ Ibid.

¹⁰⁵ Peter Stearns and Jan Lewis, eds., *An Emotional History of the United States* (New York: New York University Press, 1998), 6.

popular advice manuals written for the middle class starting in mid 18th century. However, Rosenwein argues that for medievalist and pre-modern historians, this approach narrows the field for emotionologist due to its dismissal of the period before 18th century while at the same time depicting emotional lives of people as childish and violent in pre-modern times undergoing increasing restraints beginning with modernity.¹⁰⁶

Historical study of emotional rules are important because rules, be them explicit or implicit, are central to understanding how culture shapes emotions. There may however be more than one set of expectations or rules within a single society.

3.1.2. Emotional Communities

Rosenwein proposes a different historical approach to explore change in emotions. She coined the term “emotional communities” and defined them as “social communities –families, neighborhoods, parliaments, guilds, monasteries, parish church membership- which define and assess same feelings as valuable and harmful to them”.¹⁰⁷ She proposes scholars to “uncover these systems of feeling that they value, and seek the evaluations that they make about others’ emotions, the nature of the affective bonds between people that they recognize, and the modes of emotional expression that they expect, encourage, tolerate and deplore”.

In other words, she argues “an emotional community is a group in which people

¹⁰⁶ Barbara Rosenwein, “Worrying About Emotions,” *American Historical Review* 107 (2002): 821-45.

¹⁰⁷ Barbara Rosenwein, “Worrying About Emotions,” *American Historical Review* 107 (2002): 842.

have a common stake, interests, values and goals". She further argues in her book, *Emotional Communities in the Early Middle Ages* that "they are in some ways what Foucault called a common "discourse": a shared vocabularies and ways of thinking that have a controlling function, a disciplining function and are also similar as well to Bourdieu's notion of "habitus"; internalized norms that determine how we think and act and that may be different in different groups".¹⁰⁸ Regarding the change of emotional norms in time, she argues that, in every period there is more than one emotional community, although the ones in power tend to monopolize the sources that which historians see. And as new groups become powerful whether politically (French Revolutionaries) or economically (Hanse merchants) or religiously (Protestants in 17th century England) or scientifically (members of the 18th century Royal Society of London) or in other ways, they bring their emotional norms, behaviors, standards, valuations and "scripts" with them.¹⁰⁹ However, it is important to note that emotional communities are not always "emotional", in the sense that members of an emotional community will not necessarily express love or affection towards one another, they only have particular values, modes of feeling and ways to express those feelings.¹¹⁰

In her book, *Emotional Communities in the Early Middle Ages*, Rosenwein studied the funerary inscription in three cities, namely, Trier, Vienne and

¹⁰⁸ *Emotional Communities in the Early Middle Ages* (Ithaca, NY: Cornell University Press, 2006), 25.

¹⁰⁹ Barbara Rosenwein, "AHR Conversation: The Historical Study of Emotions" In *American Historical Review* December (2012): 1516.

¹¹⁰ Barbara Rosenwein, *Generations of Feeling A History of Emotions, 600-1700* (Cambridge: Cambridge University Press, 2016), 3.

Clermont of Early Middle Ages.¹¹¹ She found that affection between children and parents, and to a slightly lesser extent between husbands and wives was a privileged emotion in Trier with epitaphs revealing affectionate sensibility.¹¹² However the inscriptions in Clermont was quite different in both emotional repertory and the contexts in which the words were used. Clermont people were less silent when confronting death, at least publicly and the emotions they expressed were less personal affectionate compared to that of Tier.¹¹³ In Vienne, the epitaphs that contain emotion words dated from the sixth century, when Vienne was firmly under Catholic kings. They were willing to publicize their emotions against death in this period, however emotion words were almost absent until the sixth century. She therefore argues that, there were at least three different emotional communities before the eighth century differing in their ways of expressing emotions when confronted with death.¹¹⁴

She also argued in her book “many emotion words had explicit or implicit normative functions and were to be understood as emotional scripts whose temporal change should be a central object of historical investigation”.¹¹⁵ She was also concerned with the formulaic structure of the conventional phrases like “Dear X” which do not explicitly show emotions. However, she stated that such phrases

¹¹¹ Barbara Rosenwein, *Emotional Communities in the Early Middle Ages* (Ithaca, NY: Cornell University Press, 2006).

¹¹² *Ibid.*, 68.

¹¹³ *Ibid.*, 69.

¹¹⁴ *Ibid.*, 77.

¹¹⁵ Jan Plamper, *The History of Emotions An Introduction*, trans. Keith Tribe (Oxford: Oxford University Press, 2015), 70.

were themselves subject to historical change that indicated something of the changing status of particular emotions.¹¹⁶

3.1.3. Emotives

William Reddy, an American historian and anthropologist, studied change in the concepts of emotions like shame and honor in the political life of 18th and 19th centuries France.¹¹⁷ He was not quite satisfied with the social constructivist approach that had been previously mentioned. An example would help the reader to better understand his criticism.

The anthropological study of Grima explored emotions among Pashtun women in Pakistan and has shown that *gham*, which is a kind of sadness, was the most intensive emotion that was expected to be displayed by them in public sphere. It was particularly expected from Pashtun women for example to express *gham* publicly when they were getting married which contradicts to the Western image of a “happy” bride.¹¹⁸ The marriages were usually arranged, and the bride, when getting married, accepted her loss of status in the social hierarchy of the husband’s house with mothers and sisters-in-law. Pashtun women were also expected to come and weep together, when they were informed of one of their

¹¹⁶ Ibid., 70.

¹¹⁷ William Reddy, *The Navigation of Feeling: A Framework for the History of Emotions* (Cambridge: Cambridge University Press, 2001).

¹¹⁸ Benedicte Grima, *The Performance of Emotion among Paxtun Women: “The Misfortunes which Have Befallen Me”* (Austin: University of Texas, 1992).

son's injury instead of a prompt concern and intensive fixation of the injured.¹¹⁹ Grima with this study contributed to the dismissal of the concept of "universal emotions", and argued that *gham* was socially constructed among Pashtun women and criticized the "oppression" in Pashtun and other Muslim cultures. However, Reddy thought that if *gham* is unique for the Pashtun society, which is as an extremist social construction approach, if emotion is itself culture as Grima points out, then we are not in a position to make any value judgments on such findings.¹²⁰ He points out that "if everything is socially constructed then so too are my values, and they are of only local validity, and I cannot have really anything to tell against genital mutilation in parts of Africa".¹²¹ He also insists on the necessity of creating a position from which values such as freedom and justice can be defended and questions how we are supposed to trace change in emotions with such value judgments.¹²² He wasn't therefore comfortable with the assumed absolute inelasticity of the individual in Pashtun society.¹²³ He offered a new theoretical perspective, taking the plasticity of the individual into consideration

¹¹⁹ Jan Plamper, *The History of Emotions An Introduction*, trans. Keith Tribe (Oxford: Oxford University Press, 2015), 251.

¹²⁰ William Reddy, "Against Constructionism: The Historical Ethnography of Emotions," *Current Anthropology* 38 (1997): 327-51.

¹²¹ *Ibid.*, 254.

¹²² *Ibid.*

¹²³ For the replies of anthropologists and some historians to Reddy's criticism of extreme constructionism see; Signe Howell, "Comment on William M. Reddy, Against Constructionism: The Historical Ethnography of Emotions," *Current Anthropology* 38 no 3 (1997): 342-3; Lynn Hunt, "Comment on William M. Reddy, Against Constructionism: The Historical Ethnography of Emotions," *Current Anthropology* 38 no 3 (1997): 343-4; Chia Longman, "Comment on William M. Reddy, Against Constructionism: The Historical Ethnography of Emotions," *Current Anthropology* 38, no 3 (1997): 344-5; Catherine Lutz, "Comment on William M. Reddy, Against Constructionism: The Historical Ethnography of Emotions," *Current Anthropology* 38, no 3 (1997): 345-6; Linda C. Garro, "Comment on William M. Reddy, Against Constructivism: The Historical Ethnography of Emotions," *Current Anthropology* 38 no 3 (1997): 341-42.

and coined the term “emotives”. Borrowing from John Austin’s speech act theory, in which constatives are descriptive statements of the world like “this fir branch is green”, whereas performatives are also descriptive statements but also change the world like saying “I marry thee in a registry office”, Reddy developed the concept of emotive. For example, the sentence “I am happy” is an emotive, because it not only describes the condition of the world using emotion but also seeks to influence this condition. For Reddy emotions are “goal-relevant activations of thought material”. In other words, emotions are judgments based on goals. And he defines emotives as “transformative statements like performatives, but they are always in the process of revision unlike performatives”.¹²⁴ According to Rosenwein, this terminology is important because “emotives” describe the process by which emotions are managed and shaped, not only by society and its expectations but also by individuals themselves as they seek to express the inexpressible, namely how they “feel”.¹²⁵ Additionally Reddy described “emotional regimes” as the codes of expression and repression created and enforced by societies and governments” and “emotional refugees” as those spaces –physical and social- which offer opportunities for emotional expressions not sanctioned by the dominant regime while describing “emotional liberty” as the freedom to change goals in response to bewildering, ambivalent thought activations.¹²⁶ An emotional regime is the total of prescribed emotions with their

¹²⁴ William Reddy, *The Navigation of Feeling: A Framework for the History of Emotions* (Cambridge: Cambridge University Press, 2001).

¹²⁵ Barbara Rosenwein, “Worrying About Emotions,” *American Historical Review* 107 (2002): 821-45.

¹²⁶ Susan Matt, “Current Emotion Research in History: or, Doing History from the Inside Out,” *Emotion Review* 3, no 1 (2011): 117-124.

related rituals and other symbolic practices like swearing on the flag in the army would be considered as an emotive of modern national emotional regime.¹²⁷

Liliequist studied the language and power of tears representing the communicative and rhetorical aspects of crying.¹²⁸ He argues that “inspired by the Reddy’s perspective on emotional expression as a type of speech-act (emotives) with relational intent and the potential for altering effects on the self and others, his aim is to discuss the uses of weeping in early modern Swedish political contexts, focusing on the 18th century”.¹²⁹

3.2. Methods Utilized in Exploring Emotions

Hoping that the reader had by now a broader understanding of the theoretical approaches of the field, including the debates around the perspectives, the main question remains to be how this vast knowledge produced regarding emotions as an object of historical investigation, may be applied to Ottoman History. What in other words, taking emotions into consideration, be they in the political, social or religious spheres, may add to our current knowledge of Ottoman History?

In this research, the emotions in pre-modern Ottoman Society had been explored in three different dimensions. The first dimension is the role of emotions in the

¹²⁷ Jan Plamper, *The History of Emotions An Introduction*, trans. Keith Tribe (Oxford: Oxford University Press, 2015), 257.

¹²⁸ Jonas Liliequist, “The Political Rhetoric of Tears in Early Modern Sweden,” In *A History of Emotions, 1200-1800*, ed. Jonas Liliequist (London: Pickering& Chatto, 2012), 49-63.

¹²⁹ *Ibid.*, 181.

relations established between the Ottoman State/Sultan and its subjects. In this part, mainly the political rhetoric of the State with special focus on the seemingly formulaic phrases, which implicitly or explicitly refer to emotions, have been analyzed. The second dimension explored the intra-communal relations within neighborhood communities and the Ottoman guilds. It is argued that both neighborhood communities and the guilds were distinct emotional communities, having their own emotional norms and explored how they achieved solidarity focusing on both the emotional norms and the deviations from those norms. This approach also sheds light on the process of punishing those who deviated from norms. The third dimension one on the other hand, explored the affective ties between husbands and wives in an Ottoman family questioning whether the ties that bond men and women in a marriage were based on pure rational purposefulness and such affective ties were established only with “modernity” as some historians argued. What were the larger social implications of the prescribed emotions between husbands and wives?

In this study, all three methodological perspectives had been utilized; namely, emotionology, emotional communities and emotives. In all three dimensions, the same pattern had been used, which firstly explored the prescriptions of emotions, or the emotionology and secondly the descriptions or the expressions of the established norms or the actual experience of the individuals and analyzed how individuals sometimes conformed while sometimes deviated from these norms, how they expressed or repressed their feelings. However, as Lewis and Stearns point out, “the distinction between precept and experience should not be drawn too sharply, for the two are always held in tension; the one is tested against the

other and each is understood within the context of the other.”¹³⁰ They further claimed “historians of the emotions remind us that men and women give shape to their own lives, sometimes attempting to conform to the prevailing standards, sometimes internalizing them, sometimes resisting, but always negotiating between experience and precept in the process giving history its distinctive, human contours.”

The sources that had been utilized directed this research on deciding which terms and concepts had to be conceptualized. These terms and concepts had sometimes been the emotion words themselves, however, metaphoric representations which do not explicitly refer to emotions but which had accompanying emotion codes or which define emotional states had also been utilized. They were selected for their significant frequency in primary sources.

3.3. Ottoman Sources Utilized

Zaharna’s article published in *Public Relations Review*, written as a guide for contemporary cultural communications, systematically analyzes the cultural differences between eastern and western cultures. It examines how the two cultures have two distinct perspectives for viewing the role of language, for structuring persuasive messages and for communicating effectively with their audiences.¹³¹ For the eastern culture, emphasis was on form over function, affect

¹³⁰ Peter Stearns and Jan Lewis, “Introduction,” In *An Emotional History of the United States*, ed. Peter N. Stearns and Jan Lewis, (New York: New York University Press, 1998), 2.

¹³¹ R. S. Zaharna, “Understanding Cultural Preferences of Arab Communication Patterns,” *Public Relations Review* 21, no 3 (1995): 241-255.

over accuracy and image over meaning. Some of the results of this study indicate that western cultures place more meaning in the language and very little in the context, and communication tends to be specific, explicit and analytical where as in eastern cultures meaning was always in the context. Secondly, this study indicates that while the western culture was direct, to the point, clear with simplicity valued, objective and avoiding emotion, eastern culture on the contrary was indirect, circular, ambiguous, with embellishments valued, and subjective, which deliberately uses emotion. As a part of an eastern culture, the language of Ottoman documents was quite similar. Any attempt to search for emotions in Ottoman culture, influenced much from eastern cultures, therefore has both limitations and potentials. Although there's deliberate use of emotions and emotion words in communication patterns, which denotes its potential, they're mostly circular, subjective, indirect and implicitly expressed reflecting on the other hand its limitations demanding a much closer look into in-between lines of the texts.

The deliberate use of emotion words is clearly reflected in Ottoman documents. Although the simultaneous use of both Arabic, Persian and Turkish emotion words may be regarded as the source of this rich vocabulary, still the Ottoman sources are replete with emotional words. There were at least 12 different words used for the emotion of shame, each differing in their either intensity or meaning like; *ayıb, utanç, hücnnet, haya, ar, haşmet, ihtişam, hacalet, faziha, neng, şerm, istihya* and various other words derived from their roots. Likewise, for anger, the Ottomans used the words *gazab, gayz, hirs, gazban*; for fear, *hayf, ters, haşyet-*

haşye, bak, belinmek, bim, hiras, feza, rub; for envy; *hased, hasid, reşk*; for sadness; *hüzn, enduh, gam, gam-gin, mağmum, iktiras, kürbet, keder, mükedder, mütekeddir, yeis*; for disgust, *müşmeiz, işmizaz, nişüz, ikrah*; for compassion; *merhamet, şefakat, mürüvvet, fütüvvet*; and lastly for happiness, *ferah, meserret, mesrur, mesud, said, müstaid, şad, şad-man, şad-gam, vidd, vedd, vüdd, vidad, behçet, firuz, hullet, küsayiş, merrih, şatır, şetaret, şuttar, kam, kam-gar, kam-yab, kam-ver, kam-bin, musafat, hoşhal*. Even this list of emotion words and phrases used in Ottoman primary sources with their approximate related English equivalents further evidences the richness of the Ottoman emotional repertoire.

William Reddy argues that “verbal expressions of emotions are themselves instruments for directly changing, building, hiding, intensifying emotions...”¹³² If we hold his assumption, then it may easily be suggested that Ottomans were quite concerned with emotions.

In this study a linguistic, semantic and contextual analysis of some of the terms and phrases is made to better understand their broader meanings, which implicitly or explicitly refer to emotions, based on the Ottoman primary sources.

3.3.1. Sources for Exploring Prescriptions of Emotions

Ethic books provide ample information regarding the idealized form of relations expected to be established between both the state and its subjects and husbands and wives. The book of Ethics *Ahlak-i Alai* written by Kınalızade representing the

¹³² William Reddy, *The Navigation of Feeling: A Framework for the History of Emotions* (Cambridge: Cambridge University Press, 2001), 105.

most popular one of its counterparts had been utilized in search for prescriptions of emotions.

Ahlak-i Alai is a part of Islamic advice literature (*siyasetname-nasihatname*), which is similar to genre of “mirror for princes” in the Western tradition.

Kınalızade (1510-1572)’s book of ethics, *Ahlak-ı Alai*, has been the topic of many research attempting to explore the Ottoman state and political thought¹³³ and frequently used as a reference to formulate the concept of “circle of justice” (*daire-i adalet*).¹³⁴ His work is a book of ethics in its essence. He issued his work in three volumes. The first volume is on science of ethics (*ilm-i ahlak*), the second one is about family ethics (*ilm-i tedbîri'l-menzil*), while the third is about political ethics (*ilm-i tedbîri'l-medîne*). The section *ilm-i tedbîri'l-medîne* had been utilized in exploring state-subject relations and the section *ilm-i tedbîri'l-menzil* while exploring the affective ties between husbands and wives.

All the books in *siyasetname* and *nasihatname* literature reflect ideal forms of political, social and economic entities rather than the factual ones. *Fütüvvetnames*, which hold an important place in the *siyasetname* genre, also provide clues regarding economic life with a special focus on guilds. For example, *Burgazi Fütüvvetnamesi* copied in 1507, the original of which dates 13th century¹³⁵, Radavi’s *Haza Kitabı Fütüvvetnamesi* (Meriç 2013), also known as *Miftah-ı*

¹³³ Fahri Unan, *İdeal Cemiyet İdeal Devlet İdeal Hükümdar* (Ankara: Lotus Yayınevi, 2004), XXVI.

¹³⁴ Ibid.

¹³⁵ Kaan Yılmaz, “Burgazi Fütüvvetnamesi Dil İncelemesi-Metin-Sözlük,” (Unpublished master’s thesis, Sakarya: Sakarya Üniversitesi, 2006).

Dekayık or *Fütüvvetname-i Kebir*¹³⁶, completed in 1524 are representatives of *fütüvvetname* genre in this regard. The judiciary court records however, are quite generous in providing ample examples of prescriptions of emotions regarding the guilds reflecting the prescriptions of *fütüvvetnames*. Thus, judicial court records had been more intensively utilized relative to *fütüvvetnames* in this study which had taken guilds into consideration as one of the *taifes* in Ottoman societal structure.

3.3.2. Sources for Exploring Description of Emotions

The most intensively used source in this thesis is Ottoman judicial court records. The use of these legal sources had two functions in this search for the emotionology. First of all, since the judicial court records mostly record disputes, they showed how individuals or groups deviated from the norms, enabling us to explore the norms themselves. For example, the emotional expectations of a society from any group member are clearly evidenced in cases where the ones who deviated from those norms have been punished either by expulsion or banishment. Such cases showed not only the norms but also the process of treating the deviants from those norms. They had been utilized particularly to explore the emotional norms of the *taife/cemaats*. However, the norms were mostly verbal, transmitted from one generation to another in the *taife/cemaats*.

Secondly, it helped to avoid the risk of exploring only the emotional standards of

¹³⁶ Numan Meriç, “Radavi’nin Haza Kitabı Fütüvvetnamesi,” (Unpublished masters thesis, Manisa: Celal Bayar Üniversitesi, 2013).

the literate since all the members of the society were represented in judicial courts regardless of their gender, social status or literacy.

Since Ottoman court records constituted the basis of this research, it is necessary to point out the ongoing methodological debates regarding their limitations/potentials.

In this regard, the article by Agmon and Shahar remains to be the most comprehensive study on the recent methodology of sicil studies.¹³⁷ According to them, in mid-90's a methodological discontent on sicil studies emerged.¹³⁸ It was Zouhair Ghazzal who first criticized Establet and Pascual's *Familles et fortunes à Damas: 450 foyers damascains en 1700*, which was based on probate inventories, in his review.¹³⁹ Ghazzal criticized the authors for failing to discuss their decision to conduct a quantitative analysis of court records. He argued that this choice, which is anything but trivial and self-evident, must be explained and supported by methodological considerations. In his response, André Raymond defended the value of the quantitative analyses of court records. Ghazzal in turn clarified that his criticism was directed at the entire *sijil*- based Ottoman and Middle East historiography. He explained that he objects to the *a priori* decision of historians to approach court records using methods that are external to these documents, thus

¹³⁷ Iris Agmon and Ido Shahar, "Theme Issue: Shifting Perspectives in the Study of Sharia Courts: Methodologies and Paradigms," *Islamic Law and Society* 15 (2008): 1-19.

¹³⁸ *Ibid.*, 12.

¹³⁹ Zouhair Ghazzal, "Review of Colette Establet & Jean-Paul Pascual, *Familles et fortunes à Damas: 450 foyers damascains en 1700*, Damascus: Institut Français de Damas, 1994," *International Journal of Middle East Studies* 28 no 3 (1996): 431-32.

ignoring their inherent textuality.¹⁴⁰

Then Dror Ze'evi published an article where he discussed and criticized the use of sicils.¹⁴¹ Ze'evi observed that in many *sicil*-based social histories, *shari'a* court records are treated as a transparent record of reality, "a source that reflects society and culture as through a simple looking glass or a mirror", which, he argues is a fallacy, since "no source may be regarded as a mirror".¹⁴² In his article he classifies sicil studies as quantitative, narrative and microhistory depending on their methodology. The problem with quantitative method, which requires a vast database, is the representativeness of the sample. For example, since it was not required to register or annul a marriage, any statistical analysis regarding marriage or divorce would be meaningless. The same would be true for analysis regarding the values of sale contracts. Does the price of a house recorded reflect the "real" value or is there some other reasoning that determines prices? He argues that the statistical outcome would not reflect the actual transactions. Regarding narrative method, he argues that historians sometimes "try to look for evidence to substantiate their claim while ignoring the pieces of the puzzle that do not fall into place."¹⁴³ Although he believes the sicil studies are best suited for microhistory, he argues that it is also problematic in the sense that "the procedure of many Islamic courts in many periods ignores questions of motivation and background

¹⁴⁰ Iris Agmon and Ido Shahar, "Theme Issue: Shifting Perspectives in the Study of Sharia Courts: Methodologies and Paradigms," *Islamic Law and Society* 15 (2008): 1-19.

¹⁴¹ Dror Ze'evi, "The Use of Court Records as a Source of Middle Eastern Social History: A Reappraisal," *Islamic Law and Society* 5 (1998): 35-56.

¹⁴² *Ibid.*, 40.

¹⁴³ *Ibid.*, 45.

and most cases are presented without the benefit of a discussion to illuminate the reader about the underlying context.”¹⁴⁴

Another part of the debate regarding sicil studies is about the uttered words and their inscription. Ze’evi also doubts “the extent to which the inscribed record reflects its purported creators- the people present in the court- said, even when they seem to have been quoted directly.” He argues that there are many “barriers to the floating free-spoken words” from the time they were uttered till the time they were recorded. For example “most court cases in Arab lands were mediated by interpreters who translated the claims and counter claims into Turkish.” Or sometimes the words uttered in colloquial language were translated to literary one or to court jargon, all of which Ze’evi considers as barriers.¹⁴⁵

He proposes that the first concern of historians should be the sicil as a text, looking into the linguistic and literary aspects of the source. In other words, historians should “take sicil as a cultural product and therefore an end in itself.” Secondly, qadis and court procedure has to be scrutinized.¹⁴⁶

The debate on the limitations of court records is also crucial in this study as it had already been mentioned. Ze’evi is right in proposing historians first to consider sicil as a text and analyze the linguistic and literary aspects of it.

The court records have a unique form and structure. And uttered words had to be transformed in such way to fit into that structure like a template. The example

¹⁴⁴ Ibid.,48.

¹⁴⁵ Ibid.,50.

¹⁴⁶ Ibid., 53.

below clarifies the point.

“Medine-i Ayntab’a tabi Hayyam nam karye ahalisinden Hamza Ağa ibn Hüseyin nam kimesne meclis-i şer’-i hatir-i lazımu’t-tevkirde karye-i mezbure sükkanından ashabu hazi’l-kitab semerci Mehmed ibn Mahmud ve Esseyyid Osman ibn Seyyid İsmail ve Mehmed bin Mustafa nam kimesneler mahzarlarında üzerlerine dava ve takrir-i kelam idüb, “tarih-i kitabdan 11 sene mukaddem 225 guruşa işbu mezburlara selem-i şer’i idüb birbirlerine kefil bi’l-mal olmuşlar idi, hala taleb iderim sual olunub edaya tenbih olunmak matlubumdur” didikde,

gıbbe’s-sual mezburun cevablarında “mukaddema karyemiz kethüdası Arslan oğlu Mustafa ile gıyabımızda bir temessük peyda idüb, raht bahası deyü 8 sene mukaddem bizi dava sadedinde oldukda zimmetimizde hakkı olmamağla huzur-ı müsliminde meblağ-ı mezbur 225 guruş davasından zimmetlerimizi amme-i deaviden ibra ve iskat eyledi” deyu, def’le mukabele idicek, gıbbe’l-istintak ve’l-inkar mezburun semerci Mehmed ve Esseyyid Osman ve Mehmed’den def’-i mezkurlarına mutabık beyyine taleb olundukda, udul-ı ahrar-ı müsliminden Şeyh Ebu Bekir ibn-i Seyyid Mehmed ve Ali bin Abdullah nam kimesneler li-ecli’ş-şhade meclis-i şer’e haziran olub, eserü’l-istişhad “fi’l-hakika tarih-i kitabdan 8 sene mukaddem işbu Hamza Ağa ahali-i karyeden işbu mezburundan 11 sene mukaddem virmiş idüm deyü meblağ-ı mezbur 225 guruşu dava sadedinde oldukda merkumlar dahi Arslan oğlu temessük virmiş bizim haberimiz yoktur deyu bi’l-külliyeye inkarlarından an-inkar işbu merkum Hamza Ağa meblağ-ı mezbur 225 guruş davasından işbu mezburunun zimmetlerini bizim huzurumuzda ibra-ı amm ve kati’ün-niza’la ibra ve iskat eyledi biz bu hususa bu vech üzere şahidleriz şahadet dahi ederiz” deyu her biri eda-i şahadet-i şer’iyye eyledikte, ba’d-ı riayetihî şeraiti’l-kabul şahadetleri makbule olmağın, mucebince müddei-i mezbur Hamza Ağa bi-vech mu’arazadan ba’d-e’l-men’ma’ vak’a bi’t-taleb ketb olundu. Fi’l-yevmi’s-samin ve’l-işryın min rebüül-ahir sene erbaa ve sittin ve mie ve elf.” Şuhudü’l-hal

*Menzilci Esseyyid El-Hac Ahmet Ağa
Koca Mehmed Ağa
Esseyyid Ebubekir İbn-i Hacı Yahya
Bektaş Ağa¹⁴⁷*

The words that are quoted below constitute the basics of a template. The rest is just a process of fill-in-the-blanks. The template of which looks like;

¹⁴⁷ Antep JCR 107:74

“.....1... karye ahalisinden2... meclis-i şer’-i hatir-i lazımmü’t-tevkirde, karye-i mezbure sükkânından3..... mazharlarında üzerlerine dava ve takrir-i kelam idüb, “.....4.....” didikde, gıbbe’s-sual mezburun cevablarında “.....5.....” deyu, def’le mukabele idicek, gıbbe’l-istintak ve’l inkar ...6... beyyine taleb olundukda,7... li-ecli’ş-şehade meclis-i şer’e haziran olub, eserü’l-istişhad8.....” deyu her biri eda-ı şehadet-i şer’iyye eyledikte, ba’d-ı riayetihî şeraiti’l-kabul şehadetleri makbule olmağın9.....bi-vech muarazadan bade’l-men’ ma’ vak’a bi’t-taleb ketb olundu.”

1. Location
2. Plaintiff
3. Defendants
4. Testimony of plaintiff
5. Testimony of defendant
6. Court’s demand for witness or evidence
7. Witnesses of the case (event)
8. Testimony of personal witnesses
9. Decision/Conclusion
10. Witnesses of the trial

The most important part of the cases for this study are the parts (4) and (5). Part (4) shows the claim of the plaintiff where the words of the plaintiff are quoted describing what happened and why he’s appealing to court. Part (5) is the reply of the defendant.

Regarding each court record as a template filled out either by the judge himself or the scribe, I argue that although the uttered words are transformed into either literary or court jargon, the essence of the parts (4) and (5) of the template was neither lost nor distorted. Indeed, for some cases it seems quite probable that the judge or the *katip* (scribe) had written the utterance of the legal actors without any filtration; particularly those about expressing their emotions, and such cases had been priceless for my research. It is worthwhile to mention here Tucker’s study. Tucker explored the women’s role in the seventeenth and eighteenth century Syria and Palestine using the court records of the Islamic courts of Damascus, Nablus,

and Jerusalem and focused on cases regarding family law.¹⁴⁸ She also found that, especially the cases regarding familial relations, when compared to those involving business and property exchange, were much more contentious in tone.¹⁴⁹ She argues that

“.....most of these cases feature a litigant who felt strongly entitled, aggrieved, or both. The voice of lived experience comes through these cases more vividly than it does in most property cases. Although the narrative of the events that led up to the court appearance was no doubt shaped by the court scribe, many of the details of these “as told so” stories are clearly based on a litigant’s verbal testimony and capture not just the sequence of events but also the anger, chagrin, or bewilderment that the victim experienced.”¹⁵⁰

A simple translation of court records into Turkish or English or providing a summary of them may hinder one to understand its essence. The terms and concepts used in such templates needs to be further analyzed. Most of the time, the perceptions lying behind the terms inscribed in the records give crucial clues to historians regarding the motivations behind the scene. It is attempted in this study to understand the perceptions hidden behind the terms and concepts and make the textual and linguistic analysis of the case records while also interpreting their emotional content. That is why either the full text of the sources or the related part of the text itself had mostly been quoted. If history is a field of science, which is expected to build knowledge in the form of “testable” explanations and predictions, this approach will serve the researches as a chance to test the evidences of this study. This is mainly due to the fact that I myself had

¹⁴⁸ Tucker (2000) Judith Tucker, *In the House of Law Gender and Islamic Law in Ottoman Syria and Palestine* (Berkeley: University of California Press, 2000).

¹⁴⁹ Ibid.,19.

¹⁵⁰ Ibid.

difficulties in fully understanding secondary sources, which only translated the terms and concepts without quoting the original vocabulary. I had to go back and refer to the original document in cases where I had doubts about the author's translation. For example, Leslie Peirce's path breaking book, *Morality Tales*, is an excellent example of micro-history where she focused on three unique cases.¹⁵¹ Her book is one of the books on Ottoman history, which received hundreds of citations and reviewed almost by all of the historians using judicial court records as their main sources. One of the chapters was about child brides and the chapter's evidence was based on two short court cases recorded in the 16th century in Ayntab. Iris Agmon was the only historian to my knowledge who was at least suspicious about the child bride Ine in the story. However, since she did not have any access to the primary source, she just pointed out her doubt. In her extensive review of *Morality Tales*, Agmon criticizes the book by emphasizing that some important transliterated terms that are crucial to her argument were missing which were even more critical she says for the story of the child bride Ine. She was suspicious of Ine being a child in the first place, because in the translated entry, Peirce used the word "girl" once without giving the original term used in the record.¹⁵² However, this word does not appear in the opening sentence of the entry, Agmon adds, whose function was to identify the litigant for the record (representing the court's definition of the litigant's legal personality). Agmon questions what Peirce means by describing Ine as a child bride, whether she was

¹⁵¹ Leslie Peirce, *Morality Tales: Law and Gender in the Ottoman Court of Aintab* (Berkeley: University of California Press, 2003).

¹⁵² Agmon, Iris. "Another Country Heard From": The Universe of the People of Ottoman Aintab," *H-Turk, H-Net Reviews* September (2007): 9.
<http://www.h-net.org/reviews/showrev.php?id=13539>

legally minor, or whether the translation “female child” stands for in terms of legal minority, or in terms of age. In short, Agmon was dissatisfied with the missing terminology of the court cases.

It is not clear whether Ine was a child or not. Rather, it seems like her interpretations was quite far-fetched and Agmon was right for being suspicious.¹⁵³ Her far-fetched interpretation presenting Ine as a child bride led her to come out with a conclusion that mostly represents an “impressionistic” approach, a drawback of sicil-based studies. The lack of evidence for Ine being a child does not show that there were no cases of such in Ayntab in that period whatsoever, however, since the whole chapter’s argument is substantiated by this one court case, it makes her arguments less persuasive. Although, her far-fetched interpretation in no way lessens the book’s value and impact on the field, inclusion of the primary text could have hindered the loss of the research’s “testability”. Additionally, the case record that Peirce utilizes as an evidence of the child bride Ine (AS 161:136c) was recorded in the village of Hacer dating

¹⁵³ The original of the case (AS161: 136c) that Peirce uses inferring Ine as a child bride is as follows: “*Vech-i tahrir-i sicil karye-i Hacer (?) kutbundan (?) Ine binti Maksud meclis-i şer’i şerife gelüb, kayin babası Mehmed bin Ümmet hazır olub mezkure Ine takrir-i dava kılıb didiki, kayin babam olan mezkur Mehmed bana cebren zina idüb bana ... zail eyledi deyücek mezkur Mehmed’den sual olundukda inkar ile cevap viridi ahali-i karyeden sual olundukda mezkur Mehmed bizim ile zaman-ı sıgarından berü bileolub bunun yaramaz fiilini görmedik ve işitmedik.... Cemaatdir deyüb mezkur kızın üveği babası Hüdavirdi bundan evvel bir nice haber sordum bana dahi mezkur Ine inkar ile cevap virüb haber virmedi. Şimdiki halde böyle söyler deyücek vuku’u üzre sebt-i sicil olundu. fi 6 Şaban sene 934*”. The following is Peirce’s translation of the case: “Ine daughter of Maksud, from the village of Hacer, came to court. Her father in-law Mehmed son of Ümit was also present. The aforementioned [female] brought the following suit: “My father-in-law Mehmed raped me [lit., ‘had illicit sex with me by force’]; he destroyed my virginity.” When Mehmed was questioned, he denied [this]. When the people of the village were questioned, they said: “Mehmed has been together with us from the time we were all children. We have never observed or heard of any wrongdoing on his part. We consider his people as friends.” The girl’s stepfather Hüdavirdi said: “Previously, several times I asked her, and I ne denied [that anything was going on], and never said anything. Now she is saying this.” It was recorded as it happened.”

December 1540. She further argues that a second case (AS 2:300c)¹⁵⁴ dating September 1541 recorded in the village of Çağdıgın was related with the first one on the grounds that the name of the woman (Ine bin Maksud) was same in both cases. However, we may never be sure that they were the same couple that moved out of their village and settled in Çağdıgın village.

To sum up, it is attempted in this research, in Ze'evi's wording, to take each court case as a cultural product and therefore an end in itself and to look into the linguistic and literary aspects of the source. It is argued that a contextual and a conceptual analysis of the terms and concepts used in sicil texts in the seemingly formulaic legal "templates" may enable historians to find the hidden perceptions and motivations behind the scene. This approach also offers a tool to eschew the risk of making an impressionistic interpretation of historical texts. Since emotions are the key to human motivation and indeed we would not be humans without our emotions, exploring them would thus open the gate to the emotional world of legal actors.

¹⁵⁴ The original of the second case (AS 2:300c) that Peirce uses is as follows: "*Vech-i tahrir-i sebeb budur ki karye-i Çağdıgın'dan Tanrıvirdi bin Mehmed meclis-i şer'de menkuhesi olan Ine binti Maksud ile haziran olduklarında mezbur Tanrıvirdi ikrar ve itraf idüb mezbure Ine benim menkuhem olub, benim ile muaşereti ve hüsn-i zindeganisi yokdur, 1000 akçeye 1 hımar virmiş idim bana virsün, kendüye talak vireyim ve nafaka-i iddetinden ve mihr-i muahharından ve sair hukukundan geçsün didikde, mezbure Ine zıkr olunan hımarı virüb nafaka-i iddetinden ve kisvesinden ve mehrinden ve sair hukukundan geçib feragat ittikte mezbur Tanrıvirdi mezbure Ine'ye bain-i talak ile boşadım didikde min bad ahedihümanın aherde davası ve niza'ı kalmayub, tarafeynden tefrik bulunub sebt-i sicil olundu.*" The following is the Peirce's's translation of the case arguing that the legal actors of the second case was the same in the first case: "When Tanrıvirdi son of Mehmed and his wife I' ne daughter of Maksud, both from the village of Çağdıgın, were present [at court], Tanrıvirdi said: "Ine here is my wife. She has no pleasure in life living together with me. I gave her a cow worth 1,000 akçes, let her give it back to me and I'll give her a divorce; and let her also give up her waiting-period support and her dower and her other rights." When the said Ine forfeited the cow and her waiting-period support and her clothes right and her dower and her other rights, the aforementioned Tanrıvirdi said, "I divorce Ine with an irrevocable divorce." There remaining no claim or suit by either against the other, they were separated from each other and it was recorded."

The choice of judicial court records sources utilized in this thesis should also be pointed out. The earliest registers of Islamic judicial courts, termed as *sicil-i mahfuz*, recorded in the districts throughout the empire, the numbers of which range between 600 to 900, date the late fifteenth century while the latest date the early twentieth century. The voluminous number of registers available thus counted as one of the constraints of my choice. I also had to take into consideration that Ottoman society never possessed a monolithic structure in its vast territory known as “*memalik-i mahruse*” which remained as a spatial constraint. With these limitations in mind, I had to choose a tenable number of registers from this immense collection for emotional expressions which would provide clues of how the individuals of the Ottoman society prescribed and described their emotions in the pre-modern era for my search. A longer than expected time period had been preferred with the assumption that tracing a change in social construction of emotions would demand a search in longer periods of time. Further discontinuities however may be traced demanding a sub-periodization of the pre-modern era but it such aim is not within the scope of this thesis. A random sampling method had been used in the choice of court registers that were utilized in this research. However the number of court cases which gave clues on expression of emotions were none in some registers, less in others and relatively redundant in still others. That is the main reason why the court cases utilized in this research seem to be unevenly distributed, with more evidences presented from the seventeenth and eighteenth centuries.

CHAPTER IV

OTTOMAN POLITICS OF EMOTION: “*TELİF-İ KULÛB AND MAHABBET*”

It has been acknowledged by now that “reason, logic, culture and emotion, all impose different constraints on the raw material of a political concept and if one of these dimensions is not adequate, we may not fully understand any political thought.”¹⁵⁵ This chapter explores the semantics of Ottoman political language with special focus on emotions, emotion related words, expression of emotions, emotion talk and metaphors regarding emotions, to better understand the emotional dimension of Ottoman politics.

4.1. Emotions in Political Discourse

Although the debates over the role of emotions in politics have been active throughout the history of political thought, until recently it was mostly overlooked not only by scholars of history, sociology, anthropology as it had been previously

¹⁵⁵ Michael Freeden, “Editorial: Emotions, ideology and politics,” *Journal of Political Ideologies* 18 no 1 (2013): 4.

mentioned, but also by political scientists in the same manner.¹⁵⁶ For Aristotle for example, emotions played an important role in motivating action, creating social bonds and supporting political justice and retribution. For Hobbes, reason is merely “a handmaiden of the passions”, while Adam Smith and David Hume considered sentiments as a primary social glue holding communities together. Moreover, Adam Smith’s *Theory of Moral Sentiments* and his work on aesthetics emphasize the role of emotions in forming value judgments and how these values motivate political action.¹⁵⁷ Hall contends that this negligence of emotions is largely due to assumptions of “rational choice model”.¹⁵⁸ Habermas for example, contended that public debates about official government policies developed first in 17th and 18th centuries through a process of rational disputation conducted via the press and for Habermas emotion had no part to play in this idealized political process.¹⁵⁹ The “rational choice model” emphasizes maximization of personal benefits for which reason provides the means. As Hall rightly denotes this simple cost-benefit analysis seems to have limited explanatory power since politics engages values, beliefs and mores which are all colored by the passions.¹⁶⁰

Now it is commonly accepted that emotions are prominent and pervasive in all forms of ideological and political discourse since emotions directly shape and

¹⁵⁶ Lauren K. Hall, “Review Essay Impassioned Politics New Research on the Role of Emotions in Political Life,” *Politics and the Life Sciences* 28 no 2 (2009): 84.

¹⁵⁷ *Ibid.*, 85.

¹⁵⁸ *Ibid.*

¹⁵⁹ Nicole Eustace, “Emotion and Political Change,” In *Doing Emotions History*, ed. Susan J. Matt and Peter Stearns (Urbana, Chicago: Univ. of Illinois Press, 2014), 163.

¹⁶⁰ Lauren K. Hall, “Review Essay Impassioned Politics New Research on the Role of Emotions in Political Life,” *Politics and the Life Sciences* 28 no 2 (2009): 85.

constrain the very nature of political thinking and discourse.¹⁶¹ There is now a broad array of research in the fields of social sciences besides history and sociology like political science, social psychology and international relations exploring the role of emotions in contemporary politics. Some scholars, drawing on the accounts of Aristotle, explored the relation between “emotion talk” as one of the central ways in which people negotiate and dispute meaning and value in political communication and political judgment.¹⁶²

Similarly Loseke explored how, as some observers argue, talk containing affective content or effect could be pervasive in public life because it is persuasive where the audience is characterized by heterogeneity.¹⁶³ In other words, how “words” might appeal to vast numbers of people who live under very different circumstances, and therefore can be expected to have very different emotional reactions to specific events? She tries to answer this question by referring to presidential speeches with a special focus on the president George Bush’s presidential speeches to American nation after the events of 9/11. Based on the assumption that subjective experience of emotion most often requires a cognitive appraisal of antecedent events and present goal and values, she argues that “subjective experience of emotion is socially shaped by the impersonal archipelagos of meaning... shared in common and these archipelagos of meaning are historically and culturally situated, socially circulating, complex interlocking

¹⁶¹ Michael Freeden, “Editorial: Emotions, ideology and politics,” *Journal of Political Ideologies* 18 no 1 (2013): 4.

¹⁶² For example; Susan Bickford, “Emotion Talk and Political Judgement,” *The Journal of Politics* 73, no 4 (2011): 1025-37.

¹⁶³ Donileen R. Loseke, “Examining Emotion as Discourse: Emotion Codes and Presidential Speeches Justifying War,” *The Sociological Quarterly* 50, no 3 (2009): 497-524.

systems of ideas about how the world works, how it should work, of rights and responsibilities and normative expectations of people in the world.”¹⁶⁴ These are defined as “symbolic codes” which are cultural ways of *thinking*, encouraging people to think in particular ways and are accompanied by emotion codes.¹⁶⁵

“Emotion codes” on the other hand are defined as, cultural ways of *feeling*, which are “sets of ideas about what emotions are appropriate to feel when, where, and toward who or what as well as how emotion should be outwardly expressed”.¹⁶⁶

It is worth pointing out here that for Aristotle, as Bickford quotes, “excellence is not simply a matter of acting well or thinking correctly but also of feeling rightly, of feeling the proper responses at the right time, towards the right people, for the right reason, and in the right manner which requires cultivation”.¹⁶⁷ Aristotle’s idea here perfectly matches with the definition of emotion codes. Loseke further argues that rhetoric might achieve effectiveness to the extent that it deploys only the widely held and deeply embraced symbolic codes and their accompanying emotion codes. She, in other words, explores social production of emotional meaning. Since it’s not possible to separate emotion and cognition, because feelings give rise to thoughts and thoughts give rise to feelings, we cannot understand how people think or make moral evaluations without understanding how they feel. Likewise, it’s not possible to understand how people feel without

¹⁶⁴ These systems of meaning are also named as “semiotic codes”, “interpretive codes”, or “symbolic repertoires”.

¹⁶⁵ They are also “scripts”, as Robert Kaster suggests, as the kind of mental routines that guide the interpretation of events, helping to choose the behavior to adapt.

¹⁶⁶ They are also named as “emotion schemas”, “emotionologies”, or “emotional cultures”.

¹⁶⁷ Susan Bickford, “Emotion Talk and Political Judgement,” *The Journal of Politics* 73, no 4 (2011): 1027.

understanding how they think since the subjective experience of emotion requires cognitive appraisal of antecedent experience and present goals and values.¹⁶⁸

4.2. Presidential Speeches and Imperial Decrees

But, how could a presidential speech of 21st century addressed to “American nation” supported by mass media and advanced communications technology be relevant to Ottoman politics of emotion? It is relevant for many reasons.

First of all, the heterogeneity of the American nation is quite similar to that of Ottoman society in the sense that subjects of the Ottoman State had different religious, ethnic, spatial, occupational or otherwise identities, socially and politically structured in communities, called “*taife*”s.

Secondly, although it was not common for any Sultan/King in pre-modern times to give a speech to its subjects, we do have many imperial orders verbalized in the Ottoman Sultan’s voice in the Ottoman archives addressed to all the Ottoman subjects regardless of their religious, ethnic, spatial, occupational or otherwise identities issued upon important concerns. These decrees, issued to redress justice, addressing all the subjects, were called imperial edicts of justice (*adalet fermani*).¹⁶⁹ Justice meant governing the subjects (*reaya*) well and prosperously in its broadest sense. The decisions taken on any political issue in the Imperial

¹⁶⁸ Donileen R. Loseke, “Examining Emotion as Discourse: Emotion Codes and Presidential Speeches Justifying War,” *The Sociological Quarterly* 50, no 3 (2009): 499.

¹⁶⁹ It should not be inferred that these decrees addressing to all the subjects of the Sultan were the only ones redressing justice. All the others, addressing all or some of the subjects, were also issued to redress justice.

Council (*Divan-ı Hümayun*) were recorded in the registers of important affairs, *mühimme defterleri*, formalized as if they were the personal order of the Sultan. Based on these records, imperial decrees, *fermans* and sultanic warrants (*berats*) were issued. The wording and the language of the decrees and *berats* seem as if the Sultan listened to all the discussions in the *Divan* and he himself settled or redressed the issue.

Thirdly, although there were not advanced communication technologies, and although the dominant culture was oral with very low literacy rate, the subjects were well informed of the general issues and problems pertaining in the Empire. The wording of the *fermans* frequently included strict orders regarding the transmission of messages to the subjects like “record a copy of the order in the court registers and make sure that it will be read out loud in public places or market places and be clearly understood by each one of the subjects” (*sicillatta kayıd ittirdükden sonra mecma-ı nas olan mahallerde ve cemaat-pazar yerlerinde her birine nida ve izan ve tefhim ve ilan ittüresin*).¹⁷⁰ Since the addressees of the imperial decrees were mostly illiterate, it was required that the decree will be both read at loud and also the contents of the decree would be explained for full comprehension of the subjects. For example, in a decree dating H.967/ M. 1560 sent to the sancak of Semendere¹⁷¹ it’s recorded as “I order that those who are the addressees of this order, should record a copy of it in local court registers, and make sure that my edict of justice would be read out loud in your local towns and

¹⁷⁰ Halil Inalcık, “Adaletnameler,” In *Osmanlı’da Devlet, Hukuk, Adalet* (İstanbul: Eren, 2005), 142-144. The source has been transliterated from Mühimme register no.87/74:186 dated 10 zilhicce 1046/ 5 May 1637.

¹⁷¹ Ibid., 151. The source has been transliterated from Mühimme register no. 3/ 447: 1024.

villages to make sure that all the subjects would be informed of my order's content..." (...*buyurdum ki, vusul buldukda her biriniz zikr olunan hükm-i şerifimin suretin sicil-i mahfuza kayd eyleyüb dahi bu babda bizzat mukayyed olub bu adaletname-i hümayunumun mefhumun taht-ı kazanızda vaki olan kasabat ve nevahi ve kuraya nidâ-ı 'âmm ittirüb, reaya ve sair halka umumen bildiresin ki, cümle reayanın malumu olub...*). Furthermore in the concluding section of the *ferman*, it is being ordered to "make sure that the contents of my order would be read out loud to *sancakbeys*, their men in service, the subjects and those who possess sultanic warrants, so that nobody would claim that he did not hear or know about the order...." (... *ana göre ferman-ı şerifimin mefhumunu eğer sancak beyleridir ve eğer ademleridir ve eğer sair reaya ve berayaya bir vech ile nida ve ilan ittiresiz ki, sonra kimesnenin bilmedik, ve işitmedik dimeğe mecali kalmayub...*). What is more interesting is that, at the end of the *ferman*, the Sultan orders that the officials should also let the Sultan know when the decree had been received, when it was made public and when the innovations (*bedayi'*)¹⁷² were revoked.... (... *bu hükm-i şerifim ne gün varub, ve ne vech ile i'lan olunub, bedayi' ref olunduğun bildiresiz...*). Strict orders regarding the transmission of the contents of the decrees to its addresses is also evidenced in another imperial decree dating H.1004/ M. 1595¹⁷³ which is addressed to the judges (*kadı*), ordering them to gather all the notables and the residents who are present, to read the *ferman* in front of them, make sure that the contents of the order which would bring peace to all is fully understood by them. Furthermore, it

¹⁷² *bedayi'* is the plural of *bid'at*- new practices which were considered to be violations of law

¹⁷³ Halil Inalcık, "Adaletnameler," In *Osmanlı'da Devlet, Hukuk, Adalet* (İstanbul: Eren, 2005), 138-142.

is demanded that the full text of the decree from the beginning till the end including its date should be recorded in the court register, and for anyone who claims a copy of it, the scribe of the judicial court should issue a duly signed copy for 50 *akçes* without any further cost on the subjects' part (... *siz ki hakimlersiz, a'yan-ı vilayet ve sükkân-ı memleketde hâzır ve mevcûd olanları cem' idüb, bu adaletname-i hümayunumu muvacehelerinde kıraat idüb, fehva-ı rahat-ıhtıvası temâm ma'lumları oldukdan sonra siz ki kadılersiz, bir ehil katibe sicil-i mahfuza evvelinden ahirine değin, tarihiyle nakl itteresiz ki, reaya ve beraya e'âli ve esafilden her kim gelüb, suretin taleb iderlerse mahkeme katibine bir surete ellişer akçeye sahihce yazdırıb, ve siz akçelerin almayub, hasbî imza idüb ellerine viresiz ki, lazım olduđu yerlerde ibraz ideler.....*).

Ivanova also explored how the subjects living in the European provinces were informed of the Ottoman Empire's political events using the standard sultanic decrees of the 17th and 18th centuries. She demonstrated convincingly that circulation of *fermans* established an information channel linking the capital to the tax-paying communities in the provinces thereby spreading news about important state-political events and that transmission of socio-political information was well established throughout the Empire.¹⁷⁴

¹⁷⁴ Ivanova (2012) Svetlana Ivanova, "The Ottoman Decrees "Up" in Istanbul and What the Rumelia Subject Perceived at the "Bottom" (Seventeenth-Eighteenth Centuries)," In *Political Initiatives "From the Bottom Up" in the Ottoman Empire*, ed. Antonis Anastasopoulos (Rethymno: Crete University Press, 2012), 345-378.

4.3. Creation of State Ideology: The Power of Words

Inspired by Loseke's article, the "archipelagos of meaning" embedded in widely held and deeply embraced symbolic codes and their accompanying emotion codes which are socially constructed and culturally shaped is explored in this section as reflected in both the Ottoman imperial decrees as venues for transferring the political messages of the Sultan to its subjects and the petitions sent to the Sultan by the subjects as the venue for communicating the political requests of the subjects to the Sultan. In this sense, as addressees of political messages, the Sultan, the *askeri* class members whom the Sultan delegated his authorities to govern and the individual subjects may all be considered as an "emotional community" with a common perception of emotion codes.¹⁷⁵ It is argued that conceptualizing the symbolic and emotion codes embedded Ottoman political rhetoric reflected in texts like imperial decrees and the petitions of the subjects as modes for communicating political messages and determining the "emotionology"¹⁷⁶ of the pre-modern Ottoman state and society enables us to better understand Ottoman political thought and its politics of emotion. Here, the political and the politics have been differentiated and "political" is used as a specific vision of the organization of society, and "politics" as the means to reach

¹⁷⁵ "Emotional community" is defined by Rosenwein as "social communities –families, neighborhoods, parliaments, guilds, monasteries, parish church membership- which define and assess same feelings as valuable and harmful to them. It is a group in which people have a common stake, interests, values and goals".

¹⁷⁶ Here, emotionology is used as Stearn's definition, which is: "the attitudes or standards that a society, or a definable group within a society, maintains toward basic emotions and their appropriate expression; ways that institutions reflect and encourage these attitudes in human conduct".

that specific vision.¹⁷⁷ There are many valuable research made so far regarding the Ottoman political thought, starting with the seminal works of Halil İnalcık. The literature on the subject is reviewed comprehensively and critically by Yılmaz.¹⁷⁸ However, Ottoman historians are still attracted to hard-fact, rational things and still emotions seem “tangential” in that sense.

Tracing historical patterns in who expressed what emotions when and to whom, how the emotions were categorized and ranked, which emotions demanded a particular way to feel and to behave may reveal much about the distinctive meanings of emotions in culturally and historically specific contexts, the role of emotions in legitimizing political power and may help us grasp the fundamental social assumptions and negotiations underlying Ottoman political thought.

Karateke suggests a framework within which the legitimacy of the Ottoman Sultan and the Ottoman State and the strategies that Ottoman Sultans and the ruling elite devised to keep the subjects content is analyzed.¹⁷⁹ In his framework the construction of a legitimate authority has a normative and a factual aspect. A normative schema, according to Karateke, form “legal” grounds for legitimacy and factual measures constitute the pillars and walls of legitimacy building.¹⁸⁰ He

¹⁷⁷ I borrowed Dağlı’s definition of political and politics, for a detailed discussion on the use of the terms, see; Murat Dağlı, “The Limits of Ottoman Pragmatism,” *History and Theory* 52 (2013): 194-213.

¹⁷⁸ It’s almost impossible to cite all the research on Ottoman political thought however the bibliography of a comprehensive and critical review of the recent publications by Yılmaz will be satisfactory. See; Hüseyin Yılmaz, “Osmanlı Tarihçiliğinde Tanzimat Öncesi Siyaset Düşüncesine Yaklaşımlar,” *Türkiye Araştırmaları Literatür Dergisi* v.1 (2003): 231-298.

¹⁷⁹ Hakan T. Karateke, “Legitimizing the Ottoman Sultanate.” In *Legitimizing the Order The Ottoman Rhetoric of State Power*, ed. Hakan Karateke and Maurus Reinkowski (Leiden: Brill, 2005), 16.

¹⁸⁰ *Ibid.*, 17.

argues that normative legitimacy also determines the color of the political rhetoric and symbolism, shaping the ceremonies, the state imagery and the architecture. The “rhetoric” in this respect, demands a broader understanding and conceptualization of the Sultan/State’s political rhetoric. It is argued in this chapter that the use of emotional words embedded in the political rhetoric of the Ottoman State had its own functions in formulating relations among the political actors.

Although the concepts in the political rhetoric, especially in the sources that are utilized throughout; like the *fermans* either recorded in *mühimme* registers or copies of *fermans* recorded in judicial courts registers, petitions, and texts from advice literature, are considered to be too formulaic and state-centered with replete cliché-like phrases by some historians, they are still illuminating tools to discover the “archipelagos of meaning” that Loseke mentions. Exploring the concepts and meanings behind the Ottoman rhetorical clichés and phrases, may be quite rewarding to trace both the political ideologies and discourse reflected in the relations between the rulers and the ruled and also the change in emotional norms since it takes long periods for ideologies and emotional norms to change significantly. Reinkowsky, in his illuminating article where he analyzes the political idiom of Tanzimat, states that “the aim of creating a state ideology is achieved by propagating symbols of power, one of them being the symbolism of language in Ottoman official documentation, which are valuable clues as to how the Hamidian bureaucracy conceptualized such matters as the relationship of the ruler and the ruled”, arguing that routine Ottoman bureaucratic correspondence can also be an excellent source for understanding the Ottoman political idiom and

rhetoric of power.¹⁸¹ However, the formulaic structure of bureaucratic correspondence may also seem problematic in yet another sense since it's hard to be convinced on the sincerity of emotions expressed in these texts. It's worthwhile to cite here a recent research regarding the sincerity of emotions. Kutcher in his search for emotions in Chinese history claims that while Westerners tend to associate the sincere expression of emotion with originality, in pre-modern China the expression of correct emotions through strict adherence to a formula was considered the most sincere form of expression and emotions were expressed in stock phrases.¹⁸² Although we may never be sure whether these terms reflect the sincere emotions, there is one thing certain: it tells us about prevailing emotional norms or "emotionology" in Stearn's terms and they shape the political thinking of the actors. Borrowing from Reddy, "the real emotions are in the realm of private; however along the process of cognition they give rise to thoughts, which are shaped by antecedent experience, present goals and expectations and expressed by language, and are therefore socially constructed".¹⁸³ This approach therefore also attempts to fill the gap between the private/public, inner/outer, and emotion/cognition.

As Yılmaz rightly contends, the general approach in Ottoman political thought studies until 90s and which still continues for 2000s had been accepting the

¹⁸¹ Maurus Reinkowski, "The State's Security and the Subjects' Prosperity: Notions of Order in Ottoman Bureaucratic Correspondence (19th century)," In *Legitimizing the Order The Ottoman Rhetoric of State Power*, ed. Hakan Karateke and Maurus Reinkowski (Leiden: Brill, 2005), 198.

¹⁸² Norman Kutcher, "The Skein of Chinese Emotions History," in *Doing Emotions History*, ed. Susan J. Matt and Peter Stearns (Urbana, Chicago: University of Illinois Press, 2014), 57-73.

¹⁸³ William Reddy, *The Navigation of Feeling: A Framework for the History of Emotions* (Cambridge: Cambridge University Press, 2001).

“concepts” as a raw data or just a tool to explain various other Ottoman phenomena. The value and meanings of several ideas, concepts and perspectives reflected and recorded in *siyasetname* genre had usually been studied non-exhaustively. Paradoxically however, the concepts themselves became the least analyzed objects of historical investigation in Ottoman political thought studies.¹⁸⁴ The main reason for this according to Yılmaz was the historians’ bias that the accumulated Ottoman intellectual thought as a field of knowledge did not have anything novel and that Ottoman intellectuals have readily accepted the pre-Ottoman concepts without building new semantics on them.¹⁸⁵ It may be easily assumed that the same approach holds true for the *şerh* and *haşiye* literature. It’s worthwhile to note here the work *İlim Bilmez Tarih Hatırlamaz Şerh ve Haşiye Meselesine Dair Birkaç Not* in which the genre of *şerh* and *haşiye* is defined as a functional and a participatory effort and a source of knowledge written about a “book” or a “text” the main aim of which is to comprehend, protect, transmit, maintain continuity and record knowledge and information.¹⁸⁶ Kara claims that during the 19th and 20th centuries, a significant literature flourished which totally refuses and underestimates this genre totally. At the same time however, he also complains of insufficient academic research and methodology developed so far questioning the widespread bias against the genre of *şerh* and *haşiye*. He also rightly emphasizes the need to concentrate on all books written within this genre including *talikat*, *telhis* and *tercüme*, with a new methodological approach, to

¹⁸⁴ Hüseyin Yılmaz, “Osmanlı Tarihçiliğinde Tanzimat Öncesi Siyaset Düşüncesine Yaklaşımlar,” *Türkiye Araştırmaları Literatür Dergisi* v.1 (2003): 280.

¹⁸⁵ *Ibid.*,282.

¹⁸⁶ İsmail Kara, *İlim Bilmez Tarih Hatırlamaz Şerh ve Haşiye Meselesine Dair Birkaç Not* (İstanbul: Dergah yayınları, 2011).

better understand why, in what circumstances, how they were all produced and what their main functions were (or not) with all of their strengths and weaknesses.¹⁸⁷

It is of course hoped that the contributions of Ottoman intellectuals to the pre-Ottoman political traditions with new methodological approaches, and evaluations regarding the distinct use of pre-Ottoman political concepts in Ottoman context will be explored by the future researches.

The present study does not have any claim to explore all the political concepts in the Ottoman political rhetoric. Additionally, this thesis of course is not the first study of conceptualizing the terms in political rhetoric, although hermeneutic research focusing explicitly on terms and concepts are quite few.¹⁸⁸ While Deringil analyzed the “symbolism of language” of Ottoman official documentation from 1876 to 1909¹⁸⁹, and Reinkowski of Tanzimat period¹⁹⁰,

¹⁸⁷ Ibid.

¹⁸⁸ For example see; Cemal Kafadar, “Osmanlı Siyasal Düşüncesinin Kaynakları Üzerine Gözlemler,” In *Cumhuriyet’e Devreden Düşünce Mirası: Tanzimat ve Meşrutiyet’in Birikimi*, ed. M. Ö. Alkan (İstanbul: yayınevi, 2001), 23-28; Ahmet Yaşar Ocak, “Din ve Düşünce,” In *Osmanlı Devleti ve Medeniyeti Tarihi*, ed. E. İhsanoğlu, v.2, (İstanbul: 1998), 163-174; Selim Deringil, *The Well-Protected Domains: Ideology and the Legitimation of Power in the Ottoman Empire 1876-1909* (London-New York: I.B.Tauris, 1998); Hakan Karateke, “Legitimizing the Ottoman Sultanate,” In *Legitimizing the Order The Ottoman Rhetoric of State Power*, ed. Hakan Karateke and Maurus Reinkowski (Leiden: Brill, 2005), 13-52; Hakan Karateke, “Opium for the Subjects? Religiosity as a Legitimizing Factor for the Ottoman Sultan,” In *Legitimizing the Order The Ottoman Rhetoric of State Power*, ed. Hakan Karateke and Maurus Reinkowski (Leiden: Brill, 2005), 111-131; Maurus Reinkowski, “The State’s Security and the Subjects’ Prosperity: Notions of Order in Ottoman Bureaucratic Correspondence (19th century),” In *Legitimizing the Order The Ottoman Rhetoric of State Power*, ed. Hakan Karateke, and Maurus Reinkowski (Leiden: Brill, 2005), 196-212; Gottfried Hagen, “Legitimacy and World Order,” In *Legitimizing the Order The Ottoman Rhetoric of State Power*, ed. Hakan Karateke and Maurus Reinkowski (Leiden: Brill, 2005), 55-85; Marinos Sariyannis, *Ottoman Political Thought Up To The Tanzimat: A Concise History* (Rethymno, Greece: Institute for Mediterranean Studies, 2015).

¹⁸⁹ Selim Deringil, *The Well-Protected Domains: Ideology and the Legitimation of Power in the Ottoman Empire 1876-1909* (London-New York: I.B.Tauris, 1998).

Hagen on the other hand, analyzed comprehensively the concept of “world-order” (*nizam-i alem*), which served as an underlying principle of the Ottoman discourse of legitimacy within the wider discourse on justice.¹⁹¹ Darling scrutinized the concept of “circle of justice” (*daire-i adalet*) from ancient Mesopotamia to 20th century, which was one of the basic principles of good government in Middle Eastern political thought.¹⁹² The most analyzed concept in Ottoman political thought however, still remains to be the circle of justice. In his study, which stands as the most recent publication on Ottoman political thought, Sariyannis contributes to the field of research by extending the sources used in understanding Ottoman political ideology from advice literature to a wider scope of works like historiographical works, copybooks of protocol and official correspondence, administrative manuals and fetva collections.¹⁹³ Although a brief survey, Hagen and Menchinger’s study on Ottoman “historical thought” it should also be noted since genre of “applied history”, claimed to be uniquely Ottoman, adds to our further understanding of Ottoman political thought as well.¹⁹⁴

¹⁹⁰ Maurus Reinkowski, “The State’s Security and the Subjects’ Prosperity: Notions of Order in Ottoman Bureaucratic Correspondence (19th century),” In *Legitimizing the Order The Ottoman Rhetoric of State Power*, ed. Hakan Karateke, and Maurus Reinkowski (Leiden: Brill, 2005), 196-212.

¹⁹¹ Gottfried Hagen, “Legitimacy and World Order,” In *Legitimizing the Order The Ottoman Rhetoric of State Power*, ed. Hakan Karateke and Maurus Reinkowski (Leiden: Brill, 2005), 55-85.

¹⁹² Linda Darling, *A History of Social Justice and Political Power in the Middle East: The Circle of Justice From Mesopotamia to Globalization* (New York: Routledge, 2013).

¹⁹³ Marinos Sariyannis, *Ottoman Political Thought Up To The Tanzimat: A Concise History* (Rethymno, Greece: Institute for Mediterranean Studies, 2015).

¹⁹⁴ Gottfried Hagen and Ethan L. Menchinger, “Ottoman Historical Thought,” In *A Companion to Global Historical Thought* ed. Prasenjit Duara, Viren Murthy, and Andrew Sartori (Sussex, UK: Wiley, Blackwell, 2014), 92-106.

4.4. Symbolic and Emotional Codes in Ottoman Political Rhetoric

In this section, firstly the embedded symbolic and emotion codes in the Ottoman political rhetoric is defined and then analyzed in different contexts in which they were used, conceptualizing the terms and finally a model to better understand the Ottoman political thought is proposed, by taking emotions into consideration. This analysis remained loyal to the original terms used in the documents, since every translation is itself an interpretation.

4.4.1. *Merhamet ile Siyanet ve İhtisas ile İtaat*

In the Ottoman social structure, there were various social communities, termed as *taifes*. Some of them were spatially defined like neighborhoods (*mahalle*), while some were religiously defined like *Armenian taife*, *Rum taife*, and still others were occupationally defined like *demirci taifesi*, *etmekçi taifesi*. These communities were sometimes overlapping with each other in the sense that an Ottoman subject could be a member of a spatially defined community and at the same time a member of an occupationally or religiously defined community. As indicated in the political rhetoric of the imperial decrees, the subjects, *reaya*, were entrusted by God, the Almighty, *vedayi-i Hâlik-i kibriya*, to the Sultan thereby obliging him to protect and administer properly, regardless of their religious, ethnic, occupational or otherwise standings. Therefore, being a *reaya* of the Sultan was considered to be the upmost status of the subjects' defining their identities. It was an umbrella term for all the subjects fading out the religious, ethnic, spatial, occupational, lingual differences.

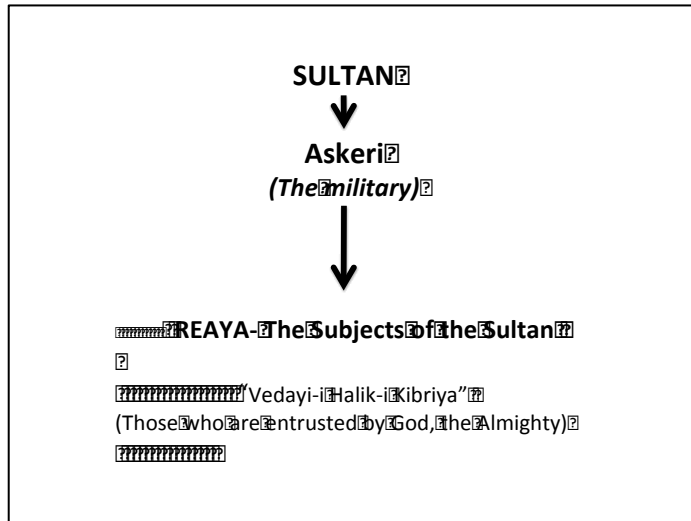


Figure 2. Vedayi-i Halik-i Kibriya

As expressed in the political rhetoric of the imperial decrees, the Sultan had to protect (*siyanet*)¹⁹⁵ the subjects (*reaya*) since they were the ones whom were entrusted to him by God, the Almighty. *Siyanet* was the symbolic code, which encouraged the subjects to think in particular way. It is a symbolic code because, borrowing from Loseke, it's a part of a system of ideas, about how the world works, how it should work, of rights and responsibilities and normative expectations of the people. However, while protecting his subjects, the Sultan was expected to do so with compassion (*merhamet*).¹⁹⁶ In other words, an emotional rhetoric was established by linking the symbolic codes of protection (*siyanet*) with the accompanying emotion codes of compassion (*merhamet*) in the minds of both the Sultan and the subjects. The expected expression of emotion from the Sultan

¹⁹⁵ Terms used synonymously with *siyanet*; *riayet*, *himayet*, *muhafazat*.

¹⁹⁶ Terms used synonymously with *merhamet*; *şefkat*, *atıfet*, *inayet*.

was *merhamet*, if he claims to be the protector of his subjects as a legitimate one. Protection, which requires a particular way to behave, also demands to feel in a particular way and all the political actors commonly shared this symbolic and accompanying emotional code. The subjects who were protected by the Sultan with compassion would reach the state of being pleased, with their hearts prospered (*müreffhü 'l-bal*)¹⁹⁷ thereby achieving a happy life (*asude-hal*). The ultimate goals of the governmental policies then were the prosperity of the hearts and happiness of the subjects. The diagram 3.1 below represents the expected “thinking” and “feeling” rules of the Sultan towards the reaya.

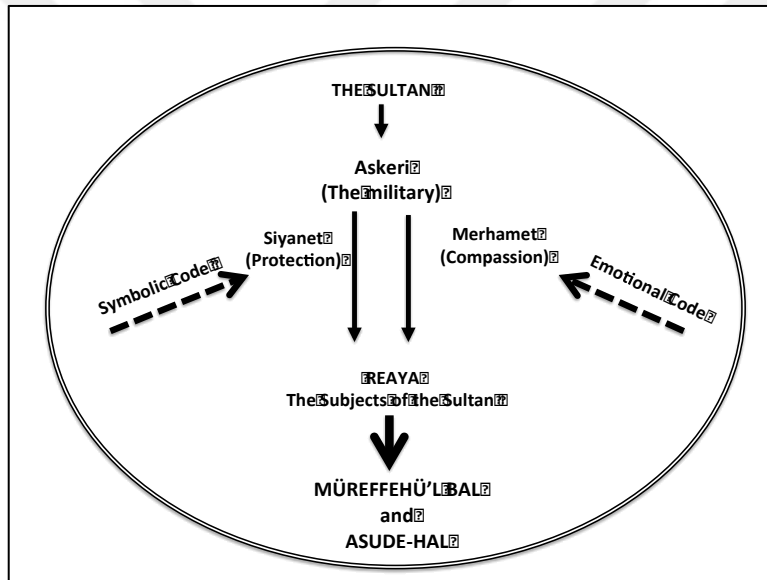


Figure 3. Merhamet ile Siyanet

Merhamet, which is a feeling, is an important and frequently encountered term in Ottoman political rhetoric, which needs to be further, contextualized. Emotional words and their uses mostly expand their literary meaning and usually become a

¹⁹⁷ Terms used synonymously with *müreffhü 'l-bal*; *terfih-i hal*, *hoş-hal*, *asude-hal*.

concept which gives us a clue on perceptions and we may only understand this broadened meaning by different words clustered around them which enrich their conceptual meanings.

Based on the readings of primary sources, especially the historical narratives and the imperial fermans, it is argued that the use of the word “*merhamet*” was a quite complex and a broad concept in its meaning and also distinctive in understanding the relation between the Ottoman State and its subjects. “*Merhamet*” (which literary means mercy, compassion; pity; tenderness of heart; kindness), has a complex function and was used as a tool to legitimize political order and social hierarchy.

The use of *merhamet* is analyzed within different contexts with a cluster of other words, which help us to better understand its broad meaning. “*Merhamet*” is sometimes used synonymously with words like *şefkat* (compassion, tender kindness; affection; pity, concern, solicitude), *atifet* (affection, sympathy, pity, benevolence, protection), *inayet* (grace; favor; kindness; care, effort), *re'fet* (a being clement and benign; benignity), *mürüvvet* (munificence; generosity; blessing) and *fütüvvet* (generosity; large-heartedness).

In the section regarding Damat İbrahim Paşa’s appointment as a grand vizier, it’s stated in *Raşid Tarihi*¹⁹⁸ that his way of reviving *merhamet* and *mürüvvet* and his execution of the rules of *şefkat* and *fütüvvet* (*ayin-i merhamet ü mürüvveti ihya ve*

¹⁹⁸ Abdülkadir Özcan, et al., *Tarih-i Raşid ve Zeyli Raşid Mehmed Efendi ve Çelebizade İsmail Asım Efendi (1071-1141 / 1660-1729 v. I* (İstanbul: Klasik, 2013), 8-9.

kavanin-i şefekat ve fütüvveti icra) gave a new order to the State's politics, where *mürüvvet*, *şefkat* and *fütüvvet* is added to the broader meaning of *merhamet*. Likewise, in the ferman dating May 5th 1637, the subjects are defined as those who were entrusted by God and therefore the Sultan was obliged to be compassionate towards them (*reaya ki vedayi-i halik-i kibriyadır haklarında mezid refet ve şefkat ve vufur-ı mekremet ve merhametim zuhura getürdü*), where *merhamet* is used synonymously this time with *re'fet*, *şefkat*, and *mekremet*. There are similar phrases that we frequently encounter in the *fermans* like “*reayaya mahz-ı merhamet ve şefkat için*” or “*reayaya şefkat ve fukara ve zuefaya merhamet ile hareket eyleyub*”. It was also demanded that, not only the Sultan, but also the members of the military class (*askeri*), whom the Sultan delegated his authorities, would treat the subjects with *merhamet*. For example, in the same ferman dating 1637, Bayram Paşa, as a representative of the *askeri* class, was presented as one who had an innate feeling of compassion (*Bayram Paşa'nın cibilliyet-i zat-ı merhamet-nihad ve esniyye-i murad-ı fuadi'l halisi'l-itikadında asar-ı merhamet ve ref'et mevzu' ve izhar-ı adl ve atıfet mevdu' olub*), which further broadens the concept of *merhamet* with *re'fet* and *atıfet*.

Returning back to Ottoman political thought, the sultan's protection with compassion ideally leading to pleased and prosperous *reaya* would in return encourage the subjects' voluntary submission (*tavi'an*) to the Sultan which was reflected in the documents with terms used synonymously as *itaat*¹⁹⁹, *ubudiyyet*²⁰⁰, *imtisal*²⁰¹, *inkıyad*²⁰², *sadakat*²⁰³, *istikanet*²⁰⁴, all denoting

¹⁹⁹ itaat: 1. an obeying; obedience 2. submission; to obey, to submit oneself to.

²⁰⁰ ubudiyyet: 1. devotion to God with faith and obedience 2. a serving; servitude, slavery

submission. While these are symbolic codes pertaining a particular way to behave, the accompanying emotion code of *itaat* was *ih̄t̄is̄as* (affection)²⁰⁵ or its synonyms like, *mahabbet*²⁰⁶, *meveddet*²⁰⁷. The personal gain of the Sultan in this case, with subjects voluntarily submitting, would be restoration of his power enabling him to demand universal sovereignty, frequently reflected in the sources as *gerdun iktidar*. The diagram 3.2 below represents the expected “thinking” and “feeling” norms of the reaya towards the Sultan.

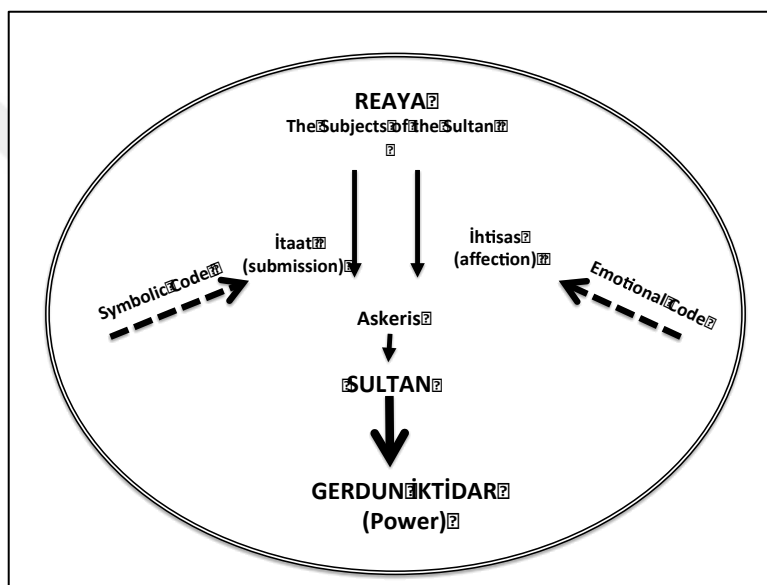


Figure 4. İht̄is̄as ile İtaat

²⁰¹ im̄t̄is̄al: a conforming to rule, precept or example

²⁰² ink̄iyad: a being or becoming tractable or obedient; submission, obedience

²⁰³ sadakat: 1. faithfulness, faithful friendship; fidelity, devotion, loyalty

²⁰⁴ istikanet: a humbling oneself, a being submissive; meekness, humility, submissiveness

²⁰⁵ ih̄t̄is̄as: sentiment, sensation, impression, affection

²⁰⁶ mahabbet: love, affection

²⁰⁷ meveddet: affection, love, friendship

This model however, reflects an ideal Ottoman State-subject relation, where the Sultan or his delegated authorities are entitled to protect the subjects who are entrusted to them by God, and should do so with compassion, thereby restoring the power of the Ottoman State. This ideology is embedded in the symbolic and emotion codes of *siyanet* and *merhamet* respectively. The subjects on the other hand, protected with compassion by the Sultan, would be emotionally prosperous (*müreffü'l-bal*) and achieve a happy life (*asude-hal*) thereby would voluntarily submit to their Sultan with loyalty and affection which is embedded in the symbolic and accompanying emotion codes of *itaat* and *ihstias*.

4.4.2. *Tarik-i Mahabbet* as an Emotion Code

The above-mentioned codes normatively shape the commonly shared perception of power relations. We may easily find reflections of this model both in the *siyasetname* literature showing power relations in their idealized form and in the political rhetoric of the imperial decrees. Accordingly, this idealized model could only be achieved by conforming to religious and sultanic laws thereby establishing *adalet*. The Ottoman understanding of good governance was formulated under the basics of the concept of *daire-i adliyye* (circle of justice), which was frequently referred in the texts of pre-Ottoman and Ottoman *siyasetname* literature.²⁰⁸ *Adalet*, as a concept having a crucial importance in

²⁰⁸ For example Kınalızade's formulation of "circle of justice" was as follows; "Adldür mucib-i salah-ı cihan/ Cihan bir bağdur divari devlet/ Devletin nazımı şeriatdür/ Şeriate olamaz hiç haris, illa mülk/ Mülk zabt eylemez, illa leşker/ Leşkeri cem' idemez, illa mal/ Malı cem' eyleyen raiyyetdür/ Raiyyeti ku ider padişah-ı aleme adl." (It is justice which is necessary for the World; the World is a vineyard and its wall is the state; the state is governed by the sharia; the sharia cannot be maintained without a king; the king cannot govern without soldiers; he cannot compile

understanding the political structure of Middle Eastern States, has been the subject of many studies so far.²⁰⁹ For example Inalcık defined justice as the prevention and elimination of the oppressive acts, *zulm*, by those who exercise power in the name of the ruler²¹⁰, while Ergene explored alternative definitions of justice²¹¹ within the Ottoman administration terminology.

The essence of this political order is referred in Kınalızade's *Ahlak-i Alai* as "*icrâ-yı kavânîn-i adâlet ve ihkâm-ı saltanat u iyâlettir ki işâret olundu*". We may also encounter the same philosophy in the Ottoman chronicles. For example, expectations from Yunus Paşa who had been appointed to govern the recently conquered lands of Egypt was stated in *Tacü't Tevarih* written by Hoca Saadettin

soldiers without wealth; it is the reaya who accumulate wealth; and it is justice which makes reaya the servants of the sultan of the universe). Hasan Kafî formulated justice as "Padişahlık ve sultanlık olmaz, illa erler ile olur, yani asker ile olur, asker ise olmaz, illa mal ile olur; mal ise olmaz, illa vilayet mamur olmak ile olur; vilayet ise olmaz, illa adalet ile dahi hüsn-i siyaset ile mamur olur". (The sovereign cannot rule without troops. He has no troops without without Money. There is no money if the land is not prosperous. The land would not prosper without good and just government. Therefore one cannot reign except by justice). For further details see; Boğaç Ergene, "On Ottoman Justice: Interpretations in Conflict (1600-1800)," *Islamic Law and Society* 8 no 1 (2001): 57.

²⁰⁹ For example see; Halil Inalcık, "Adaletnameler," In *Osmanlı'da Devlet, Hukuk, Adalet* (İstanbul: Eren, 2005), 75-191; Fahri Unan, *İdeal Cemiyet İdeal Devlet İdeal Hükümdar* (Ankara: Lotus Yayınevi, 2004); Mehmet Öz, "Klasik Dönem Osmanlı Siyasi Düşüncesi: Tarihi Temeller ve Ana İlkeler," *İslami Araştırmalar* XII, no 1(1999): 27-39; Boğaç Ergene, "On Ottoman Justice: Interpretations in Conflict (1600-1800)," *Islamic Law and Society* 8 no 1 (2001): 52-87.

²¹⁰ Halil Inalcık claims that, the prevention and elimination of the oppressive acts is achieved through the Ottoman Divan-ı Hümayun functioning as the Supreme court, through a constant check and spying on the governors, punishments under the siyasa laws, the periodic promulgation of the adaletnames or rescripts of justice and rik'a and arz-ı mahzar or petition rights against the abuses of power of the public agents. In this system, he adds, justice is not simply a principle of equity and imperial judgement, but also a principle of social action. Halil Inalcık, "State and Ideology under Sultan Süleyman I," in *The Middle East and the Balkans under the Ottoman Empire* (Bollomington: Indiana University Press, 1993), 71.

²¹¹ Ergene claims that justice was defined as the protection of the rural and urban producers against the abuses of the military elite under the terminology of the Ottoman administration system. However, for some segments of the ruling elite it meant recognition of the mutual rights and obligations of the Sultan and his servants which referred to the protection of the privileges and entitlements of those who were thought to secure them. Boğaç Ergene, "On Ottoman Justice: Interpretations in Conflict (1600-1800)," *Islamic Law and Society* 8 no 1 (2001): 52-87.

as follows; “.....*hall ü akd-i umuru zabt u rabt-ı mesalih-i cumhuru keff-i kifayetine tefviz ve âyîn-i şeref-karîn-i Osmanî muktezası üzerine icra-yı merasim-i adl ü dâde tahrîz buyurdu.*”²¹²

However, conforming to religious and sultanic rules and regulations to establish justice represents only the logical and the rational constraints of Ottoman political ideology. There was one more way that was suggested in *Ahlak-i Alai*; namely, “the path of *mahabbet*”, usually overlooked by historians, which was required for good governance. Although *mahabbet* is translated as either love, affection of friendship, they are not sufficient to explain the term conceptually. Therefore *mahabbet* is used in this analysis instead of its translations. Kınalızade reserved a whole chapter for “*mahabbet*” and its significance in the relations expected to be established between the ruler and the ruled, and among the ruled. “*Mahabbet*” in this section is considered as an emotional code in Loseke’s terminology, meaning “cultural ways of *feeling*, which are sets of ideas about what emotions are appropriate to feel when, where, and towards who as well as how emotion should be outwardly expressed”. Pernau explored how Indo-Muslim advice literature may be used as a source not only for feeling rules, emotion codes in Loseke’s or emotionology in Stearns terminology, but also for emotion knowledge, which sets the framework for the perception and expressions of emotions.²¹³

²¹² Hoca Saadettin Efendi, *Tacü't-Tevarih* (İstanbul: 1341), v:2, 374.

²¹³ Pernau explored anger in advice literature of early twentieth century India looking at different traditions for giving advice, from which the authors drew like moral philosophy, the Sufi tradition and legal sources. Pernau claims that knowledge on emotions can encompass ideas on the division of soul (like the Platonic appetitive, spirited and rational soul to the Freudian id, ego and superego), on the relation between soul and body, on the classification of emotions, and also answers questions like how emotions arise, how it can be controlled. She argues that advice literature is a valuable source on how philosophical, psychological or medical conceptions were

Discussion of “*mahabbet*” as an emotion code serves for two purposes. Firstly, in the idealized model where the sultan protects the subjects with compassion and the subjects in return submit by affection, it will show the norms regarding when it was appropriate to feel *mahabbet*, where and towards whom and how it should be displayed. It acts as an overarching emotion code of the previously mentioned model. Secondly, in addition to rational and the logical constraints of political ideology, this commonly shared understanding of the emotion of *mahabbet*, will enable us to place the emotional constraint as well into the picture, without which the full understanding of the political philosophy seems inadequate.

In Kınalızade’s *Ahlak-i Alai*, a separate section is devoted to *mahabbet*, its various kinds, causes, and its role in shaping the relations between the Sultan and the subjects and its use as a political tool. In *Ahlak-ı Alai*, Kınalızade emphasizes *mahabbet* as the basics of all relations in an ideal state. Beyond doubt, *mahabbet* as a political tool was not a purely Ottoman concept; rather it rested upon an ancient tradition. It was an important concept since it reflected the philosophy behind this ancient tradition in power relations. We know that Kınalızade frequently referred to both works of famous Muslim philosophers like the work of Farabi (874-950) *el-Medînetü ’l- Fâzıla*, Hâce Nasîrüddîn-i Tûsî’s (1200-1273) *Ahlâk-ı Nâsirî*, Calâlüddîn-i Devvânî’s (d. 1502) *Ahlâk-ı Celâlî* and Molla

translated into popular knowledge. See; Margrit Pernau, “Male Anger and Female Malice: Emotions in Indo-Muslim Advice Literature,” *History Compass* 10, no 2 (2012): 120.

Hüseyin Vâ'iz's (1456-1505) *Ahlâk-ı Muhsinî*, and also works of ancient philosophers like Aristotle, Plato and Socrates.²¹⁴

This tradition inculcates the Sultans that a good government may not be achieved by legislating law only, it also requires to establish a mutual emotional bond between the subjects and the Sultan. This is evident in many advice manuals written for the Sultans. The following text from Kınalızade indicates why even justice may not be required in an idealized world of *mahabbet*.

“Ve dahi mahabbet, muktezî-i ittihâd ve râfi’-i isneyniyyettir. Ve adâlet, isneyniyyet tahakkukundan sonra olur, zîrâ adâlet insâftır; insâf lugatta “nisf” kelimesinden müştakktır. Ya’nî bir nesnenin nisfin kendi alıp ve nisf-i âherini şerîki ala. Nisf hod isneyn olanda olur. Çün mahabbet sebebi ile ittihâda –ki asl-ı usûl ve va’d-gah-ı kurb ü vusûldür- vasîloluna, isneyniyyet furû’undan olan ahkâma ne ihtiyâc olur ve andan ne fâyide hâsıldır?”²¹⁵

In Kınalızade’s words, *mahabbet*, as a mystical concept with regards to the philosophy of “*vahdet-i vucûd*” (monotheism) is a humane emotion, which, by leaning towards the existence of God, ensures uniting one’s self with that of God and thereby ruling out *isneyniyyet* (duality). However, in reality there’s always duality in humankind as a social entity, and that’s why people demand justice. Justice means “*insaf*” (to act with equity) and the root of the word *insaf* is “*nisf*” (half). Justice, means in this sense an act of distribution, getting the half and leaving the other half to one’s partner. Half exists only when there’s duality. However, if duality is abolished within humankind, then there will be no need for

²¹⁴ Fahri Unan, *İdeal Cemiyet İdeal Devlet İdeal Hükümdar* (Ankara: Lotus Yayınevi, 2004), XXIX-XXX

²¹⁵ Mustafa Koç, ed., *Kınalızade Ali Çelebi: Ahlak-ı Alâ’î* (İstanbul: Klasik, 2007), 413.

rules regarding distribution. Therefore, *mahabbet* ranks prior to justice. Based on this understanding, compassionate governance is suggested in *Ahlak-i Alali*. The main reason for such a suggestion is further explained as follows;

“Çün zâhir oldu ki efrâd-ı insân intizâm-ahvâl ve tahsîl-i sa’âdet ü kemâl etmekte ictimâ’ u te’ellüfe muhtâc ve ictimâ’ u te’ellüf dahi mazarrat-ı müzâhame vü mugalebeyi müştemildir. Ve bu mazarratın def’i iki tarikle mutasavverdir: Birisi icrâ-yı kavânîn-i adâlet ve ihkâm-ı saltanat u iyâlettir ki işâret olundu. Ve bu, tarîk-i cumhûr-ı enâm ve âme-i havâss u avâmmıdır ve sevâd-ı a’zam ve ekser-i ehl-i âlem içindir. İkinci tarîk tarîk-i mahabbettir. Ve bu tarîk, havâss u efrâd ve a’yan u âhâda mahsûstur, zirâ cumhûr-ı halk birbirleriyle mahabbet etmek âdeten muhâldir. Ammâ bir cemâ’at içinde tarîk-i mahabbet olsa, mümkindir ve mahabbet olıcak tarîk-i adâlete ihtiyâc kalmaz, zirâ adâlete ihtiyâc anın içindir ki her kişi murâd u matlûbu olanı kendi almak ister. Pes gayrı def’ etmek lâzım olur ve gayr dahi hemçunân ol matlûbu kendiye câlib, bunun def’ini tâlib olub muzâhameden muhâsama, mutâlebeden mugalebe hâsıl olur. Mahabbet olıcak, kişi murâd u müştehâ olan nesneyi mahbûb murâd edicek îsâr etmek mukarrer, belki mahbûb tenâvül etmesi dahi eşhâ gelir.”²¹⁶

The meaning of this text is as follows; it is apparent that, to have a life in order, to live a happy life and acquire maturity requires acquaintance with other people and sociability. However, living together also incorporates a negation in itself as giving harm to each other. There are two ways to prevent this negation. The first way is validating the religious law and the sultanic orders. This is valid for all the people, including the public and the notables. The second way is the path of *mahabbet*. *Mahabbet* is intended for selected people, because it’s not possible for all the people to feel *mahabbet* to each other. Even if there were *mahabbet* within every member of a society, although it’s not possible, then there would be no need for even justice. Since it’s not possible to achieve such an order, both parties of a relation would like to attain their own will, which leads to conflict. The conflict

²¹⁶ Ibid., 413.

then transforms into hostility and contention. If there had been *mahabbet* in such a relation however, one of the parties would feel happy even if the other party gets the counter party's share.

In the succeeding paragraphs, the sources of *mahabbet* are explained as follows;

“Ve sebeb-i mahabbet dahi üç nesnedir. Evveli lezzet, ikincisi nef’, üçüncüsü hayrdır. Gâh olur ki bu esbâb ba’zı ba’zıyla müctemi’ olup mürekkebe olur. Ammâ lezzet ol mahabbete sebeb olur ki serî’ül-akd ve serîü’l-inhilâl ola, zirâ lezzet serîü’l-husûl ve’z-zevâldir; ana tâbi’ olan mahabbet dahi eyle olur. Amma nef’ ol mahabbete sebeb olur ki geç hâsıl olub tîz zâyil ola... Ammâ hayr şol mahabbete sebeb olur ki tîz hâsıl ola, geç zâyil ola,.....Ammâ nef’le hayrdan yahud üçünden mürekkebe olan sebeble hâsıl olan mahabbet geç hâsıl olup geç zâyil olandır. Geç hâsıl olduđu zirâ iki yâ üç nesnenin bir yere gelib cem’ olması geç olur. ...”²¹⁷

There are three sources of *mahabbet*. The first one is *lezzet* (pleasure), while the second one is *nef’* (benefit) and the third is *hayr* (benevolence). Sometimes one or two of the sources combine while sometimes all of the three are present as sources of *mahabbet* in a relation. *Lezzet* concludes quickly, however, also dissolves quickly. *Mahabbet*, which is induced by *lezzet*, is also similarly featured.

However, if *mahabbet* is induced on the basis of *nef’*, it concludes late, but dissolves quickly. *Mahabbet* induced by *hayr* on the other hand, conversely, concludes quickly but is lost lately. *Mahabbet*, which is either induced by *nef* and *hayr*, or all of the three, concludes lately and also dissolves lately, and therefore it's the one, which lasts the longest. In a society where duality exists, *mahabbet* of the parties may be induced by different causes. While *mahabbet* of one of the parties may be induced by *nef’*, the other party's may be induced by *lezzet*. This

²¹⁷ Ibid., 415.

kind of mahabbet induced by different sources, and its consequences is explained as follows in *Ahlak-i Alai*;

*“Bir taraftan menfa’at, âherden lezzet sebebi olan mahabbete şekvâ vü itâb çok olur...Ve bu makûle mahabbete “mahabbet-i levvame” derler, levmden hâlî olmadığı için. Ve pâdişâh u ra’iyyet ve ganî vü fakîr ve hâdim ü mahdûm aralarında mahabbet bu kısımdadır. Şekvâ ve tazallümden hâlî değildir, zîrâ her biri âherden bir nev’ menfa’at ister. Murâdı üzere olmayacak şekvâ vü tazallüm zâhir olur. Ve adâlet ri’âyet olmayınca bu şekvâ vü tazallüm mürtefi’ olmaz. Mahdûm, hâdimden hizmette devâm ve hazrette kıyâm ve ihmâl ü tekâsülden gâyet ictinâb ve fehm-i garaz ve tahsîl-i merâmda nihayette ihtimâm ister. Hâdim ri’âyet-i me’âkil ü melâbis ü merâkibinde nihâyet-i inâyet tama’ eder.”*²¹⁸

If one of the party’s *mahabbet* is induced by *lezzet* while the other’s by *nef*, the relation would incur complaints and reprimand and that’s why this kind of *mahabbet* is termed as “faultfinder love” (*mahabbet-i levvame*). The *mahabbet* between the sultan and the subjects, the rich and the poor, the servant and the served is this type, which demands justice. The relation may not be freed from complaints and oppression since both parties would want to benefit from one another. And oppression and complaints of the one who is being served would demand continuous service. In other words, this-worldly *mahabbet* is between those who expect some benefits from the other side, like the one between the sultan and the subjects, requiring the establishment of justice. The sultans then are obliged to satisfy the expectations of their subjects while the subjects are expected to submit to their sultans.

Kinalızade further illuminates the details of the expected *mahabbet* of the subjects to their sultan in his words below;

²¹⁸ Ibid., 429.

“Re’âyânın selâtine mahabbeti saye-i inâyetlerinde müreffehü’l hâl ve fevâzıl-ı in’amlarından müna’amü’l-bal oldukları içindir. Ve selâtîn –ki ifrât-ı cevr ü zulmle mevsûf olmayalar- re’âyâdan anlara ifrât-ı mahabbet ve nihâyet-i sadâkat mukarrerdir, husûsen ki bir nesl-i şerîf nice zemân vilâyetde tâc-ı hikmetlerini gevher-i hükûmetle murassa’ etmiş ola. Eğer, zîver-i adl ü insafla ittisâf ve mezheb-i zulm ü i’tisâftan inhirâf edip mezheb-i hakk ri’âyetinde re’âyâsıyla hem-kîş ve zu’afâ-yızîr-destlerini hıfz u hirâset edip mu’în-i ganî ve muhibb-i dervîş ola, mahabbet dâyiresinden geçip sıdk-ı rıkıyyet ü meveddet mertebesini koyup hakk-ı ubûdiyyet üzere olurlar.”²¹⁹

The source of the *mahabbet* of the subjects to their sultan is their prosperity by the sultan’s benevolence and favors. The *mahabbet* and loyalty of the subjects to those sultans who do not oppress and transgress is apparent. It is especially apparent for those sultans who decorated their crown of wisdom with good government. If the sultan conjoins with justice and fairness, refrains from oppression, join together with his subjects, protects the weak, and be a friend of dervishes the subjects would pass the realm of *mahabbet* reaching *meveddet*, and his subjects would become submissive to their sultan like God’s slaves. This section is especially crucial giving insights on the source of the affectionate submission of the subjects to the Sultan.

Kınalızade in his following words explains the sultan’s *mahabbet* to his subjects.

“Ve hukemâ derler ki selâtînin re’âyâya mahabbeti ol cihettendir ki mün’imlerdir; mün’imin mün’imun aleyh cânibine mahabbeti lâzımdır. Ve pederin dahi ferzendine bu cihetden mahabbeti sâbittir ki hukuk-ı ni’meti bî-haddir. Eğerçi cibilleti dahi mahabbeti mukarrerdir, zîrâ kendinin nüshası ki tabî’at kendinin sûretinden nakl u intisâh etmiştir, fi’l-vâki’ bu fikr sahihtir. Zîrâ madde-i beden-i piser cüz’-i vücûd-ı pederdir ve halk u hilkatta müşakil ve müşâbihdir. Ol sebebdendir ki ne kadar kemalât u

²¹⁹ Ibid., 431.

sa'adâtla muttasîf olsa, mesrûr ve karîru'l-ayn olur. Hattâ evâyil-i ömründe tahsîl edemediği, mütehassir kaldığı kemale piser kadir olsa, kendi kadir olmuş gibi hazz edib tahassürüne tesellî hâsıl olur. Ve derler ki hiç kes âheri kendiye cemî-i kemâlâtta râcih olduğın istemek yoktur, meğer peder piserine. Ammâ ferzendir pedere mahabbeti aksinden ekalldir, zîrâ ma'lûl ü müsebbebdir. Ma'lûl müsebbebin illet ü sebep irtibât u mahabbeti aksinden ekalldir. Ve ferzendir mahabbeti zemânen dahi müte'ahherdir, mertebe-i ittulâ'a u temyîze vâsıl, pederden intifâ'î hâsıl olmayınca dâyire-i mahabbete kadem basmaz. Ve bu sebebdendir ki şerî'at-ı mutahharada ferzende ri'âyet-i hukuk-ı peder etmek için muhkem vasiyyet olunmuşdur. Aksi ol kadar olmamıştır."²²⁰

Wise men say that the sultans have *mahabbet* to their subjects because the subjects are those who are blessed by them. It is similar to a father vastly blessing his son. The father has *mahabbet* towards his son, which is innate since the son is, reproduced by the help of God, as a duplicate of his father. The substance of the son's body is a part of his father's. The father and the son are similarly created. That's why the father feels happier as his son matures possessing good conduct. Even if the son reaches a stage of maturity earlier than his father who had sighed for it, the father still feels gratified and happy. The father would see it as a consolation of what he sighed for. Although nobody would want to see someone who is superior to him, the fathers remain as the only exception. The father would only be proud of his son's superiority. However, the *mahabbet* of the son to his father is less than that of the father's, which is natural. The *mahabbet* of the son concludes late and it also takes time for it to mature and become visible. If the son does not have any benefit from his father, his *mahabbet* dissolves. That's why

²²⁰ Ibid., 422-3.

there are strict rules regarding the son's behaviour towards his father, which in their essence protect the father. However, there are no such strict rules regulating the father's behavior towards his son.

The relation between the subjects and the Sultan is compared to the one established between the son and the father. Just like the son, whose *mahabbet* to his father would dissolve if it ceases to be beneficial to him, the *mahabbet* of the subjects towards the sultan would also dissolve in case it cease to be beneficial.

That is the reason Kınalızade adds, why there are strict rules promulgated to prevent such occurrences.

The next passage is also important since he's classifying the *mahabbet* induced by benevolence (*hayr*) into 6, the fourth of which being the *mahabbet* of the subjects to their Sultan.

“Ve merâtib-i mahabbet-i hayr (altıdır):

Evvel mahabbetullah-ı te'âlâ, nitekim geçti. Menba'-ı hayrât u sa'âdâtdır. İkinci mahabbet-i üstâddır ki insâna ilm ü amel-i sâlih ve ta'lîm ü tehzîb-i ahlâk eder... Üçüncü mahabbet-i peder ü mâderdir ve ecdâd u ceddâtır, zîrâ silsile-i esbab-ı vücûdda her biri dâhil ve ni'met-i dîn –ki efdâl-i ni'amdır- zemân-ı sığardan anların telkîn ü ta'lîmiyle hâsıldır. Dördüncü sultana re'âyânın mahabbetidir. Ba'zılar, re'âyânın sultâna mahabbeti piserin pedere mahabbetinden râcih gerek demişler, zîrâ siyâset-i sultân ve anın adliyle rûy-i rüzgâr hilye-i emn ü emân ile muttasıf olmayıcak ne piser pederden müntefi' ve ne pedere esbâb-ı terbiyet-i piser ve hıfz-ı ıyâl müctemi' olur. Ve peder, pisere siyâset ü te'dib ve ahlâkını tahsîn ü tehzîb eyler, ammâ sultân hem pedere hem pisere te'dib ü siyâset eyler. Pes anın nef'i e'amm ve mahabbeti ehemmdir.”²²¹

²²¹ Ibid., 433.

The first one is the *mahabbet* to God. The source of this *mahabbet* is benevolence and happiness. The second one is the *mahabbet* to one's own master because the masters teach righteous behavior and good ethics. The third is the *mahabbet* to one's parents and ancestors because they are the reason of one's existence and they are also the source of one's values inherited from or taught by them. The fourth is the *mahabbet* of the reaya to his sultan. For some people, the *mahabbet* of reaya to his sultan ranks even prior to the son's *mahabbet* to his father. Because if there were no justice or governance of the sultan, neither the son would benefit from his father, nor the father would have the power to protect his family losing the chance to discipline his son. Furthermore, the father has the power not only to punish his son but also to beautify his ethics. The sultan however, has the power to do so to both the father and the son thereby remaining to be the most important one.

The chapter on *mahabbet* in Kinalızade substantiates the idealized model of protection with compassion and submission with affection in the Ottoman political thought. The idealized relation between the Sultan and his subjects is explained via the emotional code of *mahabbet*, the norms regarding how the sultan and subjects should feel towards one another, how they should display it, what the major sources of *mahabbet* in their relations are. However, this should in no way be regarded as the sole basics of establishing good governance. It is both supplementary and necessary to establish good governance. Good governance, in other words, may not be established by conforming to rules and regulations only, which represent the rational and the logical constraints, the commonly shared understanding of the emotional code of *mahabbet* is also essential.

4.4.3. *Telif-i Kulub* as a Symbolic Code

Tarik-i mahabbet (path of affection), or *mahabbet* as an emotion code was accompanied however, by another term. The accompanying symbolic code of *mahabbet* in the relation established between the sultan and reaya was *telif-i kulub*. In this section the term *telif-i kulub* is analyzed in the Ottoman political rhetoric.

The relationship between the Sultan and the subjects shaped by the above mentioned symbolic and emotion codes where the Sultan protects with compassion and the reaya in return voluntarily submits with affection resulting with a more powerful Sultan and a pleased and prosperous *reaya* is conceptualized in Ottoman documents as uniting the hearts (*te'lif-i kulûb*). There are also other synonymous terms used within different contexts like “*terfih-i kulûb-ı reaya*”²²², “*tatmin-i kulûb-ı reaya*”²²³, “*celb-i kulûb-ı reaya*”²²⁴, and “*tatyîb-i kulûb-ı reaya*”²²⁵. *İttihad-ı derûn* (pertaining to union of hearts) and *istimalet* (gentle persuasion) are also similar terms that we encounter in primary documents. Historians oftentimes use the term *istimalet* as a policy of gentle persuasion of only non-Muslim subjects. However, the root of the Arabic word *istimalet* is *meyl*, which means affection, love, propensity and *istimalet* was also commonly used as a policy to gain the hearts of those who were already Ottoman subjects. *İstimalet* means trying to persuade, gaining goodwill and coaxing which

²²² prospering the hearts of reaya

²²³ satisfying/calming the hearts of reaya

²²⁴ attracting the hearts of reaya

²²⁵ calming/consoling/satisfying reaya

comes from the root *meyl* (inclining, affection, love, propensity). İlgürel claims that in the Ottoman chronicles it is usually used as showing tolerance to, looking after the rights of the subjects with special focus on non-Muslim subjects or as *raiyyetperverlik* (cherishing one's subjects, nourishing of people).²²⁶ It is also revealed in the Kuran (et-Tevbe 9/60) as “*müellefe-i kulüb*”.²²⁷ Inalcık has been one of the first historians who firstly emphasized the importance of *istimalet* as a policy, which eased the Ottoman conquests. He claims that Ottomans practiced the *zimmi* law in its widest sense without differentiating the non-Muslims subjects from the Muslims, protecting their lives and properties as the rule of God. He further claims that this policy of tolerance, which is relayed as “*telifü'l-kulüb*” in the Kuran is reflected in the Ottoman sources as the policy of *istimalet*.²²⁸

Kafadar, in his path breaking book *Between Two Worlds*, analyzing warrior epics and hagiographic sources, also emphasizes the policy of “gaining the hearts and minds” of the people of newly conquered lands in early Ottomans. Kafadar in his conceptualization of gaza ideology of the early Ottomans, argues that

“.....the people of the marches did not see a contradiction between striving to expand their faith and engaging in conciliatory gestures from members of the other faith. One insight gained from the hagiographies of dervishes like *Sarı Saltuk* is that an atmosphere of “tolerance” and symbiosis or “improvisation” in Greenblatt’s vocabulary, does not preclude a desire to gain converts.”²²⁹

²²⁶ Müctebe İlgürel, “istimalet,” *DİA* (İstanbul: Diyanet Vakfı, 2001), 362-3.

²²⁷ Ibid.

²²⁸ Halil Inalcık, “Türkler ve Balkanlar,” in *Balkanlar* (İstanbul: Eren Yayınları, 1993), 16-18.

²²⁹ Cemal Kafadar, *Between Two Worlds The Construction of the Ottoman State* (Berkeley: University of California Press, 1995), 72.

Kafadar further asks “Is it not more intelligent to be conciliatory, whenever possible, in gaining hearts and minds of others”²³⁰ adding that *gaza* ideology, among other things, was an attempt to gain hearts and minds.²³¹

The example below constitutes just one example from the *mühimme* registers where we may find the reflections of “*istimalet*” policy and “*telif-i kulub*”, synonymously used as “*itminan-ı kulûb*”, in the *ferman* dating H.972:

“*Alî Çelebi'nün âdemisi Mahmûd'a virildi. Fî 10 Ca., sene: 972*

Diyârbekir beğlerbeğisine ve Rakka kâdisına hüküm ki:

Sen ki kâdisın, mektûb gönderüp; "tâyife-i el-Bûsem'ün(?) üzerinde olan mâl-i mîrî tahsîl olunmayup isyân üzre oldukları defe'âtle arzolundukda, hük-m-i şerîfüm vârid olup; "Tâyife-i mezbûreye nâyib ile âdemler gönderüp şerî'ate da'vet idüp itâ'at-i şer' itmeyüp isyân üzre olurlar ise sicill idüp üzerlerine varup mâl-i mîrîyi vormeyüp ceng iderler ise haklarından gelesin." diyü fermân olunmağın tâyife-i mezbûreye nâyib ve mu'temedün-aleyh âdemler ile Emînleri olan Kâsım ve Pîrî irsâl olunup şer[î]'ate da'vet olundukda itâ'at itmeyüp isyân üzre oldukları mukarrer olmağın Fırat suyundan ubûr idüp üzerlerine teveccüh itmezden mukaddem tâyife-i mezbûreden Relvetiye(?) nâm harâbe kal'anun harâb olmuş yirlerin yapup içinde hısâr olunup ceng kasdın itdükleri mukarrer olmağın kal'a-i mezbûrede kendülerine karîb olan mahallere vâsıl oldukda, firâr idüp ehl ü iyâlleriyle Fırat suyına düşüp öte cânibe ubûr idüp ba'zı mâlları ve esbâbları gâret olunup ba'dehû tâyife-i mezbûrenün oklu ve yaylusı ceng itmeğičün girü Fırat suyundan ubûr idüp su kenârında hayli ceng olup tarafeynden niçe âdem katlolunduğın" bildürdüğün ecilden buyurdum ki:

Hük-m-i şerîfüm vusûl buldukda, bu husûsa bi'z-zât mukayyed olup zikrolunan tâyifeyi yarar âdemler gönderüp şerî'ate da'vet idüp üzerlerinde ne mikdâr mâl var ise taleb idüp bî-kusûr tahsîl itdüresiz. Şöyle ki; itâ'at-i şer' itmeyüp fesâd ü şenâ'at üzre isyân u tuğyânlarında isrâr üzre olup islâhları mümkün olmayup memleket ü re'âyâyâ zarar u ziyânları ola, te'hîr itmeyüp tedârükleri her ne yüzden mümkün ise görüp baş baş müfsidlerinün haklarından gelesin ki, sâyirlerine mûcib-i ibret olup ve mâl-i mîrî dahi zâyi' u telef olmayup tahsîl oluna. Ammâ; gönderdüğünüz âdeme tenbîh ü te'kîd eylesiz ki, tâyife-i mezbûreyi evvelâ şerî'ate da'vet idüp itmînân-ı kalb vormek içün gereği gibi istimâlet itdürüp ahsen vechile islâhına

²³⁰ Ibid., 72.

²³¹ Ibid., 82.

sa'yeylesiz. Müyesser değil ise fermân-ı şerîfüm üzre tedârüklerin göresiz."²³²

The Sultan, while finalizing his order, demands that a group of his subjects in Rakka who were not willing to pay their tax obligations should first be brought to the judicial court for their trials to be investigated, and the administrators should try to persuade them, and affectionately try to gain their hearts (*tâyife-i mezbûreyi evvelâ şerî'ate da'vet idüp itmînân-ı kalb virmek için gereği gibi istimâlet itdürüp ahsen vechile ıslâhına sa'yeylesiz. Müyesser değil ise fermân-ı şerîfüm üzre tedârüklerin göresiz*).

The anecdote below from Raşid Tarihi further illuminates the meaning of *te'lif-i kulûb* in Ottoman political ideology symbolically in an interesting way.

*"...Hünkâr hazretleri şimdi makarr-saltanatlarında eğlenürler mi yohsa sayd ü şikâr ederler mi?" "Hayır şâhım, etmezler" "Şikâr-ı kûh dahi etmezler mi?" dedüklerinde, "şikâr-ı şükûh ederler" dedim. Güldüler, "ya anların vâlid-i mâcidleri ve birâder-i emcedleri sayd ü şikâra mâiller idi. Bunlar n'çün etmezler? Husûsâ sayd ü şikâr mülûk-i izâmın şânındandır gerek idi, edeler." Bu kulları cevâb verdüm ki, "şâhım bizim şevketlü Pâdişâhımız şehzâdeliğinde tahsîl-i ma'ârife gâyet sa'y edüp, husûsâ tevârîhe ve mülûk-i eslâfın âsârına hayli tettebbu'ları var idi. Bir gün tevârîh mütâla'a ederken, bir mahalle gelmişler ki, Nûşirevân-ı Âdil Büzücmihr Hakîm'e suâl eylemiş ki, "sayd ü şikâr makulesinden kangı sayd ü şikâr lezîz ve fâidelüdür?" Büzücmihr demiş ki, "re'âyâ vü ahâlînin kulûbunu sayd etmek cümle saydlardan lezîzdir. Ve âhiretde intifâ'ı ziyâdedir" demiş. Ve bu keyfiyyete vâkıf oldukdan sonra, "eger Hakk te'âlâ taht-ı âlî-baht-ı Osmanî'ye cülûs etmeyi bana müyesser ederse, kat'â sayd ü şikâr hevâsında olmayup re'âyâ vü ahâlînin ta'mîr-i kulûb ve terfîh-i ahvâlleri ile olayım" deyü derûnunda cenâb-ı Bârî ile ahd etmiş. Şimdi ol ahde vefâ ile dâimâ niyyet-i sâdıkaları celb-i kulûb-ı re'âyâ vü ahâlîdir."*²³³

²³² 6 Numaralı Mühimme Defteri (972/1564-1565) (Ankara: Devlet Arşivleri Genel Müdürlüğü, 1995), 302.

²³³ Abdülkadir Özcan, et al., *Tarih-i Raşid ve Zeyli Raşid Mehmed Efendi ve Çelebizade İsmail Asım Efendi (1071-1141 / 1660-1729 v. II* (İstanbul: Klasik, 2013), 1260.

In this story, the Ottoman envoy talks with the Persian Shah, where Shah asks the envoy questions regarding how the Ottoman Sultan spends his spare time, whether he's having fun or hunting. No, says the envoy, my Sultan doesn't hunt. Shah asks whether he's not even hunting for mountains. The envoy replies that his Sultan hunts for magnificence only. The envoy then asks why not, since the Sultan's ancestors were fond of hunting as a sign of their glory. The envoy in his reply says that, when his Sultan was a prince, he had great respect for knowledge and especially interested in studying history and traces of his ancestors. One day he met a wise man and asked what kind of hunting would both give pleasure and be beneficial. The wise man replied that hunting the hearts of the reaya is the one, which gives the most pleasure and is also the most beneficial in the other world. Then the Sultan said that, if God allows him to be the Ottoman Sultan, he would have no desire to hunt animals, rather he would always try to gain the hearts of the reaya and make them prosperous. That's why he says his sultan's will is to attract the hearts of his subjects.

It is apparent that, in an ideal political order, the Sultan was expected not only to make its subjects prosperous in material sense, but was also expected to gain their hearts in an emotional sense. In other words, there were two constraints of an ideal order in which both the material and the emotional needs of the subjects were expected to be satisfied.

Ottoman chronicles are replete with texts showing how *te'lif-i kulûb* as a principle tool for good governance. For example, the Ottoman political principles to be implemented for governing Egypt is explained in *Tacü't Tevarih* after its conquest by Yavuz Sultan Selim, the full text of which is given below:

“Çün diyar-ı Mısriyyenin zabtı teshîri gibi asîr ve çerakise ve a’rab serkeşleri meyanında hükümet gayri yesîr idi.

Daver-i dûrbîn bu fikri seza gördü ki mevkeb-i zafer-karîn rüçûundan öndin erkân-ı bâ-temkînden birin imtihan için Mısır hükümetine tayin ide. Eger, zabt ve muhafazatı müyesser olursa izi ü ikbâl ile Darü’s-saltanasına gide.

Ve li-hezâ vezir-i azam ve sair erkandan mukaddem olan Yunus Paşa’yı bendegân-ı pîşîn ve devlet-hâhân-ı dirîn adadından olub, hususen bu sefer-i zafer-rehberde asar-ı celadet ve secaati zuhur bulup hidemat-ı şayestesi sezavâr-ı tahsîn olmağın Mısır hükümetine ta’yin ve kamet-i ikbalin teşrif-i hüsvane ile tezyin idüb, hall ü akd-i umuru zabt u rabt-ı mesalih-i cumhuru keff-i kifayetine tefviz ve aynin-i şeref-karîn-i Osmanî muktezası üzerine icra-yı merasim-i adl ü dâde tahrîz buyurdu.

Amma ol şah-ı dil-agâhın adet-i saadet-gayeti bu mimval üzere idi ki vulât ve hükkâm aktar-ı ahvalinden hemvare istihbar eyler idi. Ve câir olanları girdab-ı gazabında hayır ve muğak-ı hasretde dair idüb tığ-i kahrından necat bulanı hâr ve rûz-ı ruşenî çeşm-i ibret bînine târ eyler idi. Güş-ı huşu istima’-ı ahval-i hükkam için küşade ve şimşir-i berk tesiri zulmet-i vücud-ı zaleme def’i için amade idi. Tığ-i berrânı irtîşa yedin makdu ve bed-şedidü’l ahzı setm dirahatını beyhinden mablû itmiş idi.

Yunus Paşa ile dahi seiyye-i ma’rufe ve adet-i me’lufeleri üzere muamele idüb, egeçi mücamele suretin izhar buyurdular. Amma eyyam-ı hazar ve seferlerinde mücari-i ahval ve imalinden istihbar buyurdular. Sifariş buyurdıkları üslûb bi’l-küllîye hatırından meslûb olup, cem’i mâle ve tahsili amale hırs ve tehalükü ve bab-ı tamada adem-i temâlükü ma’lum-ı şerîfleri ve ümera-yı çerakise avradından cebr-i aniv ve tehdit ve tahvif ile mebaliğ-i kesire aldugu ve meşayiğ-i Arab’a tekalif-i şakka ile emval-i azime salduğu ma’ru’z-ı zamir-i ilham-ı halifleri olıcak, ol makule hükümet-i gayri makbule ile Mısır zabtı müyesser olmadığına cazim ve hükümet-i Mısır Hayırbay’a tevfiye azim oldular.

Çün Hayırbay ruşen-i rey’in sadad-ı hali ve hüsn-i efal ve amali ve bab-ı muhalledü’l ikbal-i sultaniye kemal-i sadakati ve hükümet-i Mısır’a liyakatı daver-i ferhunde ferzamirine zahir ve damen-i ismeti levs-i tamadan tahir idi. Ve ol diyarı ahvaline vukuf-ı taamı ve te’lif-i kulüb-ı çerakise ve a’raba iktidar-ı ‘ammı olmağla ol mansab-ı celilü’l-kadre mezid istihkakı bahir ve etvar-ı hamide ile hidemet-i pesendide edasında mahir idi.”²³⁴

It is first emphasized that getting hold of Egypt’s governance is harder than its conquest (*zabtı teshirinden asîrdir*). The Sultan, while authorizing Yunus Paşa to

²³⁴ Hoca Saadettin Efendi, *Tacü’t-Tevarih*, (İstanbul:1341), v.2, 374-375.

govern Egypt also demanded that he would conform to Ottoman law and value justice. Regulation of the affairs of the subjects and their supervision were assigned to the talented hands of Yunus Paşa and he was incited to conform to the Ottoman law (...*hall ü akd-i umuru zabt u rabt-ı mesalih-i cumhuru keff-i kifayetine tefviz ve ayin-i şeref-karîn-i Osmanî muktezası üzerine icra-yı merasim-i adl ü dâde tahrîz*). Obligations of Yunus Paşa in governing Egypt strictly resembles Kınalızade's proposition mentioned previously to resolve conflicts (*Ve bu mazarratın def'i iki tarikle mutasavverdir: Birisi icrâ-yı kavânîn-i adâlet ve ihkâm-ı saltanat u iyâlettir ki işâret olundu.*) However, Yunus Paşa was not successful in achieving the expected mission and was dismissed from his office, and Hayırbay was assigned. The main reason for Hayırbay's assignment to this position is indicated as his ability and power to unite the hearts of Çerkes and Bedouins who were the Egypt's native inhabitants before the conquest (*ol diyar ahvaline vukuf-ı taamı ve te'lif-i kulûb-ı çerakise ve a'raba iktidar-ı 'ammı olmağla*). It is apparent that the first requirement for the establishment of affective ties between the ruler and the ruled was based on the symbolic code of *te'lif-i kulûb*. Furthermore, it is stated that the Sultan left the Egypt after giving the necessary suggestions to Hayırbay, and that Hayırbay as a wise commander, would meet the expectations of the Sultan who knows what it means to have ties with affection (*dana-dil*). The text indicates that Hayırbay's governance was based on the principles of uniting hearts (...*ol emir-i âkil, hükümetinde bir vech ile mu'âmil oldu ki, şah-ı dâna-dil zannını tasdik ve fikr-i dakiki ve tedbîr-i anîfini tahkik eyledi*).

The next passage from *Raşid Tarihi* further evidences how Silahdar İbrahim Paşa, just like Yunus Paşa who could not fulfill his obligation to win the hearts of the subjects of Egypt, could not achieve his mission by coveting a bribe.

“Azl-i Silahdâr İbrahim Paşa ez-sipehsâlârî ve nasb-ı Ârifî Ahmed Paşa

.....Tiflis eyâleti memâlik-i mahrûsetü'l-mesâlik-i hâkânîye munzamm oldukda memleket-i merkûmenin tanzîm-i kâffe-i umûru Ser-askeri olan Erzurum Vâlîsi Vezîr Silahdâr İbrahim Paşa'ya tefvîz olunup, tesyîr-i cenâb-ı İlâh ve te'sîr-i kuvvet-i baht-ı Pâdişâh-ı âlem- penâh ile pençe-i zabt u teshîre girüp ol makûle memleket-i azîmede icrâ-yı merâsim-i adl ü dâda bezl-i kudret ve cevr ü tama'dan tehâşî birle tensik-ı umûr-ı memleket ve celb-i kulûb-ı ahâlî vü ra'yyete sa'y ü dikkat eylemek sipehsâlâr olanlara lâzım ü lâzib, belki makûle-i farz u vâcib iken, vezîr-i müşârun-ileyh Erzurum serdengeçdi ağalarından Uzun Mustafa Ağa nâm kimesne vesâtatıyla Vahtan tarafından rüşvet tarîkıyle arz olunan mâl-ı firâvâna tama' u rağbet ve Tiflis hükûmetini mezbûr Vahtan'ın henüz iddi'â-yı şeref-i İslâm itmekle İbrahim tesmiye eylediği Şehnevâz nâm oğluna cânib-i mîrîye senevî kırk bin guruş maktû' vermek şartıyla ber-vech-i ocaklık tevcîhe müsâra'at eyleyüp.....”²³⁵

Dismissal of Sipahsalar Silahdar İbrahim Paşa and appointment of Arifî Ahmed Paşa: İbrahim Paşa was appointed for establishment of an order and execution of the affairs of Tiflis when it was adjoined to the Ottoman State. It was not only the required duty of but also obligatory for the office of *sipehsalar* to spend effort for the establishment of justice, to carefully avoid oppression and illegal tax collection, to put the affairs into proper order, to govern well but also to win the hearts of the reaya. However, İbrahim Paşa acted contrary to his obligations and coveted (*tama'*) to the bribe of an Armenian named Vahtan by means of Mustafa Ağa-Erzurum serdengeçti ağası- and conferred (*tefviz*) the land to the son of

²³⁵ Abdülkadir Özcan, et al., *Tarih-i Raşid ve Zeyli Raşid Mehmed Efendi ve Çelebizade İsmail Asım Efendi (1071-1141 / 1660-1729 v. III* (İstanbul: Klasik, 2013), 1334.

Vahtan, originally named Şehnevaz who was newly converted to Islam by taking the name of İbrahim, on “*ocaklık*” terms, for a yearly fixed payment of 40.000 guruş.

The sultan’s obligation to satisfy the expectations of his subjects is also reflected in Raşid Tarihi where the non-Muslim subjects in newly conquered island of Morea were exempted from their cizye tax obligations.

Nizâm-ı ahvâl-i cezîre-i Mora ve tahrîr-i cedîd Mora cezîresi feth ü teshîr olundukda egerçi ber-vech-i müsâra 'at tahrîr olunup, lâkin henüz feth olunmak takrîbiyle tahrîrinde gereği gibi dikkat olunmak mümkün olmadığından mâ'adâ te'lîf-i kulûb-ı re'âyâ için tekâlîf-i sâire değil iki senelik cizyeleri bile afv olunmuş idi. Hâlâ müddet-i afv münkazî olmak takrîbiyle ahvâl-i cizyeye nizâm verilmek yüzünden cezîre-i Mora voyvodası nasb ü ta'yîn ve maslahat- ı melhûzayı tahrîrde teneffür-i re'âyâyâ bâ'is olur hareketden gâyet ihtiyât üzere hareket eylemek husûsu lisânen kendiye tezkîr ü telkîn olundu.²³⁶

Giving order to the island of Morea and the new land survey (*tahrir*): Land survey of the island of Morea has been completed immediately upon its conquest. However, since it was newly conquered, the land survey could not be made attentively. The *reaya* of the island were exempted from not only other taxes but also cizye taxes for two years to prevent any possible adverse consequences of a hastily made land survey and to win the hearts of the *reaya*. A new *voyvoda* was appointed to the island to regulate the cizye tax obligations since the exemption

²³⁶ Abdülkadir Özcan, et al., *Tarih-i Raşid ve Zeyli Raşid Mehmed Efendi ve Çelebizade İsmail Asım Efendi (1071-1141 / 1660-1729 v. II* (İstanbul: Klasik, 2013), 1142.

period was expired. And he was told and suggested that he should be precautious and refrain from any act, which would arouse hatred.

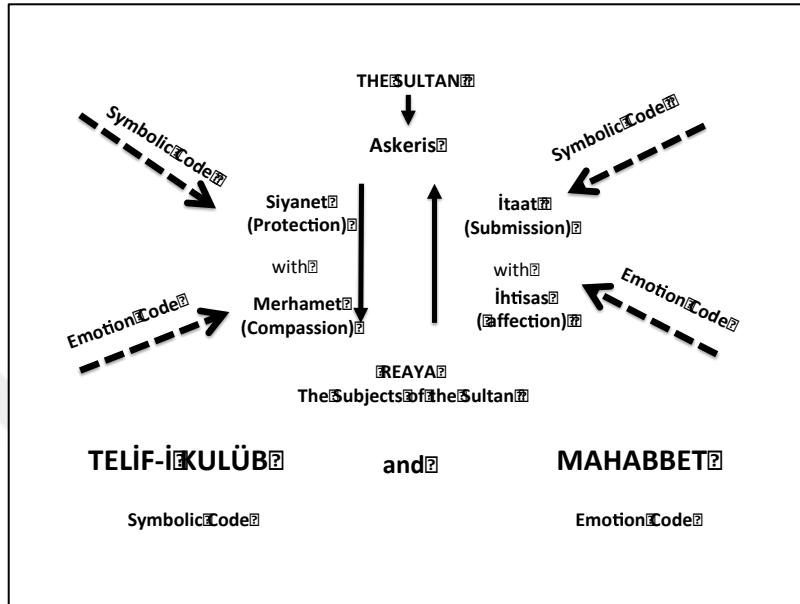


Figure 5. Symbolic and Emotion Codes in Ottoman Political Rhetoric

The diagram 3.3 above represents the idealized Ottoman political thought via the overarching symbolic and emotion codes; *telif-i kulüb* and *mahabbet*.

In the following parts of this section, how the ideal model was actually implemented and represented in the political rhetoric is analyzed by giving examples from the imperial decrees.

The texts from advice literature and Ottoman chronicles that had previously been mentioned reflect the “ideal” political order. The practices to be implemented, which were compatible with this ideal order, were also regarded as “a rule of thumb” in the administrative policies. These symbolic and emotion codes, which

pertain a distinct way to behave and to feel, are procured from Ottoman primary sources. *Telif-i kulûb* as an encompassing concept accompanied with *mahabbet* determining the relationship between the Sultan and the subjects was the rule-of-thumb in Ottoman political thought which is clearly evidenced in the quoted text below;

“...ke'l-evvel hâkim-i mûmâ-ileyh ile tarz-i ülfet ve muhabbet ve celb-i kulûb ve hâtırına mübâderet ve istîmâlet vererek, idhâl-i dâ'ire-i itâ'at-i mülâyemet ve müsteclibün- aleyh ve mukadderi olan ittihâd-ı derûn kâ'idesini ne vechile olur ise olsun hâllen ve kâ'ilen vücûda getürmeğe bezl-i makderet ve'l- hâsıl i 'mâl-i tedâbir-i hasene ile mâdde-i mübâlâtın su'ûbet ve germîyete tahviline nisâr-ı nakdîne-i gayret ve azîmet eyleyüp, iktizâ-yı nefsâniyet ve dâ'ie-i şiddet ve hiddet hasebiyle iyâzen billâhi te'âlâ nâ-mülâyim nesne hudûsundan ve hilâf-ı emr-i şerîf vaz' ve hareketden gâyetü'l-gâye hazer ve mücânebet eylemen bâbında fermân-ı âlî-şânım sâdır olmuştur,²³⁷

Union of hearts (*ittihad-ı derun*) is referenced as a rule of thumb for government, stating that “...having subjects who are concordant members of the society with common stakes and voluntarily obeying the rules depends on uniting the hearts of the subjects which constitutes the basis of good government (*ittihâd-ı derûn kâ'idesini ne vechile olur ise olsun hâllen ve kâ'ilen vücûda getürmeğe bezl-i makderet ve'l- hâsıl i 'mâl-i tedâbir-i hasene ile mâdde-i mübâlâtın su'ûbet ve germîyete tahviline nisâr-ı nakdîne-i gayret ve azîmet eyleyüp*. In the succeeding section examples from *fermans* are given, evidencing how “*te'lif-i kulûb*” as a rule-of-thumb was implemented as a tool of governance.

It is reflected in many sources that *te'lif-i kulûb* was the main principle for good governance not only for newly conquered territories but also for all territories

²³⁷ Mühimme register no: 149/269, the full text of which is in appendix I.

under the sovereignty of the Ottoman State, termed as *memalik-i mahruse*. A contextual and linguistic analysis of an imperial decree (*ferman*), will further clarify my argument, the full text of which appears in Appendix II.²³⁸

This *ferman* dating May 5th, 1637 starts with a phrase pointing out that it was the Sultan's will that the necessities of justice be achieved, state affairs be executed in compliance to established order and the hearts of the subjects and the government officials (*askeri*) be prospered (*merasim-i adl ü dad ve levazım-ı nizam-ı umur-ı bilad ve terfih-i kulub-ı reaya ve ecnad iktiza-ı murad-ı fuad olub.....*). What is prominent in this text is that the Sultan addresses not only the subjects but also the ruling elite with the symbolic code of “*te'lif-i kulûb*”. Secondly, the Sultan's order emphasizes and appeals to emotions stating that it is the will of his heart to unite the hearts of the subjects and the *askeri* members.

His order also gives clues on an ideal Ottoman *Paşa* reflecting the Ottoman political understanding. In the same *ferman*, the Sultan also gives his advice to the newly appointed officer Bayram Paşa who is leaving the capital for an expedition to the East, regarding how to govern the subjects to make them prosperous (*müreffeh*) and live in good conditions (*muntazamü'l-ahval*) which is indicated in the paragraph below as:

“.....bundan akdem vezir-i azam-ı sabık Mehmed Paşa zamanında reayaya zulm ve teaddiye müteallik nice tekalif teklif olunmağla, enva-i cevr ve teaddi ve zulm ve te'ezzi olunduğu semm-i hümayunuma ilka olunmağın tevâif-i reaya ki vedayi-i halik- kibriyadır haklarında mezid refet ve şefkat ve vufur-ı mekremet ve merhametim zuhura getürdüb, minbad ol makule

²³⁸ Halil İnalçık, “Adaletnameler,” In *Osmanlı'da Devlet, Hukuk, Adalet* (İstanbul: Eren, 2005), 142-144.

zulm ve bid'at tekalif olunmayub, her biri eyyam-ı devlet-i hümayun ve hengam-ı hilafet-i saadet-makrunumda müreffeh ve muntazamü'l-ahval olmaları için tenbih-i hümayunum ve ferman-ı saadet-makrunum olduğundan gayri.....”

His advice starts with the epithet of Bayram Paşa denoting the Sultan's confidence in him to duly perform his expected duties. The epithet of Bayram Paşa is stated as “one who most illustriously guides the path to the world- order” (*müşir-i eflamu nizami'l-alem*), “one who prudently manages the important affairs of the public with his brightly shining ideas” (*müdebbiru umuri'l-cumhur bi'l-fikri's-sakıb*) and as “one who perfects the affairs of mankind with his sound judgments” (*mütemmimu mehami'l-enam bi'r-reyi's-saib*). All of these qualifications denote a wise government with reason dominating the political thought. However, these features are not sufficient enough for good government because achievement of such goal also requires an innate feeling of compassion (*Bayram Paşa'nın cibilliyet-i zat-ı merhamet-nihad ve esniyye-i murad-ı fuadi'l halisi'l-itikadında asar-ı merhamet ve ref'et mevzu' ve izhar-ı adl ve atifet*). In other words, a good government demands not only reason but also feelings reflected from the hearts, which were supplementary to each other.

4.4.4. Fading Out of Protection and Demanding Compassion

It is hard to ensure that these commonly shared symbolic and emotion codes prevailed all throughout history. Oftentimes, the ideal model reflecting the expected thinking and feeling codes of a sultan, an *askeri* class member or the subjects would deteriorate. In cases when the symbolic and emotion codes would

deviate from its idealized forms, both the Sultan and the *reaya* would usually demand for reversal from the deviation. While doing so, both the sultan and the subjects would refer to the same commonly shared symbolic and emotion codes in their rhetoric, which would enable them to justify their claims. There were well-understood conventions about when and in which cases it was appropriate to display such discontentment. The displays of discontentment and linguistic representations of such displays reflected in their demands functioned as social signals, suggesting that there's something wrong going on in the established power relations, on the rights and responsibilities of one of the political parties. Strategic use of emotions in their rhetoric helped both sides to attain their short or long-termed political goals.

Upon such a change in power relations within a political entity, the first attempt would be to resolve the conflict and reverse the relation back to the state of “*te'lif-i kulûb*” which demands protection of the *reaya* by the Sultan with compassion and submission of the *reaya* in return with affection. If the policies implemented to reverse would not be effective, then the principle of “*te'lif-i kulûb*” would change. In the next section examples from cases is given in which some of the symbolic and therefore emotion codes are deteriorated, however, reversed back to “*te'lif-i kulûb*”.

We frequently encounter cases in which the Sultan, in return for demands from his subjects, orders that “in mercy to their prevalent conditions”(*hallerine merhameten*) he would either forgive the subjects or change the conditions of a previously determined punishment or make the traditionally implemented practice more flexible. In some of these contexts, compassion (*merhamet*) denotes either

mercy or pity while in others it denotes a social signal, informing that *reaya* is suffering, signaling that there's something wrong going on with the symbolic code of protection or in the practice of an enacted law. Below, term's use in different contexts is elaborated.

A copy of *ferman* recorded in the judicial court register dating 1828 is quoted below:

“kıdvetü'n-nüvvabü'l-müteşerri'în Kütahya nâibi mevlânâ zîde ilmuhû tevki-i refi-i hümayun vasıl olıcak malûm ola ki dersaadetimde Kumkapıda mütemekkin ermeni gariplerinden Küpeli ebe iskât-ı cenin misüllü hilaf-ı rıza harekete ictisal eylediğine mebni bundan akdem sadır olan emr-i şerifim mucibince li-eclü't-te'dib Kütahyaya nefy ve icla olunmuş ise de mersûmenin nefy tazi hayli müddet olarak fukara ve ihtiyarlık sebebiyle müzdarib ve perişan ve vucuh-ı merhamet ve şefâate şayeste ve şitayan olduğundan bahisle afv ve itlak olunması hususu mersumenin zevciyle kızı taraflarından bu defa südde-i saadetime arzuhal takdimiyle istirham olunmaktan nâşi hususu mezbûr seredi bayı hassamdan olan Rum ili kazaskeri esbak a'lâmü'l-ulemâi'l-mütebahhirin mevlânâ Mustafa Behçet edamallahü teala fezâilehûya havâle olundukta mersume adeti reddiyeye sabıkasından vucuh ile kabil terbiye olduğu tahkik gelindiği beyanıyla iskat-ı cenini humarından fima ba'd keyyed ve feragat ile sanatında arzıyla meşgul olmak ve ba'de'l-yevm iş bu kar-ı şer' eylediği mesmu olduğunda te'dibinde diğer vecihle muamele olunmak şartıyla merhameten afv ve itlakı babında emri şerifim suduruna hâvi ilâm etmekle ilâmu mucibince mersumun afv ve itlak olunması fermanım olmağın imdi şurut-ı mezkure üzre mersumun cürmü afv ve itlak olunduğu sen ki nâib-i mumaleysin malûmun oldukda şurutu itlakını guş u huşuna gereği gibi telkin ederek kabzı nakizine tahliye-i sebine mübaderet eylemen babında ferman-ı âlişanım sadır olmuşdur buyurdum ki fermanım vusul buldukta bu babda vech-i meşruh üzere şeref-yafte-i ferman-ı vâcibü'l-ittibâ ve lâzımü'l-imtisalimin mazmun-ı itâ'at-makrunuyla âmil olasız şöyle bilesiz alâmet-i şerife i'timad kılarsız.”²³⁹

²³⁹ Mustafa Yavuz, Kütahya Şer'iyeye Sicilleri 15 Numaralı Defterinin Transkripsiyonu ve Değerlendirilmesi (Unpublished master's thesis, Kütahya: Dumlupınar Üniversitesi, 2009), 111.

It is understood that an Armenian women in Kumpakı Istanbul who was a midwife (*ebe*) had previously performed some illegal acts like termination of pregnancy (*ıskat-ı cenin*), which were disapproved by the society (*hilaf-ı rıza*) and therefore she was expelled (*nefy ve icla*) to Kütahya to be disciplined. She lived in Kütahya for a long time suffering from her impoverishment and her elderliness (*hayli müddet olarak fukara ve ihtiyarlık sebebiyle muzdarib ve perişan*). The daughter of this Armenian wife appealed to the Imperial Council and demanded from the Sultan that her mother be forgiven (*afv*) and released (*itlak*) grounding her demand to the fact that her mother deserves to receive compassion (*merhamet*) and intercession (*şefaât*). Rumeli Kadiaskeri Mustafa Behçet Efendi was appointed for the investigation and he ascertained that the Armenian midwife had renounced her previous conviction (*adet-i reddiye-i sabıkasından rucû'*) and that she was determined to perform her profession in an honorable way (*san'atında ırzıyla meşgul olmak*) from then on. Based on his investigation, Rumeli Kadiaskeri indicated that the midwife had been disciplined and that it would be appropriate to forgive her due to her present conditions deserving the Sultan's mercy (*haline merhameten*) and let her punishment continue in another way. Finally, the Sultan ordered the judge of Kütahya to forgive and release the midwife upon inculcation (*telkin*).

Another ferman dating H.1243/M.1828 is quoted below:

".....kıdvetü'n-nüvvabü'l-müteşerri'in Kütahya nâibi mevlânâ zide ilmuhû tevki-i refi-i hümayun vasıl olucak malûm ola ki bundan akdem Aydın kazasında mezunen bi'l-ifta olan hilaf-ı rıza hareketi ibtidarına mebni Kütahyaya nefy ve icla olunan Ahmed Rafiin mütteti nikaından beri memleketinde olan iyi hali ve evladı bi-kes ve perişan kalarak vucuhla merhameten şayan olduklarından bahisle merkumun afv ve itlakı hususuna müsaade-i aliyem erzan kılınması iyi hal ve evladı taraflarından arzuhal

takdirleriyle istida istirham olunmaktan naşı merkumun merhameten afv itlaki babında emr-i şerifim suduruna bi'l-fül şeyhü'l-İslam ve müftiyü'l-enâm olan kadızade alamü'l- ulemai'l-mütebahhirin efdalü'l-füdala-i müteverriin mevlânâ Mehmed Tahir edamallahu Teala fezailehu işaret etmeleriyle işaretleri mucibince amel olunmak fermanım olmağın imdi sen ki naibi mumaileyhsin mezburun harbi afv ve müdde-i ma'lumun oldukça fi ma ba 'd arz ve edebiye mukayyit olup mugayir-i rıza harekette bulunmaması hususuna guş u huşuna tefhim birle kaydı ta'yitten tahliye-i sebiline mübaderet eylemen babında ferman-ı alışanı sadır olmuştur buyurdum ki hükmü şerifimle vusul buldukta bu babda vech-i meşruh üzere şeref-yafte-i sudur olan ferman-ı vacibü'l-ittiba ve lazımu'l- imtisalimin mazmun-ı itaat-makrunuyla amel ve hareket ve hilafında hazer ve mücanebet eylesüz şöyle bilesüz alamet-i şerife itimad kılász tahriren fi evahir-i şehri rebü'l-ahir li sene selase ve erba 'in ve mieteyn ve elf vasale ileyna kayd şod. fi 6 Ca sene 243 Konstantiniyye el-mahruse.²⁴⁰

The *müftü* of Aydın executed some action, which were disapproved by the society (*hilaf-ı rıza*) and thus expelled (*nefy ve icla*) to Kütahya to be disciplined. But now, he's entitled to demand *merhamet* from the Sultan. The reason behind such demand was the fact that he was well behaved from the first day of his expulsion, and additionally his children were desolate (*bîkes*) and scattered (*perişan*). His children, wife and the family members (*evlad u 'iyali*) officially requested (*istida*) that he would be forgiven and they asked for the Sultan's mercy (*istirham*). Şeyhülislam Kadızade Mevlana Mehmed Tahir Efendi gave his own opinion on the subject complying with the requesting party. The Sultan then issued his order and sent it to the *naib* of Kütahya, ordering that the *müftü* would be forgiven and let free on the condition that he would be warned not to perform against the

²⁴⁰ Mustafa Yavuz, Kütahya Şer'iyeye Sicilleri 15 Numaralı Defterinin Transkripsiyonu ve Değerlendirilmesi (Unpublished master's thesis, Kütahya: Dumlupınar Üniversitesi, 2009), 101.

consent of society (*mugayir-i rıza*) and behave mannerly bounding to honor and chastity (*ırz ve edebine mukayyed olub*).

In these two above-mentioned documents, both the Armenian midwife and the *müftü* of Aydın were expelled to Kütahya for their behaviors which were against the consent of the society. While the two were serving their sentence, their families appealed to *Divan-ı Hümayun* and demanded that they be forgiven. While the Armenian midwife was suffering because of impoverishment and elderliness, the family of the *müftü* was suffering in a helpless condition. The Sultan's pardon of two cases shows that punishment was implemented as a means for amelioration (*ıslah-ı nefis*). Because, in both cases they were forgiven only when it was assured to the Sultan that the committed crime would not be repeated any more. It was believed that such a pardon would relieve not only the wrongdoers but also their families. *Merhamet* in such cases dominantly denote a feeling of pity of the Sultan. There are also cases in which *merhamet* explicitly refers to pity, as is the case in the sultanic order dating H.1193/M.1778;

“.....Bundan akdem İsmâil ser-askeri maiyyetine me'mûr dergâh-ı mu'allâ'm cebecileri çorbacılarından ikinci cema'atin çorbacısı Seyyid Mehmed Sâdık zîde kadruhû hizmet-i lâzimesinde kıyâm ve bezl-i maddûr üzre iken bi-gazâ'illâhi te'âlâ atdan düşüb bir bacağı şikest olub bir istinâd-ı sınıkcı olmadığından üç mâhdan berü zahmi müşted ve (...) ve mahall-i mezkûrda kalır ise telef-i nefis olacağını zâbitân-ı ocak tarafından inhâ olunmaktan nâşî mûmâileyhin hâl-i perişânına merhameten Astâne-i aliyye'ne gelüb hânesinde bir hâzik sınıkcı ve cerrâh ile devâ ve illetinden halâs oldukda yine hizmet-i me'mûre azîmet etmek üzre Der aliyye'ne gelmesine müsâ'ade-i aliyyem erzân kılınmış Dergâh-ı mu'allâ'm kapucubaşlarından olub hâlâ cebecibaşı olan Şa'bân Ağa dâme mecduhû i'lâm etmeğin vech-i meşrûh üzre amel olunmak fermânım olmağın imdi sen ki vezîr-i müşârün-ileyhsin mûmâ ileyhin hâl-i ızdırâbına merhameten Astâne-i aliyye'mde illetine ba'de'l-müdâvâ ve's-sıhha mahall-i me'mûresine gelmek üzre Der aliyye'ne vürûduna izn ü ruhsat-ı şâhânem erzân kılındığı ma'lûmun oldukda ber minvâl-i muharrer mûmâ ileyhin Der-

saâdet'üme ircâ'ına mûmâna 'at olunma(ma)k bâbında.....”²⁴¹

It has ordered that çorbacı Seyyid Mehmed Sâdık, whose feet were broken when he had fallen off a horse, would be brought to the Palace for his treatment. The order has been given as a pity of Mehmed Sadık's current suffering and pain (*hâl-i ızdırâbına merhameten*).

These examples cited above show how the subjects would refer to *merhamet* as an emotion code to justify their requests from the Sultan, which was a commonly shared feeling norm. This shared knowledge gives the reaya the right to request from the Sultan, to reverse the case back to its idealized state of “*telif-i kulub*” and “*mahabbet*”.

We may also argue that, display of *merhamet* in the political rhetoric as an emotion code had other functions as well. It functioned as a tool to legitimize.

Sometimes, *merhamet* is used as a tool to bring flexibility to some laws that were previously implemented and regularly practiced when it became almost impossible to obey the current law. For example, in the ferman below, an interpretation of a current rule has been made with a reference to an emotion, *merhamet*;

“.... malum ola ki, Rumilinde ve Anadolu'da zeamet ve timara mutasarrıf olan gedüklü Dergah-ı Ali müteferrikaları ve çavuşları ve Divan-ı Alişan ve Defter-i Hakani katipleri, ve şakirdleri; an-asl seferlerde vezir-i azamlar ile sefer eşüb, ve hazarlarda Der-i devlet-medarda zabitleri marifetiyle daima

²⁴¹ Kadir Özbay, 177 Numaralı Mühimme Defterinin Transkripsiyon ve Tahlili (H.1192-1193/M.1777-1778), (Unpublished master's thesis, Van: Yüzüncü Yıl Üniversitesi, 2008), 241.

hidmette mevcud bulunmak üzere mevzu' olub, hatta yedlerine verilen nişan-ı alışanda ale'd-devam Divan-ı Ali makam hidmetinde bulunalar deyü meşruh ve mestur iken bu kaidenin riayetinde adem-i ihtimamdan naşi zümre-i mezbureden bazıları taşralarda zeamet ve timarları olduğu yerlerde ve sair istedikleri mahallerde tavattun ve temekkün itmeleriyle esna-i hazarda kanun-ı kadime riayet etmeyüb,.....ancak mezburların her biri taşralarda alaka hasıl etmeleriyle hallerine merhameten evlerinde ve yerlerinde külliyyet ile mehcûr olmayıb, kanun-ı kadim dahi bil'l-külliye terk olunmayıb fi'l-cümle mer'i olmak üzere taife-i mezbureden Rumili ve Özi Eyaletlerinde mutavattın olanlar her senede 6 ay ve Anadolu'da ve eyalet-i sairede mutavattın olanlar dahi beher sene 6 ay münavebe tarikiyle gelüb, Asitane-i Saadetimde zabitleri marifetiyle iktiza iden hidemat-ı aliyyede bulunmak üzere bundan akdem şeref-yafte-i sudür olan evamir-i şerifem mucibince Rumili ve Özi eyaletlerinde olanlar müsillü sair yerlerde sakin olan gedüklüler için dahi fermanın sadır olmuşdur.”

What is revealed in this imperial order is that there's a norm coded for those servants like *müteferrika*, *çavuş*, *divan* and *defterhane katipleri* and *şakirdleri* (*kuls* of the Sultan) who are serving in the Ottoman Palace, which necessitates them to serve also in the provinces as *timar* and *zeamet* owners. It was also expected that they had to join the expeditions and return back to Istanbul as soon as the expedition was over. It is understood that the State expected the provinces to be administered by the members of the *kul* system. However, it's often observed that these servants would not go to their *dirliks*, but rather move to other places, settle there, even get married, own land and choose other occupations. Although the State is fully conscious that it was against the rules, the State is anthropomorphized showing mercy to those servants who had disobeyed the rules thus finding an amicable solution by letting those servants to serve for the Palace for six months, and to live in their newly settled places for the remaining six months. This document indicates that the relation between the State and its subjects is based on the emotion of “*merhamet*”. In its political rhetoric, the State

counts on an emotion. If there weren't any such relationship, the State would force its disobedient subjects. On the contrary, the new implementation was legitimized by the issuance of several similar orders.

Another similar order is quoted below;

“Sivas Eyâleti'nin elviye alaybeylerine hüküm ki:

Birkaç seneden berü düstûr-ı mükerrer müşîr-i mufahham nizâmu'l- 'âlem hâlâ Gence muhâfızı vezîrim Mustafa Paşa edâmallâhu tecâlâ iclâlehûnun ma'iyetinde iktizâ iden hidemât-ı dîn ü devlet-i 'aliyyemde sancaklarınızın zücemâ ve erbâb-ı tîmârlarıyla bezl-i tâb ü tüvân eyleyüb ve hâlâ hallerinize za'f târî olmağla vilâyetlerinize izin ve ruhsat virilmek üzere vezîr-i müşârun ileyh tarafından 'arz ve iclâm olunub fi'l-hakîka dört beş seneden berü ehl ü 'iyâlinizden dûr ve hidemât-ı 'aliyyede tahsîl-i rızâ-yı hümâyûnum için bezl-i makdûr itmeniz ile sa'yeleriniz mebrûr ve meşkûr olmağla hallerinize merhameten vilâyetlerinizi 'avdete izn-i hümâyûn erzânî kılınmışdır imdi işbu emr-i şerîfim ile vüsûlünde vezîr-i müşârun ileyhın ma'rifetiyle bi'l-cümle sancaklarınızı zü'emâ ve erbâb-ı tîmârlarıyla vilâyetlerinize 'avdet eylemeniz bâbında fermân-ı 'âlîşânım sâdr olmuştur, buyurdum ki.”²⁴²

It has been ordered that *timar* and *zeamet* owners who were in the service of the Gence muhâfızı vezîr Mustafa Paşa would be given permission to return to their *vilayets* (it means to their *dirliks*) which were units of taxation constituting their income. Although the timar holders were required to serve in the expeditions, a change in the already practiced rule had been made not only bringing flexibility to its practice but also legitimizing the new interpretation of the rule by a reference made to the emotion code of *merhamet*.

A record from a *mühimme* register is quoted below:

²⁴² Zeynep Kurt, “13 Numaralı ve 1727-1730 Tarihli Mühimme Zeyli Defteri (Değerlendirme-Transkripsiyon-Dizin).” (Unpublished master's thesis, Elazığ: Fırat Üniversitesi, 2005),186.

“Yenişehir kâdisına hüküm ki:

Taht-ı kazânda olan erbâb-ı hiref ve ahâlî-i dekâkîn Âsitâne-i Sa‘âdet-âşiyânüm'a âdem gönderüp; "Bundan akdem kendü mâllarıyla kârgîr dekâkîn ü mehâzin binâ itdürüp veyâhûd akça ile satun alup vefât eyledüklerinde oğullarına ve kızlarına intikâl idüp eytâma sebep-i ma‘âş olurdu. Ba‘dehû; "Kızlara dükkân ü mahzen virilmeye." diyü mütevellilere ahkâm virilmekle hâl-i hayâtlarında mâ-meleklerin dekâkîn ü mehâzine virenler vefât eyledüklerinde yetîmeleri şiddet-i ihtiyâc ile muhtâc ü zelîl oldukların" bildürüp; "kızlarına virilmek" bâbında istid‘â-yı âtifet eylemeğin mezîd-i merhametümden işbu sene: 978 Cemâziye'l-ülâsî'nun sekizinci gününden kızlarına dahi virilmek emridüp buyurdum ki:

Hük-m-i şerîf-i vâcibü'l-ittibâ‘um vardukda, emrüm üzre evkâfa müte‘allik dekâkîn ü mehâzinün eger kârgîr binâlarıdır ve eger gayridür; anun gibi müste‘cirleri vefât eyledüklerinde oğullarına ve kızlarına icâre-i mu‘ayyene-i câriye ile virdürüp mütevellileri ol bâbda dahl ü ta‘arruz itdürmeyüp müste‘cirlerden fevtolup evlâdı kalmayanların dekâkîn ü mehâzini ve sâyir evkâfa müte‘allik yirleri muktezâ-yı şer‘-ı şerîf üzre vakıf tarafından mütevellilere zabt u kabz itdürüp şer‘-ı şerîfe muhâlif hâricden kimesneyi dahl itdürmeyesin ve bu emr-i şerîfümü sicill-i mahfûza kayditdükden sonra ellerinde ibkâ eylesin ki, dâyimâ mazmûn-ı hümayûnı ile amel oluna, şöyle bilesin....”²⁴³

It is understood that previously, when those who owned shops and cellars which were built as waqf property passed away, the property of the shops and cellars were used to be inherited by the sons and daughters of the deceased, which constituted the allowances of the orphans. However later, it was ordered to the *mütevellîs* of the waqf that only the sons of the deceased would be entitled for the inheritance of shops and cellars. We understand that the owners of those shops (*ahali-i dekakin*) and craftsmen (*erbab-ı hiref*) sent their men acting on their behalf and officially requested (*istida‘*) benevolence (*atifet*) from the Sultan to change this rule so that the daughters would also have the right to inherit the

²⁴³ 12 Numaralı Mühimme Defteri (978-979/1570–1572), (Ankara: Devlet Arşivleri Genel Müdürlüğü, 1996), 171.

shops and cellars by contending that the daughters became seriously needy and contemptible (*zelil*) after their fathers' death. Based on their demand, the Sultan with his abundant compassion (*merhamet*) ordered that the rule would be changed so that the daughters of those deceased tenants would be able to inherit.

The next example is a *ferman* dating 1668 quoted below:

“*Mefâhirü'l-kuzât ve'l-hükkâm ma'âdini'l-fezâili ve'l-keâm Kayseriye sancağında vâkı' olan kâdîlar zîde fazluhum ve mefâhirü'l-emâsil ve'l-akrân kethudâyirleri ve yeniçeri serdârları ve a'yân-ı vilâyetin iş erleri zîde kadruhum tevkî'-i refî'-i hümâyûn vâsil olıcak ma'lûm ola ki inşâe'llâhu te'âlâ işbu sâl-i ferhunde-fâlde bi'z-zât cenâb-ı hilâfet- meâbım ve devlet ve ikbâl ve sa'âdet-i iclâl ile Girid cezîresinde serhadd-i İslâmiye'ye karîb küffâr-ı dūzah karâr yedlerinde olan kal'aların bi'avni'llâhi te'âlâ feth u mashariyeti ile sefer-i hümâyûna teveccüh ve azîmet-i şerîfim mukarrer ve muhakkak olmağla bi'z-zât rikâb-ı hümâyûnumla sefer-i zafer-şi'ârıma me'mûr olan kapum kulları vesâir asâkir-i İslâm için menâzilde ziyâde zahîre lâzım ve tedârük ve ihzârı mühim olmağla bin yetmiş sekiz senesinde livâ-i mezbûrda vâkı' kâdî'asker İsa sürsat zahîresi ihrâc ve menâzile îsâl ve irsâli fermânım olmuşidi lâkin mesâfe ba'id olub aynî ile zahîre nakli re'âyâya asîr olmağla hâllerine merhameten nüzülleri tahsîl olunmak ne vechile evlâ ve akta' olmağın irsâl olunan mühürlü ve nişânlu mevkûfât defterinde her bir kazâya ta'yîn ve tasrîh olunduğu üzere şa'îrin her bir İstanbul kilesini altmış akçe ve dakîkin her bir kilesin yüz yirmişer akçe ve koyunun bir re'si ikiyüz yirmişer akçe ve revgan-ı sâdenin her bir vukiyyesine.....”²⁴⁴*

It was issued addressing all the judges and all the members of military class in the sancak of Kütahya. We understand from the content of the *ferman* that the Girit expedition was still continuing and the Sultan had sent his army to the island to conquer the fortresses. The importance of the provision of the army's basic food and drink necessities was emphasized by ordering that the subjects settled along

²⁴⁴ Leyla Alidağı, “78/3 Numaralı Kayseri Şer'iyye Sicili (H. 1078-1079/ M. 1668) Transkripsiyon ve Değerlendirme,” (Unpublished master's thesis, Kayseri: Erciyes Üniversitesi, 2009), 229.

the route of the army would supply the required provisions of the army and deliver them to the military base. However, it is stated that it was difficult for the subjects to transport the provisions of the army in kind since the distance between the subjects' settlement and the military camp was remote. Again the mentioned condition of the subjects deserve the compassion of the Sultan therefore *merhamet* is demanded from the Sultan. In the succeeding wording of the document we understand that "as compassion to the prevalent conditions", in which it is hard and inconvenient for the subjects to transfer the provisioning to the army camp in kind, the Sultan ordered that the *nüzul tax* obligation of the subjects paid in kind would be changed to payment in cash. Furthermore, it has been added that the change of payment terms from kind to cash is the most suitable and the most beneficial (*evla ve enfa*) decision to be made. It's possible to see all the symbolic and accompanying emotion codes in this document. The *avarız tax* could actually be paid either as service made to the State or in cash or in kind. The conditions of the expedition normally would determine the terms of the payment. In the above-mentioned case, although it was more preferable and suitable for the army that the terms of the tax payment would be in kind, the terms of the tax obligation was changed from kind to cash since the transfer of the payment to a distant place in kind would be a burden on the part of the reaya. The symbolic code of protection, *siyanet*, demanded the Sultan to behave in a particular way, with *merhamet*, and it was used as a justification of a newly implemented rule.

It would be appropriate to further conceptualize yet another term, *evla ve enfa* that means the most suitable and the most beneficial, mentioned in the previous ferman. Because, this is also a term similar in its function to "*hallerine*

merhameten”, frequently used as a tool to legitimize implemented rules and regulations. The term was firstly analyzed by Ergenç where he pointed out that although it was commonly used in state-subject relations, it was also used as a tool for the settlement of the disputes in individual-society relations, in waqf related conflicts and also for the rules implemented regarding the individuals in need of protection like *sabi* (male child) and *pir* (old man).²⁴⁵ Ergenç argues that the expected consequences from this rule were threefold. The first one was to find to most beneficial solution while the second one was to amicably resolve a conflict and the third one was to legitimize the solution.²⁴⁶

In all of these cases, there has been deterioration in the symbolic code of protection, *telif-i kulûb*. The Sultan, who is obliged to protect his subjects regardless of their religious, ethnic, spatial, occupational or otherwise identities with compassion to restore his power, could not do so leading to suffering of the subjects. The subjects in other words, lost their prosperous conditions both materially and emotionally (*müreffehü'l-bal*) thus; their submission to the Sultan voluntarily with affection was in danger. Social signals were sent to the Sultan that the codes of *telif-i kulub* and *mahabbet* had lost their meaning and function. *Merhamet* was requested from the Sultan, so that the suffering condition of the reaya would be resolved. Reconsidering the condition of the reaya, the Sultan then shows compassion, which in some cases denotes the pity of the Sultan, while in

²⁴⁵ Özer Ergenç, “Osmanlı’da Enfa Kuralının Devlet ve Reaya Arasındaki Mali İlişkiler Açısından Anlamı,” In *Osmanlı Tarihi Yazuları Şehir, Toplum, Devlet* (İstanbul: Tarih Vakfı Yurt Yayınları, 2012), 429-442.

²⁴⁶ *Ibid.*, 432

others as a tool to justify a change in the implementation of a rule, but in either case his subjects would continue their voluntary submission with affection.

4.4.5. Oppression/Transgression and Fading out of Protection

There are other terms, which also denote the deterioration of the *te'lif-i kulub* and *mahabbet*, which we encounter frequently in the Ottoman sources. The phrase “*zulm ve teaddi*” and its functions of display in the Ottoman political rhetoric is explored in this section. Again, the emotion code of *merhamet* is highlighted in the demands of the subjects and the orders of the Sultan to reverse the consequences of a political act back to the symbolic and emotion codes of the idealized model.

The weakness in the Sultan’s feature as a protector which denotes the deterioration of the symbolic code of *te'lif-i kulub* both in its in its meaning and function as a social bonding concept, is most frequently reflected in the documents as oppression (*zulm*) and transgression (*teaddi*). *Zulm* also denotes the opposite of justice (*adalet*). Usually *zulm ve teaddi* is defined as the conduct of the members of the *askeri* class whom the Sultan delegated his authority to govern by hurting or annoying the subjects. This hurting and annoying is termed as “*rencide ve remide*”²⁴⁷. However, the main task of the members of the *askeri* class, both the *örf* members ranging from *eyalet valisi* to *timar* holder and the *kadı*s, was to protect the subjects in the name of the Sultan. Mumcu categorizes

²⁴⁷ *rencide etmek*: to hurt (someone’s feelings), to annoy.

remide:fugitive; scared; disturbed, afflicted.

zulm as “collecting money without legal justification, which is in excess of prescribed sums or under false pretexts, to divert money into one’s pocket, to use unjustified force and to join forces with rebel”.²⁴⁸

As depicted in Figure 6 below, in such cases the symbolic code of *siyanet* is converted to the symbolic code of “*zulm ve teaddi*”. This term may also be considered as a social signal informing that the subjects are in need of protection with compassion and that there’s something wrong going on in the power relations. The subjects being protected with compassion are now faced with oppression and transgression, which converted the condition of the subjects from emotional (*müreffehü ’l-bal*) and material prosperity (*müreffehü ’l-hal*) to a state of being dispersed and scattered (*perakende ve perişan*). And therefore informs the Sultan that the subjects may not submit to the Sultan affectionately and voluntarily thus demanding his compassion. The Sultan willing to restore his power, which requires submission of his subjects with affection, takes some measures to revert back to the state of “*te ’lif-i kulûb*”.

²⁴⁸ Gottfried Hagen, “Legitimacy and World Order,” In *Legitimizing the Order The Ottoman Rhetoric of State Power*, ed. Hakan Karateke and Maurus Reinkowski (Leiden: Brill, 2005), 72.

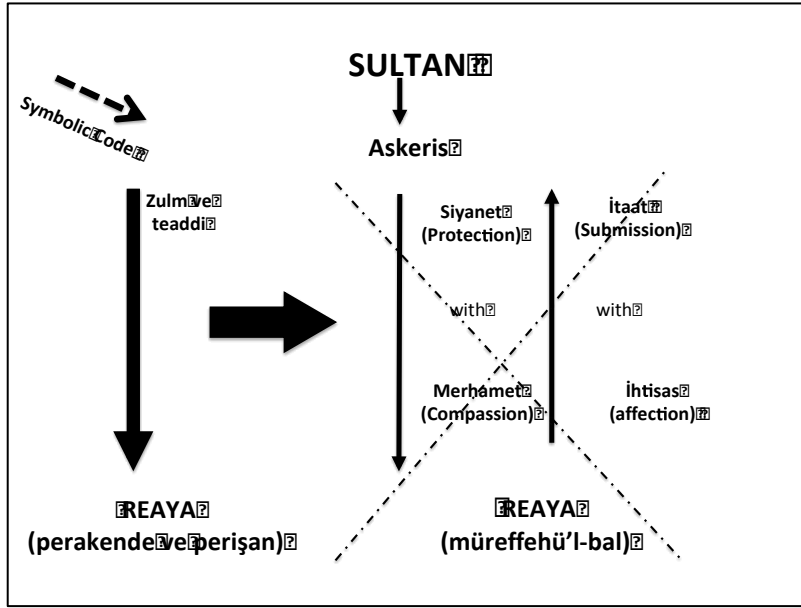


Figure 6. Zulm ve Teaddi

As evidenced from the cases below, the first reaction of the *reaya* who were *perakende ve perişan* would be to send petitions (*arz ve mahzar*) directly to the Sultan and demand protection with an accompanying emotion code of compassion. The Sultan in return, would issue *fermans* to terminate the *zulm and teaddi*, which incur phrases ranging from simple warning to threat. In the wording of these *fermans*, mostly the symbolic and accompanying emotion codes are used simultaneously, however, even if one is missing the accompanying code would be perceived accordingly. If the *zulm and teaddi* is terminated or prevented by the various measures taken, the power relations would return back to its state of “*te’lif-i kulub*” as shown in Figure 7 below. In this process, both parties, the subjects and the Sultan, are inclined to get away from the present state and revert back to the state of “*te’lif-i kulûb*”. The documents are replete with such cases

where either the subjects as a group or individually demand compassion as a reaction to oppression and transgression.

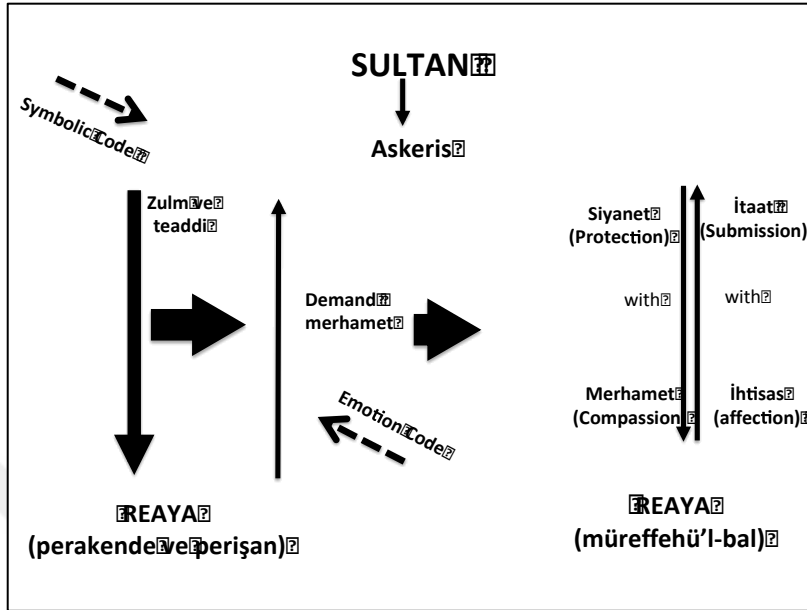


Figure 7. Reversal of Zulum ve Teaddi

Below some examples are given from Ottoman primary sources to substantiate my arguments. Previously mentioned *ferman* dating M.1637 continues as follows: “I have heard that excessive tax payments deemed as oppression and transgression were demanded from the subjects. They are entrusted by God the Almighty to me, and thus entitled to be protected with compassion..... (*reayaya zulm ve teaddiye müteallik nice tekalif teklif olunmağla, enva-i cevır ve teaddi ve zulm ve te’ezzi olunduğu semm-i hümayunuma ilka olunmağın tevaif-i reaya ki vedayi-i halik-i kibriyadır haklarında mezid refet ve şefkat ve vufur-ı mekremet ve merhametim zuhura getürdüb...*) The symbolic code of protection transforms into its opposite indicating that the subjects are under oppression, they are hurt and annoyed and suffering under the burden of excessive tax requirements demanding the Sultan’s

compassion. Since the subjects remain unprotected by the Sultan, they have the right to demand compassion. Symbolic code of oppression is accompanied by demanding compassion.

Furthermore, it is expected from Bayram Paşa to treat the subjects with affection (*şefkat*) and compassion (*reayaya şefkat ve fukara ve zuefaya merhamet ile hareket*) demanding a particular way to behave, which in this case is defined as paying out the expenses for the provisions like food and drink rather than imposing an additional tax payment named *sürsat* (*reayaya mahz-ı merhamet ve şefkat için sürsat-ı zahire salmayub, narh-ı ruzi üzere bulunan yerde zadu zadesin akçesiyle*)²⁴⁹. Once the expected behavior is achieved which denotes waiving of tax payments in this particular case, protection of the subjects by the Sultan is retrieved. In other words, the symbolic code of protection with accompanying emotion code of compassion is restored which makes the subjects emotionally prosperous and happy (*asude-hal ve müreffehü'l-bal*). Additionally it is ordered that illegal tax demands would be prevented by reducing the tax obligations and thus the hearts of the reaya would be rendered tranquilly and treated kindly (*tekalifleri tahfif ve kalblerin tatyib ve taltif*). And it is again emphasized that the subjects are those entrusted by God, the Creator of mankind, whom for this reason are to be treated with compassion, their conditions have to be stabilized and kept in order (*bi'l-cümle tevaif-i reaya ki vedayi'-i haliki'l-berayadır (yaratıkların, mahlukatın, insanların yaratıcısı) cümlesine şefkat ve*

²⁴⁹ During the expeditions, necessities of the Ottoman soldiers were supplied by the locals producers on the route. It was demanded that the the soldiers would pay for the cost of their purchase of any kind from the locals. However, sometimes the military members would demand additional payments from the reaya illegally to cover up such expenses of the army which was termed as *sürsat*.

merhamet olunmak ve hallerine istikrar ve intizam virilmek aksa-ı murad-ı

hümayun. In other words, it is the most sincere will of the Sultan that in his era of justice, the burden on the reaya would be reduced which will please their hearts, and this will ensure the continuation of the lives of the reaya in an orderly manner. What is striking here is the phrase “*bi’l-cümle tevaif-i reaya*”. Reaya is regarded as an overarching identity with no distinction made between various sub-groups. In other words, it is revealed that even though reaya constitutes of various different sub-communities, the hearts and minds of all distinct communities were united. In the last section of the order, the Sultan directly addresses Bayram Paşa and states that “from now on, if I hear that the reaya and the poor are under oppression and transgression of *ümera* or anybody besides *ümera*, I will blame you, and your excuses will not be accepted and your answers will not be listened to, and you will be severely punished and vehemently insulted” (*bundan sonra reayaya ve fukaraya ümeradan ve gayriden cevr ve teaddi ve zulm ve te’ezzi olunduğu istima’ oluna her ahval sizden bilinüb, ve bir vechle öZRünüz makbul ve cevabınız mesmu’ olmayub eşedd-i hakaret (kızgınlık) ile haklarınızdan gelinmek mukarrerdir*). The threat then is extended to also include other officers stating that this punishment was required for the purpose of admonition to those and as an advice to many others (*sairlere muceb-i ibret ve nicelere sebeb-i nasihat*).

An imperial decree dating 1685 recorded in Konya JCR is quoted below:

“Kıdvetü’l-kuzât ve’l-hükkâm ma’deni’l-fazl ve’l-keLâm Gaferiyâd kadısı zîde fazluhû tevki’-i refi’-i hümayûn vâsıl olıcak ma’lûm ola ki kazâ-i mezbûre ahâlîsinin otuz yedi buçuk bir rub’ ‘avârîzhânesi olub ahâlîsinin ol mikdâr ‘avârîzhânelerin edâya iktidârları olmamağla hallerine merhameten yedi buçuk ve bir rub’ hâneleri tenzîl ve füzûnehâde olunub üzerlerinde otuz ‘avârîzhânesi kalduğuna ellerine mühürlü ve nişânlu medkûfât-ı defteri sûreti virilmeğın mücibince ‘amel olunmak fermânım olmuşdur buyurdum ki

hük-m-i şerîfîm vardıkda bu bâbda sâdır olan emrim üzere 'amel idiüb dahî kazâ-i mezbûr ahâlîsi perâkende ve perîşân olmağla kadîmî hânelerinden yedi buçuk ve bir rub' hâneleri füzûnehâde olunub üzerlerinde otuz 'avârizhâneleri kalduğuna ellerine virilen mühürlü ve nişanlı mevkûfât defteri sûreti mûcibince edâ eylediklerinden sonra füzûnehâde olunan yedi buçuk ve bir rub' hâne için hilâf-ı defter kazâ-i mezbûr ahâlîsin rencide itdirmeyesiz şöyle bilesiz 'alâmet-i şerîfe i'timâd kulasız tahrîran fi'l- yevmi's-sânî şeh-r-i Muharremi'l-harâm li-sene isneyn tis'in ve elf.'"²⁵⁰

The inhabitants of one of the kaza in Konya sancak, appeals to the Imperial Council (*Divan-ı Hümayun*) and make a complaint regarding their *avarız* tax payments. According to the document, since the population of their kaza has been reduced, they have previously requested a reduction in their *avarız* tax payments, which are due per house. Their previous requirements were determined as 37.5 one *rub*, however, as per their request, it was reduced by 7.5 one *rub* to 30. Their previous request for this reduction has been found fair and just, therefore their tax obligations have been revised as a mercy felt by the Sultan to their prevalent condition (*hallerine merhameten*). However, without considering the newly issued order, which reduced the tax obligations, the *askeri* members collecting the *avarız* tax obligations, insisted to demand previously determined tax obligations for 37.5 and 1 *rub*. It has been emphasized that, demanding the previously determined high tax obligations would be considered as *rencide* (hurting feelings). *Rencide* as a term refers to *teezzi* (pain, suffering) and *teellüm* (grief) as an expected emotional display of emotions. Furthermore, it has been ordered in strict terms with a strong language, to immediately stop requesting high taxes from the

²⁵⁰ Mehmet Ali Güven, “33 Numaralı Konya Şer’iye Sicili (Değerlendirme ve Transkripsiyon)” (Unpublished master’s thesis, Konya: Selçuk Üniversitesi, 2006), 534.

subjects. Again, an appeal to an emotion, to compassion is highlighted, which is an emotion code with an implicitly accompanying symbolic code of protection.

A *buyruldu*, the full text of which is in Appendix III, issued by Anadolu valisi vezir Yahya Paşa, clearly indicates the job description of the *askeri* class members, and further defines what was considered as transgression. The responsibility of any member of *askeri* class is defined as;

“..... *memalik-i mahruse-i bilâd-ı İslamiyye’de vaki’ sükkân-ı memleket ve kuttan-ı vilayet ki vedayi’-i Haliki’l-beraya olan fukara-i raiyyet ve mürûr ve ubûr iden ebna-i sebîlin kutta’-i tarik ve haramzâdeden himaye ve siyanetde ve herkes kar u kisblerine istigâl ile fariza-i zimmet-i enam olan dua’-ı devlet-i hazreti padişâhiye müdâvemet ve mevaziyyet ve cümlelerin emn ü asayiş ile müstedîm olmaları vulât ve hükkâm üzerlerine lazime-i zimmet olub...*”²⁵¹

It states that protecting the *reaya* and the voyagers passing through the lands of the Ottoman State from highway robbery, brigandage and villains, ensuring that everybody is occupied with his own business, enabling the subjects to continue to pray for the Sultan and proving a safe and secure life for the subjects are the main obligations of the *askeri* class members (the governors and judges). Moreover, misconduct of this requirement or hurting the feelings of or any act annoying the *reaya* while conducting their responsibilities is defined as corruption.

“.....*fukaranın rahatları meslûbuna bâdi ve muhtel-i nizâm-ı bilâd olan muharriklerin te’dib ve gûşmalleriyle tathir-i memleket zımında Anadolu valilerinin senede bir kaç defa bayrakları geşt ü güzâr ve birer bahane ile cem’-i mebalîğ ve yem ve yiyecek ve konakçı ve bayrak akçeleri namıyla fukaraya teaddileri cümlelerin ma’lum olub....*”²⁵²

²⁵¹ Appendix III, issued by Anadolu valisi vezir Yahya Paşa dating H.1165,

²⁵² *ibid.*

It is further detailed in the quote above that, if the Anatolian governors, who are required to move around a couple of times a year with their armband to prevent the *eşkiya* (*brigands*) from annoying the subjects, would misuse their duties by demanding cash or any other payments under the name of either “*yem-yiyecek ve konakçı akçesi*” or “*bayrak (devr) akçesi*” illegally and such acts would be defined as transgression. Yahya Paşa as the one who issues this *buyruđı* further states that, such illegal acts were frequently seen before his appointment, and that it is demanded that such oppression and transgression has to be prevented within his period of duty. Yahya Paşa further states that even if the military officials do not demand illicit tax or any other excessive payments from the *reaya*, it would still be troublesome for the *reaya* to serve food and necessities for the overcrowded entourage of the officials while moving around ensuring protection. Yahya Paşa adds that this practice was often witnessed during the period of office of the previous governors, which is and should be considered as oppression and transgression. He therefore demands that military officials should be cautious in organizing their forces appointed to ensure security with special emphasis to the amount of forces so that they would not be a burden for the *reaya* (.....*bundan akdem buyruđumuz ile tenbih olunmuşken mütenebbih olmayıb, eslâfımız müsillü bayraklarımız ile külliyetli mübaşir ile teftiş olunmak lazım gelse ve bir pâre ve bir akçe alınmasa dahi yine yem ve yiyecek için bu kadar mesarîfiniz zuhur ideceđi malumumuz olduğundan fukarayı siyanete hafîfü’l-müenne (çok fazla şey istemeyen, çok yük yüklemeyen) mübaşir ta’yin ve irsal kılınmađla ol makule erâzil ve eşkiya her gangınızın taht-ı kaza ve hükümetlerinde bulunur ise marifet-i şer’ ve zâbitân ve ta’yin olunan mübaşir marifetiyle ahz ve suret-i sicillatla*

mübaşir-i mümaileyhe teslîme ve ibreten li'l-sâirîn te'dib ve guşmâl için ihzar idüb....).

In another *ferman* recorded in the Ankara judicial court register no: 135, the full text of which apperars in Appendix IV, dating H.1164 addressed to the *naib* of Ankara we understand that, *naib* Mehmed Aziz sent a letter to the Sultan and requested that a new imperial order be issued. In his letter, the *naib* stated that, the Sultan had previously in H.1153 (11 years ago) issued an order addressed to the *mutasarrıfs* of Ankara regarding the collection of *hazeriyye* tax and demanded that once the taxes of both *seferiyye* (collected during expeditions) and *hazeriyye* (during peaceful times) had been duly collected as required, the *mutasarrıfs* should never request any additional payments in any name be it *devr*, *kaftan*, *zahire*, *nal* charges or *öşr-i diyet* or whatsoever from the *reaya*, and the *mutasarrıfs* should not send any military force or *mübaşir* demanding and forcing them to pay. For the past three years, the *mutasarrıfs* were strictly conforming to the order and the *reaya* were prosperous and living happily (*asude-hal*). However, during the last couple of years, the *mutasarrıfs* started acting contrary to the previously issued sultanic order. The prevalent condition of the *reaya* thus altered from the state of being *asude-hal*. The *naib* therefore requested the sultan to issue a new order to prevent the oppression and transgression of the *reaya*. The sultan, after investigating the related registers of *hazeriyye* tax payments which was determined to be 4750 guruş per year to be paid in 3 installments, issued his new order and strictly prohibited the *mutasarrıfs* to demand anything from the *reaya* under any name whatsoever in excess of the already determined *hazerriye* tax obligations. The Sultan demanded also to stop hurting the feelings (*rencide*) of the

reaya and annoying (*remide*) them and continue to protect them (*himayet ve siyanet*) by fully conforming to the *hazeriyye* tax collection regulations.

It is also worth mentioning here an imperial order dating 1751, the full text of which appears in Appendix V, since it further supports what has been revealed in previous *buyruldu* and brings a broader explanation. The ferman was apparently issued to prevent illegals acts against the Rum and Armenian subjects who wish to visit the Kamame Church in Jerusalem. The *mütevelli kaimmakam* of the Haseki Sultan waqf in Jerusalem requested the issuance of this order. The addressees of the ferman are quite many including the *valis* of Anadolu, Erzurum, Diyarbekir, Karaman, Sivas, the *Beylerbeyi* of Maraş, the *kadıs* of Amid (Diyarbekir), Erzurum, Maraş, Sivas, Adana, the *naibs* of Konya, Kütahya ve Maraş, all the *kadıs* and *naibs* and *örf* class members of places located on the routes to Jerusalem. It is apparent that the addressees of the *ferman* are the members of *askeri* class who are servicing in places where the Rum and the Armenian taifes were densely populated. The complaints of the Rum and Armenian taifes were stated as follows;

“.....Sivas ve Erzurum ve Diyarbekir ve Anadolu ve Karaman ve Adana ve Maraş eyaletlerinde vaki’ elviye ve kazalardan Lazkiye ve İskenderun ve Antakya ve sair mahallerden Kuds-ı Şerife gidib gelen Rum ve Ermeni taifesi Adana’dan ve mahall-i mezbureden mürur ve ubur ve gidişde ve gelişde kasabat ve kurada ve derbend ve geçitlerde esna-i rahda bir ferd mesfurları rencide ve remide idegelmiş değil iken mahall-i mezburede olan ehl-i örf taifesi ve sairleri siz Kuds-i Şerif’e gidersiz, bize virgü ve gufr namıyla akçe virin deyü nice müddet tevkif ve yollarından alıkoyub külli akçelerin ahz ve cevr ve teaddi eylediklerinden gayrı iskele eminleri daha sefine kapudanları ile yek-dil ve matlubları olan sefinelere süvar olmağa mümanaat ve ziyade navl ile diledikleri aher sefineye koyub bu vechile cevr ve teaddileri hadden ziyade olmağla....”.

Although it was forbidden for the *örf* members to interfere those who travel back and forth along the towns, villages, *derbend* and *geçits* between the above mentioned places and Jerusalem, they had demanded tax payments against the law, prevented the passengers to pass and forcefully took their properties. All of these acts are considered to be *cevr* (oppression) and transgression. *İskele emins* (port officials) interfered with the passengers who were traveling by sea, preventing them to board on the ships that they would prefer by forcing them to travel by ships that were excessively loaded thus threatening their lives. Before issuing this ferman, it has been investigated that previously, 24 years ago, a similar order had been given to prevent *cevr* and transgression. Referring to the previous order issued, strong orders were issued back then. This ferman is also important since it is concerned specifically with the non-Muslim subjects. As it has been previously emphasized, all the subjects regardless of their religious identity were considered as those whom were all entrusted by God, and who were to be protected by the Sultan in the name of God.

What is revealed from the political rhetoric of all those imperial orders is that, all the political parties, including the reaya, the *askeri* members and the Sultan, shared a common political and also an emotional script, perceiving the underlying symbolic and accompanying emotion codes in the same manner reflected in the fermans used as a venue for communication, which demand a particular way to behave and a particular way to feel. The main aim of the political rhetoric of the fermans denotes unifying all the subjects regardless of their various secondary identities by appealing to their emotions and emphasizing the commonly accepted symbolic and emotion codes repeatedly.

4.4.6. *İnfisâl-ı kulûb*

Despite the requests of the reaya, if the illegal acts defined as oppression and transgression would continue, the symbolic and emotion codes would also change necessitating both the subjects and the Sultan to behave and feel in a particular way. The Sultan, loosing his feature as the protector of the subjects with compassion, the distorted and scattered subjects would then feel *teezzi* (pain) and *tezellüm* (grief). Due to their prevalent conditions, the subjects will not be able to submit to the Sultan with affection. The new symbolic codes, *habaset* (villainy, infamy, baseness), *şekavet* (villainy, brigandage; a being wretched and miserable; misery, wretchedness), *şena'at* (a being abominable, foulness, wickedness) and *mübayenet* (conflict, divergence; a being seperated, separation, severance) accompanied with emotion codes *teezi* (a being hurt, a being annoyed, pain, suffering; a being ill-treated or wronged, oppression), *teellüm* (distress, grief, sorrow) and *istikrah* (aversion, hate) will take the place of previous codes. In other words, the symbolic codes of *itaat*, *ubudiyyet*, *imtisal*, and *inkıyad* will be replaced by *habaset*, *şekavet*, *şena'at* and *mübayenet*. Similarly emotion codes of *istikamet*, *ihtisas*, *sadakat* and *meveddet* will be replaced by *inkisar*, *teezi*, *teellüm* and *istikrah*. These codes reflecting the sense of being hurt are used in various contexts. We also encounter additional emotion codes like “*teneffür*” (disgust), “*havf*” (fear, fright), “*rub*” (to fear) and “*me'yus*” (desperate, hopeless) in the sources. Figure 8 below shows the unsuccessful attempt to revert back to the state of “*telif-i kulûb*” in which *zulm* and *teaddi* remained persistent damaging the hearts of the subjects; thus hindering them to achieve prosperity both materially and emotionally and gradually moving to a state of “*infisal-i kulûb*”.

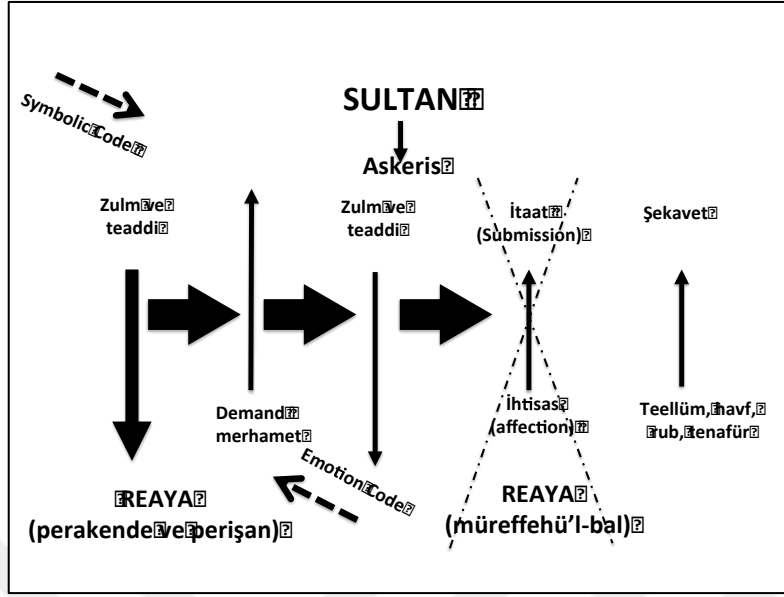


Figure 8. Unsuccessful Reversal of Zulum ve Teaddi and “İnfisâl-i Kulûb”

The state of the reaya in such pain and sorrow would be discontentment. If this state of discontent continues, the sultan would display particular warning or punishment strategies towards his subjects who do no more submit him which are reflected in the sources as *tenbihat* (warning), *terbiyet* (discipline), *ta'zirat* (reprimand) ve *te'dibat* (correcting). The accompanying emotion codes for these symbolic codes then would be “*hücnat*” (meanness), “*iğmaz*” (neglecting), “*ta'zil*” (blaming) and “*gayz*” (wrath). The general term, which explains the Sultan’s psychological state is reflected in the sources as “*inhiraf-ı zamir*” (displeasure) reflecting a change in the Sultan’s code of behavior towards his subjects.

The deterioration of power relations between the Sultan and the subjects would signify a change of state from *ittihad-ı derun* to *infirak-ı derun*, from *telif-i kulûb*

to *infisal-i kulüb*. Where *telif-i kulüb* represents the gaining hearts and minds of his subjects, *iğbirar-ı kulüb* represents the hurting the hearts of his subjects.

Infirak-ı derun or *infisal-i kulüb* means a full aversion of the subjects from submission towards the Sultan representing an irreversible phase, in cases where warning and disciplining efforts remained inconclusive. In such cases which are quite rare, the subjects claiming that the expected social and emotional code of protection with compassion had been lost, would revolt against the Sultan, which is reflected in the Ottoman sources as “*kıyam*”, “*isyan*”, “*gaile*”, “*tuğyan*”. In return of such an aversion from submission, the Sultan would use his executive tools varying from “*kuvve-i cebriyye*” to “*siyaseten katl*”. In this process, it would be inevitable that the opposing parties would display emotions of “*gayz-ı külli*” (wrath) or “*iğbirâr*” (disappointment).

4.5. Emotion Talk

In the previous section the displays of emotions and the linguistic representations of such displays in Ottoman political rhetoric is analyzed reflecting the state’s frequent reference to emotional well beings of its subjects. In this section, the “emotion talk” of the rulers focusing on emotional words within the political narratives is analyzed, showing how reading in between the lines of the narratives may give insights about the emotional norms of a particular political culture.

An example from an imperial decree dating 8 October 1571²⁵³, sent to Russian Tsar, shows the frequent expression of emotion words and reference to emotional states of Ottoman subjects as reflected in the political rhetoric towards an ally of the Ottoman State.

In the beginning of the decree, it has been stated that it constitutes a reply to the letter of the Tsar and his letter has been defined as “*name-i muhabbet-meşhûn*” (a letter, the content of which is full of affection). We may assume that the contemporary political relations between the Ottoman Empire and the Russia had been expressed with reference to the emotions embedded in that phrase. Even the context of an official letter between two empires is full of emotion words. The same concern regarding emotional expression is further displayed while giving detailed account of the political acts. Ottoman Palace was identified as a refuge for many powerful sultans. (“*Atebe-i aliyye-i alem-penâh ve Südde-i seniyye-i saadet-destgâhımız ki melâz-ı selatîn-i nâmdâr ve melce-i havâkîn-i ‘âlî-mikdârdır*”) It’s also emphasized that the Russian Tsar’s news had reached the Ottoman Palace, which was a palace where all the knowledge produced within the universe had been accumulated signifying the universal feature of the Ottoman Sultan. The Ottoman Palace has been defined also not only as a “*melce*”, a refuge, but also as a “*südde-i seniyye-i saadet-destgâhımız*”, a home of happiness. Furthermore, the Ottoman Palace this time is referred as “*pâye-i serîr-i saadet-masîrîmize*”, a source of happiness (*her ne ki ilam olunmuş ise, mufassalan pâye-i*

²⁵³ Akdes Nimet Kurat, *Rusya Tarihi: Başlangıcından 1917’ye kadar* (Ankara: TTK, 2014). Quoted from Mühimme Defteri no: No: XVI. Vesika 3:3-4.

serîr-i saadet-masîrîmize arz ve takrir olunub, ilm-i şerîf-i alem-şumûl-ı hüsrevânem muhîd ve şâmîl olmuştur). In the succeeding lines, the pleasure (*sürûr ve hubûr*) of the Sultan inspired by the friendly relations between the Ottoman Sultan and the Russian Tsar is signified, adding that it is one of the foremost responsibilities of the Ottoman Sultan to overcome the ill-intentioned enemies (*a'dâ-i bed-re'y*). (“.....enva'-ı surûr ve hubûr üzere olub, etrâf ve eknâfda olan a'dâ-ı bed-re'yin haklarından gelinmek için asakir-i müslimîn ve cünûd-ı muvahhadîne yarar serdarlar tayin eyleyüb, taraf taraf irsal eyledikde.....”). In the same decree it is emphasized that the Ottoman Palace, as a refuge of happiness, is open to everybody, be it friends or enemies, and never precluded. (*bab-ı saadet-me'âbımız 'ale'd-devam meftûh ve mekşûf olub, eğer dostluk eğer düşmanlık ile gelenlere asla men' ve red yokdur*). A persistent emphasis on the emotion of happiness is also evident in the remaining section of the letter; “..... şimdiye değin Dergâh-ı saadet-destgâhımıza istikâmetle tarîk-i ubudiyetin sabit-kadem olanlar enva'ı riayet ve inayetimizle hoşhâl ve saye-i saadetimizde müreffehü'l-bâl olub, vilâyet ve memleketleri ahalisi her vech ile dest-i taaddi-i a'dâdan masûn ve mahfûz olıgelmiş nice memleket sahipleri ol bâbda envâ'ı say' ve ikdâm ve hüsn-i ihtimamların zuhura getürüb.....südde-i saadetimiz dostluğu arzusıyla..... daima inkıyâddan tecavüz itmezler.” These expressions reveal that those who will be decisive to endure their friendship and loyalty to the Ottoman Sultan will live in peace and will be pleased (*hoşhal*) and happy (*müreffehü'l-bal*) with the protection (*riayet*) and mercy (*inayet*) of the Ottoman Sultan. The terms and concepts repeated in the ferman about the Ottoman Palace show the emotional rhetoric of the Sultan's sovereignty. In other

words, there is a reference in almost each sentence to the emotional well being of those who had accepted the Ottoman sovereignty and thus pursue a happy and prosperous life under protection of the Sultan, again reflecting the State's concern on the emotional constraints imposed to achieve political order.

The text below however, does not include any emotion words at all. However, it implicitly represents a display of anger of the Sultan. It indicates the Ottoman State's "politics of anger" in its relation with its rivalry, the Safavid Empire, quoted from *Tevarih-i Ali Osman Li-Lütfi Paşa*.

".....padişahların taht-ı tasarrufunda olan memleket menkuhesi mesabesinde, recüliyyetten²⁵⁴ hissesi ve fütüvvetden²⁵⁵ behresi belki derununda fi'l cümle zehresi olan kimesneler kendüden gayrı bir ferd ana taarruz ittiğüne tahammül itmek ihtimali yokdur, öyle olsa bunca gündür ki, asakir-i nusret-measirim memleketine dahil olub kamranlıklar²⁵⁶ iderler, henüz senden ne nam ve ne nişan peyda ve ne vücudundan eser hüveydadır. Hayatın mematın ale's-sivadır".²⁵⁷

This is a passage from the letter written by Yavuz Sultan Selim to Şah İsmail during the Çaldıran expedition, the full text of which is in *Lütfi Paşa Tarihi*. In this imperial order, Yavuz Sultan Selim instigates, provokes Şah İsmail and forces him to fight. There's a metaphor made between a ruler's land and his wife.

²⁵⁴ recüliyyet; manliness. (erkek olma, erkeklik) *Muhabbet namını verdiğiniz bir levs (kir, pislik, murdarlık) ile benim gibi bir bîkesi lekeleyip bırakmak şan-ı recüliyyete yakışır mı?* (H. Rahmi Gürpınar)

²⁵⁵ fütüvvet; delikanlılık, gençlik, mertlik, yiğitlik. Here used as "valour"-mertlik.

²⁵⁶ kamran-kamuran : kam; arzu istek. kamuran; arzusuna muradına ermiş.

²⁵⁷ Lütfi Paşa, *Tevarih-i Ali Osman Li-Lütfi Paşa* (İstanbul: 1341), 217.

Manliness is emphasized stating that those who have the valor would fight against those who abduct their wives. This is what is expected from a man, which is inherent in his manliness. Declaring the code of honor, Yavuz instigates Şah İsmail to fight against him. His advance in the Safavid lands is compared to abduction of Şah İsmail's wife, and Yavuz in his letter openly appeals to Şah's emotions. The letter degrades, insults Şah İsmail aiming to make him feel ashamed in front of his soldiers and its subjects. The politics of anger is evident within the context of this letter in which, by using degrading emotional vocabulary, Yavuz Sultan Selim aims to make his rivalry hateful, angry and shameful. This passage indicates clearly, how the rhetoric of emotions is used between two military rivalries. Yavuz Sultan Selim's emotions are not irrational, everything seems perfectly rational, in Reddy's terms, and emotional language here indicates a goal-oriented thought material.

The display of emotions was not of course limited only in power struggles of different political entities. It was also common among the Ottoman military officials in their struggles for power. Reading in between the lines of chronicles does provide us clues on how Ottoman officials implicitly expressed their emotions to one another in their search for power.

An important feature of 18th century was that the elite's struggle for power has been centered in the Palace. We know quite a lot regarding the political aspects of those struggles for power. It is also possible to trace attitudes of opposing parties, how emotions routed their actions, how they were suppressed or expressed by making a linguistic and textual analysis of chronicles. 18th century chronicles are

used to trace emotions vis-à-vis the related terms and concepts, which reveal the sentiments within power struggles.

Tarih-i Raşid, written by the 18th century Ottoman historian Raşid Efendi, the political history of the empire is presented in a purely official tone. However, we encounter some passages, which reflect either an emotional setting or an emotional state of the Sultan. In the examples that are quoted below, Raşid gives the details of the displacement of grand vizier Çorlulu Ali Paşa as a result of power struggles in the Palace. Raşid states that due to Çorlulu Ali Paşa's recklessness, the king of Sweden has been a burden for the empire and all the attempts remained futile. Therefore the Sultan was in deep pain (*ızdırab-ı külli*), and his heart was overly (*mertebe-i mübalağa*) broken (*inhiraf-ı zamir*).

“Vezir-i azam Çorlulu Ali Paşa'nın su-i tedbiri sebebiyle İsveç Kralı devlet-i aliyyeni düş-ı hamiyetine bir bar-ı giran olub, ref'inde kangı tarafa teşebbüs olunduyssa müfid olmadığından, tab-ı hümayuna ızdırab-ı külli hâsıl ve vezir-i müşarünileyhe inhiraf-ı zamîr hümayunları mertebe-i mübalağaya vâsıl olmuş idi.”²⁵⁸

The passage continues with the power struggle between opposing parties Çorlulu Ali Paşa and Silahdar Ali Paşa. Raşid states that the two were getting perfectly well (*müttehidü'l-kavl*) before Silahdar Ali Paşa had been married to the Sultan's daughter. However things have changed once Silahdar became the Sultan's son-in-law. Although they seemingly looked quite sincere (*birbirlerine arz-ı muhabbet ve ihlâs ve izhâr-ı alaka ve ihtisâs itmede idiler*), they were feeling hate and antagonism deep inside (*gayz ve kin derûnlarında derkemîn*).

²⁵⁸ Abdülkadir Özcan, et al., *Tarih-i Raşid ve Zeyli Raşid Mehmed Efendi ve Çelebizade İsmail Asum Efendi (1071-1141 / 1660-1729 v. II* (İstanbul: Klasik, 2013),835.

“Ve hala rikab-ı hümayun kaim-i makamı ve damad-ı padişahi olan Silahdar Ali Paşa Silahdarlığı evailinde vezir-i a’zam müşarünileyh ile müttehidü’l-kavl iken bâlâda tafsîl ve beyân olunduğu üzere madde-i izdivacdan beru mabeynlerinde hâdis olan münaferet pezîrâ-yı ilaç olmayıb, eğerçi sureta birbirlerine arz-ı muhabbet ve ihlâs ve izhâr-ı alaka ve ihtisâs itmede idiler. Lakin ikisinin dahi gayz ve kin derûnlarında derkemîn ve ahedu-humâ aherin izalesine nihânî leyl ve nehâr fırsat-bîn olub, hakikat-ı hal-i muamelelerinden aghah olan kardanan-ı feraset-karîn bâzıçe-i münakaşaları kariben meydana çıkacağına çeşmdar-ı cezm ve yakîn olmuşlar idi.”²⁵⁹

The passage then records how the opponents of Çorlulu Ali Paşa convinced the Sultan that the previous şeyhü’lislam Başmakçızade Ali Efendi, who had been dismissed by Çorlulu Ali and sent to Sinop, should be appointed back to his post. Çorlulu Ali Paşa, although he was the grand-vizier, was not even informed of this appointment. When Çorlulu Ali Paşa learned, he felt totally unconscious and was overwhelmed and out of his senses (*bî-şuur ve anduh-ı melâmet itti*).

“...ber vech-i ittihad ve ittifak es-seyyid Ali Efendi hayr-hah-ı devlet-i ‘aliyyeleri olub, bu esnalarda anın Asitane-i saadetde bulunması her vechle enseb ve enfa idi deyu, taraf-ı hümayuna sevk itmeleriyle sadr-ı azamın haberi yoğ iken gelüb, hanesinde ikamet eylemek üzere hatt-ı hümayun ile davet olunmağla, gelüb, Topcularda olan bağçesinde ikamet ve gelmesi hususunda alaka ve medhali olmamak nakisası vezir-i azam-ı müşarünileyhi bî-şuur ve anduh-ı melâmet itti.”

These examples show that there were well-understood conventions about when it was appropriate to repress or express emotions, how to feel towards allies or enemies and how to display feelings. Usually, the emotions were not publicly and openly expressed however, the narration techniques that Raşid uses in his lines

²⁵⁹ Ibid.

show that a closer look into the seemingly pleasant relations reveal a deeper emotional anger and disgust.

4.6. Concluding Remarks

It is evidenced in the preceding sections that there is always a reference to the emotional states of both the Sultan but especially of the subjects in the rhetoric of Ottoman politics. The ideal political order is achieved when the Sultan protects with compassion and the subjects submit with affection. They both are pleased (*hoşnud*) in this ideal state of political order and the pleased state of the subjects is expressed by the terms *müreffehü'l-bal* and *asude-hal* reflecting not only the material but also emotional well being of the subjects. In their political rhetoric, both parties, the ruler and the ruled, refer to their emotional states in their demands as political actors. They do so by using commonly shared codes, both symbolic and accompanying emotion codes in their rhetoric. We do not know how they felt, we do not either know whether they expressed their sincere feelings, however; it is apparent that they used these codes as tools to either show their content of the present political order, or their discontent signaling a deterioration in the power relations and a demand for a change, a demand to alter the present conditions. The emotional well being of the subjects then imposes yet another constraint to the political order to be established. The state, while trying to achieve an idealized form of political order, was expected to show compassion, was also expected to consider their emotional well beings by trying to gain hearts of its subjects, by uniting not only their minds but also their hearts. Likewise, the subjects, when they were displeased, they uttered their emotional states, their

pain, their suffering, their hurt feelings, their grief and sorrow reflecting their emotional discontent. Their expressions of emotions, the very use of these terms and phrases acted as secret codes, symbols or signals of deteriorating power relations. Political measures were taken in return against the wrongdoers for restoration of not only material but also emotional well being of the subjects ranging between a simple warning to death penalty. If displeased status of the subjects continue regardless of the political measures taken they either revolt or take refuge in another political entity pursuing their emotional well being thereby loosing their affective ties with the Ottoman state.

This chapter was an attempt to analyze the relations between the ruler and the ruled who were socially and politically communicating with commonly shared symbolic and emotion codes. The Ottoman political rhetoric reflects those thinking and feeling rules and both political parties, the rulers and the ruled, were effectively utilizing these codes in their political strategies. It is further argued that the commonly shared emotion codes as to what to feel when and to whom, necessitates one to consider Ottoman State and its subjects as an emotional community.

While reading Ottoman narratives, chronicles, decrees or judicial court records, one may feel that there were more exceptions than the rules, as if there was no strict adherence to codified laws in Ottoman administration. That is why probably many historians focus on how law was actually practiced in daily lives of people. While reason was the most crucial element in defining the relations between the ruler and the ruled with strict adherence to rules and regulations, for traditional societies rules were always open to negotiation. The subjects used emotion words

as a tool to justify their political claims from the Sultan. Likewise the Sultan also used emotion words as a tool to legitimize his political actions towards his subjects. In other words, the use of emotion words, had a special function in social and political relations established. Modeling the rights and responsibilities of both the Sultan and the subjects via use of common symbolic and emotion codes constituting shared perceptions, ideas, on how to think and feel, when, where and towards whom, and how to express/repress displays of emotions enabled us to better evaluate the seemingly irrational or the seemingly unlawful political actions. Some historians relate it to Ottoman pragmatism; however, this model serves a better understanding.

The use of emotions in the political rhetoric of the Ottoman State was also apparent in its political negotiations or communications with its allies or rivalries, exemplified within the letters written to Russian Tsar and Safevid Shah. The symbolic use of emotions revealed the State's political stance towards other political entities and linguistic representations of the palace as a "home and source of happiness" welcoming all the subjects reflected their universal claims of sovereignty.

CHAPTER V

EMOTIONAL RHETORIC OF *TAİFE/CEMAATS*: “*RIZA VE ŞÜKRAN DUYMAK*”

The Ottoman society’s social structure has been a research interest for many historians and the subject has been studied so far from various perspectives. In this chapter, Ottoman social structure and the sub-groups within this structure is scrutinized by taking emotions into consideration. Before moving on to explore the living presence in these sub-social groups, our current knowledge on the social structure of the Ottoman society is briefly examined.

The first thing that should be emphasized is that Ottoman society never possessed a monolithic structure in its vast territory known as “*memalik-i mahruse*”. Rather, the sub-communities, termed as either “*cemaat*” or “*taife*” constituted the Ottoman society, having different regional, climatic, geological, geographical, ethnic and cultural identities of their own, reaching from Persian steps to Danube river basin, from northern Black Sea to northern Africa.²⁶⁰

²⁶⁰ Özer Ergenç and Nil Tekgül, “Role model” defined for the Ottoman individuals and its change throughout time,” In *New Trends in Ottoman Studies, Papers presented at the 20th CIPO Symposium Rethymno, 27 June – 1 July 2012*, ed. Marinos Sariyannis (Rethymno: University of Crete, 2014), 768.

The members of the society were grouped depending either on their legal status, spatial settlements, occupational features or their faith/ethnicity. Legally for example, the society was divided into two segments as *reaya* (tax-paying subjects) and *askeri* (military class members representing the Sultan's authority who were tax exempt). Spatially on the other hand, the subjects were grouped as either urbanized living in the cities or as villagers/nomads in the rural area. The urbanized were living in the neighborhoods (*mahalle*), which denoted the most basic spatial settlement. The villages and the nomadic communities on the other hand were the main spatial settlements in the rural area, similar to *mahalles* in the cities. Those living in the rural areas with agricultural occupation were either termed as "*ziraatçı*" (agrarian) or "*rençber*" (peasant). The subjects living in the cities were organized as members of specific production units, named as "*hirfet*". They were in other words, organizations producing non-agricultural products in the cities, carrying on various lines of businesses. The members of *hirfets* were termed either as "*esnaf*", "*ehl-i hiref*" or "*hirfet erbabi*" in the Ottoman documents. The subjects' identities were also shaped by their faith or ethnicity that were also grouped under different communities. The subjects were either Muslim, Christian or Jewish, while some were further organized depending on their ethnic origins. There were many terms used in Ottoman documents denoting to various legal, spatial, occupational or religious sub-groups. The general terms used for these sub-groups were either "*cemaat*" or "*taife*". Sometimes, the terms "*millet*" or "*fırka*" were also used especially when referring to the subjects' religious identities. All of these *taifes* or *cemaats* formed the basic social and

organizational units of the Ottoman society. Bearing this fact in mind however, despite the legal, spatial, occupational, and religious or ethnic disparities, all *taife/cemaats* possessed some commonalities as well and these common features are emphasized in this chapter.

Firstly, the common thread of all the members of the *taife/cemaats* was being a subject of the Ottoman State, in other words “*reaya*” of the State, regardless of their secondary identities that they possessed by being a member of a specific *taife/cemaat*. The most basic identity of any individual was being “an Ottoman *reaya*”, preceding all his/her secondary identities.

Secondly, these sub-groups were not isolated in the sense that any Ottoman subject could simultaneously be a member of more than one social sub-group. A Muslim and a Christian subject, for example, could be a member of the same residential settlement be it a *mahalle* in a city or a village in the rural area. The case was also prevalent for members of occupational groups. A Muslim, a Christian or a Jew could at the same time be a member of a specific occupational group. Throughout his daily-life, an Ottoman subject would pray in his place of worship with other members of the same faith in the morning, and work in the afternoon as a member of a specific production unit together with the members of an occupational group from different faiths. Religious identity of one did not hinder him to simultaneously have a different occupational or spatial identity. In this respect, we may regard Ottoman society as transitive allowing room for mobility within various overlapping or intertwined sub-communities.

Thirdly, each *taife/cemaat* had three basic layers in its pyramid-like hierarchial structure. The administrators of the *taife/cemaat* were positioned at the top of this pyramid. The second layer constituted of the notables or elites of the *taife*. All the remaining members were positioned at the bottom layer and were termed in general as *taife/cemaat* members.

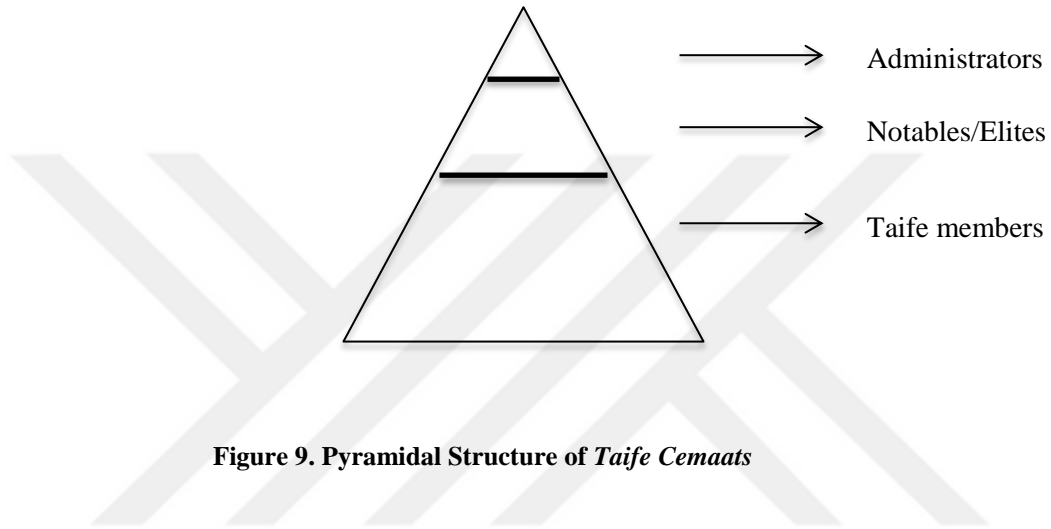


Figure 9. Pyramidal Structure of *Taife Cemaats*

For example, the administrators termed either as *şeyh*, *pir*, *kethüda* or *yiğitbaşı* were positioned at the top of the pyramidal organization in every guild. The elites of the group were termed as *üstadan* (masters). The remaining members of the group were termed as *şakirdan* (disciples). Likewise, while *mahalle kethüdası*, *mahalle çavuşu* or *imam* represented the administrators in the *mahalles*, *ihtiyaran*, *vücu*, *ayan* represented the notables of the group or those who have been selected by the community members, and taife members constituted the remaining members at the bottom of the organizational structure, termed as *mahalle cemaati*. The same structure was also true any religious group like *Yahudi cemaati*, *Rum taifesi*.

The three main common features of *taifes*; namely their members' common identity of being an Ottoman *reaya*, their transitive feature rendering mobility, and their pyramid-like organizational structure also paved them to set similar codes of behavior for their members. Each *taife/cemaat* had its own conduct besides the religious or legal rules imposed by the authorities. The members of each *taife/cemaat* were well aware of the established code of behavior, which were usually orally transmitted from one generation to the next.

But how could the established Ottoman social structure subdue the *taife/cemaats* despite all their variations? This is one of the questions that historians have long tried to answer focusing either on the rules and regulations promulgated by the state to achieve co-existence among various groups or on the flexible and pragmatic tendencies of the state's policies towards disparities. However, a better question may be how the individuals themselves in the *taifes* could bridge the pre-existing boundaries, be it spatial, legal, religious, ethnic or occupational. What was the main principle bonding the members of each *taife/cemaat*? What was the key to the co-existence of members with different secondary identities in one *taife/cemaat*, be it a *mahalle cemaati* or an *esnaf taifesi*? Was it just the policies and rules promulgated by the state that which enabled co-existence? Was it just the principle of tolerance that Islam demanded as some historians have argued? Or was it something else that which acted as a gluing factor among the members of each *taife* and relatively eased pre-existing boundaries?

It is argued in this chapter that these social sub-communities (*taife* or *cemaat*) were all at the same time distinct emotional communities having their own emotional norms. It was mainly this feature of the *taifes* that could not only cut

across and bridge pre-existing boundaries incorporating diverse groups of people and thereby making co-existence possible but also acted as a social bond within each *taife* itself. It was also this feature that which could ease transition from one to another once the members conform to its norms. In this chapter the emotionology of the *taifes* is explored, regarding them as unique emotional communities. Emotional communities and emotionology are the terms coined by Rosenwein and Stearns that has previously been mentioned in chapter two. Their approach is utilized in search for emotional standards of the Ottoman *taifes* embedded in the social norms, beliefs, ideologies, discourses which enable us to find out their larger social, legal and political implications.

“Emotional communities” are social communities –families, neighborhoods, parliaments, guilds, monasteries and parish church membership– that define and assess same feelings as valuable and harmful to them.²⁶¹ It is also a community in which people have a common stake, interests, values and goals. She claimed that they are in some ways what Foucault called a common “discourse”: a shared vocabularies and ways of thinking that have a controlling function, a disciplining function and are also similar as well to Bourdieu’s notion of “habitus”; internalized norms that determine how we think and act and that may be different in different groups.²⁶² In one of her talks given in TORCH-The Oxford Research Centre in the Humanities in May 11 2015, Rosenwein was asked by Ute Frevert, whether it was emotions that which founded the group of emotional community or

²⁶¹ Barbara Rosenwein, *Emotional Communities in the Early Middle Ages* (Ithaca, NY: Cornell University Press, 2006).

²⁶² *Ibid.*, 25.

emotions came out of group processes that were defined otherwise, like belonging to a certain religious or any other value system. In other words, Frevert asked if emotions had a foundational value or emotions were consequence of being in a community or group structure that then breeds certain emotions. Rosenwein's answer is crucial. She indicated that she did not mean for an emotional community to be reified, she just suggested the concept as a heuristic device, as a tool for historians who want to be thinking of emotions, and are troubled with giving sense to too many sources on emotions, emotion words. Likewise, she did not get into discussions regarding the epistemological foundations of the concept of emotional communities. Whether they were communities founded because members valued same emotions or emotions were a consequence of communities that are defined otherwise, she stated, her main concern had been the relations established between community members. I therefore used the concept as a tool to better understand the emotional dimension of intra-communal relations.

Inspired by Rosenwein's approach, the nature of the affective bonds in the Ottoman *taifes* between their members, the modes of emotional expression that they expect, encourage, tolerate and deplore is analyzed in this section.

But how can we explore the emotional norms of any *taife* or *cemaat* embedded in their social or religious norms? Prescription of emotions have rather been established within each *taife/cemaat* itself and transmitted from generation to generation with no written manuals. However, a careful analysis of judicial court records offers us ample clues to trace the emotional norms because the registers are full of records of those who deviated from the widely spread social and emotional norms. The negations in this sense may enable us to explore not only

the deviations from these norms but also the prescriptions themselves. We also need to keep in mind that, it is the social rules that which give shape and govern emotional norms. For the guilds, there were also written conduct manuals, *fütüvvetnames*²⁶³, which also served as prescriptions for becoming an exemplary member. *Fütüvvetnames* include topics ranging from guiding principles for complete and utter selflessness, unlimited generosity, hospitality and tolerance of other people's faults to rules, regulations and rituals of the guild. They acted as a moral and spiritual guide for the members.²⁶⁴ The judicial court records on the other hand, supply more clues on the emotional dimension of the relations established among the guild members.

In the next section, a spatial analysis of the physical spaces like *mahalles* (quarters) and the *suks* (markets, bazaars) commonly shared by the members of *taife/cemaats* and the living presence in these spaces are explored. A closer look at the social implications of spatial settlements indicate that the physical structure of settlement practices and face-to-face relations of community members did have an impact on the establishment of not only distinct codes of behavior but also distinct emotion codes.

²⁶³ Özer Ergenç, *XVI.Yüzyılda Ankara ve Konya*, 2nd Edition (Istanbul: Tarih Vakfı Yurt Yayınları, 2012), 117.

²⁶⁴ Ines Asceric-Todd, "The Noble Traders: the Islamic Tradition of "Spiritual Chivalry" (futuwwa) in Bosnian Trade-guilds (16th-19th centuries)," *The Muslim World* 97 (Aprl 2007): 160.

5.1. Spatial Analysis of Ottoman Quarters and Bazaars

The main physical structures shaping an “Ottoman city” were the *caddes* (streets) opening up to an *uluyol* (highway) and a *bazar meydanı* (market square). Self-created clusters of houses having connections to these main structural elements formed the general texture of the city. Each of these clusters of houses denoted a distinct *mahalle*, with houses linked to one another by private streets (*tarik-i hass*) that were mostly cul-de-sacs. The borders of these houses were collectively determined by the *mahalle cemaati* and life within these clusters depended on mutual accord among the residents. The houses were usually termed as *sınırları inde’l-ciran ma’lum olan* (the borders of which known among the neighbors). We usually encounter such phrases in records of house sale agreements like “....iki yüz elli guruşu eda eylemek için mahalle-i mezbûrede vâki’ lede’lahâli ve’l-cirân ma’lumetü’l-hudud ve’l-müştemilât bir bâb mülk menzilimizi.....”²⁶⁵

The houses were usually built next-door to one another. In Ottoman documents, next-door neighbors were termed as *car-ı mülâsık*²⁶⁶ or *hemcivar*. It may also be defined as a domain of neighbors.²⁶⁷ The adjoint structure of the houses shaped the

²⁶⁵ Ülkü Geçgil, “Uskudar at the beginning of the 18th century (a case study on the text and analysis of the court register of Uskudar nr. 402),” (Unpublished master’s thesis, İstanbul: Fatih Üniversitesi, 2009), 188.

²⁶⁶ Nil Tekgöl, “Modernite Öncesi Osmanlı Toplumunda Mahremiyet Halkaları,” in *Prof. Dr. Özer Ergenç’e Armağan* (İstanbul: Bilge Kültür Sanat, 2013), 420. Quoted from Konya JCR 35: 113 “...*takrir-i kelam idüp Mehmed benim car-ı mülâsıkım olub, tarih-i kitab gecesi.....*”; cf. Bursa JCR 41: 12 “.... *mahalle-i merkumede vaki’ car-ı mülâsıkım olan İskender veled-i Karabed nam Ermeni..... benim mahutam divarına mülâsık bina itmeğle.....*”.

²⁶⁷ For “domain of neighbors” see. Nil Tekgöl, “Modernite Öncesi Osmanlı Toplumunda Mahremiyet Halkaları,” in *Prof. Dr. Özer Ergenç’e Armağan* (İstanbul: Bilge Kültür Sanat, 2013), 411-433.

spatial texture of the quarters in an Ottoman city. There were usually walls built in between the houses to prevent getting sight of one's neighbor's privacy and we encounter many cases in which next-door neighbors got into disputes regarding the physical structure of the adjacent houses having sight within interior parts of the other's house. The below case is an example of just one;

“...ve hassa mimar olan üstad İbrahim bin Abdülgani ile mahrusa-i brusa’da Reyhan Paşa mahallesinde sakin olan fahrü’l ulemai’l-kiram Habilzade Mehmed efendinin menziline varıb, beynel ahali akd-i meclis-i şer’-i ali olundukda, meclis-i mezburda mümaileyh mehmed efendi hemcivarı olan Hasan bin Abdullah nam kimesne muvacehesinde üzerine dava ve takrir-i kelam idüb, “mezbur Hasan’ın menziline vaki çardağının sundurması dahil-i beytime nazır olmağla havalesi vardır men olunmak taleb iderim” deyücek fi’l vaki mimar-ı mezbur ve sair ahali-i vukuf muayene eylediklerinde zikr olunan çardağın sundurması müşarünileyh mehmed efendinin dahil-i haremine nazır olub, havalesi zahir ve müteayyin olmağın havale-i mezbure merhum Hasan’ın divarı üzerinde vaki çardak sakafına varınca divar yapılmak ile def’ olduğunu mimar-ı mezbur ve ahali-i vukuf ber vech-i vifak icma ve ittifak eylediklerinde mucebiyle mevlana-i mezbur havale-i merhumeyi defe mezbur hasana tenbih eyledikten sonra Tahriren fi evahir-i cemaziyelevvel sene hamsin ve elf.²⁶⁸

Here is another case record giving us clues on the adjacent structure of the houses.

Mahrusa-i Brusa’da İğnecizade mahallesinde sakin Kladuz veled-i Kazur nam Ermeni meclis-i şer’de takrir-i kelam idüb, “mahalle-i merkumede vaki car-ı mülasıkım olan İskender veled-i Karabed nam Ermeninin menziline vaki beyt-i ulvinin canib-i kıblesinde vaki’ kapu ile pencerenin benim menziline havalesi olduğundan gayri zikr olunan beyt-i ulvinin taş nerdibanı ve şarken divarını Ermeni-i mezbur İskender benim mahutam divarına mülasık bina itmeğle bana külli zarar müterteb olmuştur, canib-i şer’den üzerine varılıb zikr olunan kapu ve pencerenin havalesi ile nerdiban ve divarın zararını def itmek için tenbih olunmak taleb iderim “ didikte..... Tahriren fi’l yevm ’is-sadis min cemaziyelevvel sene hamsin ve elf.”²⁶⁹

²⁶⁸ Bursa JCR 41:25

²⁶⁹ Bursa JCR 41: 28

In spite of such disputes, this adjacent living demanded a close relationship between neighbors. The common thread in this domain was spatial co-existence.

The below record enables one to visualize the nesting structure of the neighborhood of Ankara castle and feel the living presence within this physical space.

“Medine-i Ankara hısnının kethüdası olan Es-Seyyid El-Hac Şerif Ağa ve sair mustahfızanı meclis-i şer’-i hatir-i lazımı’t-tevkirde her biri takrir-i kelam idüb, hısn-ı mezkurun aşığıkapı tabir olunan kal’a kapısının sol tarafında kain marü’z-zikr kapının ittisalinde vaki’ etraf-ı selasesi tarik-i amm ve hısn-ı mezkur hendeği ve zahı Yanartaş Klisesi dimekle meşhur kiniseden benna zıra’ı ile 10 zıra’ bu’du olan havlu ile mahdud zıra-i mezkur ile 10 zıra’ kale duvarı mürür-ı eyyam ve kürür-ı a’vam ile temel taşları kâğşayub ve münhedim olmağla meyl ve ta’mir ve termime eşedd-i ihtiyac ile muhtac olduğuna bina-ı hısn-ı mezkur ahali ve nice hâmil hatunlar ve sabî ve sebiyye uşaklar divar-ı mezkurun tahtından mürur ve ubur idemeyib bi’z-zaruri mürur ve ubur iden kimesneler dahi azim havfa ta’bi olub iyazen billahi teala münhedim olmak lazım gelirse mukabelesinde olan birkaç adet menzillerin bi’l-külliyeye inhidamına ve telef-i nüfusa bais olacağı zahir ve nümayan olmağla canib-i şer’den üzerine varulub keşf ve tahrir ve suret-i sicili yedime i’ta olunmak matlubumdur dediklerinde fi’l-yevmi’s-sadis vel ısrıyn min recebü’l-ferd li seneti hamse ve sittin ve mie ve elf.”²⁷⁰

We understand from this record that the *kethüda* of Ankara castle and his entourage came to the court and stated that the walls in the lower end of the castle had been loosened and that it was inevitable for the wall to rundown. There was a wide yard, surrounded by a *tarik-i amm* (public road), a castle ditch and Yanartaş church, situated just in front of the mentioned wall. This wall endangered the castle residents, especially the little children and the pregnant women passing by and added that they felt frightened. If the wall had run down, the houses across

²⁷⁰ Ankara JCR135: 165/2

would be under the ruins causing the death of many people. They therefore demanded the wall to be repaired. The judge then decided to set up a committee of experts to have their opinions regarding the repair. Having heard of the expert's opinions in accord with that of the *kethüda*, the judge gave permission to the said *kethüda* to repair the mentioned wall.

This record evidences the congested texture of the houses clustered within the Ankara castle. The families spent their daily lives within this space. In spite of the interior walls between the houses, the residents would hear one another, would frequently encounter in the streets or the highways, having a good grasp of the private lives of one another.

The following court record is about a case occurred in the Teke neighborhood of Ankara.

“Medine-i Ankara mahallatından Teke Ahmed nam mahallede sakin Mustafa bin Mehmed mahfil-i kazada Mehmed bin Mustafa nam kimesne mahzarında dava ve takrir-i kelam idüb mezbur Mehmed tarih-i kitabdan 1 gün mukaddem kable'l-‘aşâ balta ile kapımı paralayub itale-i lisan eylemiştir sual olunsun didikde gibbe's-sual mezbur Mehmed inkar idicek mezbur Mustafa'dan beyyine taleb olundukda Hatib bin İsa ve Musa bin Mustafa nam kimesneler meclis-i şer'e haziran olub fi'l-hakika mezbur tarih-i kitabdan bir gün mukaddem kable'l-‘aşâ mezbur Mustafa'nın kapısını paraladı. Biz bu hususa şahitleriz şهادet dahi ideriz dediklerinde gibbe't-tadil şهادetleri makbule olmağın ma vakia kayd şud.”²⁷¹

In this case, Mustafa who is one of the residents of the Teke quarter, filed a complaint against Mehmed bin Mustafa who is from the same quarter and claimed that one day ago, the said Mehmed broke his door with an ax during the night

²⁷¹ Ankara JCR 38:41/107

prayer and cursed him with scornful expressions. When the defendant rejected the claim, the court asked Mustafa to provide evidence to prove his case. Mustafa then called his neighbors to the court as his witnesses, who had then verified his claim. This case shows that the neighbors who lived either in adjacent houses or in close proximity were well aware of their neighbor's affairs, which necessitated them to establish close ties with each other.

The following case also serves as an interesting example of the ties founded between İsfahan and Çubukzade Feyzullah Ağa, both from the Uğurlupınar quarter of Sivas.

“Uğurlupınar mahallesi mütemekkinelerinden Meryem binti Kayril nam nasraniyye zevci İstefan veledi Nazar nam zimmiye teslim olunub bir dahi hilaf-ı şer’ mesfüreyi dövmemek üzere tenbih ve mesfur dahi kabul ve bir dahi dövmemesine Çubukçuzade Kassab Seyyid Feyzullah Ağa ibn-i Hacı Hasan kefil ve zâmin olduğu kayd şud. fi 6 safer 1198.”²⁷²

We understand from the above case that, the non-Muslim woman Meryem left her house since her husband was beating her. However, the court demanded that Meryem would be sent back to her house and handed over to her husband, on the condition that her husband would not beat her again. However, the court also demanded someone as a surety in case the husband would fail to perform his promise. And, Feyzullah Ağa became the husband's surety. There are two things in this case that has to be emphasized. One is the presence of close ties between a Muslim and a non-Muslim family. Secondly, although both Feyzullah Ağa and İsfahan were joint guarantors (*müteselsil kefil*) to one another since they were

²⁷² Sivas JCR134: 6

both from the same quarter²⁷³, additionally Feyzullah Ağa accepted to act as a surety in this private issue of İsfehan which demands that his non-Muslim neighbor would not beat his own wife any more. Feyzullah Ağa did agree to be legally responsible if his neighbor İsfehan beats his wife, which is a private and personal affair of the husband and wife of a non-Muslim family. Guaranteeing that his non-Muslim neighbor would not beat his own wife any more, and he will be responsible in case he fails to do so, also indicates that they were living in close proximity with one another.

This proximity was also leading to solidarity among the members of the community not only between each other but also against any threats from outside the community. Below case is an evidence of solidarity between the members of the Ankara castle community against the administrators.

The below case is about two non-Muslim neighbors who came to the court together with their neighbors who most probably possess different faiths, who claimed against an *askeri* class member in the Ankara Castle.

“Medine-i Ankara kalesi sakinlerinden işbu baisu hazi’r-rakim Şuurşe veled-i Mikel ve Domus veled-i Darsus ve ... bi-icmahim meclis-i şer’i hatir-i lazımı’t-tevkire hazirun olub her biri takrir-i kelam ve tabir-i ani’l-meram idüb bi’l-fiil Ankara damgası mukataası emini olan Piri Ağa’nın kaim-i makamı ve vekil-i şer’isi olan Hüseyin Ağa bedel-i muavenet akçesi talebiyle ademlerini sakin olduklarımız menzillerimize gönderib hatunlarımızın saçını kesib bazı bîkes hatunların hilaf-ı şer’-i şerif üzerine gidüb ve kapılarını kırıp ve bazıları dahi mezburların hayfindan vaz’-ı haml ittiklerinden maada her birimize enva’-i cefa ve eza itmişlerdir davet-i şer’

²⁷³ For the issue of “joint guarantors” in the Ottoman society, see; Özer Ergenç, “Osmanlı Şehrindeki Mahallenin İşlevleri ve Nitelikleri Üzerine,” In *Osmanlı Tarihi Yazıları Şehir, Toplum, Devlet* (İstanbul: Tarih Vakfı Yurt Yayınları, 2012), 75-85.

olunub icra-i şer' olunması matlubumuzdur dediklerinde mezbur Hüseyin Ağa'yı bi'd-def'at davet-i şer'-i şerif olundukda itaat-i şer'-i şerif itmediği mezburlar talebiyle ketb olundu. Hurrire fi gurre-i muharremi'l haram. Sene selase ve sittin ve elf."²⁷⁴

Two non-Muslims residents of Ankara castle, Şuurse and Domus, appeared at the court together with their neighbors (*bi-icmahim*) and claimed against Hüseyin Ağa and his entourage. Hüseyin Ağa was the deputy and the proxy of the *damga mukataası emini* Piri Ağa. They declared that Hüseyin Ağa sent his entourage to their houses to collect a tax under the name "*bedel-i muavenet*", cut the hair of their wives and oppressed them. Their oppression reached such an extent that they even broke in the houses of desolate women and some of the pregnant women were so much terrified that some had miscarriage. Despite the plaintiffs' recurrent claims for Hüseyin Ağa to be questioned it wasn't possible to take him to the court. It is most likely that Hüseyin Ağa abused his status as *damga mukataası emini*. The next record in the register further elucidates the same case.

"Medine-i Ankara'da kale sakinlerinden baisü hazi'r-rakîm Merdun veled-i Karagöz nam zimmi mahfil-i kazada medine-i mezburede bi'l-fiil damga mukataası emini olan Piri Ağa'nın ademlerinden Halil bin Mustafa ve Mahmud bin Mehmed nam kimesneler mahzarlarında dava ve üzerlerine takrir-i kelam idüb tarih-i kitabdan 3 gün mukaddem bedel-i muavenet akçesi talebi için mezburan Halil ve Mahmud'ı gönderib anlar dahi gelib hilaf-ı şer'-i şerif sakin olduğum menzilime girüb zevcem Emili bint Misis nam nasraniyyenin depme ile karnına darb itmeleriyle ol sebebden sekr ilen bir cenin meyt ilka etmiştir sual olunub muceb-i şer'i icra olunmak matlubumuzdur didikde gibbe's-sual ve akibü'l-inkar müddei-i mezburdan davasına mutabık beyyine taleb olundukda udul-ı müsliminden Ahmed bin Mustafa ve İbrahim bin Mustafa nam kimesneler li-ecli's-şehade meclis-i şer'e haziran olub eserü'l-istişhad cevablarında fi'l-hakika tarih-i mezburdan üç gün mukaddem mezbur Merdun'un sakin olduğu menziline

²⁷⁴ Ankara JCR 38: 37

*nida ve feryad istima' eylediğimizde biz dahi varub mezburan Halil ve Mahmud merkume Emili'nin karnına depme ile darb ettiklerini müşahede eyledik biz bu hususa şahidleriz şehadet dahi ideruz deyu her biri eda-yı şehadet-i şer'iyye eylediklerinde bade't-tadil şehadetleri makbule olmağın mucebiyle hüküm birle. (gereğinin yapılmasına hüküm verilerek) ma vakta ketb olundu. hurrire fi'l-yevmi's-salis min muharremü'l-haram sene selase ve sittin ve elf."*²⁷⁵

This case is also about a claim against Halil and Mahmud who were from Piri Ağa's entourage. The non-Muslim Merdun claims that 3 days ago, the said men came to Merdun's house for the collection of the same tax, and his wife had a miscarriage since they had beaten her. After their denial of the claim, the court demanded Merdun to provide evidence for his case. Merdun showed his Muslim neighbors Ahmed and İbrahim as his witnesses. The witnesses declared that they went to Merdun's house when they had heard sounds of weeping and screaming, and witnessed Halil and Mahmud beating the wife of Merdun. Then the judge gave his verdict that they be punished. This is also a case that evidences both the intertwined texture of the houses and the close ties established between the neighbors. The neighbors would run for help straightaway in case they hear anything extraordinary. It is also worth pointing out that in this case, the Muslims ran for help to their non-Muslim neighbors and did not leave them alone. Halil and Mahmud, against whom the Muslims witnessed were from the retinue of a member of *örf* class delegated with an executive authority. In spite of this fact, the Muslims did not leave their oppressed non-Muslim neighbors alone and witnessed against the state officials. It is evident that religious identities were of secondary

²⁷⁵ Ankara JCR 38: 37

importance; being a member of Ankara Castle community was the main determinant of their identity. They could bridge the pre-existing boundaries of faith. They could act against an “*örf* member” collectively, which also evidences the solidarity established among them.

The close proximity of neighbors in a mahalle district was not much different from that in *esnaf taifesi*. Below is a case in which Hacı Ahmed from *şariyeci* guild demands his good conduct to be questioned from not only his own guild but also members of other guilds in the same bazaar. *Attar, tabib, bazarıcı, fesçi* and many others from his own guild witnessed his expertise in his own craft and his good behavior towards members of other *taifes*.

*“Mahmiyye-i İstanbul’da olan şa’riyeci taifesinin ihtiyarlarından Hacı Ahmed bin Hacı Ali nam kimesne meclis-i şer’de takrir-i kelam ve ta’bir-i ani’l-meram idiüb ben kendi halimde olub san’atımda kusurum olmayub kimesneye zararın yok iken halen kethüdamız olan Hacı Uhyel nam kimesne bi-gayr-ı vech mahmiyye-i mezburede Tahte’l-Kal’a’da vaki karhanemi kapayub beni işlemeden men’ itmışdir keyfiyet-i halim etrafımda olan dekakin ashabi ve taife-i mezbureden sual olunub haberleri tahrir ve yedime hüccet virilmek muradımdır didikde mezbur Hacı Ahmed’in keyfiyet-i hali etrafında olan dekakin ahvalinden olup hazırın-ı bi’l-meclis olan attar el-Hac Abdi bin Yusuf ve tabib es-Seyyid Ahmed Çelebi ibn es-Seyyid Şaban ve (...) Mehmed bin Hacı Ali ve bazarıcı Mehmed bin Ebubekir ve Attar Hacı Mehmed bin Yusuf ve fesci Mehmed bin Ahmed ve attar Mehmed bin Cafer ve taife-i mezbureden Hacı Ali bin Ömer ve Hacı Ali ibn Hamza ve Hacı Ahmed ve Hacı Ahmed bin Hacı Mehmed ve Hacı Selim bin hacı Mehmed ve Hacı Mehmed bin Ivaz ve Hacı Mehmed bin Şaban ve Ömer bin Şehab bin Cezzar ve Hacı Cemal ibn el-Hac Şehade ve Ali Hacı Ali ibn Sultan nam kimesnelerden mezbur Hacı Mehmed’in keyfiyet-i hali sual olundukda her biri mezbur Hacı Ahmed için kendi halinde olub san’atında kusuru ve kimesneye zararı olmayub her vechle halinden şakir ve razıların deyu hüsn-i hal virdiklerinde ma-vaka’a bi’t-taleb ketb olundu fi’l-yevmi’l-işrin min Saferi’L-hayr li-sene sitte ve sebine ve elf.”*²⁷⁶

²⁷⁶ Timur Kuran, ed., *Mahkeme Kayıtları Işığında 17. Yüzyıl İstanbul’unda Sosyo-Ekonomik Yaşam*. v: 1. *Esnaf ve Loncalar, Hristiyan ve Yahudi Cemaat İşleri, Yabancılar* (İstanbul: İş Bankası Kültür Yayınları, 2010), 266-267. Quoted from İstanbul JCR 16: 92a/4.

The bazaars in this sense were similar to *mahalles*. The conduct of Hacı Ahmed in this case who was from *şariyeci* esnaf was questioned from the members of other guilds around like *attar, tabibs* (*etrafında olan dekakin ahvalinden*) who were all performing their craft within the same physical space.

The court cases above evidence that individuals as members of sub-communities be it a *mahalle cemaati* or *esnaf taifesi* lived together with close communal ties established among them despite their secondary identities. The adjacent structure of their houses or spatial closeness in their physical spaces of occupation to one another helped to achieve close contacts apparently.

Although this close proximity established solidarity among the members, it could also however, serve as a source of displeasure and resentment. We frequently encounter cases in which members of the same community curse each other, witnessed by the community members.

Some court cases are recorded as if the scribe had written exactly what the plaintiff uttered. Such cases like the one below, seems like debunking all the previous research which argue that the utterances of the legal parties were being either transformed or even changed while being written to comply to legal jargon.

It is inscribed as if there were no barriers to free-spoken words.

“Mahmiye-i Konya’da Karahayıt mahallesi sakinlerinden baisü’l-kitab Ümmühani bint Abdülbaki nam hatun meclis-i şer’-i hatir-i lazımü’t-tevkirde, Mehmed bin Receb mahzarında üzerine dava ve takrir-i kelam idiüb, “mezbur Mehmed benim car-ı mülasıkım olub, tarih-i kitap gecesi benim kapumu mıhlayub, ben dahi açtığım eclden mezburını keser ile darp idiüb, ve sana ben fül-i şen’i ideyüm ve sıra ile nice kimesnelere dahi fül-i şen’i ettireyüm deyü bana şetm itmişdir, sual olunub muceb-i şer’i icra olunması matlubumdur” didikde gibbe’s-sual ve a’kibü’l inkar ve bade’l istişhad, udul-ı müsliminden mahalle-i merkumede sakinin Seyid Mustafa

*Çelebi ibn El-Hac Seyid Süleyman ve Mehmed ibn İbrahim nam kimesnelere li-ecli'ş-şehade meclis-i şer'e haziran olub.....*²⁷⁷

This case is about anger, cursing, and violence. In this case the lady named Ümmühan appeals to the court and claims in the presence of Mehmed that this Mehmed, who is her next-door neighbor, knocked her door, came inside, attacked her with a knife and cursed by saying that he would not only have an illicit sex with her, but also let others to have one by one. (*sana ben fiil-i şen'i ideyüm ve sıra ile nice kimesnelere dahi fiil-i şen'i ettireyüm*). She wants Mehmed to be questioned. Although Mehmed denied, witnesses came to the court and told that they had heard Mehmed cursing. And the case has been recorded upon request.

The above cases which evidence that community members lived physically close to one another who acted as sureties of their neighbors from a different faith, claimed against a member of the ruling elite for his oppression together with their neighbors, witnessed for the well-being (or their displeasure) of their next-door neighbors or their fellows from their own occupational groups in a court case, are not unique in any sense. The court registers are full of similar cases and this is something that we already know. They actually reflect not only Ottoman but also any other traditional society. However, what we do not know is how they themselves could succeed in bypassing the disparities among them? Was there another determinant of social solidarity? Can we explain the solidarity established

²⁷⁷ Konya JCR 35: 113

between the members only by their physical close proximity ruling out the disparities? It seems like it does not give a satisfactory answer by itself.

Regarding each *taife* as an emotional community sharing not only a common physical space but also define and assess same feelings as valuable and harmful to them, having a common stake, interests, values and goals, sharing a common rhetoric of emotions would elucidate how they could. Furthermore, exploring the ways in which emotions were expressed would help us to grasp the fundamental social assumptions and daily negotiations that collectively structured Ottoman society.

The main question then remains to be how the members of these *taifes* expressed their emotions towards one another and what the role of emotional rhetoric was in their daily lives. Since every expression of emotion constitutes social communication and political negotiation, exploring the emotional rhetoric is also crucial in investigating power relations. The emotional rhetoric of the *taifes* is explored in the next section.

5.2. Emotional Rhetoric of *Taife/Cemaats*

It is argued that each *taife/cemaat* was a distinct emotional community besides being a social community. Based on notable frequency of their appearance in the primary sources, it is further argued in this section that the terms that we encounter like “*razı olmak*” (giving consent), “*şükran duymak*” (feeling thankful) or “*hoşnud olmak*” (feeling pleased), “*maiyyet üzere olmak*” all evidence the

emotional dimension of the relations among the community members. It was not something that the religious law demanded, it was not demanded by the traditions either. These phrases that we frequently encounter in sources represent the emotional discourse of *taife/cemaats*, each having their own emotional standards as an emotional community. It should be noted here that it is not the emotions of the members of *taifes* that they felt towards one another that is searched for. Although words and feelings were not entirely separate, this research is rather concerned with the verbal expressions of emotions and words in which emotions were expressed. It is an expression of feeling, an expression of solidarity based on emotions.

5.2.1. “*Razı ve şakir olmak*”

What did the phrase “*rıza ve şükran duymak*” denote? How would members of a *taife* or *cemaat* feel *rıza* and *şükran* towards one another? What was the role of such an expression and when was it suitable to express, where and to whom? What were the constraints of being somebody whom the members of the *taife/cemaat* were thankful to and pleased of?

A neighborhood community could claim in the court that they collectively do not have their consent for a member of their community and do not feel thankful to him/her and may even demand his/her expulsion from their community. For example, in a court case dating 28 December 1683²⁷⁸, the community members

²⁷⁸ Taş 2004: 251 Hülya Taş, XVII. Yüzyılda Ankara. Unpublished PhD Thesis, Ankara: Ankara Üniversitesi: 2004, 251. Quoted from Ankara JCR 64: 167.

came to the court and claimed that “*mezbûr Ahmed, yaramaz ve ehl-i fesâd kimesne olub dâ`imâ bu makûle fesâddan hâlî olmayub her hâl ile evzâ` ve ef`âlinden rızâ ve şükran üzere değilleriz*”. The members of taife did not want to share their space with Ahmed any more. Ahmed in other words deviated from the social norms of his community since he was “*yaramaz*”(misconducting) and “*ehl-i fesad*” (intriguer) and his failure of compliance is expressed in the emotional rhetoric of the community members as “*rıza ve şükran üzere değilleriz*”. This expression may also be regarded as a social signal, informing that the affective ties between Ahmed and the community members have been deteriorated.

We encounter the phrase “*rıza ve şükran*” frequently not only in spatial communities like neighborhoods or districts but also in the guilds. This is also an expression widely used by the guild members towards those who are either considered to be a part (or not) of their emotional community. The case that has previously been quoted in which Hacı Ahmed, a member of *şariyeci* guild in İstanbul, demanded his own conduct be questioned from members of other guilds, also reflects emotional rhetoric of the guild members with the verbal expression of emotions as “*mezbur Hacı Mehmed`in keyfiyet-i hali sual olundukda her biri mezbur Hacı Ahmed için kendi halinde olub san`atında kusuru ve kimesneye zararı olmayub her vechle halinden şakir ve razıların deyu hüsn-i hal virdiklerinde...*”.²⁷⁹

²⁷⁹ Timur Kuran, ed., *Mahkeme Kayıtları Işığında 17. Yüzyıl İstanbul`unda Sosyo-Ekonomik Yaşam*. v:1. *Esnaf ve Loncalar, Hıristiyan ve Yahudi Cemaat İşleri, Yabancılar* (İstanbul: İş Bankası Kültür Yayınları, 2010), 266-267. Quoted from İstanbul JCR 16: 92a/4.

In the case below, the non-Muslim members of dimici taifesi Geromi, Yani, Melike, Vesnci, Corci, Frankovi and Anton came to the court and within the presence of Yani who was their selected leader made the allegation that although Nikola was acting as their selected leader for a long time, they are not pleased of him and do not have consent in him. Therefore they demand that Nikola be expelled from his post of *kethüda* and Yani be their new and selected *kethüda* for whom they have unanimously decided to be their new leader. The case has been recorded as per request when Yani accepted to be their *kethüda* and carry out the requirements of his new duty. This case has a high representational power since court records are full of cases providing evidences in which the group members demand dismissal of a *kethüda* and their emotions are usually expressed as “*razı ve şükran değiliz*”. It was necessary that the members in the bottom of the pyramidal organizational structure of the communities would be *razı ve şakir* from not only one another but also from their leaders who were selected collectively by the members. It was a mutual relationship, which also demanded presence of mutual affective ties.

“Mahrusa-i Galata ve tevabiinde vaki dimici taifesinden Geromi veled-i Melike ve Yani veled-i Manol ve Melike veled-i Geromi ve Vesnci veled-i Bati ve Corci veled-i Cani ve Frankovi veled-i Todori ve Anton veled-i Pepi nam zimmiler ve sairleri meclis-i şer’de hala beynlerinde kethüda nasb ve tayin eyledikleri işbu rafü’l-rakim Yani veled-i Manol nam zimmi muvacehesinde her biri ikrar ve takrir-i kelam idiüb kadimü’l-eyyamdan bu ana gelince umurumuzu rü’yet için beynimizde bir kethüda nasb u tayin olunagelüb ve hala kethüdamız olan işbu hazırbi’l-meclis Nikola veled-i Manol nam zimminin evza u etvarından cümlemiz hoşnud ve razılar olmadığımız cihetle merkum Nikola’yı ihrac ve yerine merkum Yani’yi beynimizde bi’l-ittifak kethüda nasb u tayin ve ihtiyar eyledik dediklerinde merkum Yani dahi ber vech-i muharrer kethüdalığı kabul ve mahallinde

*hidemat-ı lazimesini ikamete taahhüd itmeğin ma-hüvel-vaki bi'l-ibtiga ketb olundu. Fi'l-yevmi 's-sani ve'l-ısrin min Zi'l-kadeti 'ş-şerife li sene 1137.*²⁸⁰

In one of the records of the register for important affairs (*mühimme defteri*) dating 17th century, it is understood that the notables of the community transmitted their demands to the Imperial Council by the aid of their naib, regarding a case of banditry.²⁸¹ The district of Muğla is positioned in the middle of the sanjaks of Menteşe, Hamd and Teke and therefore under relatively a loose control of the *sancakbeys*. This is also why the district of Muğla is frequently under the threat of banditry activities. These *ehl-i fesad* groups had even previously killed the judges, the religious scholars and some notables, plundered their properties and oppressed the subjects. The subjects who were weary of such oppression, would even flee from their lands and settle somewhere else in case the problem could not be solved. As a solution to vulnerability of the administrators, the notables of Muğla district demands that Ahmed who was the previous *sancakbey* of Erciş be commissioned to expel the bandits. The related part of the text of which is quoted below:

“ve sen (Ahmed who is the previous sancakbey of Erciş is being referred to) ümerânun ihtiyârı(sın), a'yân-ı vilâyet (senin) ef'âl ü akvâlünden rızâ vü şükran üzere olduklarından mâ'adâ, ol diyârlarda sâkin ve eşkiyâ-i mezbûrûnı elegetürmekde vukûfun olup zikrolunan mahalleri hıfz u hirâset eylemen bâbında a'yân-ı vilâyet recâ eyledüklerin arzyledükleri ecilden....”

²⁸⁰ Taylan Akyıldırım, “259 Numaralı Şeriyeye icili Defterine göre Galata (Metin ve Değerlendirme),” (Unpublished master's thesis, İstanbul: Mimar Sinan Güzel Sanatlar Üniversitesi, 2010), 374-375. Quoted from Galata JCR 281: 32.

²⁸¹ 85 Numaralı Mühimme Defteri (1040-1041(1042)/ 1630-1631(1632) (Ankara: Devlet Arşivleri Genel Müdürlüğü, 2002), 32-33. The full text is given in Appendix VI.

What is important here is the linguistic expression of “*rıza ve şükran üzere*” used by the notables of an emotional community formed this time by the residents of Meğri, Döğer, Pırmaz, Eşen and Ağıtaş districts showing their consent and feelings of thankfulness to an *askeri* class member. The Imperial Council in return, demanded the mentioned sancakbeyi to get control of the said territory.

5.2.2. “*Maiyyet Üzere Olmağla*”

There are other terms that we encounter, similar in their essence, to the term “*rıza ve şükran*” which further elucidates its broader meanings.

“Mahmiye-i Konya’da merhum Şeyh Şemseddin Tebrizi mahallesi ahalisinden ashab-ı haze’l-kitab Molla Yahya bin Hasan ve nam kimesneler meclis-i şer’-i hatir-i lazımu’t-tevlirde yine mahalle-i merkume sükkanından Kasab Osman bin Abdurrahman ve zevcsi Satı bint-i Rıdvan nam kimesneler mahzarlarında her biri takrir-i kelim ve tabir-i ani’l-meram idüb merkume Satı kendü halinde olmayub haftada bir gün kendi menziline olub sair günlerde def ve düplek ile ehl-i fesad eşkiya ve fıska evlerin gezmeyi mu’tad dinüb ve sair bunun emsali fesad eşkiya ve şekavet üzere olub ve zevci merkum dahi merkumenin şekavet ve fesadati malumu iken sükut idüb nice def’a men ve nasihat olunub her biri amel olmadıkları ecilden her birinin bu makule hilaf-ı şer’ evza’ına tahammülümüz kalmamıştır mezburan Osman ve Satı ile bir mahallede ma’iyet üzere olmağa her birimiz razı değilleriz mezburlar mahallemizden ihrac olunmaları matlubumuzdur eğer ihrac olunmazlarsa her birimiz perakende ve perişan olmamız mukadderdir deyüb her biri mezkuranın su’-i hallerini ihbar itmeğın min bad mahalle-i merkumede durmayıb menzillerinden çıkub gitmeğe mezkuran Osman ve Satı’ya tenbih bir le ma vaka’a bi’t-taleb ketb olundu. fi’l-yevmi’s-samin aşer min şehr-i Rebi’ül-evvel li-sene erbaa ve mie ve elf” (18 Rebi’ü’l-evvel 1104 /27 Kasım 1692)²⁸²

²⁸² İzzet Sak and İbrahim Solak, 38 Numaralı Konya Şer’iye Sicili (1103-1104/1692-1693) Transkripsiyon ve Dizin (Konya: Selçuk Üniversitesi, 2014), 327. Quoted from Konya JCR 38: 198-2

In this case, many people from the quarter of Şeyh Şemseddin-i Tebrizi in Konya approached the court claiming against Kassab Osman and his wife Satı and made the following allegation: “Satı is harmful (*kendü halinde olmayub*), she stays in her house only once per week. For the remaining days, she visits the houses of bandits while at the same time playing drum and tambourine, and her brigandage (*şekavet*) and mischief (*fesadat*) has become habitual.” Her husband, although aware of his wife’s misconduct did not prevent her from doing so, and rather remained silent. Despite the recurrent advice of the neighborhood members, their efforts remained futile. They also demanded both the husband and his wife’s expulsion from the neighborhood stating “*Osman ve Satı ile bir mahallede ma’iyyet üzere olmağa razı değilleriz*”. If the couple were not expelled from the quarter, the members of the community would be dispersed and scattered (*eğer ihrac olunmazlarsa her birimiz perakende ve perişan olmamız mukadderdir*). The most striking term in this case is “*ma’iyyet üzere olmak*”, which means to be in one’s company denoting to friendly living together as companions do. This term also evidence that neighborhood communities were also emotional communities with affective ties bonding one another.

5.2.3. “*Terazu ve Tevafuk Eyledik*”

We also encounter terms and phrases, which were used almost synonymously

with “rıza ve şükran duymak” and “maiyyet üzere olmak” that I has previously been analyzed. Understanding the broader meaning of such terms, which denote affective ties between community members, is crucial in this research. Another term, “terazu ve tevafuk eylemek” used in the below case, is therefore important in making the conceptual analysis of “rıza ve şükran”.

“Mahmiye-i İstanbul’a ve etrafında vaki yemişçiler taifesinden bazarbaşıları Mehmed bin Ahmed ve Mustafa bin Abdullah ve Hüseyin ibn Nasrullah ve Süleyman bin Mustafa ve Ömer bin Mahmud ve Hamza bin İbrahim ve El-Hac Himmet bin el-Hac Hüseyin ve El-Hac Ahmed bin..... ve El-Hac İbrahim bin Mehmed ve es-Seeyid Mahmud bin Hüseyin ve İbrahim bin Nasuh ve Süleyman bin Hüdavirdi ve es-Seyyid Ahmed bin Mustafa ve Yusuf İmalüddin ve Seyyid Ahmed Çelebi ibn es-Seyyid Mustafa ve sairleri meclis-i şer’-i kavim-i lazımu’-t-tekrimde hazırın olub bast-ı kelam idüb taşradan yemiş gemisi geldikde bazarbaşımız marifetiyle beynimizde tevzi’ olunub kayak ile karşulanı gelmiş değil iken halen oligelene muhalif bazımız kayıkları ile taşradan gelen gemiye karşulamak ile fukaraya hisse değmeyüb külli ihtilale bais olmağın marifetleri yoğiken her kangımız taşradan gelen sefineyi kayak ile karşılayıb zahire alursa şer’le hakkından gelinüb muhkem te’dib ile zabt mümkün olmaz ise kayıklarımız ihrak olunmak üzere terazi ve tevafuk eyledik vech-i meşruh üzere olan ittifakımız tahrir olunub yedimize def’ olunmak taleb ideriz didiklerinde tahriren fi evaili Cumadelahire sene seb’a ve isrine ve elf.”²⁸³

From the case above, we understand that when a ship comes to Istanbul loaded with fruits, the distribution of the fruits from the ship to the guild members was used to be made under the governance of *pazarbaşı* who is the leader of the guild (*taşradan yemiş gemisi geldikde bazarbaşımız marifetiyle beynimizde tevzi’ olunub*). Lately however, contrary to this custom and practice (*oligelene muhalif*),

²⁸³ Timur Kuran, ed., *Mahkeme Kayıtları Işığında 17. Yüzyıl İstanbul’unda Sosyo-Ekonomik Yaşam*. v:1. *Esnaf ve Loncalar, Hıristiyan ve Yahudi Cemaat İşleri, Yabancılar* (İstanbul: İş Bankası Kültür Yayınları, 2010), 163-164. Quoted from İstanbul JCR 3: 29b/1.

some people started rowing by their own boats to the ship to take the fruits directly without leaving anything for the rest of the guild members which is an unfair practice. The guild members stated that this unfair practice could instigate even a riot among the guild members (*taşradan gelen gemiye karşulamak ile fukaraya hisse değmeyüb külli ihtilale bais olmağın*). *Fukara* in this context, although literally means poor, denote to those members of the guild the rights of whom should be protected. The members of the guild were quite displeased of the ongoing practice and they came to the court to verify that they had unanimously made a decision and demanded that their collective decision recorded in the court registers to make sure that if any one of them disobeys their collective decision they would have the right to take legal action against him. They had collectively promised that not any one member of the guild would row by his boat to the fruit ship and that even if one does so, they would all burn their own boats. The solidarity among the group members against wrongdoers was this time expressed by the terms “*terazu ve tevafuk*”. This is also an expression of their collective emotions based on solidarity. This is a quite radical decision for the members against those who disobey the collectively established rules and regulations and thus hinder a fair distribution of raw materials. Even if one of the members attempt to row his boat and buy the fruits beforehand, they promised that each and every member of the guild would burn his own boat. Such a promise was not something that had been required by the officials; rather it reflects the willpower of the guild members themselves. It was a decision taken among themselves in agreement with all the members to solve a problem regarding their community which also reflects solidarity among the members. None of the members in the

guild resisted the collectively taken decision although they could individually get harmed for taking such risk. Giving their individual promises for the good of the community even if it may cause a personal loss denotes the affective ties between the community members.

5.2.4. “*Kendü Halinde Olmak*”

There is another phrase that we frequently encounter, *kendü halinde olmak*, being innocuous, which represent one of the main determinants of feeling *rıza ve şükran*. *Kendi halinde olmak* meant to be someone who does not display offensive acts. While *kendi halinde olmak* today denotes some kind of estrangement from the outer world, it however referred in Ottoman Turkish to being inoffensive with an emphasis on the harmlessness. The linguistic and contextual analysis of the phrase *kendü halinde olmak* will not only broaden the meaning of *rıza ve şükran* but also enable us to better understand the intra-communal relations among the members.

In the below example dating, 5 cemaziyülevvel h. 1110,

“Medine-i Ankara muzafaatından Haymana-i Kebir nahiyesine tabi Yenice nam karye sakinlerinden baysü hazil-kitab Fazlı bin Mustafa nam kimesne meclis-i şer’-i hatir-i lazımı’t-tevkirde karye-i mezbure sakinlerinden Hasan bin Ahmed nam şabb mahzarında üzerine takrir-i dava idüb tarih-i kitabdan 6 gün mukaddem mezbur Hasan gaibetü’l-meclis olan sulbiye kızım Aişe nam bkr-i baliğaya fi’l-i şeni’ kasdıyla leylen karye-i mezburede kain menzilime girdikde işbu haziretü bi’l-meclis olan zevcem Fatma binti Ömer Bey nam hatun habîr ve ağah olmağla mezbur Hasan’ı menzirim dahilinde ahz itmiş idim sual olunub tahriri tahrir ve kızım mezbure Aişe’nin keyfiyeti ahvali karye-i mezbure ahalisinden işbu hazırun-ı bi’l-meclis olan Eyüb bin Mehmed ve El-Hac Mustafa bin Osman ve İvaz bin İbrahim ve Cafer Bey bin Mustafa ve Mustafa bin İbrahim nam kimesnelerden ba’de’l-istihbar mucceb-i şer’isi icra olunmak matlubumdur didikde gibbe’s-sual

mezbur Hasan mezbure Aişe'ye fi'l-i şeni kasdıyle müddei-i mezbur Fazlı'nın karye-i mezburede kain menziline leylen girdiğini ikrar ve itiraf ittikten sonra mezbure Aişe'nin keyfiyet-i ahvali dahi mezburun Eyüb ve El-Hac Mustafa ve İvaz ve Cafer Bey ve Mustafa'dan istihbar olundukda her biri cevablarında mezbur Aişe kendü halinde, afife, ve mesturedir deyü bi'l-muvacehe ala tarik-i ş- şehade hüsn-i halini ihbar itmeleriyle mezbur Hasan ta'zir olunub ma vakia bi't-taleb ketb olundu. fi'l- yevmi'l-hamis min cemaziyel ahire sene 1110."²⁸⁴

Fazlı, who is from the Yenice village of Büyük Haymana nahiye in Ankara, claims in the court against Hasan, who is from the same village and who has recently reached puberty and stated that he entered their house with the intention of having an illicit sex with his daughter Aişe. Upon his wife's awareness, Fazlı captured Hasan and brought him to the court. Fazlı demands Hasan be questioned. He additionally demands the neighbors who are present in the court to give information about his daughter Aişe. While Hasan accepted the accusation, the neighbors witnessed Aişe's good conduct with the expressions of *kendü halinde* (inoffensive, harmless), *afife* (chaste) and *mesture* (modest and virtuous). Then the judge made his decision that Hasan be punished.

The first and foremost constraint for feeling pleased and thankful towards one another was being inoffensive and harmless. The chastity and modesty of Ayşe is also emphasized in the above case, which refer to morality. The basic constraints of being someone in the community for whom the community members feel *rıza ve şükran* then, is being harmless against others and modest and chaste. To be

²⁸⁴ Ankara JCR 78: 76

someone who is loved and appreciated by the others requires such features, and this feeling of consent is expressed as “*rıza ve şükran*”.

The below quoted case further widens our understanding of “*rıza ve şükran*”.

“Medine-i Brusa’da Zâğfıranlık mahallesi ahalisinden işbu ashabü’l-kitab imam Mehmed Emin Efendi ibn El-Hac İbrahim ve Abdullahzade İbrahim Ağa ve Abdülkadir bin Cafer ve Molla İbrahim bin Mehmed ve Molla Abdullah bin Mustafa ve Es-Seyyid Molla Bektaş bin Es-Seyyid Hüseyin ve Molla İbrahim bin Ali ve Molla Mehmed bin Mahmud nam kimesneler ve sairleri meclis-i şer’-i hatir-i lazimi’t-tevkirde yine mahalle-i mezbure sakinelerinden Edibe bint Ali muvacehesinde herbiri takrir-i dava ve tasvir-i müddea idüüb, mezbure Edibe mahalle-i mezburede kendi halinde olmayıb ve na-mahremden dahi ictinabı olmadığından maada medidü’l-lisan olmağla bundan akdem kendi halinde olmak üzere kendüye tenbih-i ekidd olundukda mütenebbih olmamağla mezbure Edibe’nin mahalle-i mezbureden ihracına tenbih birle ma vakıa bi’t-taleb ketb olundu. fi’l-yevmi’s-samin min saferi’l-hayr li seneti tisin ve mie ve elf.”²⁸⁵

Mehmed, the *imam* (the religious leader) of Zağfıranlık quarter in Bursa, and others came to the court and claimed against a certain woman Edibe from the same quarter declaring that she is offensive (*kendi halinde olmayub*), does not refrain from being together with those who are defined as strangers canonically (*namahremden ictinabı yoktur*) and long-tongued (*medidü’l-lisan*). And she did not behave herself despite several warnings made previously by the community members. Although “*namahremden ictinabı olmamak*” is considered as an offense as per the Islamic law, being *medidü’l-lisan* is only a misconduct the boundaries of which were determined by the community members, and that which contradicts the prescribed social norms. The members are not therefore *hoşnud* (pleased) by her conduct and demand that she be expelled from their community.

²⁸⁵ Bursa JCR B166: 60

Another example for a case in which the community members do not have consent in an individual, dating 1736 is given below;

“Mahmiye-i Konya’da Zincirlikuyu Mahallesi sakinelerinden zati bi’l-marifet-i şer’iyye muarefe olab rafiatü’l-kitab Rahime bint-i Derviş nam hatun meclis-i şer’-i hatir-i lazımü’t- tevkirde sadriye sagire kızı Şerife Fatıma bint-i Seyyid Mehmed Efendi hazıra olduğu halde yine mahalle-i mezbureden İbrahim bin (.....) nam şab emred mahzarında üzerine dava ve takrir-i kelam idüb kızım merkume Şerife Fatma mezbur İbrahim’in mahalle-i mezburede vaki menziline bir hacet için vardıkda mezbur İbrahim kendi uçkurunu çözüp kızım merkumenin üzerine gelmekle kızım merume Şerife Fatma havf idüb firar eylemiştir sual olunub mezbur İbrahim’in keyfiyet-i ahvali mahallesi ahalisinden istifsar olunsun didikde ıbbe’s-sual ve’l-inkar mezbur İbrahim’in keyfiyet-i ahvali mahallesi ahalisinden olub zeyl-i vesikada muharrerü’l-esami müsliminden sual olundukda mezbur İbrahim kendi halinde olmayıb daima ümmet-i Muhammed’in ehl ve iyaline dilazarlık ve destderazlık adet-i müstemeresidir herkes mezburun yed ve lisanından emin değillerdir deyu mezbur İbrahim’in su-i halini habir virmeleriyle aa mucib-i ihbaruhum mezbur İbrahim’in tazir ve habsine tenbih bir le ma-vaka’a bi’t-taleb ketb olundu. 29 şevval 1148”²⁸⁶

In this case, Rahime who is the mother of Şerife claims in the court against İbrahim who is a young boy who recently reached puberty and states that when her daughter went to İbrahim’s house who is from another quarter, for some reason which is not specified, İbrahim untied the band holding his pants and approached her daughter. Frightened by İbrahim, Şerife ran away. Her mother Rahime demands that the conduct of İbrahim be questioned from the members of his own community. When questioned, the members of his quarter stated that he was offensive (*kendü halinde olmayıb*) and it was habitual for him (*adet-i müstemeresidir*) to be cruel (*dilazar*), rapacious and oppressive (*destderaz*) to the

²⁸⁶ İzzet Sak and İbrahim Solak, *53 Numaralı Konya Şer’iye Sicili (1148-1149 /1736-1737) Transkripsiyon ve Dizin*, (Konya: Selçuk Üniversitesi, 2014), 84. Quoted from Konya JCR 53: 36/2.

family members of the Muslims (*ümme-i Muhammed'in ehl ve iyaline*). They further added that the community members did not trust his words and they doubted his theft (*yed ve lisanından emin değillerdir*). They witnessed to his misconduct. The judge gave his decision that he be punished and prisoned. This case also shows other constraints for being someone appreciated and able to establish affective ties within his community.

The next case evidences someone of whom the community members were displeased for a different and interesting reason than the previous ones.

“Medine-i Konya nevahisinden Sudirhemi nahiyesine tabi’ Obsala nam karye sakinelerinden rafiatü’l-kitan Havva bint-i Ali nam hatun meclis-i şer’-i hatir-i lazı mü’t- tevkirde karye-i mezbure sakinlerinden Seyyid Ali bin Mehmed ve Nebi bin Abdullah nam kimesneler mahzarlarında üzerlerine dava ve takrir-i kelam idüb tarih-i kitabdan yirmi gün mukaddem gice halinde bade’l-ı şa mezburan Seyyid Ali ve Nebi su-i niyet ve fi’l-i şeni’ kasdiyla evimin ocağında içerü inib ırzıma taarruz etmek murad itmeleriyle feryad eylediğimde mezburlar firar itmeğın sual olunub takrirleri tahrir ve keyfiyet-i halleri karye ahalisinden bade’s-sual mucib-i şer’isi icra olunmak mathubumdur didikde gibbe’s-sual ve akibü’l-inkar ve bade’l-istışhad ve’l-acz ani’l-beyyine ahali-i karyeden nam kimesneler li-ecli’l-ihbar meclis-i şer’a hazirun olub eserü’l-istihbar her biri mezburan Seyyid Ali ve Nebi kendi hallerinde olmayıb çalar ve çağırır makulesinden olub bu misillü fi’l-e cesaret kendülerinden me’ muldur deyu su-i hallerinden haber vermeleriyle mezburların tazirlerine tenbih bir le mavaka’a bi’t-taleb ketb olundu. 23 zilkade 1148/ 5 April 1736.”²⁸⁷

In this case Havva bt. Ali from the village Obsala claimed against Seyyid Ali and made the following allegation: “This Seyyid Ali and Nebi from the same village of mine tried to break into my house twenty days ago at night time with the

²⁸⁷ İzzet Sak and İbrahim Solak, *53 Numaralı Konya Şer’iye Sicili (1148-1149 /1736-1737) Transkripsiyon ve Dizin*, (Konya: Selçuk Üniversitesi, 2014), 122. Quoted from Konya JCR 53: 52/2.

intention of having an illicit sex with me and they ran away when I screamed. I demand that their conduct be questioned from the members of our village”. Then the witnesses from the same village came to the court and they indicated his misconduct stating that this Seyyid Ali and Nebi were offensive (*kendü halinde olmayub*). They were musicians and singers (*çalar çağırır makulesinden olub*) and that it was expected from them to have the courage for committing such an offense. It evidences again that Seyyid Ali and Nebi were members of the village community to whom the members do not feel *rıza and şükran*.

In the case below, community members witnessed the good conduct of one of their members, while also declaring the misconduct of a woman from another community.

*“Medine-i Konya sancağında Gök Osmanlı Karyesi’nden olub medine-i mezburede misafirenten sakine ve zatı bi’l-marifet-i şer’iyye muarefe olan Hadice bint-i Hüseyin nam hatun meclis-i şer’-i hatirda refi’iyyü’l-kitab Gökman Osman bin Mehmed ve Demirci Mehmed bin Mehmed ile Kibaroğlu Mehmed nam kimesneler mahzarlarında üzerlerine dava ve takrir-i kalam idüb tarih-i kitabdan bir gün mukaddem menzilhane kurbunda mezaristandan geçüb giderken mezburan Osman ve Mehmed ve diğer Mehmed beni cebren ve kahren ahz ve mezbur Demirci Mehmed ve diğer Mehmed’in Sadırlar Mahallesi’Nde vaki menziline götürüb bir gün ve bir gece habs ve tasarruf eylediler sual olunub mezburunun keyfiyet-i ahvalleri mahalleleri ahalisinden istihbar olundukda mezburun Demirci Mehmed ve Gökman Osman ve Kibar Mehmed kendü hallerinde eyü ademlerdir ve cümlemiz kendülerinden hoşnud ve razıolarız ahvallerine dahi tekeffül ideriz deyu mezburun Demirci Mehmed ve Gökman Osman ve Kibar Mehmed’in hüsn-i hallerini ve mezbure Hadice Konya ahalisinden olmayub ahardan kazadan fuş ile meşhure ve na-mahremden ictinabı dahi olmamağla tarih-i mezkurede mahalle-i mezbure Sadırlar’da vaki mezbur Demirci Mehmed’in menzlinden mezbure Hadice’nin hurucunu bi’l-muayene müşahede eyledik deyu mezbure Hadice’nin su-i halini mahalle-i mezbure ahalilerinden olub zeyl-i vesikada muharrerü’l-esami müslimin ala tariki’ş-şehade haber virmeleriyle ma-hüve’l-vaki hıfzen li’l-makal bi’t-taleb ketb olundu. 15 şevval 1148/ 28 February 1736”.*²⁸⁸

²⁸⁸ İzzet Sak and İbrahim Solak, *53 Numaralı Konya Şer’iye Sicili (1148-1149 /1736-1737) Transkripsiyon ve Dizin*, (Konya: Selçuk Üniversitesi, 2014), 47. Quoted from Konya JCR 53: 20/5

In the case above, Hadice who was a visitor in Konya and who was from the village of Gök Osmanlı claimed against Gökman Osman, Demirci Mehmed and Kibaroğlu Mehmed and stated in their presence that one day ago, while she was passing through the cemetery, those 3 men had forcefully taken her to their house in the quarter of Sadırlar and had seized her for a day and night in their house. She wanted them to be questioned against law and their conduct to be inquired. For the inquiry of the men, witnesses from their own quarter were questioned. The witnesses however, verified that they were pleased of them having consent to and that they could act as guarantors to his conduct. The witnesses further stated that Hadice, the defendant, was not from Konya community and came from another district (*mezbure Hadice Konya ahalisinden olmayub ahardan kazadan*) and was famous for her prostitution (*fuhs ile meşhure*) and that she did not refrain from those who were defined canonically as strangers (*na-mahremden ictinabı dahi olmamağla*). They also stated that they witnessed her eviction from the house of the defendants. The case was recorded as per request. In this case, it's apparent that the community members considered the defendants as harmless and good people (*kendü halinde eyü ademlerdir*). Their emotions were again linguistically expressed with the phrase "*kendülerinden hoşnud ve razıdır*". We do not know whether Hadica, who was from another district, was indeed a prostitute or not, however, we do know that as a foreigner, she remained outside the boundaries of "*rıza ve şükran.*"

5.3. The Domain of *Rıza ve Şükran*

Taifes and *cemaats* as emotional communities may also be denoted as “domains of *rıza ve şükran*”, in which the emotion of feeling consent and gratitude towards one another was expressed by the same emotional rhetoric; i.e. “*rıza ve şükran duymak*”, “*razı ve şakir olmak*”, “*hoşnud olmak*”, “*maiyyet üzere olmak*”, “*terazu ve tevafuk eylemek*”. It was expected from community members to feel consent and gratitude towards one another, establishing it as an emotional code. This emotional norm was both private and at the same time collective. It was not only individuals who were expected to feel “*razı ve şakir*” to the other members of the community. The community was also expected to feel “*rıza ve şükran*” to each one of its members. It was an emotion felt both in the private realm of the individuals and also acted as a collective performance. However it was a cultivated emotion. The feeling of “*rıza şükran*” is similar to the concept of “emotive” in Reddy’s terminology. Because it is a “goal oriented thought material”. *Rıza ve şükran* in this sense was a feeling rule that the individuals and the community were expected feel. It did not serve only as a linguistic expression of an inner feelings of gratitude. It was also goal oriented, wanting to alter the world. Why would anyone want to be a part of this domain of *rıza ve şükran*? Why were they striving to get into this domain? Why would the community itself require that it should feel consent and gratitude towards its members? Being someone of whom the community members were pleased served several goals. The domain of *rıza ve şükran* was functional for the individuals in pursuing their personal goals.

In the previous chapter where the model of state-subject relations was discussed, it was argued that the basics of this relation was based on protection of the subjects by the sultan with compassion and submission of the subjects to the sultan with affection. Likewise, in the *taife/cemaats*, the community members would protect the members whom they were pleased of, thankful for and in consent. Protection by the community was crucial for one's survival. The mechanism for compliance to constraints of being a pleased member was so strict that the one who deviates could face several penalties like expulsion, dismissal from their leading positions, false allegations and could loose the support of community against any oppression of *örf* members or loose the guarantorships of his/her neighbors. For community members, this expression of emotion was like a secret code and everybody was well aware of its rules. “*The domain of rıza ve şükran*” denotes here to an imagined domain where affective ties are established among its members and presence of such ties are linguistically defined, labeled and named with the expression or *rıza ve şükran*. Expressing this emotional code for any member of the community would officially symbolize either the entrance or the sustenance of that member within this domain. In this section functions of the domain of *rıza ve şükran* is analyzed.

“Medine-i Ankara kazası muzafaatından kasaba nahiyesine tabi Nenek nam karye sakinlerinden baisu hazil-kitab Receb bin Maden nam kimesne meclis-i şer-i hatir-i lazımu't-tevkirde karye-i mezbure sakinlerinden Es-Seyyid Mustafa bin Hasan nam kimesne mahzarında üzerine takrir-i dava idüüb tarih-i kitapdan 1 gün mukaddem mezbur Es-Seyyid Mustafa karye-i mezburede işbu haziretü bi'l-meclis olan zevcem Kezban bint Mehmed nam hatuna fi'l-i şeni kasdı ile neharen menzilime dahil olmağla zevcem mezbure Kezban habîr ve agah olmağla feryâd ve ahali-i karye-i mezbureden istiane eylemişler sual olunub takriri tahrir ve keyfiyet-i ahvalleri ahali-i karye-i mezbureden bade'l-istihbar mucceb-i şer'isi icra olunmak matlubumdur didikde gibbe's-sual ve akibü'l-inkar müddei Receb'den müddeasına mutabık beyyine taleb olundukda ityan-ı beyyineden

izhar-ı acz ittiğinden sonra mezbur Es-Seyyid Mustafa ile mezbure Kezban'ın keyfiyet-i ahvalleri karye-i mezbureden hazırın bi'l-meclis olan nam kimesnelerden istihbar olundukda her biri cevablarında fi'l-hakika işbu mezbur Es-Seyyid Mustafa kendü halinde olmayıb, yaramaz ve haramzade olub, daima bu makule fesâd adet-i müstemiresidir ve işbu mezbure Kezban kendü halinde afife ve mesture deyu mezbur Es-Seyyid Mustafa'nın su-i halini ve mezbure Kezban'ın hüsn-i halini bi'l-muvacehe ala tariki şehade ihbar itmeleriyle mezbur Es-Seyyid Mustafa ta'zir olunmağ için zabıtine teslim olunub ma vakıa bi't-taleb ketb olundu. fi'l-yevmi's-sabi' min cemaziyelahire sene 1110".²⁸⁹

In this case the community members witnessed the misconduct (*su-i hal*) of Es-Seyyid Mustafa since he broke into Receb bin Maden's house with the intention of illicit sex by daylight. In return of Mustafa's offense, Kezban the wife of Receb screamed and asked for help, which was the expected code of behavior. Mustafa in this case, being a member of this community abused the trust of his neighbors and displayed misconduct behavior. Those who witnessed against him declared that his misconduct was habitual and they were not pleased of him. Kezban however, was harmless, modest and virtuous. The members of the community were well aware of the conduct of the other members in this domain of *rıza ve şükran*. They may witness for or against a member depending on whether they are pleased (or not) of their member facing legal controversies. Being a part of this domain acted as a protective shield against accusations providing strong evidence for one's innocence.

The case below evidences the importance of being a part of this domain of *rıza ve şükran* which may even help one to get disposed of legal sanctions imposed, again

²⁸⁹ Ankara JCR 78: 81

serving as a protective shield against false accusations. If one is outside of his/her domain of *rıza ve şükran*, he/she may be under the risk of false accusations.

*“Mahmiye-i Konya’da Şekerfüruş Mahallesi sükkanından zatı bi’l-marifeti’ş-şer’iyye muarefe olan Şerife Fatıma bint-i Mehmed Beşe nam hatun meclis-i şer’-i hatir-i lazımü’t-tevkirde Abdülaziz Mahallesi sükkanından Şatıroğlu Süleyman nam kimesnenin mahzarında üzerine da’va ve takrr-i kelim idüb mezbur Süleyman gayib-i ani’l-meclis İnce Mustafa nam kimesnenin zevcesi benim esvabım vardır kesiverin deyu mahalle-i mezbure Abdülaziz’de vaki menziline beni davet edib ben dahi mezbur Mustafa’nın menziline vardığımda mezbur İnce Mustafa ile benim üzerime gelib ben dahi feryad eylediğimde mahalle-i mezbure ahalipleri gelib beni menzil-i mezburdan çıkarub ve mezburan Süleyman ve Mustafa fîrar eylediler idi sual olunsun didikde gibbe’s-sual mezbur Süleyman mezbure Şerife Fatma’nın takrir-i meşruhunu bi’l-küllîye inkar idicek mahalle-i mezbure Abdülaziz ahalisinden merkum Süleyman ile gayib-i merkum İnce Mustafa’nın keyfiyet-i ahvalleri sual olundukda ber-vech-i muharrer merkum Süleyman ile gayib-i merkum İnce Mustafa menzil-i mezburun damından fîrar eylediklerini ve mezbure Şerife Fatıma’nın dahi menzil-i mezburdan hurucunu bi’l-muayene müşahede eyledük deyu mahalle-i mezbure Abdülaziz ahalisinden olub zeyl- vesikada muharrerü’l-esami müslimin haber virmeleriyle mezbur Süleyman ile merkume Şerife Fatma’nın tazirine tenbih bir le ma-vaka’a bi’t-taleb ketb olundu. 12 şevval 1148/25 February 1736”.*²⁹⁰

Şerife Fatıma, a woman from the quarter of Şekerfüruş, claimed in the court against Şatıroğlu Süleyman who is a resident of Abdülaziz quarter and made the following allegation: “This Süleyman invited me to his house and requested me to tailor the wife of Ince Mustafa, who is not present in the court. When I entered Süleyman’s house in the quarter of Abdülaziz, they both approached to me and I screamed. When the neighbors came to help me get out of the house, Süleyman and Mustafa escaped.” However the defendants denied her claim. Then the judge questioned the conduct of the defendants from their community members. The

²⁹⁰ İzzet Sak and İbrahim Solak, *53 Numaralı Konya Şer’iye Sicili (1148-1149 /1736-1737) Transkripsiyon ve Dizin*, (Konya: Selçuk Üniversitesi, 2014), 38. Quoted from Konya JCR 53: 17/1.

witnesses however only declared that they had witnessed Şerife Fatma getting out of the house and the escape of the defendants from the roof of the house. The judge then demanded that both Süleyman and Şerife Fatma be punished. It seems that Şerife could not prove successfully that she is indeed a praiseworthy member of her own community since she was attacked in a place lying outside of her domain of *rıza ve şükran*. However, on the same day of the court proceedings, we encounter another case report regarding the same dispute providing further details, quoted below;

*“Mahmiye-i Konya’da Şekerfuruş Mahallesi sakinelerinden zatı bi’l-marifeti’ş-şer’iyye muarefe olan Şerife Fatıma bint-i Mehmed Beşe nam hatun meclis-i şer’-i hatırda takrir-i kelam idüb, tarih-i kitabdan bir gün mukaddem Abdülaziz Mahallesi sakinlerinden İnce Mustafa nam kimesnenin zevcesi benim esvabım vardır kesiverin deyu beni menziline davet edib benim dahi terzilik sanatım olmağla menzil-i mezbura vardığımda mezbur İnce Mustafa ile Şatıroğlu Mustafa benim üzerime gelib ben dahi feryad eylediğimde mahalle-i mezbure ahalileri feryadıma yetişüb beni tahlis ve mezburan Mustafa ve Süleyman firar eylemişler idi mahalle-i mezbure ahalilerinden ve benim mahallem ahalilerinden keyfiyet-i ahvalim sual olunub takrirleri tahrir olunmak matlubumdır didikde mezbure Şerife Fatma’nın mahallesi ahalisinden el-Hac Abdullah bin Osman Efendi ve el-Hac Ahmed bin Hacı Mahmud ve İmam Molla Said ve Ali Bey nam kimesneler li-ecli’l-ihbar meclis-i şer’a hazırın ve istihbar olunduklarında fi’l-vaki mezbure Şerife Fatıma’nın yedinde terzilik sanatı olub kendü halinde ehl-i ırz dindar ve müstakime eyü hatundur deyu mezburun ve mahalle-i mezbure Abdülaziz mahallesinden olub zeyl-i vesikada muharrerü’l-esami müslimin mezbure Şerife Fatma’nın hüsn-i halini her biri ala tariki’ş-şehade habir virmeleri ma hüve’l-vaki bi’t-taleb ketb olundu. 12 şevval 1148/25 şubat 1736”.*²⁹¹

In the second case, after found guilty, Şerife Fatma now demanded that her own conduct be questioned from both the members of her own community and also the

²⁹¹ İzzet Sak and İbrahim Solak, *53 Numaralı Konya Şer’iye Sicili (1148-1149 /1736-1737) Transkripsiyon ve Dizin*, (Konya: Selçuk Üniversitesi, 2014), 42. Quoted from Konya JCR 53: 18/4.

members of Abdülaziz quarter, emphasizing her possession of a craft as a tailor.

The witnesses, this time residents from both Abdülaziz quarter and her own community, witnessed that she is harmless, pious, respectable, honest, upright and a good person. The case has been recorded as per request. We do not know for sure but most probably Şerife Fatma could, after having validation of her good conduct, escape the legal sanctions of the previous case. This case shows that one would feel safe only within a domain in which he/she could succeed in establishing affective ties. If one were out of the domain, he/she would be exposed to the risks false allegation.

The judicial court records are replete with cases of expulsion from one's community. Usually the community members would come to the court and collectively demand that one or more of their members be expelled from their domain of *rıza ve şükran*. The case below evidences expulsion of Mustafa from his occupational community indicating a removal from the domain of *rıza ve şükran*.

“Darü'l-hilafeti'l-aliyye-i mahmiyye-i Kostantiniyye'de kul oğlanı taifesinden Mezarcioglu dimekle ma'ruf Mustafa nam kimesnenin es'ara müteallik olan umurda enva-i fesadâtı zahir olmağile keyfiyet-i ahvali taife-i mezbure ihtiyarlarından ve sayir ehl-i hirefden teftiş olunmasıyiçün ferman-ı ali sadır olmağın imtisalen li'l-emri'l-âli taife-i mezbureden el-Hac İbrahim bin Ömer ve el-Hac Mehmed bin Mahmud ve el-Hac Musa ve Şaban Çelebi ve el-Hac Musalli ve Ahmed Çelebi ve Mehmed Çelebi bin Abbas nam kimesnelerden ve mahmiyye-i mezburede vaâki' ehl-i hiref kethüdaları ve yiğitbaşularından ve sair ihtiyarlarından mezburun keyfiyet-i ahvali sual olundukda mezburunun her biri cevablarında mezbur Mezarcioglu Mustafa fi'l-hakika şâki ve ehl-i fesad ve mürteşi ve ibtal-i es'ara her vechle ba'is ve badi olub her birimiz mezburun fi'l ve kavlinden müte'ezzi olduğumuzdan maada mezbur Mustafa hizmet-i mesfurede istihdam olunmak amme-i nasa zarardır deyu meclis-i şer'de ihbar eylediklerinde fi'l-hakika mezbur Mustafa'nun vech-i meşruh üzere bi'd-defe'at fesâdâtı şer'an zahir ve mütehakkık olmağın mezbur Mustafa taife-i mezbureden ihrac olunub min bad hidmet-i mesfurede istihdam olunmayıb bâ-ferman-ı ali memur olduğu sefine-i amire hidmetinde kema-kan ibka

olunmak üzere işbu vesika enka alâ vechi'l-hakikaketh ve yed-i tâlibe def' olundu fi gurrei Saferi'l-hayr sene 72".²⁹²

It is apparent that the community members did not have consent in and do not feel thankful to one of their members and demanded that he be expelled from their community. The community in this case is an occupational one, the members of which buy and sell slaves. It has been demanded by an imperial order that Mustafa's conduct be inquired from the selected notables (*ihtiyaran*) and the community members (*sair ehl-i hiref*) since it was apparent that he had mischief regarding determination of the market prices (*es'ar*. pl. of *si'r*). Mustafa apparently specified the prices of the slaves either too high or too low, preventing the formation of a fair market value. His conduct was questioned from the administrators (*ehl-i hiref kethüdarları ve yiğitbaşlarından*), the selected notables (*sair ihtiyarlarından*) and the members of his occupational community. They witnessed the misconduct of Mustafa in their reply stating that he was a brigand/robber (*şâki*), intriguer (*ehl-i fesad*), who accepted bribes (*mürteşi*) and was causing the market prices to be abolished (*ibtal-i es'ara her vechle ba'is ve badi olub*). They further stated that each and every one of the community members was grieved from his acts and words and his service in their community was harmful for the public welfare (*her birimiz mezburın fi'l ve kavlinden müte'ezzi olduğumuzdan maada mezbur Mustafa hizmet-i mesfurede istihdam olunmak amme-i nasa zarardır deyu*). There is again an emphasis on the potential

²⁹² Timur Kuran, ed., *Mahkeme Kayıtları Işığında 17. Yüzyıl İstanbul'unda Sosyo-Ekonomik Yaşam*. v:1. *Esnaf ve Loncalar, Hıristiyan ve Yahudi Cemaat İşleri, Yabancılar* (İstanbul: İş Bankası Kültür Yayınları, 2010), 227. Quoted from İstanbul JCR 9: 145a/2.

harms that Mustafa may induce against the public welfare. The members also express their grief from his acts.

We also encounter a case in Bursa court registers no B 166/61 dating 1154 in which a member of a guild was demanded to be expelled since he was offensive (*kendü halinde olmayıb*), was frequently familiar (*ülfet*) with those who were vile (*erazil*) and disgraced (*nikbet*) and was usually walking around drunk with a weapon in his hand and could not escape being vicious (*alet-i harb ile sekran geşt-i güzar ve fisk ve fesaddan hali olmamağla*).

The expulsion cases show that one may be removed out of the domain of *rıza ve şükran* if he/she did not comply with the social, legal or religious norms.

The state of being pleased from the community members also served as protection in cases of false accusation. The example below is interesting as it serves as an evidence of this protection.

“Mahmiye-i Konya’da mukataa’-ı mirabiye mülhakatından Gödene nam karye mültezimi olan Seyyid Mehmed Çelebi bin El-Hac Seyyid Yusuf nam kimesne meclis-i şer’-i hatir-i lazımu’t-tevkirde karye-i mezbure sükkanından ba’isü’l-kitab Abdülkadir ibn El-Hac Abdi ve Molla İsmail bin Mehmed mahzarlarında takrir-i kelim ve ta’bir-i anil meram idüb, “ben karye-i mezburenin zabiti olmam ile mezbur Abdülkadirin sulbiye kızı olub bu ana gelince kimesnenin menkuhesi olmayan İscihan nam bikrin bekaretini karye-i merkume imamı olan mezbur İsmail Halife izale itmiş deyu mesmu’um olmuşdur sual olunsun” didikde, gıbbe’s-sual merkuman Abdülkadir ve İsmail husus-ı merkumu inkar ile cevap virmeğın karye-i merkume ahalisinden Abdürrahman Halife ibn Hasan ve Mehmed ibn Ahmed Bey ve Hüseyin bin Mehmed ve Şaban bin Mehmed ve Süleyman bin El-Hac Muslu ve Mustafa bin Ali ve diğır Mustafa bin Abdi ve diğır Mustafa bin Mehmed ve Ömer Halife bin Ali ve El-Hac Ahmed bin ...nam kimesneler li-ecli’l-ihbar meclis-i şer’e hazirun olub, eserü’l istihbar “mezburun İsmail Halife ve İscihan ehl-i ırs kendü hallerinde müstakim kimesnelerdir her birinden bu ana gelince bu makule hilaf-ı şer’-i fiil sudurı mesmu’umuz değıldiür, iftira ve bühtandır aslı ve hakikisi yokdur” deyu her

biri mezburların hüsn-i hallerini ... virmeğin mezbur Seyyid Mehmed Halife muarazadan men birle ma vakia bi't-taleb ketb olundu".²⁹³

Seyyid Mehmed Çelebi, the mirabiye mukataası mültezim of the village of Gödene in Konya, called to court Abdülkadir and Molla İsmail who was the religious leader of the village and made the following allegation: “Acting as the *zabit* of Gödene village, I’ve heard that the Molla İsmail raped İscihan who is the daughter of Abdülkadir and who is unwedded and I demand that the two be questioned.” Upon the defendants’ denial of the accusation, the members of the village community witnessed that both of the defendants are respectable (*ehl-i irz*), inoffensive (*kendü halinde*), honest and upright (*müstakim*) and they have not heard of their mischief by now. They added that the allegations of the *zabit* were slander (*iftira and bühtan*). The judge then demanded the plaintiff be prohibited from making such groundless claims. Being a part of the domain of *rıza ve şükran* in this case protected one from the legal sanctions of false accusations.

Regarding the functions or the domain of *rıza ve şükran*, that which everybody strived to be a part of, the above cases showed that expression of *rıza ve şükran* was more than just a linguistic representation of an inner feeling. It also had social, legal and religious implications. This domain functioned as a protective shield. It is an emotional code, indicating that the community members would protect their members from threats outside by acting as guarantors to their good

²⁹³ Konya JCR 35: 112

conduct or by protecting its members from false allegations. Likewise, for those, whom the members are displeased, the shield of protection would be removed and they would not witness for the member's good conduct, they would demand their expulsion from the community.

However, being a part of this domain also served more than just a protection from outside threats. It also eased one's financial liabilities, especially on payments of tax and accrued collective expense payments, either by reducing or even removing their liabilities. The community members shared the liabilities of those who are in the domain of *rıza ve şükran*. This function is as important as the protective aspect and had larger social implications. The case below would further elucidate my arguments and provide additional clues on the features of an emotional community.

*“Medine-i Ankara mahallatından Bazar-ı Ganem mahallesi mütevellisi Mehmed bin Ahmed ve Es-Seyyid Mehmed Halife ibn El-Hac Osman ve İsmail Beşe ibn Yusuf Es-seyyid Salih Halife bin İbrahim ve Mehmed bin Mustafa ve Mehmed Beşe ibn Abdullah ve Mustafa Beşe ibn İbrahim ve Es-Seyyid Ali Çelebi ibn Es-Seyyid Fethullah ve Ali Beşe ibn Mehmed ve Es-Seyyid Ahmed Çelebi ibn Şerif Çelebi ve Mehmed bin Himmet ve Dede bin Mehmed nam kimesneler ve sairleri meclis-i şer’-i şerif-i enverde baisü hazi’l-kitab Alemdar Ebubekir Beşe ibn İbrahim nam kimesne mahzarında her birileri ikrar-ı tam ve takrir-i kelam idüb mezbur Ebubekir Beşe muhtarımız olmağla altı seneden beru ahali-i mahalemiz üzerine vârid ve nâzil olan tekalif-i örfiyye ve şakkayı beynimizde tevzi’ ve taksim eyledikde hal ve mallerimize göre tadil ve tesviye üzere tevzi’ ve taksim idüb ve umurumuzu dahi iffet ve istikamet üzere ru’yet itmeğle hilaf-ı şer’-i şerif bir kimesneye teaddi ve gadr-i fahişi yoğiken ahali-i mahalleden sahibü’l-ağraz bazı kimesne mezbur Ebubekir Beşe hakkında husus-ı mezkura müteallika ifk ve iftirayı müşt Emil kelimat-ı naseza isnadıyla tekdiri bî-asl olub her halde mezburun evza’ ve etvarından hoşnud ve razı ve tarih-i mezburdan bu ana gelinceye değin mezbur zimmetinde gerek salyane akçesi ve gerek cihet-i saireden bir akçe ve bir habbe alacağımız yokdur didiklerinde gibbe’t-tasdik-i şeri’i mavakia bi’t-taleb ketb ve tahrir olundu. fi’l-yevmi’s-sani ve’l-ışriyn min zilhicce-i’ş-şerife sene erba’ ve sittin ve mie ve elf”.*²⁹⁴

²⁹⁴ Ankara JCR135: 96

Mehmed, who is the “*avarız akçesi vakfı mütevellisi*” (administrator of cash waqf)²⁹⁵ of the Koyunpazarı quarter in Ankara, came to the court together with some notables of the same quarter. Within the presence of Alemdar Ebubekir Beşe they stated that this Ebubekir was their chosen leader (*muhtarımız olmağla*) who pursued communal duties. For the past 6 years, he had been allocating their liabilities of *avarız* tax payments depending on the members’ financial means and conditions specified otherwise (*hal ve mallerimize göre*) honestly (*iffet*) and with integrity (*istikamet*). However some people holding a grudge against him demanded that he be dismissed from his duty by spreading groundless rumors (*ifk ve iftiayı müştamil*) about him with their unseemly words of imputations. However, they were all pleased of his attitude and behavior (*evza ve etvarından rıza ve hoşnud üzereyiz*). They even did not have any receivables from him accrued from the past regarding “*saliyane akçesi*” or from any common expenditures of their community (*üzerinde mahallemize ait saliyane akçesinden ve diğer ortak harcamalardan herhangi bir alacağımız yoktur.*)”

There are many concepts in this case, which needs to be further analyzed. The first one is *muhtar*. *Muhtar* is not someone who has been appointed externally. It refers to someone who gained the respect of community members by his attitude and behavior and who was collectively accepted and selected by the community members. The community members in other words, are pleased of him because of his good conduct. However, the state of being pleased also depends on additional

²⁹⁵ For the functions of *avarız akçesi vakfı*, see Özer Ergenç, *XVI. Yüzyılda Ankara ve Konya*, 2nd Edition (Istanbul: Tarih Vakfı Yurt Yayınları, 2012), 205.

qualifications, which are of importance to my arguments. *Avarız akçesi mütevellis* also bear the responsibility of allocating the tax liabilities of the community among its members. The appropriate allocation of taxes was crucial for him in being a leader of whom the community members were pleased. He was expected to perform his duty honestly with integrity (*iffet ve istikamet üzere*). The pleasure of the members depended not only in his ability to collect the taxes as their liabilities towards the state but also, more importantly, in his success to fairly allocate the accrued *avarız* taxes and other expenditures among the community members.

What needs to be emphasized here is the funds termed as “*avarız akçası fonu*”. This fund had been transformed into a waqf in time. *Avarızhanesi* was a fictional (*itibari*) household constituting of more than one taxpayer. We do not know for sure how many real households were forming one *avarızhanesi*. One *avarızhanesi* could consist of 3, 5, 7 or 9 real households depending on the taxpayers’ economic circumstances. *Avarızhane* registers have been mostly studied so far in search for demographical analysis, especially for population estimation, although they have some limitations.²⁹⁶ Ergenç for example made the population estimate

²⁹⁶ See for example; Ömer Lütfü Barkan, “Avarız”, *İA*, v: 2, 13-19; Özer Ergenç, *XVI. Yüzyılda Ankara ve Konya*. 2nd Edition (Istanbul: Tarih Vakfı Yurt Yayınları, 2012); Süleyman Demirci, “Demography and History: The Value of the Avarızhane Registers for Demographic Research A Case Study of the Ottoman Sub-Provinces of Konya, Kayseri and Niğde, c. 1620s-1700,” *Turcica* 38 (2006): 181-211; Charles Wilkins, *Forging Urban Solidarities Ottoman Aleppo 1640-1700* (Leiden-Boston: Brill, 2010); Eunjeong Yi, *Guild Dynamics In Seventeenth-Century Istanbul Fluidity And Leverage* (Leiden: Brill, 2004); Linda Darling, *Revenue-Raising and Legitimacy. Tax Collection and Financial Administration in the Ottoman Empire, 1560-1660* (Leiden: Brill, 1996); Oktay Özel, "Population Changes in Ottoman Anatolia during the 16th and 17th Centuries: The 'Demographic Crisis' Reconsidered," *International Journal of Middle East Studies*, 36 (2004), 183-205.

for Ankara for the year 1607.²⁹⁷ Ergenç based his claim on a court record in which the community members demanded a recount of *avarızhanes*. Although there were 863 *avarızhanes* registered for Ankara, they demand the number of *avarızhanes* to be reduced to 600. Ergenç in his research claimed that, although the ratio of real households per one *avarızhane* could change from one place to another, one *avarızhane* was denoting to 5 real households in 1607 in Ankara.²⁹⁸ Demirci examined the *avarızhane* system in the *livas* of Konya, Kayseri and Niğde in the province of Karaman based on data provided in the series of Anadolu ve Rumeli eyaletleri *avarızhane defterleri*. He attempted to find out the number of real households (*gerçekhane*) in one *avarızhane*, which varied considerably from one region to another.²⁹⁹ Demirci states that the usually accepted generalization for the empire as a whole is that one *avarızhane* could be made up of 3 to 15 *gerçekhanes* (real households), which is too broad to be a practical value and that it may be misleading to make population estimates.³⁰⁰ I will not get into details of *avarızhane* system and the limitations of sources in determining the real number of taxpayers for each *avarızhane* because my concern is rather how the community leaders themselves allocated the accrued *avarız* taxes among the community members. Wilkins on the other hand, also investigated the

²⁹⁷ Özer Ergenç, *XVI. Yüzyılda Ankara ve Konya*. 2nd Edition (Istanbul: Tarih Vakfı Yurt Yayınları, 2012), 61.

²⁹⁸ Ibid. Ergenç claims that there were 863 fictional *avarızhanes* in Ankara in 1607, with a ratio of 1 to 5 for real household/*avarızhane*, there were 4315 real households as tax-payer subjects. He also claims the population of Ankara as 25.000 approximately.

²⁹⁹ Süleyman Demirci, "Demography and History: The Value of the *Avarızhane* Registers for Demographic Research A Case Study of the Ottoman Sub-Provinces of Konya, Kayseri and Niğde, c. 1620s-1700," *Turcica* 38 (2006): 181-211.

³⁰⁰ Ibid.

administration of *avarız* taxes in the northern Syrian city of Aleppo in the years 1640-1700, which he defined as a period marked with fiscal strain caused partly by the Ottoman wars with Venice, Habsburg Empire and Poland.³⁰¹ He tried to answer the question of how provincial populations responded to such tax collection claims. Wilkins, in other words, is the only Ottoman historian, to my knowledge, who was puzzled by the same question as mine. He addresses the various ways in which residential quarters negotiated the challenge of extraordinary taxation as these impositions became regularized over the course of the seventeenth century presenting residential quarters as basis of solidarity with a picture of cohesion.³⁰²

The bulk of *avarız* taxes demanded by the state were being paid by “*mahalle avarız akçası fonu*” which was an endowment established for payment of *avarız* taxes that would accrue in the future. The shared expenditures of the community, like the restoration expenses of a mosque, salaries of imam or müderris, were also being covered from the cash accumulated in the waqf. The *avarız* taxes and the collection of common expenditures had always been regarded as an extra burden for the taxpayers, which may be the reason for preference for such a collection model. What made this model effective was the flexibility that it provided to taxpayers in paying their own share of *avarız* taxes. Some of the real households of any one fictional *avarızhane* could have some financial difficulties in paying their taxes, or could even fail to pay. In such cases, the ones who had the

³⁰¹ Charles L. Wilkins, *Forging Urban Solidarities Ottoman Aleppo 1640-1700* (Leiden: Brill, 2010).

³⁰² *Ibid.*,64.

financial power to pay would undertake their liabilities and let them out. The research produced so far on *avarız* taxes provide us with ample knowledge on its financial features. We do know the *avarız* tax liabilities of one fictional *avarızhane*. However, we still do not know how the tax liabilities were allocated among the real households of the fictional *avarızhanes*. The process of collection from the real households or the distribution of the accrued liabilities among the real households has not yet been an interest for the historians. However, this is the most crucial part of the process. This is where the potential tensions between the state and the subjects on tax collections could be resolved, and this is how solidarity between the community members could be achieved. How they could achieve, was hidden under some terms and concepts. What makes the community members pleased of Ebubekir in collecting *saliyane*, *avarız* tax, is his method of distributing the imposed tax depending on the physical and financial abilities of the subjects, which was expressed as “*hal ve mallerine göre tevzi ve taksim*”. It also denotes to physical abilities because some of the taxes could be paid by physically serving the state. The terms “*tevzi ve taksim*” give clues on its distribution and allocation. If, the imposed tax for each fictional *avarızhane* would be equally distributed within the number of real taxpayers under the *avarızhane*, the two terms “*tevzi ve taksim*” would be enough to show how it was allocated. However, it is further stated that distribution was being made by the method of “*tadil ve tesviye üzere*”. *Tesviye* means making equal and leveling, which denotes to equal allocation of the liabilities among the members. However, the term *tesviye* is also supported by *tadil*, which is another term that further elucidates the manner of allocation. The word *tadil* is related to *adl*, or justice. However it does

not refer to equal distribution or allocation of the liabilities among the members. It refers to distribution in the most suitable and fair way. It rather denotes to an adjustment or a modification in its allocation in the sense that the liabilities of one, whose financial strength is not sufficient enough, may be waived for this time and collected during the next imposition. It also refers to an allocation, which is based on the financial strength of the community member. It rather means giving one one's due. What is striking in this method of allocating communal liabilities among the members is that it makes a neighborhood community not only a legal and fiscal unit but also an emotional community. Acting as an emotional community hinders the potential tensions in the process of tax payment. In cases of severe difficulties though, the community members could appeal to the Imperial Council in their demands to redress justice. However, the terms and concepts in the texts that have been analyzed above provide us clues on how the community members themselves could ease their financial obligations and the tools that they had developed. It seems that Alemdar Ebubekir Beşe, the *mütevelli* of the Bazar-ı Ganem *avarız akçesi* fund, is a respectable member of the community and the members are pleased of him especially for his success in fairly allocating the accrued liabilities among the members. The members of Bazar-ı Ganem quarter apparently constitute an emotional community with affective ties established among them in easing each other's financial liabilities towards the state. The solidarity among the group members apparently was based on affective ties, and the collective emotions of the community members sharing a common physical space and having the same stake was expressed by the term "*rıza ve hoşnud*".

The case below is another court record valuable for evidencing affective ties not only within two distinct communities but also among them allying with one another and forming a new emotional community.

*“Mahmiye-i İstanbul’da vaki taşçı taifesinin kethüdaları Duka v. Dumo ve ihtiyarlarından Papa Yorgi v. Serafi ve Kiro v. Duka ve Konstantin ve İstefanos ve Liko v. Minho ve Pando v. Duka ve Koka v. Kirov e Fentari v. Dimitri ve Duka v. Dino ve Biço v. Fanka nam zimmiler meclis-i şer’-i serifi-i lazımi’-t-teşrifde mahmiye-i mezbure hısnı ebvabından Topkapı dahilinde Bayezid Ağa mahallesi avarızına mevkufe nukudun bi’l-fiil mütevellisi olan Mahmud Çelebi b. Muharrem ve mahalle-i mezbure imamı Mustafa Efendi b. Ramazan ve ahali-i mahalle-i mezbureden Ahmed Çelebi b. Mustafa ve Hüseyin Çelebi b. Ahmed ve İbrahim Çelebi b. Mustafa ve Ali Bey b. Mehmed nam kimesneler mahzarında her biri takrir-i kelim ve ta’bir-i ani’l-meran idüp mahalle-i mezburenin dokuz hane avarızı olup mukaddema biz rızamız ile bir hanesinin mahalle-i mezbure ahalisine malimizden imdad edegelmişdik bade’l yevm beher sene zikr olunan dokuz hanenin üç hanesini rızamız ile kendi malımızdan ahali-i mahalle-i mezkureye imdad eylemek üzere taahhüd eyledik dediklerinde ma hüve’l-vaki bi’t-taleb ketb olundu. Fi’l-yevmi’-sani aşer min Şabani’l-muazzam li sene seb’a ve seb’in ve elf”.*³⁰³

In this record, the kethüda and the notables of the *taşçı* taifesi in İstanbul, the members of which were all non-Muslims, came to the court and made an allegation within the presence of the Mahmud Çelebi who was the *mütevelli* of *avarız akçesi* waqf of the Bayezid Ağa quarter, the imam and the notables of the said quarter. Bayezid Ağa quarter was situated within the Topkapı gate of the city walls of İstanbul. From their allegation, it is understood that Bayezid Ağa quarter had 9 registered *avarızhanes*. However members of *taşçı taifesi* were paying the taxes and other expenses corresponding to the liabilities of one *avarızhane* of the

³⁰³ Transcribed by İSAM. İstanbul BAB JCR 03 v17: 667
<http://www.kadiscilleri.org/goster.php?blm=bab03&bsm=667esa667yt54>

Bayezid Ağa quarter with their own consent (*rızamız ile*) as sustenance (*imdad olmak üzere*) for the liabilities of the quarter. They now wanted to expand their own liabilities and pay for not one but three of them. It is mostly probable that the *taşçı* guild was located either very close to the Bayezid Ağa quarter or was within the said quarter. This close proximity brought two different *taifes*, members of the *taşçı* guild and the members of Bayezid Ağa quarter, together. Although the members of Bayezid quarter and the *taşçı* guild members were two distinct emotional communities located close to one other, it is apparent that there were also affective ties established between the two, evidenced by the payment of one another's liabilities with their own will expressed by the term "*rıza*". Whatever the reasons are lying behind their decision to increase their own payments on behalf of another community and ease their financial obligations, the two distinct *taifes* were integrated as one distinct emotional community. It is also worthwhile to note that although the residents of Bayezid Ağa quarter were Muslims, the members of *taşçı taifesi* were non-Muslims. This case also shows that their religious identities became secondary in their attempt to aid for the obligations of another *taife*. The state, in *avarız* tax payments, only demanded that the sum accrued for each fictional *avarızhane* would be duly paid. It did not, in other words intervene in how the taxes are collected from each *avarızhane*. The allocation of taxes among the real households under one *avarızhane* was made by either the *imams*, religious leaders, or the *muhtars* who were selected members of the community and who were a part of the domain of *rıza ve şükran*, of whom the members were pleased with, in their methods of fair allocation of liabilities. The emotional ties among them then, expressed as "*rıza ve şükran*", acted not only as

a shield form outside threats but also as a tool to ease their financial liabilities. In this case we witness emotions, which supposedly should stay in the private realm of individuals, expressed not only linguistically but also by acts and behaviors by paying taxes of another member, giving emotions their collective form.

5.4. The Process of Moving In and Out of the Domain of *Rıza ve Şükran*

We may now consider “*rıza ve şükran*” as a term indicating a domain of gratification and contentment from the case records noted in previous sections.

The community itself established distinct emotional norms and expected compliance to such norms from its own members if they want to be a part of this domain of pleasure. The members also longed to be an inseparable part of this domain showing their compliance. But how did they become either an inseparable part of it or regarded as the black sheep of the community demanding their expulsion? What in other words was the “process” of either becoming a part of the domain or not? In this section, both the process of becoming a member and expulsion are scrutinized. Analyzing the process itself is important also in providing us clues on interpretation of the judicial court records.

The case below is interesting in the sense that it shows the process of becoming a mastering member of the guild and officially moving into the domain of gratification and contentment.

“Medine-i Ankara sükunun dekakininde sakin Hayyat taifesinden Abdi Çelebi ibn Ali ve meclis-i şer’de taife-i mezburenin şeyhi ve yiğitbaşısı olan işbu eshabu hazi’r-rakam El-Hac Mehmed bin Mehmed ve Hüseyin bin Zülfikar ve Mehmed bin Ömer nam kimesneler mahzarlarında her biri bi’l-asale ve bi’l-vekale ikrar-ı tam ve takrir-i kelam idüb erbab-ı hiref beyninde

kadimden cari mutadımız esnaf ve sair ahbabımıza ziyafet hıralinde 180 şakirdimiz başka çıkmak için cümle olub her birinden müstemian akçe ve eşyayı mezburuna ala tariki'l-emane virüb yevm-i ziyafetde harc ve sarfa cümleye izn virüb mezburun bade'l-harc lede'l-muhasebe beynimizde harcin killet ve kesretine müteallika münazaat-ı ekide vukuundan naşi beynimize müslihun vesatetiyle müctemia olub yevm-i mezburda harc ve sarflarından baki zimmetlerinde makbuz yirmidört guruş ve dört res ağnam ve doksan adet sabunve altı vukıyye pirinç ve sekiz makrama üzerine ahedihum aherin zimmetine lazım gelen hukukdan zimmetimizi ibra itmek üzere inşa-ı akd eylediklerinde biz dahi sulh-ı mezburu kabul fi yevmi's-sani min muharremi'l-haram sene 1110".³⁰⁴

In this case record, a group of masters from the guild of tailors in Ankara acting also as the proxies of other masters from the same guild who were not present in the court explained how they amicably settled a dispute. The said dispute was between the masters and the *şeyh*, El-Hac Mehmed and the two *yiğitbaşıs* of the guild, namely Hüseyin and Mehmed. Rather than the dispute itself, this case is important in providing us with clues on the process of becoming a notable member of a guild while promoting from the position of a disciple to a master. We understand from the allegations of the masters that the tailors organized a banquet when their disciples that they had trained were ready to be promoted to the status of a master. This organization was a customary (*erbab-ı hiref beyninde kadimden cari mutadımız*) ritual with the participation of the tailor guild members together with the members of other guilds and friends. The banquet as a ritual of the guild of tailors indicated an entitlement for the disciples to practice their profession on their own (*başka çıkmak*) and we understand that the number of the disciples ready to be promoted was 180 for that year. As a part of fund-raising,

³⁰⁴ Ankara JCR 78: 15

money was demanded from the disciples to cover the expenses of the provisions of the banquet and both the cash collected and the provisions were handed over to the *şeyh* and the *yiğitbaşıs* of the guild. However the accounting of the revenues and expenses led to a dispute between them, although amicably settled in the end with the aid of mediators. Both parties discharged one another from further obligations regarding the case. We do not know how long it took for the disciples to be promoted to become masters in their profession. We do not either know whether the period of training was same for each and every disciple. However, this record shows that it was a process , most probably a long one, for the disciples to be trained by their masters, learning the secrets of the profession, and awarded at the end of this tiresome period with a banquet symbolizing their maturation. It was a process in which not only the knowledge regarding the social and occupational norms but also emotional norms of the group were transmitted from masters to their disciples. It was this process of training and transmitting knowledge that which also established affective ties between disciples and masters. Once they were ripe and mature enough, they were ready to profess on their own without the help of their masters, and only then, they had the right to move into the domain of *rıza ve şükran* of the guild community. This case may also be interpreted in yet another way. It also shows that emotions may be expressed by actions or practices. Rituals like the banquet in this case, organized for the disciples validating their mastering in a specific occupation, are also mediums for expressing a communal gratitude. Emotions in this case are not linguistically expressed through language; rather, they are expressed through actions and practices.

Additionally, the disciples acted rather as a member of their masters' family establishing familial relations based on affective ties like that of a father and son rather than a paid worker. Below case is an example providing evidence on the features of a relation between a master and a disciple.

*“Medine-i Ankara’da Hatuni mahallesinde mütemekkin Bedros veled-i Samkonla şabb emred zimmi meclis-i şer’-i hatir-i lazümü’t-tevkirde medine-i mezbure hısnı mütemekkinlerinden baisü hazi’s-sufr Minas veled-i Tobal nam zimmi muvacehesinde üzerine takrir-i dava idiüb hal-i suğramda mezbur Minas’a şakird olmağla iyalinde olduğuma binaen sekiz sene bila-ücret hizmet idiüb badehu beni hizmetinden red itmişidi hala akıl ve baliğ olmağla hizmet ittiğim gerek ücret-i mislini talep eylediğimde edadan imtina ider sual olunub takriri tahrir ve alivirmek matlubumdur didikde müdde-i mezbur Bedros ücret ile hizmet ider makulesinden olmayıb ve mezbur Minas’ın akrabasından dahi olmadığı lede’ş-şer’ zahir olmağla ücret tesmiye olunmadıkça ücret lazım gelmediğini kütüb-i fetava-yı mutebereden kitab-ı Kadı-i Hedaya’nın bab-ı icaresinde mestur ve mukayyed bulunmağla mezbur Minas’a sual tevcih itmemeğin müdei-i mezbur Bedros muarazadan men’ olunub ma vaka bi’t-taleb ketb olundu. fi 23min saferi’l-hayr sene 1110”.*³⁰⁵

In this case, Bedros, a non-Muslim resident of Hatuni quarter in Ankara, who recently reached puberty came to the court and claimed against Minas, who is a resident of the castle of Ankara. Bedros claims that he worked for eight years as the disciple of his master Minas (*Minas’a şakird olmağla*) without being paid (*bila-ücret*) on the grounds that Bedros was a family member of Minas (*iyalinde olduğuma binaen*). After 8 years, Bedros was dismissed by Minas from his job and now that he had reached puberty, he demands Minas pay for his daily expenditures that which accrued during his 8 years of training. In his reply, Minas

³⁰⁵ Ankara JCR 78: case no 68

denied the claim and argued that the service given in the period under consideration was not a paid service and he may not be regarded as a member of his family. As a basis for his argument he also provided a fetva which states that a service would not be paid unless the price of the service is explicitly determined. The judge rejected the claim of Bedros stating that Bedros could not be regarded as a paid worker (*ücret ile hizmet ider makulesinden olmayıb*) during the mentioned 8 years period, and that it was apparent by law that Bedros was not a member of the family of Minas (*Minas'ın akrabasından dahi olmadığı lede 'ş-şer' zahir olmağla*). He based his judgement also on the fetva of the judge Hedaya regarding this case under the chapter of hiring one's self to another (*icare*) which demands that the price be specified beforehand (*ücret tesmiye olunmadıkça ücret lazım gelmediğini kütiüb-i fetava-yı mutebereden kitab-ı Kadı-i Hedaya'nın bab-ı icaresinde mestur ve mukayyed bulunmağla*). This case also shows the difference between a paid worker and a disciple. It is apparent that the disciple demanded to be paid for his daily provisions in cash to himself similar to allowances paid to the divorced women for their habitation and subsistence. The customs suggested that the masters, independent of their familial ties with their disciples, had to take care and provide the necessities of their disciples under training. The relation established between a master and a disciple was quite different from that which demanded a material payment in return for service. The bonds between the two was based on affection rather than formal payment of service. This record is dating 18th century which also indicates a change in the understanding of the ties between the masters and the disciples, becoming more material.

The cases above show the process of moving into the domain of *rıza ve şükran* both in *mahalle cemaats* and *esnaf taifes* and reflect the long process of establishing the affective ties among the community members. The process of, this time moving out of the domain of *rıza ve şükran*, is analyzed below.

Usually the court cases recorded present us the last phase of the relations established between the members of the emotional communities. Trying to interpret the case at its final phase may distort our understanding of the past. However, we should also keep in mind that the case reflects the end of a process.

The moving into the domain of *rıza ve şükran* was not a one-night process.

Likewise, the process of moving out of the domain also incurred several phases.

The cases of expulsion from the communities focusing on the terms and concepts, is further analyzed which provide us, clues on the process of removal from the domain of *rıza ve şükran*.

“Medine-i Brusa hısnı dahilinde İmaret-i İsa Bey mahallesi ahalisinden işbu eshabü'l-kitab Mustafa Çelebi bin Osman ve Es-Seyyid Süleyman Çelebi ibn Mehmed Çelebi ve Salih bin Mustafa ve Mehmed bin Süleyman ve Osman bin Abdullah ve Ali bin Mehmed ve Hasan bin El-Hac İbrahim ve Mehmed bin Yahya nam kimesneler ile nisa taifesinden Saliha bint-i Ali ve Aişe bint-i Ali ve İhsan bint-i Mustafa diğer Aişe bint-i Mehmed ve Saliha bint-i Mehmed ve Hatice bint-i Mehmed nam hatunlar meclis-i şer'-i hatır-i lazımi't-tevkirde mahalle-i mezburede Sultan Mustafa odaları dimekle ma'ruf odalarda sakin Es-Seyyid Mehmed bin Es-Seyyid Numan ile Şerife Fatma nam kimesneler mahzarlarında her biri takrir-i kelim ve dava' ve tasvir-i müdde idüb mezbure Şerife Fatma mahalle-i mezburede kendi halinde olmayıb bu esnada diyar-ı aherden gelen hasebi ve nesebi meçhul işbu mezbur Es-Seyyid Mehmed'i li-ebeveyn karındaşı beraber olmak üzere menziline beytutet ittirdiğinden maada kendi daileri ile mukayyed olan hatunları izlal kaydında olmalarıyla bundan akdem kendi hallerinde olmak üzere bi'd-defat kendülere tenbih-i ekidd olundukda mütenebbih olmayub ef'al-i kabihada ısrar üzere olduklarından emniyetimiz meslub olmağla mahalle-i mezbureden ihrac olunmaları matlubumuzdur deyü muvacehelerinde su-i hallerini haber vermeleriyle mezburan Es-Seyyid Mehmed ve Şerife Fatma'nın mahalle-i mezbureden ihraclarına tenbih birle

mavakia bi't-taleb ketb olundu. fi'l-yevmi's-sabi min şehri rebiü'l-ahir sene tisın ve mie ve elf".³⁰⁶

In the above case, men and women residents of the İmaret-i İsa Bey quarter came to the court and claimed against Es-Seyyid Mehmed and Şerife Fatma. Es-seyyid Mehmed was living in the rooms of Sultan Mustafa inn which was probably located in the same quarter. In their allegations they stated that this Şerife Fatma was offensive (*kendi halinde olmayıb*) and she let Es-Seyyid Mehmed whose merits and familial ties were unknown (*hasebi ve nesebi meçul*) and his brother to stay in her own house. Additionally, they humiliated other women who were occupied with their own business (*kendi daileri ile mukayyed olan hatunları izlal kaydında olmalarıyla*). The community members demand that both Es-Seyyid Mehmed and Şerife Fatma be expelled from their communities grounding their arguments on the threat of their safety. This case is an evidence of community members demanding two of their members moved out of the domain of *rıza şükran*. However, my main emphasis for the case is not the expulsion but rather the phases of the process. The plaintiffs stated that they had repeatedly warned Es-Seyyid Mehmed and Şerife Fatma strongly (*bi'd-defat kendülere tenbih-i ekidd olundukda*) for their wrongdoing beforehand. However, the two were not obedient (*mütenebbih olmayub*) and insisted on their wrongful acts (*ef'al-i kabihada ısrar üzere olduklarından*). The warning then is a step before the formal demand of expulsion in the court. This case shows that moving out of the domain of *rıza şükran* was not a one-night process. The community members tried to solve the

³⁰⁶ Bursa JCR B-166: 62

problem first among themselves by trying to persuade the wrongdoers and warn them. The process had a phase of admonition. The established affective ties in other words were not to dissolve suddenly. A closer look at the terms and concepts used, do offer us clues on the previous stages of the case.

The case record that has previously been utilized is quite similar to the one above which also demands the expulsion of a community member whom they had previously strongly warned (*tenbih-i ekidd*) but who insisted on her misconduct (*Edibe mahalle-i mezburede kendi halinde olmayıb ve na-mahremden dahi ictinabı olmadığından maada medidü'l-lisan olmağla bundan akdem kendi halinde olmak üzere kendüye tenbih-i ekidd olundukda mütenebbih olmamağla mezbure Edibe'nin mahalle-i mezbureden ihracına....*).³⁰⁷

The below case indicates another phase in the process of moving out of the domain of *rıza ve şükran*:

“*Medine-i Ankara hısnı ahalilerinden baisü hazi'l-kitab El-Hac Mehmed bin İlyas ve Es-Seyyid El-Hac Hasan nam kimesneler meclis-i şer'-i şerif-i enverde car-ı mülasıkları Es-Seyyid Osman bin Es-Seyyid Osman bin Es-Seyyid Mehmed nam kimesne mahzarında her birileri üzerine dava ve takrir-i kelam idüb mezbur Es-Seyyid Osman daima kendi halinde olmayub şürb-i hamr ve fisk-ı fücür adet-i müstemiresi olmağla işbu gice haric kale sakinlerinden eşkiya makulesinden birkaç nefer kimesneleri menziline davet ve alet-i lehva ile adet-i melufeleri üzere şürb-i hamr ve fisk-ı fücür meşgul oldukları halde halt-ı kelam savt-ı sekranı izhar ile bizleri ve sair civarını iza ve taciz eylediklerinde bizler dahi gerek mezbur Es-Seyyid Osman ve gerek validesi gaibe ani'l-meclis Zahide nam hatunu men' ve zecrleri üzere hayırla tavsiye ve fiil-i mekruh-ı mezkurdan fâriğ olmak için nasihat eylediğimizde mezburlar adem-i kabullerinden naşi herbirilerimize şetm-i galiz ile şetm ve atale-i lisan eylediklerinden maada meşgul oldukları fiil-i kerihde ısrar ve devamı ikdam itmeleriyle mezburların keyfiyet-i ahvalleri ahali-i mahalle ve sükkân-ı kal'adan sual ve istihbar olunub takrirleri tahrir ve muceb-i muktezası bade'l-icra mahallemizden hurucları matlubumuzdur*

³⁰⁷ Bursa JCR B166: 60

*didiklerinde fi evail-i receb bil ferd sene hamse ve sittin ve mie ve elf”.*³⁰⁸

In this case, we understand that El-Hac Mehmed and Es-Seyyid El-Hac Hasan who were residents of Ankara castle came to the court and claimed against their next-door neighbor (*car-ı mülâsık*) Es-Seyyid Osman and made the following allegation: “This Osman is harmful (*kendü halinde olmayıb*) and he is a habitual debaucher (*fisk ü fücür*) and drinks wine. The night before the date of the case, he invited some men who are regarded as brigands living in a foreign quarter outside the castle and while drinking, acting immorally and shouting they annoyed the community members. His mother Zahide kept company with him. We tried to prevent and forbid their wrongdoings by kindly counseling both Es-Seyyid Osman and his mother (*men’ ve zecleri üzere hayırla tavsiye ve fil-i mekruh-ı mezkurdan fâriğ olmak için nasihat*). However they did not listen to our advice and insisted on their misbehavior by cursing us. We demand that their conduct be inquired from the community members and expelled from our quarter.” When the other community members were questioned they witnessed Es-Seyyid Osman’s and his mother’s misconduct by emphasizing that such acts were habitual (*adet-i müstemirresi*) for them. We frequently encounter the term “*adet-i müstemirresi*” especially in cases with extreme penal sanctions like expulsion.³⁰⁹ Another term

³⁰⁸ Ankara JCR 135: 155-156

³⁰⁹ for example in the Ankara JCR 135: 132 “.....işbu mesfuran Kirkor veled-i Melekut zimmiler daima kendü hallerinde olmayıb ibadullahı taciz ve tekdirden hali olmadıklarından maada bunun emsali gece ile ehl-i ırzın menziline duhul ve hetk-i ırz adet-i müstemireleri olmağla mahallemizden aher mahalle hurucları matlubumuzdur.....” In another record, Ankara JCR 135: 133, “.....mesfur Zakarya daima kendü halinde olmayıb nice bî-günah kimesnelerin mal ve ırzlarına taarruz ve şutum ve darb ve itale adet-i müstemiresidir bizler bu hususa bu vech üzere şahitleriz şehadet dahi ideriz deyu her birleri ala tariki’ş-şehade habir virdiklerinden sonra

synonymously used with “*adet-i müstemire*” is “*mutadı olmağla*” which also denotes to the habitual feature of the misconduct.³¹⁰ They both emphasize that the wrongdoing is continual, perpetual or long lasting thus becoming habitual. This constitutes yet another phase in the process itself. This case shows us the phases of the process more clearly. The community members, long before demanding their expulsion, had kindly tried to prevent them from their wrongdoings by giving several advices. However, his habitual act of misconduct necessitated the community members to demand their expulsion. The court case then shows only the very last phase of deteriorating relations and affective ties between the community members. They first tried their best to solve the problem within the community without taking a legal action against the wrongdoers.

The below case is similar to the one above, in the sense that before the demand for expulsion of Himmet and his wife Aişe from their community it is evidenced that the community members repeatedly offered advice and admonition (*pend ü nasihat*) for them in the first place. However, despite numerous efforts of the community members to keep them in the domain of *rıza ve şükran* trying to discipline the couple, they insisted on their indecent assaults (*fiil-i şeni*). Thus the community members could not help but complain against them in the court and demand their expulsion.

müstehiyye-i anhu mesfur Zakarya'nın mahalle-i mezburdan ihrac olunmasın iltimas itmeleriyle.....”

³¹⁰ For an example of a case where the habituation is emphasized see Konya JCR 35: 156/1; “.....mezbur Musa kendi halinde olmayıb su-i hal (kötü hal) üzere olub nice kimesnelerin avretlerin baştan çıkarub evine getürüb ve ecanib-i namahrem rical dahi getürüb sohbet ittirüb pezevenflik itmek mu'tadı olmağla râzı ve şâkir değilleriz sual olunub mucebi icra ve mahallemizden ihrac olunmak matlubumuzdur.....”

“Mahrusa-i Brusa mahallatından Veled-i Enbiya Mahallesi ahalisinden işbu ahabü'l-kitab imam El-Hac Mehmed Efendi ibn-i Ali Efendi ve Feyzullah Efendi ibn-i Abdülmecid Efendi ve El-Hac Süleyman ibni Mehmed ve Ahmed Ağa ibn El-Hac Mehmed ve Molla Mustafa ibn El-Hac Mahmud ve kul Süleyman Ağa ibn Mahmud ve Hasan Çelebi ibn Mehmed ve Memiş Ağa ibn Ahmed ve Molla Hüseyin bin Bekir ve İsmail Ağa bin Abdullah nam kimesneler ve sairleri meclis-i şer'-i hatir-i lazımi't-tevkirde mahalle-i mezbure sükkanından Himmet bin Ahmed ve Aişe bint Abdülmelik nam zevcesi muvacehelerinde her biri üzerlerine dava ve takrir-i kalam idüb mezbur Himmet ile zevcesi Aişe kendi hallerinde olmayıb mürtakib-i münahi olmalarıyla daima erazil ve nikbet ve zümre-i fevahişden avanet ile ülfet ve menzillerine dahi sair müfsideden herbirimiz mezburetandan mütezziler olduğumuzdan bi'd-def'at kendülere pend ü nasihat eylediğimizde asla iltifat ve rağbet itmeyüb hala efal-i şenilerinde ısrar üzere olmalarıyla mahalle-i mezbureden ihrac olunmaları matlubumuzdur deyu her biri zevcan-ı mezburanın su-i hallerini bi'l-muvacehe ihbar itmeleriyle te'diben li-hüma zevcan-ı mezburanın salahları zahir oluncaya değin mahalle-i mezbureden ihraclarına tenbih birle ma hüvel vaki bi't-taleb ketb olundu. fi'l-yevmi'l-rabi ve'l-işrıyn min şehr-i recebü'l-ferd li seneti tisin ve mie ve elf”.³¹¹

The cases above provide us important clues on the process of moving out of the domain of *rıza ve şükran*. What they all show is that if someone becomes either harmful to other members of the community or shows misconduct, the dissidents are first given advice and admonition, not once but usually repeatedly (*bi'd-def'at*) trying to hinder their wrongdoing. This is the first stage of disciplining. Then the second phase starts in which the dissident may either revert back to the domain of *rıza şükran* feeling regret for what he/she has done or insist on his/her misconduct without taking the members' advices into consideration. If someone's status were reversed back to the domain we would not probably be able to detect it since there would be no demand for expulsion. The third stage is the one in which the dissident gets into the habit of continual misconduct in which probably

³¹¹ Bursa JCR B 166: 63/ 5

the members take him/her under their surveillance watching and observing the acts of the suspect. Only then, if the community members insure the habituation, they appeal to the court, which constitutes the last phase of the process. Another thing that we should keep in mind is that we only have an access to cases, which already reached its final and were at an irreversible phase although giving us clues on the previous phases of the process. However, we do not know whether there were also many cases for which the efforts of the community members did work out in hindering the wrongdoers' behavior. It is quite probable that most of the cases were solved within the community without any appeal to the courts.

Actually, this is quite similar to the state's attitude towards the wrongdoers that I have analyzed in the third chapter where the state also first tries to discipline the dissident subjects showing compassion and trying to revert back to the state of "*telif-i kulüb*" and only after it is evidenced that the offense is habitual, it takes action.

The cases of expulsion from a neighborhood had been the topic of interest of many historians.³¹² The demand of the community members for expulsion of one

³¹² See for example Özer Ergenç, "Osmanlı Şehrindeki Mahallenin İşlevleri ve Nitelikleri Üzerine," In *Osmanlı Tarihi Yazıları Şehir, Toplum, Devlet* (İstanbul: Tarih Vakfı Yurt Yayınları, 2012), 75-85; Andre Raymond, *Osmanlı Döneminde Arap Kentleri*, trans. Ali Berktaş, İstanbul, 1995; Nurcan Abacı, *Bursa Şehrinde Osmanlı Hukukunun Uygulanması (17. Yüzyıl)* (Ankara: Kültür Bakanlığı Yayınları, 2001); Özen Tok, "Kadı Sicilleri Işığında Osmanlı Şehrindeki Mahalleden İhraç Kararlarında Mahalle Ahalisinin Rolü (XVII.ve XVIII. Yüzyıllarda Kayseri Örneği)," *Sosyal Bilimler Enstitüsü Dergisi* 18, no 1 (2005): 155-173; James E. Baldwin, "Prostitution, Islamic Law and Ottoman Societies," *Journal of the Economic and Social History of the Orient* 55 (2012): 117-152. Baldwin examined the treatment of prostitution in several genres of Ottoman legal writing like manuals and commentaries of Islamic jurisprudence, fetwas, kanunnames and questioned how prostitution was dealt with in practice by using judicial court records. Usually the remedy for the cases of prostitution was either banishment or expulsion from a neighborhood. He argues that expulsion of prostitutes from a neighborhood reflected concerns of the plaintiffs who were local residents unhappy living in close proximity to vice. They were in other words less interested in seeing the offenders punished, more concerned with the ways prostitution impinged on the rights of Ottoman subjects and disrupted Ottoman societies.

or more of the members seems to be the final and irreversible phase of the process. However it still may not be so. Some court cases evidence for example that even if the judge gives his decision that he/she be expelled from the community, the dissident may still continue to live in that same community. The case below is an example of such a case record.

*“Mahmiye-i İstanbul’da Tabbah (debbağ) Yunus mahallesi sakinlerinden işbu hafızu’l-kitab es-Seyyid Hüseyin b.es-Eyyid Ramazan ve Mehmed Efendi b. Alaaddin el-imam ve Mehmed Efendi el-müderri ve Ali Subaşı b. mezbur Hüseyin Çelebi ve Mehmed Çavuş b. Kasım ve Hüseyin Bey b. Memi ve Mehmed Bey b. Mustafa el-cüdi ve Behram b. İbrahim ve Osman Çelebi ve el-Hac Şehabettin ve sairleri bi isrihim meclis-i şer’a, yine mahalle-i mezbureden Sema Hatun bt. Mehmed’i ihzar ve mahzarında takrir ve dava edip, mezbure Hatun evinde daima fesad üzredir olduğundan gayri evine na-mahrem girip çıkmaktan hali değildir, mahallemizde bu üslub üzere sakine olursa fesad olmak mukarrerdir, kiraren mezbureye mahallemizden çıkmaya tenbih olunmuş iken ahar mahalleye çıkmak ile mukayyed değildir, hala mezbureyi mahallemizden ihrac olunmasını talep ideriz dediklerinde, mezbure Hatun dahi rızasıyla çıkmaya istimhal etmeğin, tarih-i kitabdan üç güne değin ahar mahalleye nakl olunmak için mezbureye tenbih olundu. Hurri fi 24 Cemaziyelahir fi-tarihi ’l-mezbur”.*³¹³

In the case above, es-Seyyid Hüseyin, Mehmed Efendi, Alaaddin the *imam*, Mehmed Efendi the *müderri*, Ali the *subaşı*, Mehmed and some others who were all the residents of the Tabbah Yunus quarter came to the court and within her presence claimed against Sema Hatun who was also from the same quarter and they made the following allegation: “This Sema Hatun is in the habit of mischief (*daima fesad üzredir*). Additionally, there are always people entering her home who are regarded canonically as strangers (*evine na-mahrem girip çıkmaktan hali*

³¹³ Transcribed by İSAM. İstanbul JCR 03 v.13: 316
<http://www.kadiscilleri.org/goster.php?blm=istanbul03&bsm=316hse316eg98>

değildir). If she continues to stay in our community, malice in our community would be inevitable. Although it had been legally ordered numerous times that she be expelled (*kiraren mezbureye mahallemizden çıkmaya tenbih olunmuş iken*), she did not leave this quarter and still lives in our neighborhood. We demand that she be expelled again.” Then Sema Hatun requested a period of delay to leave the community with her own consent (*rızasıyla çıkmaya istimhal etmeğin*) and the judge ordered that she leave the quarter within three days. This case evidences that even if Sema Hatun was expelled from the community and legally ordered several times to leave, she still managed to live in the same quarter which shows that even the latest phase of the process of moving a community member out of the domain of *rıza ve şükran* may not be the final phase.

5.5. Variances in Drawing the Borders of the Domain of “*Rıza ve Şükran*”

It has been showed that moving in and out of the domain of *rıza ve şükran* was a long process starting with counseling, warning, keeping under watch and continue with legal actions. However, neither the constraints of becoming a pleased and gratified member of a community nor the length of the process for each community were the same. The limits for the period of advice or the limits drawn to decide whether an act is habitual or not could be different in one *taife/cemaat* from the next one. The case below further elucidates the claim;

“Mahmiye-i Konya’da Nehr-i Kafur Mahallesi ahalisinden işbu rafıvaü’l-kitab el-Hac Mehmed bin Ahmed ve Molla Mehmed bin Hacı İbrahim ve Hacı İsmail bin Mehmed ve Mehmed bin hacı Nurullah ve Hacı Mehmed bin Hacı İsmail ve Mehmed bin Hüseyin ve Ahmed bin Emrullah ve sairleri meclis- şer’de mahalle-i mezbure sakinlerinden Mehmed bin Osman ve Marziye bint-i Hasan mahzarlarında her biri üzerlerine dava ve takrir-i

kelam idüb mezburlar kendü hallerinde olmayub bir birlerine na-mahrem iken gicede ve gündüzde bir birleri ile görüşmek için mezbur Mehmed mezbure Marziye'nin menziline varır görüşürler ikisinden dahi emin ve rahat değilleriz sual olunub cevapları tahrir ve ikisi dahi mahallemizden ihrac olunmalarına tenbih olunmak matlubumuzdur.”³¹⁴

In the case above, some residents of the Nehr-i Kafur quarter came to the court and claimed against two of their community members, namely Mehmed and Marziye. In their allegation they claimed that Mehmed and Marziye were offensive (*kendü halinde olmayıb*). Although they were defined as *na-mahrem* for one another as per religious law, which denotes to a stranger canonically, they would meet in the Marziye's house for day and night. The community members did not feel themselves safe and secure for being a member of the same community and they demanded that both of them be expelled from their community.

The below case is very similar to the one above,

“Mahmiye-i Konya'da Piresed Mahallesi ahalisinden Receb bin Hamza ve Mustafa bin Ahmed ve Seyyid Ömer Çelebi ibn el-Hac Mehmed ve Mehmed bin Mehmed ve Ahmed bin Musa ve Musli bin Mehmed ve Hasan bin Halil ve Ömer bin el-Hac Mustafa ve Mevlud bin Rıdvan ve Abdülkadir bin Mustafa ve Osman bib el-Hac Mustafa ve İbrahim bin Mirza nam kimesneler meclis-i hatir-i lazımu't-tevkirde mahalle-i merkume mescidinin imamı olan Molla Mehmed bin İsa mahzarında her biri takrir-i kelam ve tabir-i ani'l-meram idüb mezbur Molla Mehmed İsmihan nam hatun ile carı mülasık olub mezillerinin arasında olan yerde divarı münhedim olmağla mezbure İsmihan na-mahrem iken biri birlerinden ihtifa itmeyüb daima ülfet ve ünsiyet ve işret ve musahabet üzere oldukları ecluden merkumun imametinden istikrah eyledik mezbur Molla Mehmed ve gaibe-i ani'l-meclis merkume İsmihan mahallemizden ihrac olunmaları matlubumuzdur deyu

³¹⁴ İzzet Sak and İbrahim Solak, *53 Numaralı Konya Şer'iye Sicili (1148-1149 /1736-1737) Transkripsiyon ve Dizin* (Konya: Selçuk Üniversitesi, 2014), 123. Quoted from Konya JCR 53: 52/4.

her biri mezburların su-i hallerini haber virmeğin merkuman Molla Mehmed ve İsmihan'ın her birine mahalle-i merkumeden çıkmak üzere tenbih bir le ma-vaka'a bi't-taleb ketb olundu fi'l-yevmi't-tasi aşer min Zil'kadeti 'ş-şerife li-sene selase ve mie ve elf" (19 Zi'l-kade 1103/2 Ağustos 1692)³¹⁵

In this case, similar to the one above, the residents of Piresed quarter came to the court and claimed against this time the *imam* of their quarter Molla Mehmed and his next-door neighbor İsmihan, demanding Molla Mehmed be dismissed from his duty as *imam* and both be expelled from their community based on the same grounds of getting in close contact with someone who is *namahrem*. They further added that Molla Mehmed and İsmihan were on sociable and familiar terms, intimately acquainted with each other, carousing and having a friendly conversation (*daima ülfet ve ünsiyet ve işret ve musahabet üzere*).

What do the two cases, both from Konya, tell us about the boundaries of the domain of “*rıza ve şükran*”? In both cases getting into close contact with someone who is canonically a stranger (*namahrem*) seems to be one of the reasons for moving somebody out of the domain, which is quite compatible with the religious norms. The couples in both cases had pushed the limits of this domain so far that the community members demand that they moved out. However, we may not, based on two such cases, say that in every community, close contact with a stranger would end up with an immediate expulsion. The fact that one of the

³¹⁵ İzzet Sak and İbrahim Solak, *38 Numaralı Konya Şer'iyeye Sicili (1103-1104/1692-1693) Transkripsiyon ve Dizin* (Konya: Selçuk Üniversitesi, 2014), 126. Quoted from JCR 38: 81/2.

parties in Piresed quarter was an *imam*, a religious leader respected and collectively selected by the members of the community, could have been the reason for narrowing the boundaries of “*rıza ve şükran*”. If it had been someone else, it wouldn’t maybe reach the final phase of expulsion but rather stay in the phase of counseling only. We may also argue that, although just visiting the house of someone *namahrem* may be a sufficient reason to demand an expulsion, in another one, being intimately acquainted, carousing and having a friendly conversation may constitute as a sufficient reason to take a legal action. Although seems quite similar, in each case, the boundaries collectively determined by the community members were different from one another. We may suggest that the boundaries of the domain were looser for Piresed quarter than Nehr-i Kafur quarter. The community members of Nehr-i Kafur in the first case are suspicious of Mehmed and Marziye since they saw them meet in Marziye’s house. There is no further and a detailed explanation regarding their behaviour. Their suspicions were enough for their demand for expulsion. Additionally it is apparent that the length of time elapsed between the first occurrence of the misconduct observed by the members and the legal action taken towards the misconduct was different for each case, also denoting that each quarter was distinct in establishing their own emotional norms.

The case below constitutes yet another one indicating the difference of boundaries drawn of the domain of *rıza ve şükran*.

“Mahmiye-i Konya’da Hoca Habib mahallesi sakinlerinden imam El-Hac Abdullah Halife ibn Abdülhalim ve Ahi Baba El-Hac Osman ibn El-Hac Süleyman ve İsmail bin Nasrullah ve Molla Süleyman bin Nebi ve Mahmud bin El-Hac Mehmed ve İbrahim bin Yakub ve Hasan bin Mehmed ve Molla Mustafa bin Abdürrahman ve El-Hac Veli bin Nasrullah ve Mehmed bin İvaz nam kimesneler ve sairleri meclis-i şer’-i hatir-i lazimü’t-tevkirde

mahalle-i merkume sakinelerinden Gonca bint Abdullah nam hatunu ihzar ve mahzarında her biri takrir-i kelam ve tabir-i ani'l-meram idüb; “ tarih-i kitab gecesi beyne'l gurub ve'l a'şa mezbure Gonca'ya ecnebi ve namahrem olan hazır bi'l-meclis El-Hac Seyyid Mehmed bin Mehmed nam kimesne mezburenin menziline girib, biz dahi agah olub, hakimü'ş-şer'e ve zabatine ilam ve her birinden birer adem ile mezburları ahz itmişidik. Mezbure Gonca'nın bundan mukaddem dahi bu makule hilaf-ı şer' evza'ı mesmu'umuz olmağla mahalleden ihrac olunmak murad ideriz”deyub, mezkure dahi istintak oldukda; “mezburun zevcesi benim ile bir husus için niza' ve cidal itmekle merkum El-Hac Seyyid Mehmed “zevcem ile niçin niza eyledin” deyu” menzirim havlusuna girib bana hitab idüb ben dahi cevap virirken mahallem ahalisi ahz ve ihzar eylediler deyucek mucebiyle ma vak'a bi't-taleb ketb olundu. Fi'l-yevmi's-salis aşer min saferi'l-hayr sene sitte aşereti ve mie ve elf.”³¹⁶

The *imam* (religious leader) El-Hac Abdullah Halife, Ahi Baba El-Hac Osman, İsmail, Molla Süleyman, Mahmud , İbrahim, Hasan, Molla Mustafa, El-Hac Veli and Mehmed from the quarter of Hoca Habib in Konya came to the court and claimed against the woman named Gonca bint Abdullah from the same quarter and made the following allegation in her presence: “on the night of the date of this document, during *beyne'l gurub ve'l a'şa*, the man named El-Hac Seyyid Mehmed bin Mehmed who is *ecnebi ve namahrem* to Gonca, entered to her house. Once that we have been informed about that, we took both of them to the judge and the officer. We want her to be expelled from our quarter since we have heard that the mentioned Gonca had previously similar misconduct, which was against the sharia.” When Gonca was questioned, in her reply she said “I had a dispute and cidal with the wife of El-Hac Seyyid Mehmed and he entered to the backyard of my house to ask me why I had a dispute with his wife. While I was answering

³¹⁶ Konya JCR 17: 179

his question, the community members of the quarter came and took me to the court.” The case has been recorded as per request. The case continues however with a next one.

*“Mahmiye-i Konya’da Hoca Habib mahallesi ahalisinden El-Hac Abdullah Halife ibn Abdülhalim ve Ahi Baba El-Hac Osman ibn El-hac ve İsmail bin Nasrullah ve Molla Süleyman bin Nebi ve Mahmud bin El-Hac Mehmed ve İbrahim bin Yakub ve Hasan bin Mehmed ve El-Hac Veli bin Nasrullah ve Mehmed bin İvaz nam kimesneler meclis-i şer’-i hatir-i lazımu’t-tevkirde El-Hac Seyyid d bin Mehmed nam kimesne mahzarında her biri takrir-i kelam ve tabir ani’l meram idiüb; “tarih-i kitab gecesi beyne’l gurub ve’l a’şa mezbur El-Hac Seyyid Mehmed mahallemiz sakinelerinden hazıra bi’l-meclis Gonca bint Abdullah nam hatunun menziline girub, biri birlerine ecnebi ve namahrem olmağla biz dahi zabıtine ve hakimü’ş-şer’e ilam idiüb her birinden birer adem getirib, ahz ve ihzar eyledik sual olunsun didiklerinde; gibbe’s-sual,mezbur Elhac Seyyid Mehmed cevabında; “mezkure Gonca benim zevcem ile mücadele ve münazaa’ itmeğle “niçün idersin” demek için havlusuna girib, havlu içinde vech-i muharrer üzere mükaleme iderken mezburlar ahz eylediler” deyucek mucebinca ma vakia bi’t-talb ketb olundu. Fi’l-yevmi’s-salis aşer min saferi’l-hayr sene sitte aşereti ve mie ve elf”.*³¹⁷

El-Hac Abdullah Halife, Ahi Baba El-Hac Osman, İsmail, Molla Süleyman, Mahmud, İbrahim, Hasan, El-Hac Veli and Mehmed, from the quarter of Hoca Habib in Konya came to the court and made the following allegation against El-Hac Seyyid bin Mehmed within his presence: “the mentioned El-Hac Seyyid Mehmed entered into the house of the woman Gonca bint Abdullah. Since they were *ecnebi* and *namahrem* to each other, we informed the judge and officer and they took him to the court. We want him to be questioned.” When questioned the defendant in his reply said that: “ since the mentioned Gonca and my wife had been quarrelling and disputing, I entered into the backyard of her house to ask why they were in dispute. While we were talking within the backyard of her

³¹⁷ Konya JCR 17: 206

house, these men came and took me to the court.” The case has been recorded as per request.

This case, although seems quite easy, is more complex to understand. At first sight it seems that the community members saw Mehmed entering into Gonca’s house and immediately demanded the expulsion of Gonca for being in close contact with a stranger of opposite sex. In her reply, which had also been verified by Mehmed, she gave further explanations on the entrance of Mehmed to her house. She said that she was quarrelling with the wife of Mehmed and he entered into her house just to inquire about the possible causes for such a dispute between her and Mehmed’s wife. The case itself is another example of deterioration of the domain of *rıza ve şükran*, which ended up with a legal action and a demand for expulsion. However it does show something else which is given by the term “*mesmu’umuz olmağla*” (hearsay) again. While in the previous case, the community members verified that they have not yet heard of any mischief of Simaven or any member of his family, this time members of another community stated that they had previously heard similar mischief of Gonca before. It shows that it was not the first time of Gonca probably taking home strangers, which shows that she was still under watch of the community members. However the last case could denote the final limit for their allowance of such sinful act necessitating them to take legal action. However it also shows that the relative allowance for sinful acts was unique. It is apparent that Gonca, although under watch, was still living in the quarter.

The cases above show that not only the boundaries of the domain of *rıza şükran* may be different for each *taiife/cemaat* but also the allowance for pushing the

boundaries. In addition to that, how members expressed their displeasure to the wrongdoers was also quite different from one another evidencing the presence of not one but many unique emotional communities. Did they kindly counsel them, for how long, or did they allow a long period of time for amelioration (*islah*), for how long did they watch over the wrongdoers, how long did it take for them to verify that the act was habitual for the wrongdoer? These are the questions that we need to take into consideration. If the community members chose first to warn those who misbehaved, how would they show or express their displeasure? It is argued that the expressions of displeasure also differed from one community to another. The below case will elucidate the difference more clearly.

*“Mahrusa-i Bursa’da Mücellidi mahallesinden Sefer bin Kamber nam kimesne meclis-i şer-i şerifde Ali bin Abdullah mahzarında takrir-i kelam idüb hala mahalle-i mezburede sakin olduğum menzilimin kapısına mektub bırağılıb içinde bana ve hala taht-ı nikahında olan zevceme müteallik fuhşiyat ve şer-i şerife muhalif bazı kelimat yazılmış mezbur Ali ile beynimizde adavet-i dünyeviye olmağla zikr olunan fiili merkumdan sudur itti zannederin sual olunsun didikde gibbe’l-istintak ve bade’l-inkar müdde-i mezburdan müddeasına mutabık beyyine taleb olundukda ihzarından aciz olıcak müdde-i merkum talebiyle mesfur Ali’ye’e zikr olunan fiil kendüden sudur eylemeyüb ve kimesneye dahi ittürmediğine yemin teklif olundukda yemin bi’llahi’l-a’lâi’l-a’lâ ittikde ma hüvel vaki bi’t-taleb ketb olunub yedd-i tâlibe vaz’ olundu. tahriren fi evahir-i muharremi’l-haram sene ihda ve elf. Late muharrem 1001”.*³¹⁸

Sefer in this case claims in the court that a letter had been left on the door of his house the content of which was full of words of immorality (*fuhşiyat*), which were also against law (*şer-i şerife muhalif*) regarding himself and his legal wife. Sefer is suspicious of Ali and blames him for writing such a degrading letter to him. His

³¹⁸ Bursa JCR B-7: 37/6

suspicion is based on the grounds of this-worldly hostility (*adavet-i dünyeviyye*) established between himself and Ali. In this case, it is apparent that one of the community members, Sefer, does not feel consent and gratitude towards another member of the same community because of hostility between them. The striking thing in this case is the expression of this hostility, which in this case is leaving an anonymous letter with a degrading content in front of the house door. We may not know whether the same mode of expression was practiced by all the community members or not, however, it seems more likely that it was a customary practice among the community members. This case evidences differences in how individuals expressed their displeasure towards one another signaling deterioration in the domain of *rıza ve şükran*. It also shows how in one community the emotion of displeasure may be suppressed or implicitly expressed. Leaving an anonymous letter to the door of somebody either as a slander to degrade based on hostility or as a signal or warning that the community members were well aware of one's misbehavior was just one way of expressing displeasure. However, there were also different modes of expression of displeasure such as spreading tar on someone's door (*kapısına katran sürme*) or hanging a horn on someone's door (*boynuz asmak*). Cases on "*kapıya katran sürme*" have been studied so far as a social sanction. Ergenç was the first to bring about the topic of *katran sürme* to the attention of historians.³¹⁹ Several historians later added to our knowledge of the issue by increasing the number of cases identified in various

³¹⁹ Özer Ergenç, "Osmanlı Şehrindeki Mahallenin İşlevleri ve Nitelikleri Üzerine," In *Osmanlı Tarihi Yazuları Şehir, Toplum, Devlet* (İstanbul: Tarih Vakfı Yurt Yayınları, 2012), 75-85.

locations.³²⁰ They all emphasized its practice either functioning as a social sanction or as a tool for slander, and recent research evidences that it was a wide spread practice among Ottoman neighborhoods.³²¹ It was not a practice that was limited only to Muslims; it was rather practiced regardless of one's religious identity. For Example, Çetin identified that out of 52 cases, 44 of them were Muslims, 13 of them Christians and one of the cases was an Armenian which was parallel with the structure of the religious population.³²² However, all the research done so far could not go beyond identification of the cases of “*katran çalma*” and all argued that it was one of the practices, which acted as a way to denounce an illicit sex (*zina*) since it was not easy to testify, and the false allegations of *zina* demanded severe punishments. It was also used as a message to the community members implying a suspicion on one's chastity or honor. The example below is one such case of “*katran sürme*”, but unlike the previous research it is used as an evidence for something different.

“Bi'l fiil eyelet-i Karaman'a mutasarrıf olan düstur-ı mükerrerrem müşir-i mufahham vezir-i ruşen-i zamir izzetli saadetlü Halil Paşa edamellahü te'ala iclaluhu hazretlerinin mütesellimi olan fahrü'l-emasil ve'l-akran

³²⁰ See for example; Cemal Çetin, “Anadolu'da Kapiya Katran Sürme Vak'aları: Konya Şerhiye sicilleri Işığında Hukuki, Kültürel, Toplumsal Boyutları 1645-1750,” *Turkish Studies* 9 no 1 (2014): 133-156; Abdulmecid Mutaş, “Osmanlı'da Zina ve Fuhuş Olaylarına Karşı Toplumsal Bir Tepki: Kapiya Katran Sürmek ve Boynuz Asmak,” In *Osmanlı'dan Cumhuriyete Balıkesir*, eds., Bülent Özdemir-Zübeyde Güneş Yağcı, Balıkesir: Yeditepe, 2007), 93-104; Zübeyse Yağcı, 2005. “Osmanlı Taşrasında Kadına Yönelik Cinsel Suçlarda Adalet Arama Geleneği,” *Kadın 2000* v.3 no.2 (2005): 51-81; Yılmaz, Fikret, “Zina ve Fuhuş Arasında Kalanlar, Subaşıya Karşı,” *Toplumsal Tarih* 220 (2012): 22-31; Nurcan Abacı, *Bursa Şehrinde Osmanlı Hukukunun Uygulanması (17. Yüzyıl)* (Ankara: Kültür Bakanlığı Yayınları, 2001).

³²¹ Cemal Çetin, “Anadolu'da Kapiya Katran Sürme Vak'aları: Konya Şerhiye sicilleri Işığında Hukuki, Kültürel, Toplumsal Boyutları 1645-1750,” *Turkish Studies* 9 no 1 (2014): 133-156. Çetin analyzed 48 judicial court registers from Konya for the time period spanning from 1645 to 1750 and identified 52 cases of “*katran çalma*” which were submitted to the court. According to Çetin several cases were identified in the cities of Balıkesir, Bursa, Manisa, Ankara, Konya, Karaman, Antep and Kayseri evidencing this practice for illicit sex accusations.

³²² *Ibid.*, 146.

Seyyid Mehmed Ağa tarafından husus-ı atıyyül'l-beyana mübaşir tayin olunan Katip Yusuf Efendi meclis-i şer'-i şerife mahmiye-i Konya'da Şükran mahallesi sükkanından hamil-i haze's-sifr Simaven veled-i Kirkor nam zimmiyi ihzar ve mahzarında takrir-i kelam ve tabir-i ani'l-meram idüb tarih-i kitap gicesi merkum zimminin zokak kapusuna katran sürmüşlerdir merkumun menziline olan iyalinin keyfiyet-i halleri ve mazınnası sual ve istihbar olunması matlubumdur didikte gıbbe's-sual merkum zimmi cevabında tarih-i kitap gicesi benim zokak kapusuna katran sürülmüş lakin faili malumum değildir ve iyalimde olanlar ehl-i ırz kendi hallerindedir didikten sonar mahalle-i mezbure ahalisinden el-Hac Seyyid Mustafa ibn el-Hac Osman ve nam kimesneler li-ecli'l-ihbar meclis-i şer'a hazirun olub eserü'l-istihbar mezbur Simaven kendi ve zevcesi ve iyalinde olanlar bi'l-cümle ehl-i ırz müstakim kendü hallerinde kimesnelerdir ve haricden dahi yaramaz makulesinden gelür gider yokdur bu ana gelince hükkam-ı kiram tarafından dahl olunmak icab eder halleri mesmuumuz olmamışdır deyu her biri habir virmeğin mübaşir-i merkumu mu'arazadan men bir'le (13 Zi'l ka'de 1103/ 27 July 1692)".³²³

In the case above, Katip Yusuf Efendi, who is from the *askeri* class, brought the non-Muslim Simaven to the court and stated that somebody spread tar on the door of Simaven's house. Based on this accusation he demanded that the conduct of Simaven and his family be questioned from the community members. In his reply, Simaven verified the spread of tar and added that he did not know who did it. He also indicated that his family members were all inoffensive (*kendühalinde*) and respectable (*ehl-i ırz*). When Simaven and his family had been questioned from the community members they all witnessed that the family members are all respectable (*ehl-i ırz*), upright, honest (*müstakim*) and inoffensive (*kendü hallerinde*) people and they did not have any misconducting (*yaramaz*) visitors. Until the day of the case, they had not even heard anything about them which may necessitate the intervention of legal officials (*bu ana gelince hükkam-ı kiram tarafından dahl olunmak icab eder halleri mesmuumuz olmamışdır deyu...*).

³²³ İzzet Sak and İbrahim Solak, 38 Numaralı Konya Şer'iyeye Sicili (1103-1104/1692-1693) Transkripsiyon ve Dizin (Konya: Selçuk Üniversitesi, 2014), 114. Quoted from Konya JCR 38: 74/2.

The above case is an evidence of several claims of this research. The first thing that it indicates is that each *mahalle* community had its unique mode of expression for displeasure. Spreading tar to the door or leaving an anonymous letter in front of the door constitutes just two different modes of expression. It may also be interpreted as suppression of the expressions of emotions such as anger or hostility explicitly. We may never know whether Simaven or any member of his family did actually misbehave or it was just a slander. However it does signal the deterioration of the domain of *rıza şükran*. In the process of deterioration, expression of displeasure like the ones above constitute yet another phase in the process, similar to warning or counseling as efforts to revert wrongdoers back to the state of being pleased from one another. It may also show that the member for whom another community member or the community as a whole may have doubts about and thus will be held under watch for some time. Lastly, this case also evidences the process of moving into the domain of *rıza şükran* in the sense that being considered as someone of whom everybody is pleased also takes time. The indicator of the length of period is hidden under the term “*mesmu ’umuz olmamağla*” which means we haven’t heard any of his/her mischief by now. It takes time to be a part of the domain in that sense, which in turn transforms into a public opinion about one’s conduct either as good or bad. All of the cases of slander may also be considered as a part of the process itself.

5.6. Sustainability of the Domain of “*Rıza ve Şükran*”: Shame

Another question, which still remains to be answered, is how the sustainability of this domain of “*rıza ve şükran*” was achieved? There were two main factors behind. One of them was the personal interests of those who deserved to be a part of the domain which itself was a result of a long process that I analyzed in the previous section. It was in compliance with the personal interest to long for being a part of the domain since it ensured protection and also eased the individuals’ liabilities towards the state. However there was yet another factor, or a mechanism which ensured sustainability of the domain, which was an emotion; namely, the emotion of shame. Shame, which is an emotion privately felt but collectively constructed, acted as a fundamental factor in the sustainability of this domain. Shame, defined as the fear from social disapprobation or fear of being blamed or criticized, provided a willing obedience to social and emotional norms thereby ensuring sustainability of the domain of *rıza ve şükran*. Actually Muslim thinkers also saw shame as the most fundamental thing for proper social functioning and adherence to law. Katz analyzed *haya*, which may be roughly translated to English as shame, in ethical and legal works of scholars of Shafi legal school in the 11th to early 12th centuries.³²⁴ She focused in her article especially on works of Mawardi (d.1058), Ghazali (d.1111) and Juwayni. She also argues that the ideas about *haya* in these texts are not specific for this period only, rather consistency in historical period is observable. Indeed, several research

³²⁴ Marion Holmes Katz, “Shame (Haya) as an Affective Disposition in Islamic Legal Thought,” *Journal of Law, Religion and State* (2014): 139-169.

asserts the centrality of the cultivation of right passions or emotions to the theory and function of the classical sharia as a system.

Shame in this sense is important because it demands a presence of “other” to be felt. In other words, one would not feel ashamed unless there is at least one “other” than him/herself. By its essence it is social and acts as a tool to sustain social order by providing willing obedience to social and emotional rules. In this section I analyzed the emotion of shame in the Ottoman society because of its crucial contribution to the sustainability of the domain of “*rıza ve şükran*” and made a linguistic and contextual analysis of shame, which is an emotion for which the society had stronger impact in its construction. It is relatively more socially constructed and collectively regulated with implicit rules established as to when to express, to whom and how. The differing choice of words for its expressions in different contexts is also important in its conceptualization.

5.6.1. Descriptions of Shame

How a specific emotion is defined by a given society or a given language has been the object of many research so far not only in history, but also ethnography, social psychology and linguistics and it has now been widely accepted that³²⁵ emotion words in one language hardly have an equivalent translations in any other

³²⁵ See for example; Nader Al Jallad, “The concept of “*shame*” in Arabic: bilingual dictionaries and the challenge of defining culture-based emotions,” *Language Design* 12 (2010): 31-57; Marry H. Kayyal and James A. Russell, “Language and Emotion: Certain English–Arabic Translations Are Not Equivalent,” *Journal of Language and Social Psychology* 32 (2013): 261-271; Anna Wierzbicka, *Emotions Across Languages and Cultures: Diversity and Universals* (Cambridge: Cambridge University Press, 1999).

language.³²⁶ It seems like evidence continues to mount that when we translate a word, we risk changing its meaning. This is why emotion words demand a broader explanation in their translation keeping in mind that they usually bear different meanings in different contexts. Shame is one of the emotions, which show high degree of variances between cultures, which evidences its social construction, and also possess a scale in its expression by different shame-like emotion words depending on the density of the feeling.

Al Jallad provided a linguistic framework for analyzing, understanding and describing the emotion “shame” in contemporary Arabic by proposing a specific linguistic, cognitive and cultural apparatus to define the emotion.³²⁷ She claims that the essential component in defining an emotion is exploring what triggers the emotion and the respond to it.³²⁸ She made a contextual analysis in her study of six different emotion words used in contemporary Arabic, *hacal*, *haya*, *hishmah*, *ayb*, *faziha*, *ayb* and *ar* and argued that there are basic differences in the semantics, grammar and cultural aspects of shame between Arabic and English. While all of the six Arabic shame-like words are translated into English as “shame”, each word is different in its scale and meaning in Arabic. It is therefore necessary to understand the culture in which the emotion of shame is being

³²⁶ Kayyal and Russell for example, in their research questioned whether 12 emotion words in English; namely, happiness, sadness, anger, fear, interest, relaxation, embarrassment, disgust, contempt, surprise, perplexity, and hesitancy had an equivalent words in Arabic. Translation-back translation was used to obtain the best available Arabic translation for each word. They found out that out of 12 words, only one translation (happiness-ferah in Ar.) passed the tests of equivalence, while the remaining 11 words differed with culture and language.

³²⁷ Nader Al Jallad, “ The concept of “*shame*” in Arabic: bilingual dictionaries and the challenge of defining culture-based emotions,” *Language Design 12* (2010): 31-57.

³²⁸ *Ibid.*, 32.

expressed to better understand its meaning. She argues for example that there is no kind of shame in English, which is praised, recommended or respect-related.³²⁹

Although Al Jallad's research is not a historical but a linguistic one, it serves as a clue to how Ottomans themselves expressed their feeling of shame. It is quite clear that many words related to shame and translated as shame in English, each had different connotations used in different contexts.

Another interesting research on the subject is Abu-Lughod's ethnographical study based on a field work conducted among settled Bedouin nomads living west of Alexandria, called Awlad Ali, which has previously been mentioned in literature review section.³³⁰ Her book *Veiled Sentiments* is a seminal work in conceptualizing honor and modesty in a Bedouian society. She argues that one of the most complex concepts in Bedouin culture is *hasham*, the meaning of which depends on the context. Although it means modesty, it's a concept beyond that meaning. It involves both feelings of shame in the company of the more powerful and the acts of deference that arise from these feelings. Various words were formed from the trilateral root *hashama* and were translated by a cluster of words including modesty, shame and shyness. In its broadest sense it means propriety (*adab*). Abu Lughod's linguistic approach to the word "*hasham*" which had differing meanings in different contexts is especially important to understand how

³²⁹ For example, *hacal*, *haya* and *hishmah* are positive feelings like shyness. While *haya* is almost like a moral power that guides one's behaviour, *hacal* is more internal, personal and self-oriented. *Hishmah* meaning highly sensitive to shame-inducing situations is a word which is recommended and praised.

³³⁰ L. Abu-Lughod, *Veiled Sentiments: Honor and Poetry in a Bedouin Society* (Berkeley: Univ. of California Press, 1986).

such culturally constructed concepts in societies may serve to regulate social relationships. “*Hasham*” was distinctive to Awlad Ali community with its own social and political functions for this Bedouin society.

There were also many different words in expressing their feeling of shame in the Ottoman classical period differing in their scale and context. The words that they preferred to use also differed in time and across space. Before analyzing different expressions of shame in their historical contexts, first its lexicographic analysis is made, which also evidences the richness of the vocabulary used in expressing shame. For example, *hacal* (being or becoming confused with shame), *hacalet* (struck with confusion and shame), *haşmet* (anger, irritation; shame with annoyance; modesty, bashfulness, pudicity), *haya* (a feeling shame, modesty or bashfulness; to feel ashamed of), *faziha* (a shameful act or quality, an infamous crime), *fazihat* (shame, disgrace, infamy), *ayıb* (a fault, flaw, defect; anything looked upon as shameful, a breach of manners; shameful), *ar* (cause of shame, a shameful act or quality; bashfulness, shyness) constitute only some of the different meanings of shame. However lexicographic analysis does not provide us any clues on the intensity of being ashamed. Neither does it tell much about what triggers them, the circumstances, which made it more suitable to express, nor their nuances in various contexts. Therefore a contextual analysis of their use is necessary.

Haşmet for example, which refers more the personal, like being afraid of in one’s own, feeling uneasy about oneself, flushing of one’s face is quite different from *ar*. *Haya* on the other hand, although similar to *haşmet* as a respected feeling, is also different from either *ayıb* or *ar*.

In a court record of Konya register 53 (226-1) in the phrase “*benim mezilimi ve avratımı zabt eyledin yaramaz zalim ve utanmaz hayasız senin geçinmen benim menzirimde olan konaklardandır deyu şetm*”, *haya* also refers to ungratefulness, the cause of which is a socially shaped conscience that monitors one’s actions.

Although one should be grateful to those who let one to stay in their own house, it seems like acting contrary to it indicates a lack of *haya*. *Haya* in this sense is highly related to social values and traditions. Katz claims that the semantic range of *haya* also embrace the English terms “modesty”, “bashfulness” but more importantly “inhibition” in the sense that one is expected to feel *haya* not for what he has done.³³¹ Rather it’s an anticipatory shame (shame from what will happen in the future) representing a fear of social disapprobation or disgrace.³³²

Faziha on the other hand is defined as “*rezil rüsva olma hali*”, which is like losing face. It is felt when one’s fault comes out to be known by others, when a previously secret thing is exposed. It is other-oriented and different from *haya* or *hacal*. The shame of *ar* for example constitutes an extremity in its use. It is the most intense feeling of shame. It is triggered by committing something that is in extreme opposition to moral values or social norms. Different uses of different shame-like words will be clearer as more examples are cited from our primary sources.

³³¹ Marion Holmes Katz, “Shame (Haya) as an Affective Disposition in Islamic Legal Thought,” *Journal of Law, Religion and State* (2014): 143.

³³² *Ibid.*, 146. “For example, Miskawayh, the tenth century philosopher and historian defines *haya* as “the soul’s constraint out of fear of committing repugnant acts and apprehension of criticism and rightful blame. Likewise, Al-Mawardi discusses *haya* as an external and visible sign of internal and invisible virtue and his arguments revolve around three imagined observers before whom one may feel *haya*; God, other people and oneself.”

Another shame-like word *ayıb* for example, is not as intense as *ar*. One is expected to feel *ayıb* when he/she violates proper rules of behavior. Dankoff's study regarding Evliya Çelebi's Traveller Account has to be mentioned here in which he made both a linguistic and a historical analysis of the term "*ayıb*" (shame). Dankoff made a contextual analysis of the word "*ayıb*" in Evliya Çelebi's *Seyahatname* arguing that different societies had different understandings of shame in Ottoman Society.³³³ He also explored different words of shame, each having a different meaning in different contexts. He emphasized that the concept of *ayıb* changed geographically evidencing its culturally constructed feature. For example, according to Evliya, while it was considered to be *ayıb* (disgraceful) for women to go about in the marketplace in Ayntab (*çarşu u bazarda gzmeleri gayet ayıbdır*), it was not the case for women in Istanbul.³³⁴ The women of Cairo on the other hand, Evliya continues "never go out in the street during the day, except when it is an emergency and then they do it secretly. But at night they light torches and visit their relatives attended by their servants, otherwise it is shameful for women to go about in marketplaces (*avret bâzârda gzmek gâyet ayıbdır*)".³³⁵ In Peshpehil for example Evliya writes, "men and women do not flee from each other, he notes, and women may go outdoors without their husbands' permission, and even sit and chat and drink "with us Ottomans," and none of this is considered shameful and they have behaved in this disreputable fashion ever since the time of the Virgin Mary (*Peşpehil'de ise erleri ve avratları birbirlerinden kaçmayıb bizim Osmanlı ile avratları bir yerde oturub ayş u işret etdükte kocası*

³³³ Robert Dankoff, "Ayıp Değil! (No Disgrace)," *Journal of Turkish Literature* 5 (2008): 77-90.

³³⁴ *Ibid.*, 77.

³³⁵ *Ibid.*, 78.

*birşey demeyüb kapudan taşra gider, ayıb değıldir, zira bu Kafiristan'ın cümlesinde hüküm avratındır, ta Meryem Ana'dan berü ayin-i bedleri böyle olagelmiştir).*³³⁶

Ayıb then, refers more to social norms in Evliya's Traveller's Book. Evliya also uses the shame-like words of *hicab* and *hacalet* to express shame or humiliation as experienced by an individual.

In Ottoman court records, one of the shame-like words that we frequently encounter is the emotion word of “*ar*”. It is however quite natural to see “*ar*” in judicial courts more often than any other shame-like words like *ayıb* or *hacalet* because it has the highest intensity. It is usually expressed as “*bana ar lahık oldu*”. In the next section I made a contextual analysis of the emotion of *ar*, which, it is argued, had wider social implications than just expressing the state of being ashamed by the legal actors.

5.6.2. Ar

We may not know for sure how the litigants actually felt or how intense their feeling were even if they had felt ashamed. However, we know that they preferred to express their feeling of shame on specific conditions. It was even a requirement for many to come to the court and declare their shame. By giving different examples from judicial court records, it is argued that expressions of shame acted as an emotive like the expression of *rıza ve şükran*. It usually acted as a signal

³³⁶ Ibid., 81.

sent to other members of the *taife*, reflecting a demand to reverse his questionable status back to a state of being confirmed. Expression of shame may as well be regarded as a condition of being someone that community members felt “*rıza ve şükran*”. The examples cited below will further evidence the claims.

The court case cited below constitutes an interesting example for expressing one’s emotions at court.

“Mahmiye-i Konya’damahallesi sakinlerinden rafü’l-kitap İmam Hüseyin Hoca bin Hüsametdin meclis-i şer-i hatir-i lazı mü’t-tevkirde Poladlar mahallesi sakinlerinden Sefer bin mahzarında üzerine dava ve takrir-i kelam idüp, “mezbur Sefer bana iftira idüp, Ebubekir bin İvad’ın zevcesi Rahime ile muamelesi vardır demekle bana ar lahık oldu, sual olunsun” didikde gibbe’s-sual ve akibü’l-inkar mezbur Hüseyin Hoca’dan takririne muvafık beyyine talep olundukda, udul-ı müsliminden Mehmed bin Receb ve Halil bin hasan nam kmesneler liecli’ş-şehade meclis-i şer’e haziran olup, istişhad olunduklarında “fi’l-vaki Sefer bizim huzurumuzda merkur Hüseyin Hoca’ya mezkure Rahime ile muamelesi vardır dedi, biz bu husussa şahitleriz, şehadet dahi ideriz” deyu eda-yı şehadet-i şeriyye eylediklerinde şehadetleri hayyiz-i kabulde vakıa olmağın ma vakıa bi’t-talep ketb olundu.”³³⁷

In this case, Hüseyin Hoca the imam of a neighborhood claimed against Sefer from a different neighborhood and made the following allegation: “The accusations of Sefer about me for having illicit sexual relationship with Rahime who is the wife of Ebu bekir is a slander and I felt ashamed (*bana ar lahık oldu*).” Hüseyin Hoca demanded Sefer be questioned. When Sefer denied the allegations, the court demanded Hüseyin Hoca to produce evidence. Hüseyin then presented

³³⁷ Konya JCR 10: 134/2

Mehmed and Halil as his witnesses who confirmed that Sefer made the said accusations within their presence. The case then has been recorded as requested.

We do not know how the lawsuit was concluded. Most probably, Hüseyin Hoca, the plaintiff, will take a copy of the record from the qadi and together with the legitimate evidence would demand Sefer to be penalized from the policing official, “*subaşı*”.

The case is about a man is accused of slandering the religious leader of the community stating that *imam* was having an affair with someone else’s wife. It seems that Hüseyin Hoca, who is from notables of a community acting as their *imam*, was afraid of loosing his prestige and power over the community members and therefore decided to report the case to the legal authorities and wanted the witnesses to confirm the accusations of the defendant. The close relationships established between community members in traditional societies enhanced not only strong friendships but also envy and hostility towards one another. Therefore we frequently encounter cases in which the legal parties supported false allegations or reflected imputations of such. There are many court cases revealing disputes of imputations, often termed as “*töhma*”, “*isnat*”, or rumors termed as “*goft u gú*”, “*kil ü kal*”, “*dedikodu*” or “*hadd-i tevâtür*”. We may not understand from this case whether the accusations of Sefer were true or not. It could be a false accusation based on a personal animosity between the two, or he could actually have had an affair with a married woman, the exposition of which would demand a feeling of deep shame. Such a rumour would lead to suspicion of the community from the *imam*’s piety, loss of confidence of the community members and also a state of humiliation. However, Hüseyin Hoca did not go to the court

only to accuse Sefer for his slandering and to express how deeply he was ashamed. Shame in such cases, especially the expression of feeling ashamed indicates an implicit request from his community members to gain their confidence back, to revert back to someone whom the members have consent in and feel gratitude to. This feature of its expression perfectly fits to the definition of an “emotive” in Reddy’s terminology. If emotions are goal oriented thought material, the *imam*’s emotions of shame and its expression evidence that it was a goal oriented thought material. The expression of shame in this case is not only descriptive and performative but also emotive, since it also reflects a wish to change the world. It also in itself has a social expectation from other community members. It is not important for us to know “how” Hüseyin Hoca felt when he heard the accusations of Sefer. How the case turned out, how the judge gave his judicial decision, whether or not Sefer had been punished is not for the time being within the scope of this research. However, this case shows that *ar* as an emotion of shame was socially constructed and there were implicit rules of when to feel, what to feel, to whom and most importantly how to express it. It was only the feeling of “*ar*” that could be expressed in a court with a specific purpose implicitly reflected. It may also suggest that words give shape to one’s emotions by choosing to identify and name one’s feelings in one way rather than another, borrowing from Reddy, individuals define their emotions in the process of expressing them. *Ar* in this sense, as a kind of shame to be felt most intensively, perfectly fits to Reddy’s argument that “emotions are themselves instruments for directing, changing, building hiding, intensifying emotions.”

Another example of “*ar*” is cited below which is also from Konya court registers:

“Bi’l-fîil eyalet-i Karaman’a mutasarrıf olan izzetlü saadetlu Mehmet Paşa hazretlerinin mütesellimi olan fahr’ül-akran Abdurrahman Ağa tarafından husus-ı ati’ül-beyana mübaşir tayin olunan Mehmed Ağa müzaheretiyile mahmiye-i Konya kazasına tabi Sahra nahiyesinde Damköy sükkanından Mevlud bin Mehmed nam kimesne meclis-i şer’-i hatir-i lazımlü’t-tevkirde karındaşı Ebu Bekir nam kimesneyi ihzar ve mahzarında üzerine dava’ ve takrir-i kelam idüp, “tarih-i kitabdan 4 gün mukaddem mezbur Ebu Bekir zevcem Ayşe’ye kahbe ve rusbi deyu şetm idüp, bana ar lahık olmuştur, sual olunub, mucceb-i şer’isi icra olunması matlubumdur”, didikde, gıbbe’s-sual mezbur Ebu Bekir cevabında tarih-i kitabdan 4 gün mukaddem ben mezburun zevcesi Ayşe Hatun’a kahbe ve rusbi deyu şetm eyledim deyu tavi’an ikrar ve itiraf itmeğin ma vakıa bi’t-taleb ketb olundu.”³³⁸

In this case Mevlud bin Mehmed, brought his brother to the court by the aid of subaşı and claimed against him. Mevlud made the following allegation: “4 days ago this Ebubekir defamed my wife Ayşe by calling her a bitch (*kahbe ve rusbik*). I felt ashamed (*bana ar lahık oldu*). I demand that he be questioned and the legal requirement implemented”. Ebubekir accepted the accusation and confirmed that he defamed his wife Ayşe. The case has been recorded as requested.

The reason of Mevlud bin Mehmed’s filing a lawsuit is different from the previous one. He claims that his brother defamed his wife, which harmed her chastity. His brother accepted the accusation. Mevlud’s feeling of shame should have been quite intense that he accused his own brother and he got help even from the *subaşı* to make sure that he be questioned. His insistence for his brother’s chastisement evidences the scale of the problem. It seems that it was expected from him to express his feelings of shame, how deeply he was ashamed in a court.

³³⁸ Konya JCR 35: 121/2

It also shows how important it is to be a member of community whom the members have full confidence that his and his wife's virtue and chastity are unquestionable. The defamation of his brother may as well be due to a sudden anger or a false accusation however, even if it were the case, he still could demand that he be questioned. Again, like the previous case above, by his expressions of shame and grief, he also implicitly demands that his virtue be declared. Goal oriented feature of expressing one's emotion of shame is clearly evidenced reflecting also a demand from other community members' consent and gratitude and become a member that again they perceive as someone towards whom they feel "rıza ve şükran".

"Mahmiye-i Konya'da Sadırlar Mahallesi sükkanından rafı'ü'l-kitab imam es-Seyyid Molla İbrahim bin Ahmed nam kimesne meclis-i hatir-i lazımmü't-tevkirde yine mahalle-i mezbureden Ebubekir bin Mirza nam kimesne mahzarlarında üzerine dava ve takrir-i kelam idüb, tarih-i kitabdan bir gün mukaddem mahalle-i mezburede huzur-ı müsliminde alenen bi'l-muvacehe mezbur Ebubekir bana puşt ve dip satan deyu şütüm-ı galize ile şetm idüb, bana ar lahık olmağla sual olunub mucib-i şer'isi icra olunmak matlubumdur didikde gibbe's-sual ve'l-inkar ve bade't-taleb-i beyyine udul-ı ahrar-ı rical-i müsliminden Abdurrahman bin Mehmed ve İbrahim bin İbrahim nam kimesneler li-ecli'ş-şehade meclis-i şer'e haziran olub eserü'l-istişhad fi'l-vaki merkum Ebubekir tarih-i kitabdan bir gün mukaddem mahalle-i mezburede bizim huzurumuzda bi'l-muvacehe merkum es-Seeyid Molla İbrahim'e puşt ve dip satan deyu şütüm-ı galize ile şetm eyledi biz bu hususa şahitleriz, şehadet dahi ideriz deyu her biri eda-i şehadet-i şer'ie eylediklerinde gibb-ı riayeti şerayitü'l-kabul mucibiyle mezbur Ebubekir'in zabiti marifetiyle tazirine bade't-tenbih ma-vaka'a bi't-taleb ketb olundu fi'l-yevmi's-sani aşer min Şevvali'l-mükerrem li sene seman ve erba ve mi'ete ve elf" (12 Şevval 1148/25 Şubat 1736)³³⁹

³³⁹ İzzet Sak and İbrahim Solak, *53 Numaralı Konya Şer'ie Sicili (1148-1149 /1736-1737) Transkripsiyon ve Dizin*, (Konya: Selçuk Üniversitesi, 2014), 32. Quoted from Konya JCR 53: 14/3.

The above record is also a case of defamation in which es-Seyyid Molla this time claimed against Ebubekir stating that one day ago he called him as pimp (*puşt ve dip satan*). Seyyid Molla felt so much ashamed that he demanded the legal requirements implemented. Although Ebubekir denied the accusations, Seyyid Molla proved his case by the help of witnesses who confirmed Ebubekir's curse. The judge then decided that he be punished by the help of *zabit*, a member of the "örf" class. Although cases differ in what triggered the feeling of *ar* as an intense shame, they all serve for the same purpose, which is prevention of being a questionable person for the community members whom they do not have consent, whom they do not feel thankful, and who pushed the constraints of the domain of "rıza and şükran".

"Mahmiye-i Konya'da Sarıyakub Mahallesi sakinlerinden rafı'ü'l-kitab Molla Abdullah Halife bin Abdülehad nam kimesne meclis-i şer'-i münirde es-Seyyid Mehmed bin Seyyid Ahmed nam kimesne mahzarında üzerine dava ve takrir-i kelam idüb, tarih-i kitabdan bir gün mukaddem Külahçılar Suku'nda mela-i nasda mezbur Seyyid Mehmed bi-gayrı vech benim yakama yapışışup başından büyük tersek yersin deyu bana şütüm-i galize ile şetm etmekle bana külli ar lahık olmuştur sual olunub takriri tahrir ve mucib-i şer'isi icra olunmak matlubumdur didikde gibbe's-sual ve'l-inkar ve bade'-taleb-i beyyine udul-ı ahrar-ı rical-i müsliminden Osman bin Hacı Ömer ve Müsli bin İbrahim nam kimesneler li-ecli'ş-şehade meclis-i şer'e haziran ve istişhad olduklarında fi'l-vaki tarih-i kitabdan bir gün mukaddem Külahçılar Suku'nda mela-i nasda merkum Seyyid Mehmed müdde-i mezbur Molla Abdülhay Halife'nin bizim huzurumuzda yakasına yapışışup başından büyük tersek yersin deyu şütüm-i galize ile merkum Molla Abdülhay Halife'ye şetm eyledi biz bu hususa şahitleriz, şehadet dahi ideriz deyu her biri eda-i şehadet-i şer'iyeye eylediklerinde bade't-tadil ve't-tezkiye şehadetleri makbule olmağın mucibiyle merkum Seyyid Mehmed'e tazir lazım gelmekle tazirine tanbih bir le ma-vaka'a bi't-taleb ketb olundu fi'l-yevmi'l-hamis ve'l-işrin min Zi'l-hicce li-sene seman ve erba'in ve mi'ete ve elf" (25 Zi'l-hicce 1148/7 Mayıs 1736)³⁴⁰

³⁴⁰ İzzet Sak and İbrahim Solak, *53 Numaralı Konya Şer'iyeye Sicili (1148-1149 /1736-1737) Transkripsiyon ve Dizin*, (Konya: Selçuk Üniversitesi, 2014),181. Quoted from Konya JCR 53: 77/5.

In the above case, Molla Abdullah Halil bin Abdülehad claimed against es-Seyyid Mehmed bin Seyyid Ahmed and he stated in his allegation that, a day before the date of the court, es-Seyyid Mehmed stuck to his neck without any reason and cursed him by telling “*büyük tersek yersin*” (you will have a big shit on your head) and thus he was ashamed (*ar lahık oldu*). He demanded that es-Seyyid Mehmed be questioned and legal requirements implemented. However, when the defendant denied the said claim, evidence was requested from the plaintiff to prove his case. Some of the Muslim members of the community confirmed the claim as witnesses of the case. This is another case similar to the above in which a man felt ashamed, expressed his shame as “*bana ar lahık oldu*”, which was the most intensive kind of shame.³⁴¹ It was one of the emotional norms of the community members to express this intensive feeling of shame. He not only expressed how he felt in the court, bu also implicitly requested from other community members to revert his position back to the domain of “*rıza ve şükran*”.

These cases show us the emotional norms of communities as to what to feel and when and to whom. Actually all the cases that has been identified, it was always

³⁴¹ For a similar case see. İzzet Sak and İbrahim Solak, *53 Numaralı Konya Şer'iyeye Sicili (1148-1149 /1736-1737) Transkripsiyon ve Dizin*, (Konya: Selçuk Üniversitesi, 2014), 347. Quoted from Konya JCR 53: 147/4: “*Mahmiye-i Konya'da Uluurmak Mahallesi sakinlerinden rafi'ül-kitab es-Seyyid el-Hac Ahmed bin Molla Abdullah meclis-i şer'-i münirde yine mahalle-i mezbureden es-Seyyid Süleyman bin es-Seyyid Abdi nam kimesne mahzarında üzerine dava ve takrir-i kelam idüb, tarih-i kitabdan üç gün mukaddem mezbur Seyyid Süleyman mahalle-i mezburede bana sen ne zekerimsin ve ne necaset yersin deyu şetm-i galize ile şetm etmekle bana külli ar lahık olmuştur mezbur Seyyid Süleyman'dan sual olunub takriri tahrir ve mucib-i şer'isi icra olunmak matlubumdur didikde gibbe's-sual ve'l-inkar ve bade'l-istişhad udul-ı ahrar-ı rical-i müsliminden el-Hac İsmail Halife ibn Molla Mahmud ve Ali Beşe ibn Abdülkadir nam kimesneler li-ecli'ş-şehade meclis-i şer'e haziran ve istişhad olduklarında fi'l-vaki tarih-i kitabdan üç gün mukaddem mezbur Seyyid Süleyman bizim huzurumuzda mahalle-i mezburede bi-gayrı vech merkum Seyyid Hacı Ahmed'e sen ne zekerimsin ve ne necaset yersin deyu şetm-i galize ile şetm eyledi biz bu hususa şahitleriz, şehadet dahi ideriz deyu her biri eda-i şehadet-i şer'iyeye eylediklerinde bade't-tadil ve't-tezkiye şehadetleri makbule olmağın mucibiyle merkum Seyyid Süleyman'a tazir ve lazım gelmekle merkum Seyyid Süleyman'ın tazir ve habsine tenbih bir le ma-vaka'a bi't-taleb ketb olundu fi'l-yevmi'l-hamis min Rebi'ül-ahir li-sene tis'a ve erba'in ve mi'ete ve elf” (8 Rebi'ül-ahir 1149/ 16 Ağustos 1736).”*

the men who expressed their shame at court with the phrase “*bana ar lahiik oldu*”. It also shows that the emotional norms also declared rules not only on what to feel, when and to whom but also by whom. The women must have felt ashamed, however it was not expected from them to express it as such. Or their feeling of shame was termed by a different word. If people used different words for the feeling of shame, it shows that they constructed different feelings of shame, which is what Reddy had suggested and these cases support his arguments.

How are we then supposed to explain the fact that only men expressed their feeling of shame as *ar* in courts and not the women? It is suggested that we must try to understand why, in the first place, they feel ashamed to answer such a question? Katz claims that al-Mawardi’s analysis of *haya* revolves around three imagined observers: God, other people and oneself. *Haya* before God involves obedience to His commands and avoidance of actions He has forbidden.³⁴² *Haya* before other people is also similar and denotes sensitivity to social perception of one’s acts. The “other people” as an imagined community of observers, necessitates one to act accordingly if one has *haya*. *Haya* before oneself on the other hand is manifested through self-restraint or temperance and good behavior in private. Katz argues that *haya*, especially one felt before the others as an imagined community, is closely related to *murū’a* which is a complex and elusive Arabic concept,³⁴³ used as *mürüvvet* in Turkish. Zachs defines *murū’a* as manly virtue and examines the ways the modern Arab discourse of masculinity made use

³⁴² Marion Holmes Katz, “Shame (Haya) as an Affective Disposition in Islamic Legal Thought,” *Journal of Law, Religion and State* (2014): 147.

³⁴³ *Ibid.*, 148.

of the pre-Islamic concept of *muru'a* during late 19th century.³⁴⁴ As a complex term first consolidated among Arab tribes during pre-Islamic period but which underwent significant modification in the succeeding centuries, it retained much of its persuasive powers into the nineteenth century. Both terms, *muru'a* in Arabic and *mürüvvet* in Turkish are derived from Arabic *mar'*, which means “man”, also denoting to properties like bravery, generosity, chivalry or condescension of a perfect man. Although it was originally a gendered term, in time it became a neutral term used as a property of human nature (*insaniye*) in general when used especially as generosity or acting humanely. However, it remained to be used as a manly property. In other words, men had to have “*muru'a*” in Arabic and “*mürüvvet*” in Ottoman-Turkish to be considered as praiseworthy by others in the society. *Ar* and *haya* in this sense remained as fear from loosing a man's *mürüvvet* thereby facing social disgrace. The term's close link with manliness may be one reason for why only men express their feelings of *ar*. There should be “others” for someone to feel either *haya* or *ar*. Although there are three imagined observers; namely, God, other people and oneself before whom one may feel *haya*, the emphasis is more on the “others” as observers for someone to feel *ar* making it a more socially constructed emotion. Since men were the ones who were usually in the public sphere, responsible for representing the honor of both them and their wives, it was always men who should either display or linguistically express his emotion of *ar* in the public. *Ar* in this context, also reflects shame as an emotional

³⁴⁴ Fruma Zachs and Sharon Halevi, *Gendering Culture in Greater Syria: Intellectuals and Ideology in the Late Ottoman Period* (London: I.B.Tauris, 2015). Ibid.,66: Zachs argues that scholars mostly agree on the two conjoined meanings of *muru'a*: “it describes the physical qualities of a man (such as strength, bravery, fortitude, military prowess, and leadership abilities) and his moral virtues (such as loyalty, chastity, dignity, politeness, hospitality, compassion, religious observance, resolve, truthfulness and generosity).”

norm, in Stearn's terminology, as to when, where, how and by whom an emotion should be expressed. For example, in the case quoted below,

“Mahmiye-i Konya’da Şeyh aliman Mahallesi sakinlerinden işbu rafi’ü’l-kitab el-Hac Abdülkadir Halife ibn Ahmed nam kimesne meclis-i hatir-i lazimü’t-tevkirde zatı bi’t-tarifi’-şer’i muarefe olan Fatma bint-i Abdullah nam hatun mahzarında üzerine dava ve takrir-i kelam idüüb, merkume Fatma’nın bizim mahallemizde mülk menzili olmayub vali ve hükkam-ı kiram taraflarından bizlere mahallelerinize kefilsiz kimesne koymayasız deyu tenbihe binaen mezbure Fatıma’ya tarih-i kitabdan bir gün mukaddem senin dahi kefilin var mıdır deyu sual eylediğimizde mezbure Fatma ben müteveli izniyle geldim eğer sen razı olmazsan karındaşım yeniçeri Kabakulağ’a gice ile senin avradın tasarruf ve menzilin ateş yakdırırım deyu bana mezbure Fatma itale-i lisan itmekle ol vecihden bana ar lahık olmuştur sual olunub mucib-i şer’isi icra ve keyfiyet-i ahvali mahalleden istihbar ve mahalle-i mezbureden ihrac olunması matlubumdur didikde gibbe’s-sual ve’l-inkar ve ba’de talebü’l-beyyine udul-ı ahrar-ı rical-i müsliminden Hacı Ebubekir bin Himmet ve Ali bin Hüseyin nam kimesneli-ecli’ş-şehade meclis-i şer’e haziran olub eserü’l-istişhad fi’l-hakika tarih-i kitabdan bir gün mukaddem merkum el-Hac Abdülkadir merkume Fatıma’ya bizlere vali ve hükkam-ı kiram taraflarından mahallelerinize kefilsiz kimesne koymayasız deyu tenbih vardır senin dahi kefilin var mıdır deyu sual eyledikde merkume Fatıma merkum el-Hac Abdülkadir’e ben müteveli izniyle geldim siz razı olmazsanız karındaşım yeniçeri Kabakulağ’a gice ile senin avradın tasarruf ve menzilin ateş yakdırırım deyu bizim huzurumuzda merkum Hacı Abdülkadir’e itale-i lisan eyledi biz bu hususa şahitleriz, şehadet dahi ideriz deyu her biri eda-i şehadet-i şer’iye eylediklerinde bade’t-tadil ve’t-tezkiye şehadetleri makbule olmağın mucibiyle merkume Fatıma’nın tazirine tenbihden sonra mezbure Fatıma’nın keyfiyeti ahali-i mahalleden istihbar olundukda zeyl-i vesikada muharerrü’l-esami müslimin mezbure Fatıma’nın dilazar ve halkı ta’ciz ve ızzar adet-i müstemesi olub bir vechle kendüden razı ve hoşnud değilleriz deyu her biri mezbure Fatıma’nın su-i halini haber virmeleriyle mucibiyle mezbure Fatıma’nın mahalle-i mezbureden hurucuna tenbih bir le mavaka’a bi’t-taleb ketb olundu fi’l-yevmi’s-sabi min Şevvali’l-mükerrem li-sene tis’a ve erba’in ve mi’ete ve elf” (7 Şevval 1149/ 8 Şubat 1737)”³⁴⁵

³⁴⁵ İzzet Sak and İbrahim Solak, 53 Numaralı Konya Şer’iye Sicili (1148-1149 /1736-1737) Transkripsiyon ve Dizin (Konya: Selçuk Üniversitesi, 2014), 600. Quoted from Konya JCR 53: 247/1.

El-Hac Abdülkadir Halife demands the expulsion of Fatma from their community. He stated that since the officials required them that community members should either be mutual guarantors to one another or that the members should be aware of one's guarantor, they asked Fatma who her guarantor was. Fatma however swore el-Hac Abdülkadir and threatened him by telling that if they do not give consent to her settlement in this quarter she would make her brother, who is a Janissary, either to get possession of Abdülkadir's wife to or burn his house. Because of Fatma's degrading language regarding his wife, Abdülkadir felt ashamed in front of his fellows and expressed his shame in the court demanding Fatma's expulsion from their community. Even though it was not him but his wife who was imposed by degradation, it was Abdülkadir who felt ashamed evidencing the gendered use of the term "*ar*".

5.7. Concluding Remarks

This chapter focussed on the intra-communal relations of the Ottoman subjects. It has been showed in the previous sections that *taife/cemaats* were also distinct emotional communities and their affective ties were most frequently expressed with the term "*rıza ve şükran*". Contextual analysis of the term "*rıza ve şükran*" and several others used synonymously like "*maiyyet üzere olmak*", "*terazu ve tevafuk eylemek*" provided further clues on its broader meaning. The findings also showed that the community members did not express this term only to describe how they felt. Although it was an expression of expression it served for more. It was rather like an emotion code commonly shared between community members

having specific functions and the process itself of moving in and out of the domain of “*rıza ve şükran*” had several steps. Although all the *taife/cemaats* had same constraints like law and customs in defining the domain of “*rıza ve şükran*” however, each was also a distinct emotional community with variations in drawing the boundaries of this emotional domain. And most importantly, being well aware of the emotional norms of this domain, enabled community members to bridge their religious, ethnic, occupational or legal disparities. “Shame” was very crucial in providing willing obedience to social and emotional norms.



CHAPTER VI

THE OTTOMAN FAMILY AS AN AFFECTIVE UNIT AND ITS EMOTIONOLOGY: “*HANE-İ ÜLFET VE MAHABBET*”

Emotionology, a term coined by Stearns is defined as “the attitude or standards that a society, or a definable group within a society, maintains toward basic emotions and their appropriate expression and ways that institutions reflect and encourage these attitudes in human conduct, e.g., courtship practices as expressing the valuation of affect in marriage, or personnel workshops as reflecting the valuation of anger in job relations” as it has been already mentioned in Chapter II. In this section, the emotionology of the family as the most basic legal and social unit in the Ottoman society is explored. The scholarship produced so far on the subject³⁴⁶, mainly focused on Ottoman family as an institution.

³⁴⁶ There are many studies regarding Ottoman family in general and Ottoman women in particular. It's not possible to cite them all. For a few of them see: Ömer Demirel, “1700-1730 Tarihlerinde Ankara'da Ailenin Niceliksel Yapısı,” *Belleten* LIV 211 (1990): 945-961; İlber Ortaylı, “Osmanlı toplumunda ailenin yeri,” In *Türk Aile Ansiklopedisi* (Ankara: T.C. Başbakanlık Aile Araştırma Kurumu Yayınları, 1991), 74-81; idem, *Osmanlı Toplumunda Aile* (İstanbul: Pan Yayıncılık, 2002); Hüseyin Öztürk, *Kınalızâde Ali Çelebi'de Aile* (Ankara: T.C. Başbakanlık Aile Araştırma Kurumu Başkanlığı Yayınları, 1990); Alan Duben and Cem Bahar, *Istanbul Households Marriage, Family and Fertility 1880-1940* (Cambridge: Cambridge University Press, 1991); Svetlana Ivanova, "The Divorce between Zubaida Hatun and Esseid Osman Aga," In *Women, the Family, and Divorce Laws in Islamic History* ed. by A. E. A. Sonbol (Syracuse, N.Y.: Syracuse University Press, 1996), 112-125; idem, “Judicial Treatment of the Matrimonial Problems of Christian Women in Rumeli During the Seventeenth and Eighteenth Centuries,” In *Women in the Ottoman Balkans*, ed. Amila Buturović and Irvin Cemil Schick (London: Tauris, 2007), 153-201;

Iris Agmon, "Muslim Women in Court According to the Sijill of Late Ottoman Jaffa and Haifa," In *Women, the Family and Divorce Laws in Islamic History* ed. A. E. Sonbol (Syracuse: Syracuse Univ. Press, 1996), 126-140; idem, *Family & Court: Legal Culture and Modernity in Late Ottoman Palestine* (Syracuse, N.Y.: Syracuse University Press, 2006); Fariba Zarinebaf-Shahr, "Ottoman Women and the Tradition of Seeking Justice in the Eighteenth Century," In *Women in the Ottoman Empire, Middle Eastern Women in the Early Modern Era*, ed. M. C. Zilfi (Leiden: Brill, 1997); idem, "Women, Law, and Imperial Justice in Ottoman İstanbul in the Late Seventeenth Century," in *Women, the Family and Divorce Laws in Islamic History* ed. Sonbol, A. E. (Syracuse: Syracuse Univ. Press, 1996), 81-96; idem, "Women and the Public Eye in Eighteenth Century Istanbul," In *Women in the Medieval Islamic World, Power, Patronage and Piety*, ed. G. R. G. Hambly (New York: St. Martin's Press, 1998), 301-324; Abdurrahman Kurt, *Bursa Sicillerine Göre Osmanlı Ailesi (1839-1876)* (Bursa: Uludağ Üniversitesi, 1998); Nelly Hanna, "Sources for the Study of Slave Women and Concubines," In *Beyond the Exotic: Women's Histories in Islamic Societies*, ed. A. E. A. Sonbol (Syracuse, N.Y.: Syracuse University Press, 2005), 119-130; Madeline Zilfi, ed., *Women in the Ottoman Empire, Middle Eastern Women in the Early Modern Era* (Leiden: Brill, 1997); idem, "Women and Society in the Tulip Era, 1718-1730," In *Women, the Family, and Divorce Laws in Islamic History*, ed. A. E. A. Sonbol (Syracuse, N.Y.: Syracuse University Press, 1996), 290-307; idem, "We Don't Get Along: Women and the Hul Divorce in the Eighteenth Century," In *Women in the Ottoman Empire, Middle Eastern Women in the Early Modern Era*, ed. M. C. Zilfi (Leiden: Brill, 1997), 264-296; idem, "Thoughts on Women and Slavery in the Ottoman Era," In *Beyond the Exotic: Women's Histories in Islamic Societies*, ed. A. E. A. Sonbol (Syracuse, N.Y.: Syracuse University Press, 2005), 131-138; Abdal Rahman Abdal-Rehim, "The Family and Gender Laws in Egypt During the Ottoman Period," In *Women, the Family and Divorce Laws in Islamic History* ed. A. E. Sonbol (Syracuse: Syracuse Univ. Press, 1996), 96-112; Marry Ann Fay, "The Ties That Bound: Women and Households in Eighteenth-Century Egypt," in *Women, the Family, and Divorce Laws in Islamic History*, ed. A. E. A. Sonbol (N.Y.: Syracuse University Press, 1996), 155-173; Margaret L. Meriwether, "The Rights of Children and the Responsibilities of Women: Women as Wasis in Ottoman Aleppo," In *Women, the Family, and Divorce Laws in Islamic History*, ed. A. E. A. Sonbol (Syracuse, N.Y.: Syracuse University Press, 1996), 219-235; idem, *The Kin Who Count: Family and Society in Ottoman Aleppo, 1770-1840* (Austin: University of Texas Press, 1999); A. E. Sonbol, ed., *In Beyond the Exotic: Women's Histories in Islamic Societies* (Syracuse: Syracuse University Press, 2005); idem, *Women, the Family and Divorce Laws in Islamic History* (Syracuse: Syracuse University Press, 1996).

Basing their claims on lack of evidence, not only European but also Ottoman historians have either implicitly or explicitly assumed that marriages took place more for social and economic status and reproduction than for individual fulfillment and that love marriage could only emerge with modernity. This chapter however, in quest for the emotional norms of the family, embodied in social values and beliefs, scrutinizes the affective ties between husbands and wives of Ottoman family before modernity.

6.1. How Did Ottomans Define “Home”?

Before moving on to explore the Ottoman family as an affective unit, this section analyzes first, how Ottomans themselves defined a family. Did they make a distinction between a house, household or a family? There were many words and terms which have been used in Ottoman Turkish language like *beyt* (plural is *buyut*), *menzil*, *hane* and *ehl ü ‘iyal* denoting either a house, household or family and the distinct uses of those words in the sources are analyzed.

The second volume of *Ahlak-i Alai*, named as “*ilm-i tedbirü’l-menzil beyanınadır*” defines “*ilm-i tedbirül’l menzil*” as the conduct of behaviour in the *menzil* and among the members of the *menzil*. Members of the *menzil* are further

defined as “*ehl ü iyal, hadem and havel*”.³⁴⁷ In another place, he defines those living in the *menzil* as “*cemaat*” and describes them as the chief pillars (*erkan*) of the *menzil* where the basic life takes place. He further remarks the fundamental elements of a *menzil* as five; the father, the mother, the children, the servants and the sustenance.³⁴⁸ He depicts *menzil* not just as “a house (*hane*) made up of stone or wood” but rather as “a place (*mahal*) which embraces all of the five fundamental elements mentioned above”. In another context however, Kınalızade uses the phrase “*hane-i ülfet and mahabbet*” where “*hane*” also denotes to a family. In other words, in *Ahlak-i Alai*, although *menzil* is defined as a place (*mekan*) to live, it is emphasized that it is not an inanimate structure; quite contrary, it denotes those living in that physical structure which is closer in its meaning to the word “family”. In different sources though, *menzil* may denote only the physical building itself. In judicial court records for example, in most of the sale agreements, the houses being sold or bought were termed as “*mülk menzil*”. We also encounter the word “*hane*” especially in survey registers (*tahrir defterleri*). In *tahrir defterleri*, the married taxpayers were denoted as “*hane*”, whereas the bachelors as taxpayers were denoted as “*mücerred*”. It is evidenced in these sources that the Ottoman officials used the word “*hane*” as the head of a family, generating a taxable unit of income. “*Ehl ü ‘iyal*” is another term that we encounter both in judicial court records and the conduct manuals, where the term denotes to family members living under the same roof. For example, in a court

³⁴⁷ Mustafa Koç, ed., *Kınalızade Ali Çelebi: Ahlak-ı Alâ’î* (İstanbul: Klasik, 2007), 321.

³⁴⁸ *Ibid.*, 322.

record from 17th century³⁴⁹, a man claimed that the window of the house of his neighbor got within sight of his “*ehl ü iyal*” intervening their privacy and thus demanded that it be demolished. *Beyt* (pl. *buyut*) is also another term denoting to a house. It is usually referred as a small house built within the complex of a *menzil*. In the court record below, dating 1670, it is indicated that the sale agreement regarding one *menzil*, constitutes of 2 one-floor houses (*beyt-i süfli*), one *sofa*, one kiln and one small garden with fruit trees.

“.....mahalle-i mezburede vaki’ bir tarafı İbrahim mülküne ve bir tarafı Mustafa mülküne ve bir tarafı Hadice Hatun mülküne ve bir taraf-ı tarik-i hassa müntehi iki beyt-i süfli ve bir sofa ve bir furın ve bir cabiye-i ma’i cari ve muhavvata-yı yesireyi müştemil bir bab mülk menzilimi...”³⁵⁰

Menzil, then is defined as a set of independent small annexed buildings of “*beyt*”s (*buyut*) and sometimes together with a garden, if it is a subject of a sale agreement recorded in court registers. In another court record below dating 1640, it is claimed by Mehmed Efendi that the inside of his house (*dahil-i beyt*) was within the sight of the roof of his next-door neighbor (*hemcivar*) Hasan bin Abdullah’s pergola (*çardak*). “*Beyt*” is used again as the physical building of a house.

“.....Mehmed efendi hemcivarı olan Hasan bin Abdullah nam kimesne muvacehesinde üzerine dava ve takrir-i kalam idüb, “mezbur Hasan’ın menziline vaki çardağının sundurması dahil-i beytime nazır olmağla havalesi vardır men olunmak taleb iderim” deyücek”³⁵¹

³⁴⁹ Konya JCR 10: 12/3

³⁵⁰ Nurcan Abacı, *The Ottoman Judges and Their Registers. The Bursa Court Register B-90/295 (dated AH 1081/AD1670-71)* (Harvard: Harvard University, 2007), 29 quoted from Bursa JCR B-90/295: 44.

³⁵¹ Bursa JCR 41: 25

To sum up, it may be claimed that while *beyt* usually denoted to a house as a building, *hane* and *ehl ü 'iyal* mostly denoted to a household or family, and *menzil* was used interchangeably for both a house and a household. Those cluster of words were being used either interchangeably or to enrich their meanings in specific contexts. However, that does not mean that the same terminology was consistent for all parts of the Empire. Relying on al-Jabarti for example, Ayalon defined *beyt* in Egypt as a group or faction whose members were linked by both Mamluk and family ties.³⁵² *Beyt* therefore was used either in a wider sense, as the Qazugli *beyt* or in the narrower sense as a group or faction within the *beyt*, such as the 'Aliwiyya faction within the Qazdugli *beyt*. Fay also argues that in the 18th century in Egypt, *beyt* and *'ila* (colloquial word for *'aila*, family) were used interchangeably and that a household was meant to be all those linked to the head of the household through slavery, service, marriage, or blood, but do not necessarily reside with him.³⁵³ In other words, co-residence was not required for a household.

In search for affective ties within members of a family, the use of the word “family” will denote in this chapter to those including the wife, the husband, the children and the servants, if any, all residing under the same roof as dependants of the men.

³⁵² Marry Ann Fay, “The Ties That Bound: Women and Households in Eighteenth-Century Egypt,” in *Women, the Family, and Divorce Laws in Islamic History*, ed. A. E. A. Sonbol (N.Y.: Syracuse University Press, 1996), 155-173.

³⁵³ Ibid.

6.2. Prescription of Emotions

In search for emotionology of the family, which may also be referred as emotional prescriptions, book of ethics of Kınalızade -*Ahlak-i Alai*-, Islamic court records and related fetva collections had been utilized in this chapter. While *Ahlak-i Alai* served as a tool to explore the social prescriptions, court records and fetva collections served as tools to explore the legal and religious prescriptions.

Ahlak-i Alai is a conduct manual, which provides the most detailed information regarding a family. Therefore *Ahlak-i Alai*'s relevant chapters on family relations showing the rights and responsibilities of the husband and wife had been utilized to explore the expected emotional standards as to what to feel to whom, when and why embedded in social, religious and legal norms. Emotional prescriptions mostly consist of the knowledge passed on from generation to generation showing the idealized codes of behavior, which were expected from a husband and a wife as the members of an affective unit of family. The fifth section of the second volume in *Ahlak-i Alai* is named as “*Ehl ü İyal Terbiyesi Beyanındadır*” in which Kınalızade gives details on the expected conduct of behavior in the relations between husband and wife, the spouses and the children and the servants.

For Kınalızade the chief pillar of the family was the husband. However, the wife (*hatun*) was also important since she was the one who reproduces offsprings and who takes care of them. Additionally, she was the assistant of her husband and the protector of the provisions, property and the belongings. He further notes that the children were in need of their parents both for maintenance and education. It was also necessary to have servants in the house. After this preview, the section gives

advice on how to discipline (*terbiye etmek*) the members of the family (*ehl ü 'iyal*).

“..ve hatun-ı muvâfık ve karîne-i sâliha, zevcine tedbîr-i menzilde mu'âvin ü müşârik ve gaybetinde mâl u ıyalını hâfız u nâyib, huzûrunda müşkilât-ı umûrunda nâsîh ü müşâvirdir ve şedâyid ü nevâyibinde gam-güsâr u musâhibdir.”³⁵⁴

In the section quoted above, the role and the responsibilities of the woman as the fundamental principle of the family unit is indicated. Accordingly, a suitable wife should act as a companion, an assistant and a partner of her husband in bringing and maintaining order in the family. In her husband's absence she would act as the head and the protector of the household. In his presence she would act like his husband's counselor and consultant. She was the husband's confident in overcoming difficult times and his most intimate companion in his days of sorrow.

Kınalızade continues as follows;

“... ve hatunların efdali vü ekmeli oldur ki akl u diyanet ve iffet ü hasanet ve edeb ü haya ve zevcine mahabbet ü safa ile mevsuf olub rıza-yı zevci kanda ise ehemmi mehammmı olup hıfz-ı namusu gayet meramında ola. Ve zeban-dıraz u na-hak-şinas olmaya...”³⁵⁵

In this section, it is stated that a most preferable wife had to be wise and pious, chase and virtuous, respectful and modest providing his husband a deep love, pleasure and contentment. She should pay attention to his husband's concerns and

³⁵⁴ Mustafa Koç, ed., *Kınalızade Ali Çelebi: Ahlak-ı Alâ'î* (İstanbul: Klasik, 2007), 344.

³⁵⁵ Ibid., 344.

consent and she should give utmost importance to protect her honour. The wife should also be grateful and never long-tongued.

According to Kınalızade, a wife had to be under her husband's control and governance (*Ve hatun, erinin siyaset ü zabtında 3 emri riayet ü iktisab ve 3 şeyden taharrüz ü ictinab etmek gerek*). Under this control and governance, there were 3 things, which were expected to be obeyed, and 3 things, which should be refrained in a marriage. He lists them as follows:

“Riayet olunacak umurun evveli zevci zevcesinden heybet üzerine olmakdır, zira zevc hatunun nazarında mehîb olmayacak imtisal-i evamir ve ictinab-ı nevahisinde ihmal üzerinde olup ahval-i menzile ihtilal arız olsa gerek. Ve bu şart ehemmi şuruttur. Ve bu şart mefkud olıcak avrat galib ve muradatını calib olup belki zevcini teshir ve kendi hükmüne muti' etmekle amir memur ve muti' muta' olmakla fesadat (malice, depravity, mischief) u fezayih kabahat u şenayi müterettib olur ki def'i na-mümkin ve ref'i na-meysur olur.”³⁵⁶

Firstly, the man had to be the one who holds power (*heybet*) in a family. If the wife would neglect his power and do not obey his claims, there would be no order in the family. If the wife gets her own way and demands her husband to fulfill every wish of her, then the chief and the officer would switch their positions thus leading to malice, which is a case impossible to resolve. This is the most important rule to be obeyed.

“İkinci oldur ki zevc hatununu tekrim ü riayet eyleye, ol kadar ki mahabbetini isticlab ve meveddetini tahsil ü iktisab eyleye ki hatun ol kerametın zevalını tasavvur edip ita'at u inkiyad ve muhalesat u ittihadan hali olmaya. Amma bu keramet ü ta'zim hadden birun olmaya ki bu, maglub ve hatun müteğallib olmakla zarar-ı mezkur müterettib olmaya.”³⁵⁷

³⁵⁶ Ibid., 347.

³⁵⁷ Ibid., 347.

Secondly, the husband should treat his wife with honor and respect to gain her heart and make her feel contented. The wife would then become deeply attached to her husband strengthening the emotional ties between the two. However, the husband should not be too generous in his display of love and affection exceeding its limits, otherwise the wife could perceive herself as superior to her husband.

“Üçüncü emr –ki riayeti vacib idi- oldur ki hatununu bir şuglle mukayyed edip battal oturmaya komayalar. Eđer zabt-ı menzil ve levazım-ı ma’aş tertibinden ve ibâdât-ı mefrûza ve mendûbesinden fâriğ olursa evsât-ı nâstan ise gazl-i kutn u kettâne ve ekâbirden ise zer-dûzluk ve ana mânend sanayi’ azîze meşgul kılalar.”³⁵⁸

Thirdly, the husband should not keep his wife idle. On the contrary he should provide the available conditions to keep her busy by housework, getting order in the house, preparing the food and worship. In her spare times she should be encouraged to keep herself busy with either needlecraft or similar preoccupations as such.

“...ve mümkün oldukça hatunu a’râs ve mecâmi’-i nisa olan mevazi’den men edeler, hususen bu zemanda ki nisa arasında esbab-ı heva meşhur ve birbirine mahabbet –ki madde-i emr-i şeni’dir- ma’ruf u mezkurdur- pes ihtimaldir ki ba’zı fasidata celîs olup umur-ı fâside canibine tahrik edeler. Ve ekall-i zararı budur ki kendiden fâyik hulâ vü hulel sahibelerin görüp tahassür ile gelip zevcine teklif-i umur-ı mezkure edeyâ killet-i mahabbet ü hürmet-i zevce mü’eddi ola. Amma mecâmi-i ricalden men’ hod farz u vacib idüğü zikr ü beyana muhtac değildir.”³⁵⁹

³⁵⁸ Ibid., 348.

³⁵⁹ Ibid., 349.

In the above text, Kınalızade suggests that the husband should be cautious in letting his wife to socialize. The husband in that sense, is expected to prohibit his wife from going to places where the women would get together like the wedding ceremonies and similar occasions. Because when the wife would go to such places, she could either demand from her husband the things that she had seen in such places or feel the deficiency of them, which would diminish her love and respect for her husband.

The three conducts, which the husband should refrain from (*ol umur ki zevce andan ihtiraz etmek vacibdir, üçtür*) is as follows;

“Evvelkisi oldur ki gayet-i mahabbet izhar eylemeye. Eđer mihnet-i mahabbete mübtela dahi olmuş ise setr ü ketm eyleye ki zen, mahabbet-i zevce vakıf olıcak muhkem naz u idlal etmeğe azim olup ne derse imtisal olunmaya cazim olsa gerek. Bu kesret-i idlal kesret-i izlale mü’eddi olmak mukarrerdir.”³⁶⁰

Firstly, the husband should not show his love excessively. If he had such a tendency, he should know how to hide his feelings so that his wife would not know his affection. Otherwise, she could demand fulfillment of every wish of hers by feigning reluctance.

“İkincisi oldur ki mesalih-i azime ve umur-ı külliyyede anlar ile müşavere etmeye ve cemî’-i esrâr u hafâyâ-yı umuruna muttali’ kılmaya.”³⁶¹

³⁶⁰ İbid.

³⁶¹ İbid.

Secondly, the husband should not reveal all the important affairs to his wife, and should not unveil his secrets to her.

“Üçüncüsü oldur ki havatini mebadî-i ömrden zabt edip melahi istimâ’ından ve ricâl ve sâhib-cemâl cüvânlar müşâhede olunacak mevâzi’den ve âşık u ma’şuk hikayetlerinden Hüsrev ü Şirin gibi, Veys ü Râmîn gibi ve hezl kitapları tilavetinden ve istimâ’ından men’ edeler, belki temâm bilmedikleri acûzu kat’â menzile koymayalar ve mehârime karıştırmayalar.

İbn Arabşâh Tevarih-i Timur’da zikr eylerki “Cihanbaht Begüm –ki duhteri Timur’dur- ibtidada iffe ve sâliha idi. Bagdâdiyyelerden ba’zı fâsîdeler ana ittisal edip anı ifsâd eylediler. Hala andan hikayat-ı sû’ ve tevarih-i bed nakl olunur.” Ve ba’zı ahbarda varid olmuştur ki “Hatunlarınıza Yusuf kıssasın ta’lim eylemen, ya’ni ışk-ı Züleyha ve cemâl-i Yusuf mülâhazası tahrik-i silsile-i heva eylemeye. Ve şarab içmekten be-gayet tahzir edeler, zira keyfiyyet-i şarab hayâyı ref’ ve şehveti tehyic ve tâlib canibine inkıyad ve semahat-ı tab’ verir. Ve bu hisâl hatunlarda cem’ olıcak fesâd-ı azîm ve fitne-i külliye peyda olur.”³⁶²

Thirdly, the husband should govern his wife in such a way that she should be prevented from going to public places where she could see other good-looking men and to places where she could listen to stories of the lovers and the beloved. The wives should be refrained from taking old women home and from letting them to interfere in their personal affairs. Kınalızade in this section also cites a story and gives an advice to husbands not to let their wives to listen to love stories like *Yusuf and Züleyha* since they may arouse their passions. Likewise, wives should be refrained from drinking wine because it may cause women to loose their sense of shame and provoke sexual desire.

³⁶² Ibid., 349.

6. 3. Prescription Versus Expression of Emotions

What do all these social norms tell us about emotional prescriptions? It is first and foremost evidenced clearly that marriage is not considered, at least ideally, as a purposeful rationality. The wife is expected to be under the control and governance of the husband; however, that does not imply absence of affective ties between the two. Quite contrary, although the husband is expected to be the pillar of the family, the one having more power, should respect and honor her wife and endeavor to gain her heart and make her feel contented. The wife on the other hand is expected to be his assistant and companion in his days of sorrow; has to be virtuous with a deep love for his husband. There should be mutual affection and love between husband and wife. In all of these explanations, rights and responsibilities in the common-life of husbands and wives are revealed giving insights about the emotional norms within this familial ties. Although we know that the husbands were superior in legal rights to those of wives, his power at home does not originate solely from his legal superiority. It may only be possible through the establishment of mutual understanding of one another built on affection.

We first need to understand the phrase “*zabt ve siyasetinde olmak*” (under the governance). Does it only refer to submission of the wife under oppression to his husband who holds an indisputable power? We may interpret the relation with Ze’evi’s “woman-as-an-imperfect-man” model.³⁶³ Ze’evi claims that the Ottoman medical tradition remained under the influence of Galenic-humoral paradigm,

³⁶³ Ze'evi, Dror. "Changes in Legal-Sexual Discourses: Sex Crimes in the Ottoman Empire." *Continuity and Change* 16, no. 2 (2001): 219-242.

which supported the notion of “single-sex” continuum. Influenced by the work of Thomas W. Laquer on the history of Western conceptions of gender, Ze'evi argues that the difference between men and women tended to be seen in terms, not of an absolute binary opposition, but of a "woman-as-an-imperfect-man" model. Women were seen as undeveloped males, flawed versions of males along this continuum. He argues that this native medical paradigm was challenged by the introduction of modern Western medicine only in the nineteenth century and this “imperfect man” model was discarded which shows a paradigm shift from “one-sex” model to “two-sex” model. The governance of the wife by his husband may be read within the older paradigm of “one-sex” model in which women had to be protected and disciplined as underdeveloped versions of men. This paradigm was also compatible with the Islamic religious discourse.³⁶⁴

The fetva quoted below is an evidence of this understanding.

“Amasya nisvanı cins ve akranı ile hamama gider olduklarında istishab eyledikleri turşu ve fevake ve sair et'ame-i nefayisi hamamın bir köşesine oturup tenavül ider olduklarında nice nice etfal-i fukara ve nice nice marizat-ı bi-neva irakdan tehassür ve umma didikleri illet ile tazarrur olduğundan başka nan-ı azizin ufakları ma-i müncesiye karuşub, hüürmete riayet olunmasa hükkam ve vulat hamamcı ve zevcat vasıtasıyla bu e'f'al-i gayrimüstahseneyi def' etmek lazım mıdır? El cevab: Lazımdır.”³⁶⁵

³⁶⁴ Ze'evi, Dror. *Producing Desire: Changing Sexual Discourse in the Ottoman Middle East, 1500-1900*. Berkeley: University of California Press, 2006.

³⁶⁵ Mustafa Vâzıh Efendi, *Belâbilü'r-Râsiye Fî Riyâz-ı Mesâili'l- Amâsiyye*. I am thankful to Özer Ergenç for sharing this manuscript from his private library with me. It is also translated into modern Turkish by Ali Rıza Ayar and Recep Orhan Özel, eds., *Amasya Fetvâları ve İlk Amasya Şehir Tarihi (Belâbilü'r-Râsiye Fî Riyâz-ı Mesâili'l- Amâsiyye. Mustafa Vazıh Efendi (1764-1831))* (Amasya : Amasya Belediyesi, 2011), 17.

Question: When the women of Amasya go to the public baths with their fellows and eat pickles, fruits and various other delicious foods that they have bought, the poor and the sick would enviously watch them from a distance. In addition to that, the breadcrumbs would mix with the wastewater constituting a sign of disrespect to bread as God's blessing. For all such reasons, should the women be restrained from such behavior by the judges, the administrators and their husbands? Answer: Yes, it is necessary.

What is striking in this fetva is that such improper behavior of women is expected to be prevented by the aid of not only the official authorities but also their husbands.

Repression of display of emotions is also worth mentioning in *Ahlak-i Alai*. For example, it is explicitly suggested that the husbands should not show their love excessively. If he has such a tendency, he should learn how to hide his feelings so that his wife would not know his affection. Limitations on excessive expression of emotions especially on men's part seems to be one of the most remarkable codes of emotion. This code is clearly evidenced in the travelogue of Evliya Çelebi.

When Melek Ahmed Pasha, Evliya's kinsman and patron, covered himself with dirt at the grave of his beloved wife Kaya Sultan, the grand vizier Köprülü scolded him by claiming that he should be ashamed of himself for crying for the sake of a woman.³⁶⁶ Dunkoff rightly contends that such extreme displays of grief on the part of the Ottoman elite were considered disgraceful. The repression of display of love on the men's side was so much advised that it was regarded as a shameful act to weep for the sake of a woman, even if she were one's beloved wife. This emotional code is quite evident.

³⁶⁶ Robert Dankoff, "Ayıp Değil! (No Disgrace)" *Journal of Turkish Literature* 5 (2008): 79.

Repression of displays of love should not however be interpreted as absence of love; rather it should denote to a code on its display in a traditional society.

Almost all of the advice books would suggest not to display love and affection, *izhar-ı mahabbet*. Conforming to such expectations constituted the prescriptions.

Another important prescription was limitations on both the public behaviors of women and public places that they may attend. Kınalızade also warns the husbands to refrain their wives from attending to public events like wedding ceremonies and the like or from places where they may encounter good looking men or even from places where they may listen to love stories. Because when the wife goes to such places, she may either demand from her husband the things that she had seen in such places or feel the deficiency of them, which may diminish her love and respect to her husband.

The fetva below evidences the mentioned prescriptions and their reflections in daily life practices.

“Amasya'nun şebâb-ı nisvânı evvelâ çeşm ve âbrûy ve kisveye nizâm, hilyeler ve reng ve bûlar ile kendülere intizâm virüb teşyî'-i hüccâcî ve mecâlis-i vu'aâz ve huffâzı bahâne iderek kâffe-i hilyesi seçilmek üzere ince börkler bürünüb zihâm-ı enâm olan tarîklerden hırâmânî hırâmânî meydân-ı du'âya ve mecâlis-i vu'âz ve huffâz-ı mu'allâya varırlarsa da ol yerlerde örtünerek açılarak dürlü fesâd icâdına sebep olsalar, hükkâm ve vulât merkûmeleri ol mahallerden men'etmek lâzım mıdır ?

El-cevâb lâzımdır.”³⁶⁷

Question: The young girls of Amasya wore nice outfits, had their makeups on, perfumed and pinned jewelries on while going to public places like *namazgah* or

³⁶⁷ Mustafa Vâzıh Efendi. *Belâbilü'r-Râsiye Fî Riyâz-ı Mesâili'l- Amâsiyye*.

attending public events like sermons. They even covered their face and head with thin veils enabling them to show their beauty. Wiggling and jiggling along their walk through crowded streets, they even let their faces show up by opening and covering their veils intentionally. For all such reasons, should they be refrained from attending such public events by the aid of judges and administrators?

Answer: Yes, it is appropriate to refrain them.

This *fetva* shows how the prescriptions regarding the prevention of women from attending public places were reflected in daily lives of women. It also represents a stance against the social norms and an attempt to expand the limits defined by men in a men-dominated society. The improper code of behavior has been a subject of a *fetva* because the act itself did not explicitly incur any opposition to religious or administrative law; rather it was recognized as something pushing the established and widely accepted limits. If the improper act could have been evidenced as an act in strict opposition to law, it could have been easily punished. However the young ladies in this *fetva* are trying to establish a new interpretation of modesty without strictly opposing the law. That's probably why it wasn't a subject of a case in a judicial court but required to issue a *fetva* regarding its compliance/opposition to religious law. Although we understand that the opinion of the *mufti* was against those women, it also evidences an expansion of the women's boundaries of freedom. The *fetva* was copied in the nineteenth century, however its issuance may be much earlier. The context of the *fetvas* within this collection reveals that they were most probably issued in the late 17th or the early 18th century. If it were issued in the 16th century however, the women's code of dressing and behavior in public places would probably evidence a different

portrait; maybe we would not be able to see any such *fetvas*. Law always precedes the social progress. When novel acts or behaviours become widespread with increased frequency, they would be regularized. Law on the other hand establishes norms for such regular practices. We should also analyze *fetvas* in this respect. Although change may not be established by *fetvas*, they function as tools legitimizing changes in practice.

Sources quoted above actually denote an “emotional regime”, in Reddy’s vocabulary, in the Ottoman society in expressing emotions both for men and women. They were both refrained from expressing their emotions. While the husbands were refrained to show their love to their beloveds in an excessive way, the women were refrained from going to public places like public baths, wedding ceremonies, sermons, or any public gatherings with their fellow women where they may accidentally hear love stories. Such restraints would prevent them to express their joy and happiness and even their desires for publicly showing their beauty. However, it is also possible to interpret the above-mentioned two *fetvas* as tensions involved between the prescriptions and the descriptions, or between emotional precepts and their experience. As Stearns claims, “the distinction between precept and experience should not be drawn too sharply, since both are held in tension, and one is always tested against the other and each is understood within the context of the other”.³⁶⁸ Issuance of a *fetva* regarding the behaviours of women of Amasya is also an evidence of widespread practices of such. Recent

³⁶⁸ Peter Stearns and Carol Z. Stearns, “Emotionology: Clarifying the History of Emotions and Emotional Standards,” *American Historical Review* 90, no 4 (1985): 813-36.

research shows that fetva collections in this respect are valuable sources for identifying general tendencies rather than showing exceptional cases.

Both fetvas refer to public places often termed as “*mecma-i nas*” in Ottoman Turkish. The first one is about the code of behavior of women in the public baths, whereas the second one in crowded public streets, public places like mosques where sermons were held.

If we regard the emotional codes of repressing the display of emotions as an emotional regime and hold that there had always been a tension between the emotional precepts and their expressions, public baths may easily be interpreted as “emotional refugees” especially for women where they may express their emotions, be it joy, happiness or anger. Public baths were public places originally established for the protection of general hygiene, however they also contributed much to the socialization process of individuals as a public place for gathering. Lady Montagu identified public baths as “coffeehouses for women”, as important public places where information was transmitted and scandals were created. She emphasized the importance of public baths as places enabling Ottoman women to socialize beyond their restricted lives in the houses with doors shut.³⁶⁹ Although using public baths as a tool to socialize and a place for pleasure and enjoyment for women was quite an exceptional practice for Lady Montagu, it was quite a regular practice for Ottoman women in their daily life practices.

³⁶⁹ Ahmet Yaşar, “The Coffeehouses in Early Modern İstanbul: Public Space, Sociability and Surveillance,” (Unpublished master’s thesis, İstanbul: Boğaziçi University, 2003), 47.

Public baths as “emotional refugees” served Ottoman women as public places where they may express their feelings, not only joy, pleasure and happiness but also their anger. Two cases that is quoted below evidences the expression of women’s anger in the public baths that we frequently encounter in judicial court records, evidencing public baths as their “emotional refugees”.

“Husus-ı atıyyü’l-beyanın mahallinde keşf ve tahriri iltimas olunmağın savb-ı şer’-i kavimden Mevlana Başkatib Derviş Mehmed Efendi irsal olunup ol dahi Piripaşa Mahallesi sakinelerinden iken bundan akdem Türbe Hamamı’nda madrube olan Rahime bint-i Abdullah nam hatun li-ecli’l-keşf Mahkeme Hamamı’nın nisa hamamına getirilüb kabile hatunlardan Ayşe bint-i Mustafa ve Şerife bint-i Hacı Himmet ve Zeyneb bint-i Mustafa nam hatunlara mezbure Rahime’nin azasını keşf ve iradet itirdikde iki dizinde ve iki kollarında ve eli barmaklarında hamam leğeni ile darb olunma ve arkasında kara bere olduğunu muayene ve müşahede idüb mezburat haber virdiklerinden sonra mezbure Rahime istintak olundukda tarih-i kitabdan dört gün mukaddem Türbe Hamamı’nda işbu muayene olunduğu üzere Celal Çelebi kızının cariyeleri Esber ve İsmihan beni darb ve kara bere eylediler da’vam ancak mezburetana münhasıradır gayrı kimesnede asla da’va ve niza’ım yokdur didiğini meylana-yı merkum mahallinde ketb ve tahrir ve ma’a ba’s olunan ümena-yı şer’le meclis-i şer’a gelüb ala vuku’a inha ve takrir etmeğın ma-hüvel-vaki bi’t-taleb ketb olundu fi’l-yevmi’s-sadis aşer min Zi’l-ka’de li-sene seman ve erba’in ve miete ve elf (29 march 1736)”³⁷⁰

In this record, we understand that in the Türbe Hamam of Konya, Rahime had been beaten by two women, Esber and İsmihan, slaves of Mevlebi Celal Çelebi, by a bowl usually used in the public baths and there were wounds and bruises in her body evidencing the crime. Upon Rahime’s complaint, her body was checked

³⁷⁰ İzzet Sak and İbrahim Solak, *53 Numaralı Konya Şer’iye Sicili (1148-1149 /1736-1737) Transkripsiyon ve Dizin* (Konya: Selçuk Üniversitesi, 2014), 297. Quoted from Konya JCR 53: 125/2.

by midwives (*kabile hatun*) in the women's section of Mahkeme public bath, which may be one located close to the judicial court. It is understood that Rahime and the daughter of Celal Çelebi had a quarrel with each other and the women slaves of the daughter of Celal Çelebi wounded Rahime. This case shows that women felt themselves freer to express their emotions, anger in this case, towards one another showing how public baths also functioned as emotional refuges for women in Ottoman society. There are many similar cases evidencing quarrels between women, recorded in judicial court registers, and one another example is quoted below. In the case below, we encounter the quarrel between Sultan and Hadice in which Hadice, together with her two daughters, beat Sultan's belly and face. Sultan claims that she had a miscarriage because of Hadice's assault.

“Husus-ı atıyyü'l-beyanın mahallinde istima' ve tahririçün gibbe'l-iltimas savb-ı şer'den Mevlana Ömer Efendi irsal olunup ol dahi mahmiye-i Konya'da Larende kapusu haricinde Sultan Hamamı'nın kapusu önüne varub zeyl-i kitabda isimleri mestur olan müslimin ile akd-i meclis-i şer'-i şerif olundukda el-Hac Cemal mahallesi sakinelerinden baisetü'l-kitab Sultan bint-i Süleyman nam hatun meclis-i ma' kud-ı mezburda Bekir Beşe'nin zevcesi olan Hadice bint-i Süleyman nam hatun mahzarında üzerine da'va ve takrir-i kelam idüüb tarih-i kitab günü işbu Sultan Hamamı içinde ben kendi umurum ile iştigal üzere iken bi-gayr-ı hak mezbure Hadice gayibetan-ı ani'-meclis iki nefer kızıyla ma'a benim başımı tasla ve karnımı depme ile darb eyledi hala hamlim sakit olmak nekazası vardır sual olunub mucib-i şer'isi icra olunması matlubumdur didikde gibbe's-sual mezbure Hadice cevabında mezbure Sultan'ı ben depme ve karnına darb itmedim lakin yumruğla başına darb eyledüm deyü ikrar ve itiraf eylediğini mevlana-yı mezbur mahallinde ketb ve tahrir idüp ba'dehu ma'a ba's olunan Halil Beşe ile meclis-i şer'a gelib ala vuku'a haber virmeğin mucibiyle ma-vaka'a bi't-taleb ketb olundu fi'L-yevmi'r-rabi min şehr-i Şevvalli'l-mükerrem li-sene selase ve mie ve elf (19 June 1692)”³⁷¹

³⁷¹ İzzet Sak and İbrahim Solak, 38 Numaralı Konya Şer'iyeye Sicili (1103-1104/1692-1693) Transkripsiyon ve Dizin (Konya: Selçuk Üniversitesi, 2014), 40. Quoted from Konya JCR 38: 29-2

Although we encounter many court cases³⁷² where a men explicitly and publicly expressed his anger or gaze (*gazab*), the cases which indicate women expressing anger in public places open to both men and women are quite rare which is also an evidence of emotional norms identified for women in expressing their emotions publicly. The fetva collections are also replete with questions regarding men who swear. The fictional legal characters in the *fetvas* regarding cases of swearing are always either Amr or Zeyd, denoting men.³⁷³

Although it was not considered as a shameful act to express anger, “*gazab halinde olmak*”, “*gayz duymak*”, “*kedernak olmak*” for men, it was just the opposite for women especially in spaces outside the boundaries of their home like public streets, market places and such. It was regarded as improper for women to have a quarrel, to talk loudly or to explicitly express their emotions of anger. The court

³⁷² For example; Ankara JCR 78: 17-3: “*cima lafzıyla avretime, dine ve imanına şetm*”; Ankara JCR 78: 99-2; “*kafir ve kelb deyu şetm*”; Konya JCR 35: 113-1; “*ben fiil-i şeni ideyin, nice kimesnelere de fiil-i şni ittireyim deyu şetm*”; Konya JCR 53: 30-5; “*şütüm-ı galize ile ağzına şetm*”; Konya JCR 53: 82-5; “*zalim ve yaramaz ve evi ve dini yıkılası tabiri ile şetm*”; Konya JCR 53: 165-2; “*valideme ve avratuma şetm idiüb, merkur Osman dahi aralamak kasdıyla beni kakub ve italet-i lisan eylemişdir*”; Konya JCR 53: 213-1; “*beyne'n-nas avratını yefillediğim puşt gidi deyu şütüm-ı galiza şetm*”. They are all men in cited cases that swore.

³⁷³ Kaya 2009: Süleyman Kaya, ed., *Fetâvâ-yı Fevziye, Şeyhülislam Feryzullah Efendi* (Istanbul: Klasik, 2009), 114: “*Zeyd Amr-ı müslime şetm kasdıya “İslamın ve dinin yoktur” dese Zeyd’e ne lazım olur? el-Cevab: Ta’zir*”; *ibid.*, 115: “*Zeyd padişah-ı İslam hullidet hilafetuhu ila yevmi’l-kıyam hazretlerine ihanet ve tahkir edip “sikkesine yestehleyeyim” dese Zeyd’e ne lazım olur? el-Cevab: Ta’zir-i şedid*”; “*Zeyd sülehadan Amr ile çekiştikde tehevür edip Amr’ın sakalını çekip “bre ırgad!” deyu şetmeylese Zeyd’e ne lazım olur? el-Cevab: Ta’zir*”; “*Zeyd ulemeden Amr’a “Haramzade” deyu şetmeylese Zeyd’e ne lazım olur? el-Cevab: Ta’zir*”; “*Zeyd sadat-ı kiramdan Amr’a “ Bre it oğlu it!” deyu şetmeylese Zeyd’e ne lazım olur? el-Cevab: Ta’zir*”; *ibid.*, 116: “*Zeyd-i zimmi Amr-ı müslime “bre pirsiz, bre erkansız” deyu şetmeylese Zeyd’e ne lazım olur? el-Cevab: Te’dib*”; “*Zeyd gammaz ve telbis ile mevsuf olan Amr’a “bre gammaz, bre telbis” dese Zeyd’e ta’zir lazım olur mu? el-Cevab: Olmaz*”; *ibid.*, 130: “*Zeyd-i müslim babası Amr-ı müslime “bre din ve imanını falan ettiğim kafir!” deyu cima’ lafzıyla şetmeylese Zeyd’e ne lazım olur? el-Cevab: tecdid-i iman ve nikah lazım olur ve ta’zir olunur, ukukunun cezasını ahirette görür.*”

record quoted below is an evidence of such a precept for the women in Ottoman society.

“Mahmiye-i Konya’da Boladlar mahallesi sakinlerinden baisü’l-kitab imam Abdullah Halife ibn Burak nam kimesne meclis-i şer-i hatir-i lazımu’t-tevkiirde mahalle-i merkume sakinlerinden Rahime bint Salih nam hatun mahzarında üzerine dava’ ve takrir-i kelam idüb, “ben mahalle-i mezburede imam olub, tarih-i kitabdab bir gün mukaddem salatü’l-‘aşa cemaatim ile mescidden çıkıb menzilime giderken mezkure Rahime, bir hatun ile münaza’ ve mücadele üzerine olub, esvan-ı şedidleri münteşir omağla bazı kimesneler imam ve cemaat mescidden çıkdıklarında nizaainızı işidirler dediklerinde merkume Rahime imam ve cemaate lanet, ağızlarına yesteh ideyim didi” , sual olunub mucceb-i şer’isi icra olunması matlubumdur didikde, gıbbe’s-sual ve akibü’l-inkar ve bade’l-istişhad udul- müsliminden mahalle-i merkumede sakin Hızır bin Ayvad ve Osman bin El-hac Halil nam kimsneler li-ecli’ş-şehade meclis-i şer’e haziran olub eserü’l-istişhad “fi’l vaki’ tarih-i kitabdab bir gün mukaddem imam-ı mezbur Abdullah Halife ve sair cemaat ve biz bad-ı salat-ı aşâ mescidden çıkıb menzilimize giderken mezbure Rahime bir hatun ile münazaa üzere olub esvan-ı şedidleri münteşir olmağla bazı kimesneler mezbureyi men’ kasdiyle esvatınızı (çığlığını) imam ve cemaat işidirler didiklerinde mezbure Rahime bizim huzurumuzda imam ve cemaate lanet, ağızlarına yesteh eyledim dedi biz bu hususa şahitleriz şehadet dahi ideriz deyu eda-ı şehadet-i şer’iyye bade’t-tadil ve’t-tezkiye şehadetleri hayyiz-i kabulde vakia’ olmağın muccebiyle ma-vakia bi’t-taleb ketb olundu. fi’l- yevmi’l hamis aşer min muharremi’l haram sene isneyn ve mie ve elf (15 muharrem 1102)”³⁷⁴

This case is about anger and curse as an expression of anger. It is about a woman cursing the “*imam*”(religious leader) and the “*cemaat*” (religious community), at nighttime. The woman, named Rahime, while discussing and quarrelling with another woman, some people warned her to lower her voice since the *imam* and members of the *cemaat* may hear them shout. However, the lady cursed both the *imam* and the *cemaat* using very strong words (*imam ve cemaate lanet, ağızlarına*

³⁷⁴ Konya JCR 35: 201/1

yesteh ideyim). The next day somebody from the same neighborhood came to the court and claimed against her, demanding that she be questioned and explained what happened in front of the judge. However, Rahime denied the claim. The judge asked the people who were trustable Muslims from the same neighborhood and they confirmed that they had witnessed the case and heard Rahime cursing.

What does this case tell us about emotions, their suppression, or expression, or the emotives?

This case reflects an emotional norm of a specific time and place. This case is also a record reflecting anger. It shows that it was not expected from women to curse and to quarrel and shout in public places, in this case in a public sphere where the mosque was located. We may never know why the two women were quarrelling, however we do know that two women were angry, shouting loudly while the men were coming out of the mosque, and they did not stop shouting when they saw them. Additionally they were out in the public place at night. When some of the community members tried to warn her, she cursed using the most defaming words. The ideal type of women, or the role model of the neighborhood would not go out at dark, or quarrel with another woman; rather she was expected to keep silent when faced with men. This is also a case which shows how the colloquial language is transformed into court jargon. Probably what she uttered was something more vulgar, however the clerk changed the utterance with something more polite. But the essence is not distorted.

This case is not exceptional and evidences the emotional restraints upon women in expressing their emotions. It was demanded that they repress their emotions especially in places, which were open to public, and in the presence of men.

6.4. Expressing Emotions in Familial Ties

How then would husbands and wives express their feelings towards one another in this emotional regime? What were the terms and phrases used which would give us clues on how they feel about one another? In this section two different phases of familial relations had been scrutinized. The first phase constitutes to be the *namzedlik* (engagement) period while the second one is the divorce period. Judicial court cases of *namzedlik* and *hul* type divorce are utilized since they reveal how men and women uttered or displayed their feelings towards one another, relatively in more detail.

6.4.1. *Namzedlik*

What was the preferred or the prevalent process for establishing this basic social and legal unit for the Ottoman individuals? How did the couples decide to get married and establish a family? On the path to establishing a family, the men and the women usually had a period of engagement, which was termed as “*namzedlik*” before getting legally married. (Literally *namzed* means a candidate.) The presence of many court records throughout the Empire regarding the disputes of the engaged couples or the writs (*hüccet*) for its termination evidences that

namzedlik was a prevalent practice in the Ottoman society not only for the Muslims but also for non-Muslims. Abdal Rahman also argues that marriage in Egypt in the Ottoman era almost always took place after an engagement period.³⁷⁵ There were also many non-Muslims appealing to Islamic judicial courts either to settle the disputes regarding their engagement or to officialize its termination.³⁷⁶

In Islamic law, it was termed as “*hitbe*” (a request that a girl be given in marriage). It was a request initiated by the man, his family or proxy to marry a girl, and the couples would get engaged (become *namzed* to each other) if the man’s request was approved either by the girl herself or her family. In other words, the parties involved had to have a mutual agreement. However, since it was not regarded as a legal marriage contract, it was not legally binding and imposed no obligation to register it in the judicial courts. It was considered to be only a “promise to marry” (*tezevvüc vaadi*), which could be broken by both sides. The court records that we encounter are related only to the termination of *namzedlik*. There were mainly two reasons for bringing the case to trial or for getting a *hüccet* from the court for its termination. One of the reasons was to settle a dispute regarding the retrieval of the goods exchanged between the parties

³⁷⁵ Abdal Rahman Abdal-Rehim, “The Family and Gender Laws in Egypt During the Ottoman Period,” In *Women, the Family and Divorce Laws in Islamic History* ed. A. E. Sonbol (Syracuse: Syracuse Univ. Press, 1996), 96.

³⁷⁶ İzzet Sak, “Osmanlı Toplumunda Namzedin (Nişanın) Bozulması ve Sonuçları: Konya Örneği (18. Yüzyılın İlk Çeyreğine Ait Konya Şeriyeye Sicillerine Göre),” *Selçuk Üniversitesi Sosyal Bilimler Enstitüsü Dergisi* 16 (2006): 519-21. For example, in the presence of her non-Muslim (*zimmi*) *namzed* Haceter veled-i Müyesser, the Christian (*nasraniyye*) woman Penbak bint-i Andon stated in the court that she had consent for marrying her *namzed*. After her declaration and the consent of her *namzed* their marriage was officially registered (*merhum Haceter nam zimmi benim bundan akdem namzedlim olmağla hala üçer kat melbusat ve 1 sim kuşak mehr-i muaccel ve beynimizde malum mehr-i mü’eccel ile ayin-i batlamız üzere nefsimi tezvice izin verdim*) quoted from Konya JCR 45: 47-4

during the *namzedlik* period when the promise to marry was broken.³⁷⁷ The second reason was just to officialize the termination, which would enable the girl to marry another man since it was disapproved (*haram*) to marry with a girl who was still engaged with another man. However it was not obligatory.

The court records provide us with significant clues on how the institution of engagement was practiced. Sak's research drawn on judicial court registers is the most comprehensive study on the practice of *namzedlik*.³⁷⁸ The results of the research produced so far provide evidences that the parents usually initiated the practice of *namzedlik* before the girl and the boy reached puberty. Probably for this reason, we also know that it could last for five, ten and even twenty years. A court record dating April 16th 1747 indicates that the non-Muslim İlya bt. Aslan had been engaged with Hanna for 22 years and Hanna was out of their town for the past 13 years.³⁷⁹ However, when the girl or the boy reached puberty, he/she

³⁷⁷ There are also several judicial opinions (*fetva*) given by the *müftis* regarding the exchange of the gifts given during the engagement period. In one such *fetva* issued by Şeyhülislam Minkarizade Yahya Efendi, it is not accepted for both sides to demand the goods back sent as gifts during the engagement even if the marriage had not been consummated and the goods had been already consumed. Bünyamin Karadöl, “Şeyhülislam Minkarizade Yahya Efendi'nin Nikah Akdi/Evlilik ile İlgili Fetvaları,” (Unpublished Master's Thesis, Adana: Çukurova University, 2006), 104: “*Mesele: Zeyd Hind-i bikre namzed oldukda tarafından hediye tarikiyle bazı eşya irsal olunup her biri istihlak itdikten sonra nikah müyesser olmasa ol hedaya tarafından tazmin olunur mu? El cevap : Olunmaz*”. A contradictory opinion however is given by the Şeyhülislam Ebussuud in which he claims that the gifts should be given back as evidenced in his *fetva*. Pehlul Düzenli, Osmanlı Hukukçusu Şeyhülislâm Ebussuûd Efendi ve Fetvâları (Unpublished Phd Thesis, Konya: Selçuk Üniversitesi, 2007), 115: “*Zeyd Hind'in kızı Zeyneb'e bir kaç yıl namzed oldukdan sonra Hind Zeyneb'i Zeyd'e vermez olıcak Zeyd-i mezbur nişan deyu ve bayramlık deyu Zeyneb'e verdiği esbabın kıymetin Zeyd almaya kadir olur mu? El-cevab: Nişan kalın makulesindendir, kalanı dahi öyle ise olur. Hediye makulesinden olanın baki olanı iki taraftan alınır. Halik tazmin olunmaz*”.

³⁷⁸ His article is drawn on 158 writs from 14 judicial court registers of Konya (register numbers 10,11,39-50) recorded in the 17th and 18th centuries.

³⁷⁹ Ahmet Kankal and Kenan Z. Taş, eds., *252 Nolu Mardin Şer'îye Sicili Belge Özetleri Ve Mardin* (İstanbul: Mardin Tarihi İhtisas Kütüphanesi, 2006), 101-2. Quoted from Mardin JCR 252:101/268.

could break the promise and terminate the engagement. Another common reason for termination was the insufficient financial power of the man to pay for the advance portion of dowry (*mehr-i muaccel*), which was compulsory for the consummation of the marriage contract. It was also customary to send gifts to the girl's family or to determine the amount of the dowry to be paid when the couples would get married. However, it should be noted that sending gifts to the girl's family had also its own rules regarding the value of the gift, sometimes implicitly expressed but something that they were all well aware of. The case record quoted below shows further evidences on the prescriptions of sending gifts to the girl's family dating 1692;

Mahmiye-i Konya'da Sadırlar Mahallesi sakinlerinden İsmail nam şab tarafından husus-ı atıyyü'l-beyana vekil-i şerisi olan babası Halil bin Musa nam kimesne meclis-i şer'-i hatir-i lazımi't-tevkirde baisetü'l-kitab Fati nam bibr-i baliğanın babası ve velisi ve zikri ca'i hususa vekil-i şer'isi olan diğer el-Hac Halil bin Musa mahzarındaa üzerine bi'l-ve kale dava ve takrir-i kalam idü b bundan akdem ben oğlum müvekkil-i mezbur İsmail için mezkurun kızı mezbure Fati'ye namzed itmişidim hala akd-ı nikah murad eylediğimde muhalefet üzeredir su'al olunsun didikde gibbe's-sual merkum el-Hac Halil cevabında mukaddema mezbur Halil vech-i muharrer üzere namzed itmişidi likin tarih-i kitab gününe deign namzed helvasından gayri asla bir akça ve bir habbelik şey virmeyüb ve ila haze'l-an akd-ı nikah vaki olmamağla kızım mezbure bi'l-asale ve ben bi'l-velaye akd-i nikaha rıza virmeyüb müfarekat ve ahara tezvic murad iderin deyucek bade'l-istintak ila haze'l-an akd-i nikah olmayub ve helvadan gayri birşey virmediğini mezkur Halil ikrar itmeğin kızı mezbureyi dilediği kimesneye tezvice mezkur el-Hac Halil'e izin bir le ma-vaka'a bi't-taleb ketb olundu fi'l-yevmi'l-hamis ve'l-işrin min şehr-i Rebi'ü'l-evvel li-sene erba'a ve mi eve elf (4 December 1692)³⁸⁰

³⁸⁰ İzzet Sak and İbrahim Solak, 38 Numaralı Konya Şer'iyeye Sicili (1103-1104/1692-1693) Transkripsiyon ve Dizin (Konya: Selçuk Üniversitesi, 2014), 332. Quoted from Konya JCR 38: 201-1.

In this case record, El-Hac Halil, from the Sedirler quarter of Konya, initiated the request of getting his son İsmail engaged to Fati. He claims in the court that although his son was engaged with Fati with the approval of his request by the father and proxy of the girl, now the girl Fati refrains from getting married to his son (*ben oğlum müvekkil-i mezbur İsmail için mezkurun kızı mezbure Fati'ye namzed itmişidim hala akd-ı nikah murad eylediğimde muhalefet üzeredi*). El-Hac Halil demands the father and the proxy of the girl be questioned. Fati's father in his reply accepted that he had approved el-Hac's request for his daughter to be engaged with İsmail, however he stated that his daughter did not have her consent to get married and wanted to get married with someone else (*kızım mezbure bi'l-asale ve ben bi'l-velaye akd-i nikaha rıza vormeyüb müfarekat ve ahara tezvic murad iderin*). It is also stated by the father of the girl that they did not receive anything more than a box of halva by now from İsmail or his family, which appears to be the main reason for their separation. The termination of engagement is justified by the value of the groom's present, which was only a box of halva. The girl and her family regarded a box of halva as an insufficient present to be given in the period of engagement. Although we may never know the actual reasons behind the scene of the termination of engagement, most probably it was not the sole reason to do so. However, at least it gives clues on the expected codes of behavior from the families of the young boys and girls getting engaged.

The girl's family could also send gifts to the boy's family in return. Neither the cases regarding the disputes over the retrieval of the goods and materials exchanged during the period nor the ones, which kept silent for the reasons behind the termination, provide us clues to the affective component of this relationship

between the couples in this basic route to a life-long companionship. They only enable us to know how this institution was practiced in daily lives of men and women and how the legal disputes over the goods given either as gift or dowry were settled. However, some of the court records especially the ones in which the woman refused to marry the man whom she was engaged either by her own promise or her family's and the terminology of the related texts give us clues on the emotional ties in the relation between a man and a woman in their period of engagement.

For example, in a court record dating April 25 1707³⁸¹ Mehmed b. Şaban Beşe claimed that 20 years ago, when Emine b. Ramamzan and himself were small (*sagır*), his mother with the consent of Emine's now deceased father had determined that they get engaged, but they were not legally married (*tarih-i kitabdan 20 sene mukaddem ben sagır iken validem Rahime bint-i Habib nam hatun mezbure Emine dahi sagıre iken bundan akdem fevt olan babası Ramamzan bib el-Hac Abdurrahman izniyle benim için namzed idüp lakin akd-i nikah cari olmamış idi*). Mehmed wants to get married with Emine, however Emine refuses his request and Mehmed demands that she be questioned (*hala akd-i nikah murad eylediğimde mezbure Emine iba eder sual olsun*). In her reply Emine declared that she would get married with whom ever she wants to and that she is not willing to marry Mehmed (*ben nefsimi dilediğim kimesneye tezvic ve akd-i nikah ederim merkum Mehmed'e akd-i nikaha rızam yokdur*). The judge then, gave Emine the permission to marry the one she wishes to.

³⁸¹ İzzet Sak, "Osmanlı Toplumunda Namzedin (Nişanın) Bozulması ve Sonuçları: Konya Örneği (18. Yüzyılın İlk Çeyreğine Ait Konya Şeriyeye Sicillerine Göre)," *Selçuk Üniversitesi Sosyal Bilimler Enstitüsü Dergisi* 16 (2006): 504-505. Quoted from Konya JCR 42: 218-1.

In another court record, dating April 29 1661³⁸² Alime bt. İbrahim refuses to get married to her *namzed* Hasan b. Mustafa because the engagement was made by her sister's husband without her knowledge and that she does not have her consent to marry her *namzed*. She further states that she wants to get married to Satılmış b. Mevlud (*ben akile ve baliğa olmam ile nefsimi hazırbi'l-meclis olan Satılmış bin Mevlud nam kimesneye tezvic murad ederin mezbur Hasan'a rızam yokdur*).

The case from Adana also represents an example in which the non-Muslim Vardar refused to marry with whom she was engaged with. In this case³⁸³, the non-Muslim (*zimmi*) Nihabet veled-i Merker, who is originally from the town of Malatya (*fi'l asl Malatya kazası ahalisinden olub*) but currently living in the Kırıtöğlü Lodge in Adana as a guest (*misafiren mütemekkin*), claimed in court against Varvar bint Artin. Varvar, a Christian girl who had reached puberty (*bikr-i baliğa-i nasraniyye*) and who had been brought to the court (*ihzar*) by Çukadar Ali (delegated by the Adana *mütesellimi* Yeğen Ahmed Ağa), was a resident of the Tendensisoğlu quarter, which is a part of a non-Muslim quarter (*zimmiyan mahallesi mülhakatından*). Nihabet made the following allegation: “some time ago, I wanted to marry Varvar (*tezevvüce ragıb talibi olmağla*) and therefore I asked for her from her father Artin (*babasından taleb eylediğimde*). And her father Artin, who is now present in the court (*hazır bi'l meclis*), one year before the date of this document, delegated the non-Muslim Acemoğlu to come to the church and make the betrothal prayer as per our ancient customs (*ayin-i atılamız*

³⁸² İzzet Sak, “Osmanlı Toplumunda Namzedin (Nişanın) Bozulması ve Sonuçları: Konya Örneği (18. Yüzyılın İlk Çeyreğine Ait Konya Şeriyeye Sicillerine Göre),” *Selçuk Üniversitesi Sosyal Bilimler Enstitüsü Dergisi* 16 (2006): 505. Quoted from Konya JCR 11: 38-1.

³⁸³ Adana JCR 14: 111/2

üzere) among our priests (*papaslarımız beyninde*) in our own church (*kinisemizde*) and Acemoğlu accepted to be his proxy (*vekil*). Acemoğlu came to the church and made the prayer. And I sent several goods to her through the agency of Acemoğlu including a fabric of Karyağdı to make clothes, Sakız velvet and red silk fabric to make shirt, İstanbuli *sandal* fabric and 2 pieces of Egypt *zincürlüsü* gold. In addition to those, I sent 5 pieces of golden *müctemia*, 20 pieces of Egypt *zincürlüsü* gold in four times, 4 *çeki* cotton *kunesi*, 2 pieces of broom, 10 *kiyel* wheat 200 *batman* grapes, 10 *yük* water melon and 15 *yük* yellow melon on our special occasions (*eyyam-ı mutade*). Since her father Artin took the goods that I had sent, which denotes his implicit approval, we got engaged (*beynimizde nişan kaim olmağla*). Two days before the date of this document, with the permission (*izinname*) that was given by the court (*kibel-i şer'den*), I demanded as per our ancient customs (*ayin-i atılamız üzere*) that we consummate our marriage and make a marriage contract. However this Varvar abstains from getting married and refuses to sign the marriage contract (*nefsini tezvic ve akdden bi'l külliye imtina eder*). Her father Artin confirmed his receipt of some of the goods that I had sent previously and the ones I had sent after our engagement, while denying some of them. And her father Artin stated that they had already ate and consumed the water melon, yellow melon and the grapes and that they made *bulgur* from the wheat that I had sent, and sent back some of the wheat to me. Artin further stated that they could deliver the remaining goods back, if I want to". Then, Nihabet the plaintiff demanded the legal requirements be implemented. The judge made his decision and warned the plaintiff that marriage contract

would not be valid without the woman's consent, and demanded that the remaining goods, which have not yet been consumed, should be returned back.

There are several cases in which, like the ones mentioned above, the woman refused to marry the man whom she was engaged stating that she does not have the "consent" to marry (*rızam yokdur*).³⁸⁴ What is common in such cases is the use of the term "*rıza*" (consent) and I argue that it is the key word to our understanding the relation between those engaged. In most of these cases, the woman, if engaged by her family, refuses to marry her *namzed* and chooses to marry rather someone whom she has *rıza*. The term "*rıza*" in such court records imply the presence of a mutual understanding and an affective bond between those who prefer to marry and establish a family. The man and the woman who could not develop an emotional tie between them refused to get marry even if their parents gave a significant amount of either money or goods/materials for their own good or even if a significant amount of the advance portion of dowry had been determined to protect the woman by financial means. It seems that the reason to terminate an engagement by the adult women indicates their inability to develop an emotional compatibility. The absence of any terms of endearment does not imply an absence of emotions and may be interpreted in a number of ways. The word "*rıza*" infers to being pleased, satisfied or contented which implicitly shows a love and respect. *Rıza* in this sense was an overarching term denoting not only to one's consent but also to emotions or affective ties developed in this

³⁸⁴ For similar cases see İzzet Sak, "Osmanlı Toplumunda Namzedin (Nişanın) Bozulması ve Sonuçları: Konya Örneği (18. Yüzyılın İlk Çeyreğine Ait Konya Şerhiye Sicillerine Göre)," *Selçuk Üniversitesi Sosyal Bilimler Enstitüsü Dergisi* 16 (2006): 505. Quoted from Konya JCR 10:165-2 and Konya JCR 47/ 164-4

relation. The love and respect towards one another was not expressed openly, it was rather embedded in the term “*rıza*” which we already saw see while analyzing the relations between community (*taife or cemaat*) members representing a mutual agreement. It is also compatible with the advices of Kınalızade regarding the repression of emotions in Ottoman society.

The period of engagement, if successful, would be followed by the marriage of man and woman who were expected to become a family entitling the members of this household with social and legal rights and obligations and each had an expected conduct of behaviour towards one another.

6.4.2. Hul Cases

Considering the family as a socially constructed unit on purely legal grounds, we may easily present it as follows; family unit was established when the wife and the husband got into a legal contract named *akd-i nikah*. This contract demanded the men to pay the groom an agreed amount of dowry (*mehr*). The mehr constituted of two portions; advance payment portion of the *mehr* (*mehr-i muaccel*) which was due at the time of marriage and the delayed portion (*mehr-i müeccel*) which was due in the termination of the marriage or the death of husband. It was permitted for the husband to have more than one wife in Islamic law, although research shows that the men usually tended to remain monogamous.

Although there are several records of marriage in court registers, mostly the financial terms of the marriage contract regarding the dowry had been recorded, similar to the one below:

*“Mehmed Bey karyesi sakinelerinden Saniye binti Şahaboğlu Veliüddin nam seyyibeyi Osman bin Hüseyin nam kimesne mahfil-i kazada 12.000 akçe mihr-i muaccel ve müeccele ile tesmiye-i mehr ile akd-i nikah olduğu bu mahalle kayd olundu. fi. 2 rebiül ahir sene 1198”*³⁸⁵

In other words, records are silent on the affective ties with only the legal responsibilities recorded, which is quite normal in its essence as a legal document. How are we then supposed to find reflections of prescriptions of *Ahlak-i Alai* in the daily lives of husbands and wives? The divorce cases give us clues on the distorted relations between husbands and wife and show us expressions of their emotions more vividly.

There were three types of divorces, all named under the term “*talak*”. In Islamic law if the family union had to be terminated for any reason, it was the husband’s right to do so. Although the women had the right to claim a divorce, it always required the husband’s consent. The first type of divorce was called “*talak*” in practice (although all three were basically denoted as *talak*), in which the men repudiated his wife three times in the presence of witnesses. His words were sufficient to terminate the marriage and did not require the wife’s approval. The second type was called “*hul*” divorce, in which the women usually initiated the divorce; however it was subject to the husband’s approval and additionally the wife had to pay her husband compensation. This compensation may either be in

³⁸⁵ Sivas JCR 134: case no 7

the form of all or some of the dowry, her allowance for the three-month waiting period, allowance for habitation or an allowance that she received for the children. It was not required to register these two types of divorces in the court. The research produced so far shows that there are more divorce cases of *hul* type recorded in court registers, however that does not mean that *hul* type of divorces were more common. Most probably it was due to material compensation, which was required for *hul* divorces where the wife and the husband had to discharge the other's liabilities. Such statistical analysis regarding the percentage of *talak* or *hul* cases in the registers may only indicate that *hul* divorce was also commonly used to get a divorce because there was no legal obligation to register the divorce cases. The third type of divorce was called "*tefrik*" in which the divorce may be initiated by either the wife or the husband only for special conditions like mental or sexual illness of one of the parties and it required the intervention of the *kadı*.³⁸⁶ The lineage of the children and the inheritance rights were all determined by the regulations of Islamic law. The established structure of the family, determined by Islamic law was almost similar throughout the Ottoman Empire with slight variances among *mezhebs*. However, the union of the family depended mostly on the relations between the men, the wife, the children or the elder, if any. It's not possible to see the emotional motivations behind the scene by looking only through the lens of structures be it legal or religious. How are we supposed to recapture the emotional world of the family? Shall we accept the absolute plasticity of the individuals living in these structures, which supports a totally

³⁸⁶ İsmail Kıvrım, "17. yüzyılda Osmanlı Toplumunda Boşanma Hadiseleri (Ayıntab Örneği: Talak, Muhalaa ve Tefrik)," *Gaziantep Üniversitesi Sosyal Bilimler Dergisi* 10, no 1 (2011): 375.

social constructivist view? Although there were institutions and structures constructed, in which the legal, social or religious rights and obligations of the members were strictly defined, the court records are replete with deviations from these formal prescriptions. These deviations from the prescriptions are important to understand both the norms and the practice of these norms in daily-life. But more important than that, the uttered words of the plaintiffs and the defendants may give us clues regarding either the motivations behind, or the emotions which led the men and women to act the way they did, transforming the parties involved from being any statistical remark on an excel sheet to a distinct living presence.

The divorce cases in Islamic jurisdiction denoting the termination of a marriage gives us clues on the emotional standards of the family unit. The *hul* type divorce cases are analyzed because these cases are the ones that supply us more clues regarding the motivations or the emotions behind the scene. There are several valuable studies regarding divorce in general³⁸⁷ and *hul* type divorce in particular³⁸⁸ in Ottoman history. But, this study does not analyze the legal dimension of the *hul* divorces.³⁸⁹ Quite contrary, the cases are analyzed with a

³⁸⁷ See for example; Kıvrım, İsmail. "17. yüzyılda Osmanlı Toplumunda Boşanma Hadiseleri (Ayıntab Örneği: Talak, Muhalaa ve Tefrik)." *Gaziantep Üniversitesi Sosyal Bilimler Dergisi* 10, no 1 (2011): 371-400; Maydaer, Saadet. "Klâsik Dönem Osmanlı Toplumunda Boşanma (Bursa Şer'iyye Sicillerine Göre)." *Uludağ Üniversitesi İlahiyat Fakültesi Dergisi* 16, no 1 (2007): 299-320.

³⁸⁸ See for example; Madeline Zilfi, "We Don't Get Along: Women and the Hul Divorce in the Eighteenth Century," In *Women in the Ottoman Empire, Middle Eastern Women in the Early Modern Era*, ed. M. C. Zilfi, (Leiden: Brill, 1997); İzzet Sak and Alaaddin Aköz, "Osmanlı Toplumunda Evliliğin Karşılıklı Anlaşma İle Sona Erdirilmesi: Muhâla'a (18.Yüzyıl Konya Şer'iye Sicillerine Göre)," *Selçuk Üniversitesi Türkiyat Araştırmaları Enstitüsü Türkiyat Araştırmaları Dergisi* 15 (2004): 91-140.

³⁸⁹ Most of these studies focus on how Islamic law was actually practiced in the Ottoman society reflecting a legal approach. The most comprehensive research on the subject so far belongs to Sak and Aköz 2004. In their research they utilized several fetva collections and Konya judicial court records of 10(1070-1071), 39(1113-1113), 40(1115-1115), 42(1118-1119), 43(1118-1119),

specific focus on the linguistic and textual analysis of the terms and concepts used in these seemingly formulaic uttered words recorded in court registers.

Hul cases constitute the basic sources for this section. The word “*hul*” has been studied usually as a term with its legal connotations; a linguistic analysis would also help. The word “*hul*” as a neutral term has underlying emotional meanings in its essence. *Hul* is used in Islamic jurisprudence (*fikih*) as a term which annihilates the material and non-material ties. *Hul* or *nez*’ means also a taking out of one’s dress or annihilation of power. Bilmen claims that the close affective ties between husbands and wives is represented by an immaterial dress and defines *muhala* as taking that immaterial dress out from one another’s body. In other words, he defines marriage as a dress that the parties of a marriage, husband and wife, put on one another. In its negation, divorce is taking this dress out representing the sensational essence of a marriage.³⁹⁰

Which methodological tools then can we use to explore the emotions or motivations behind the legal sources which are seemingly formulaic and devoid of feeling? Legal sources, however devoid of feeling they may seem, should not be ignored; rather they serve as sources, which provide clues on human contours of history. One possible approach may be exploring the broader meanings of terms

44(1121-1122), 45(1126-1127), 46(1125-1125), 47(1128-1129), 48(1130-1131), 49(1135-1136). In these judicial court records they identified 611 cases regarding family law; 54.17% of the cases were on *hul* divorce, while %19.97 on *namzedlik*, %8.67 on marriage, %15.88 on *talak* divorce and %1.31 on *tefrık* divorce.

³⁹⁰ Ömer Nasuhi Bilmen, *Hukukı İslamiyye ve Islahatı Fıkhiyye Kamusu* v:2 (Istanbul: Bilmen Yayınevi, 1968), 268.

used in Islamic jurisprudence. And secondly, by analyzing these terms contextually.

The familial relations are analyzed by the phrase “*beynimizde hüsn-i zindegani ve musafaat*”, as the most commonly encountered term used for *hul* divorce cases.³⁹¹

The parties who initiate the divorce comes to the court claiming that they do not have “*hüsn-i zindegani and musafat*” among them. What does this term mean? Is it just a formulaic phrase to denote that the couples are not getting well together? Or does it mean more than that? What were the conditions or expectations from a marriage in which there exists “*hüsn-i zindegani and musafaat*”? Does it refer to material well-being, or does it also imply emotional bonding between the men and the wife? To what extent then, is it possible for a historian, to understand the reasons behind divorce cases, which blemished the mutual understanding of the couples hindering their love and friendship? How can we recapture the emotional experiences of the couples before and during the termination of their marriage, or their ways of expressing their emotions? *Zindegani* is defined as; life; pleasant, joyous life; means of life, livelihood, sustenance. *Hüsn* on the other hand means goodness, pleasantness, and politeness. The phrase “*hüsn-i zindegani*” denotes a good, prosperous and pleasant life. Its synonym was *taayyüş*; an

³⁹¹ Peirce, for example, argues that although the parallel terms, *hüsn-i zindegani* and *hüsn-i muaşeret*, were used in 18th century İstanbul in records of women seeking divorce by making reference to Zilfi (1997), she further claims that in 16th century Ayntab, such language was limited to young girls in marriage on the grounds of a court record that she had encountered (AS2: 6b) in which a mother sued for the release of her daughter from a loveless marriage, pleading that “she has no pleasure in life and is utterly helpless” (*hüsn-i zindeganisi yok ve kız kendüden acizedir*). Leslie Peirce, *Morality Tales: Law and Gender in the Ottoman Court of Aintab* (Berkeley: University of California Press, 2003), 419. Based on my sicil readings, I think firstly that those terms were used not only by women but also men (although rare) who were seeking divorce regardless of their age and secondly it seems quite questionable to claim that the phrase was limited to young girls for 16th century Ayntab.

obtaining a living; means of subsistence. The synonym of “*hüsn-i zindegani*” was “*musafat*” meaning; a behaving sincerely, acting with pure affection towards somebody, true friendship, sincerity. Drawn on a cluster of words and phrases we may deduct that the expectations from a good marriage was denoted as achieving a good, prosperous and pleasant life, with affection and sincerity between husband and wife. There was, in other words, a reference not only material but also emotional well being of husbands and wives, at least linguistically. Presence of “*hüsn-i zindegani*” in a family demanded that the parties involved as members of this social and legal unit would have rights and obligations towards one another which were determined either by law, traditions and socially constructed practices. Practices and traditions were learned knowledge, which were transmitted from one generation to the next.

The case below represents an example of *hul* divorce;

*“Mahmiye-i Konya’da merhum Pir Esad mahallesi sakinelerinden Hasene bint Mehmed nam hatun meclis-i şer’i hatir-i lazımu’-tevkirde zevci rafıu’l kitab Bayram ibn Yusuf mahzarında üzerine dava ve takrir-i kelam idüp, zevcim mezbur Bayram ile beynimizde hüsn-i zindegani ve musafat olmamağla zimmetinde mütekarrer olan 400 akçe mehr-i müeccelimden ve nafaka-i iddetimden ve zevciyete müteallika cem’i davamdan fariğa olub, zimmetini ibra eylediğimde ol dahi beni muhalaa idüb, kat’-ı alaka eyledi, min bad hak ve alakam kalmadı didikde gibbe’t-tasdik ma vakıa bi’t-taleb ketb olundu.”*³⁹²

In this court case dating 1660, recorded in Konya registers, we learn that the women named Hasene initiated a *hul* divorce case and claimed that she and her husband Bayram are not “getting well together” (*beynimizde hüsn-i zindegani ve*

³⁹² Konya JCR 10: 160/6

musafaat olmamağla) and renounced her rights like delayed dowry to be paid at the termination of a marriage or death of husband (*mehr-i müeccel*) amounting 400 akçe, her allowances for the 3 months waiting period (*nafaka-i iddet*), her conjugal rights (*zevciyete müteallika cem'i davamdan*) and discharged her husband from his liabilities (*zimetini ibra eylediğimde*). And her husband accepted the “*hul*” divorce. Various other cases also indicate that in *hul* divorces, in addition to renouncing their rights of *mehr-i müeccel* and *nafaka-i iddet*, women could also renounce their allowances for habitation (*meunet-i süknâ*) or give a material compensation to their husbands like cash, land, property or any other belongings. Although it was the wife who initiated the proceeding of divorce in this case, there are also cases, although quite rare, in which the case is initiated by the husband. Among the many *hul* type divorce cases recorded in Ottoman court registers, it's hard to denote any distinctness to Hasene's *hul* divorce case. Hasene's divorce looks much like any other *hul* divorce case in any other Ottoman city or town, recorded in an absolute formulaic style leaving out all the chances for a historian to make any interpretations except the practice of Islamic jurisprudence in the Ottoman Empire. All we know for the reason of divorce is that there is no “*hüsni-zindegani*” or “*musafat*” among the couples.

It is not possible with a case record like the one quoted above, which may easily be regarded as a template, the blanks of which filled by the scribes of the court, to provide clues regarding either the emotions or the motivations behind the scene. It is argued however in this research that, the use of records of *hul* divorce cases may only be meaningful if each case is treated as a cultural product in itself if we use Ze'evi's terminology, and only if linguistic and contextual analysis of the

specific terms and concepts used within the text is made which may enable us to penetrate into intellectual and emotional worlds of the parties involved. The aim in this study is neither standardizing hundreds of *hul* cases to make a statistical analysis nor reflecting the actual practices of Islamic law in Ottoman society. Quite contrary, what is aimed is to explore the emotions of husbands and wives who had decided to terminate their life-long companionships by making use of only those cases which intentionally or accidentally recorded or revealed the emotions. Such records, within hundreds of others, which give clues on the emotions behind the scene, constituted to be the main sources utilized. Only the cases which had recorded the utterances of husbands and wives in much more detail had been used. Rather than processing all the *hul* divorce cases in a specific time and place, *hul* divorce cases, which provided details in understanding the broader meaning of the terms “*hüsn-i zindegani*” and “*musafat*” had been considered. These terms are conceptualized in an effort to understand their meanings within different contexts, what those terms meant for couples, what husbands and wives understood from these concepts, what the sensational expectations of husbands and wives from a marriage were in which the couples were “getting well together”.

In this section, three examples are given from judicial court registers to explore the motivations and emotions behind the scene, hidden within the legal expressions of Islamic jurisprudence. Although these three records are in their essence just a registration of termination of three marriages by a mutual agreement of the couples, the details in their context provide interesting clues to historians making the cases not only unique but also valuable.

The first case dating 1699 is a *hüccet* for a *hul* type divorce issued on behalf of a woman named Saliha, daughter of El-Hac Ebulkasım, who was a resident of Ahi Hacı Murat neighborhood in Ankara.

“Medine-i Ankara’da Ahi Hacı Murat Mahallesinde sakine Saliha bint El Hac Ebulkasım nam hatun tarafından hul’-i cai’i’z- zikri ikrara vekil olub, zat-ı mezbureyi marifet-i şer’iyye ile arıfan olan fahrü’l-hüteba Es seyyid Yahya Efendi ibn Es Seyyid El Hac Abdürrahim efendi ve Mustafa Çelebi ibn El Hac Mehmed nam kimesneler şهادetleri ile şeran vekaleti sabite olan zahrü’s-sadati’l-kiram Es Seyyid Recep Çelebi ibn Es Seyyid Mustafa nam kimesne meclis-i şer’-i hatir-i lazımü’t-tevkirde müvekkile-i mezbure Saliha’nın zevc-i muhali’i işbu hafizü’l-vesika Abdullah Çelebi ibn Osman Efendi nam kimesne mahzarında bi’l-vekale ikrar ve takrir-i kelam idüb, müvekkile-i mezbure Saliha, zevcim mezbur Abdullah Çelebi ile nüşuz ve i’raz üzere olub, hul’a taliba olduğum ecluden zimmetinde mütekarrır olan ve ma’kudun- aleyh olan 500 guruş mehr-i müeccel-i müsemmam ve nafaka-i iddet-i malume ve me’unet-i süknandan fariğa ve mal-i sarhimden dahi 70 guruş virmek üzere mezbur Abdullah Çelebi ile muhalaa-i sahiha-i ser’iyye ile hul’ ve bedel-i hul’ olan 70 guruşu mezbur Abdullah Çelebi’ye ba’d-def’ ve’t-teslim her birimiz aherin zimmetini hukuk-ı zevciyyete müteallaka amme-i dava’ ve mütalabat ve i’man-ı muhasematdan ve bedel-i hul’ olan 70 guruşdan ibra-i amm-i kâti’ü’n-niza’ ile ibra eyledik. bade’l-yevm hukuk-ı zevciyyete müteallaka tarafeynden dava’ ve niza sadır olursa lede’l-hükkami’l-kiram istima’ olunmasın dedi didiği gibbe’t-tasdik ma vakia bi’t-taleb ketb olundu. fi’l-yevmi’s-sani aşer min cemaziyü’l-ahere sene 1110.

Şuhudü’l-hal: Ahmet Ağa bin Mehmed Ağa, Mustafa Ağa bin El Hac Mehmed, Es Seyyid Ahmet Halife bin Mehmed Efendi, Es Seyyid Salih Çelebi bin Hüseyin Bey, Es Seyyid Mustafa Çelebi bin Es Seyyid Recep Çelebi, Bayram Ağa bin Yusuf.”³⁹³

Saliha delegated Seyyid Receb as her proxy (*vekil*) in her divorce from her husband Abdullah Çelebi, the son of Osman Efendi. The divorce proceedings were initiated by the proxy and there were two witnesses for this delegation; *hatip* Seyyid Yahya Efendi and Mustafa Çelebi. The titles of the parties involved indicate that both the wife’s and the husband’s families were from *ulema* class.

Saliha Hatun, via her proxy in the court stated that she had requested a *hul* divorce

³⁹³ Ankara JCR 78: 89

from her husband since there was “*nüşuz*” and “*iraz*” among them (*nüşuz ve i’raz üzere olduğumuzdan*) and she renounced from her rights of *mehr-i müeccel* amounting 500 guruş, allowances for waiting period (*iddet nafakası*) and habitation (*meunet-i sükna*) and accepted to pay 70 guruş to her husband as a compensation for her demand of *hul* divorce. After the payment, they discharged one another from any further conjugal and legal liabilities.

If we try to interpret this legal document through its neutral tone, it may seem as if there’s nothing, which would make this case special, similar to various other *hul hüccets* registered offering us nothing regarding the motivations or the emotions behind the scene. The reason for the divorce is stated as “*nüşuz ve i’raz üzere olmak*”. In Islamic jurisprudence the couples’ turning away from one another is expressed with these phrases. If the party who is non-willing to continue the relationship is the husband, he’s called *nâşiz*, and if the nonwilling party is the wife, she’s called *nâşize*. What makes this case distinct from the other *hul* divorce cases is the phrase “*nüşuz and i’raz*”. In Islamic jurisprudence, *nüşuz* of the husband is treating his wife cruelly (*cefa*) and considering her as disgusting, detestable, abominable (*kerih*). *Nüşuz* of the wife on the other hand is the wife’s rebelling (*isyan*), being in opposition to her husband and considering him as disgusting (Bilmen 1968 v.2; 269).³⁹⁴ Lexicographic analysis of the words *nüşuz* and *iraz* on the other hand give us clues on their emotional tone.

Lexicographically *i’raz* means turning away (from a thing); a declining, shunning,

³⁹⁴ Ömer Nasuhi Bilmen, *Hukukî İslamiyye ve Islahatı Fıkhiyye Kamusu* v: 2 (İstanbul: Bilmen Yayınevi, 1968), 269.

avoiding. *Nüşuz* means a wife's rebelling against her husband; a husband's treating his wife cruelly, and also turning away with hate. In these two synonymous words, what is explained is a kind of turning away from one another grounded on hate. Hate, is an emotion which does not suddenly incur, rather it's self-conscious and involves an appreciation of past experience which accumulates in time. The contextual analysis of such words like *nüşuz* and *iraz* may lead us to the emotional states of the parties and their expressions of them.

In this document we understand that they were in the termination period of a marriage; however we do not know for how long they had problems, who the liable one for the divorce was or who had a deeper hate, what lead them to hate each other? However we also understand from the *hüccet* that Saliha Hatun not only renounced her rights of *mehr-i müeccel* for 500 guruş, her allowances for waiting period and habitation, but also accepted to pay 70 guruş to her husband additionally as compensation. This may indicate together with her utterance of words denoting a hate in her claim that it was the wife who demanded to terminate this marriage revealing the wife's excessive hate towards her husband.

Another case is given below from Konya court records.

“Mahmiye-i Konya Hoca Hasan mahallesi sakinlerinden Mustafa bin Mehmed nam kimesne meclis-i şer’-i hatir-i lazımu’t-tevkirde bundan akdem zevcesi olan baisetü’l-kitab Emine binti Abdülcelil mahzarında üzerine dava ve takrir-i kelam idiüb, mukaddema mezbure Emine benim zevcim olub, tarih-i kitaptan 31 gün mukaddem beynimizde hüsn-i zindegani ve musafat olmamağla, gazabım halinde ben mezbure Emine’ye iradetin yeddinde olsun diyüb, ol dahi nefsinin ol hinde ihtiyar itmeden müfarekat idiüb, menzilimden çıkıp, bu ana gelince aher menzilde sakine olmuş idi. Lakin ol hinde mezbure nefsinin ihtiyar etmedikçe, benden mutallaka olmayıb, beynunet-i vakıa olmadığına yedimde fetva-i şerife olmağla, hala menzilime götürüb, izdivac murad eylediğimde, muhalefet üzeredir, sual olunsun didikte, gibbe’s-sual mezbure cevabında vakt-i merkurda bir husus için tarafeyn biribirimizle tenazu ve teşacür üzere iken mezbur Mustafa

gazabı halinde bana hitab idüb, eğer sen benim zimmetimde olan mehr-i müeccelinden ve nafaka-i iddet-i malüme ve meunet-i süknandan feragat idersen iradetin yedinde olsun deyüb, ben dahi ol hinde mehr-i müeccelimden ve nafaka-i iddet-i malüme ve meunet-i süknandan fariğa oldum, zevciyyet istemem, senden müfarakat eyledim dedim deyücek, bade'l-istintak ve'l-inkar merkume Emine'den takriri meşruhu mübeyyine beyyine talep olundukta, udul-i müsliminden merhum Şeyh Sadreddin mahallesi sükkanından El Hac İbrahim bin Mustafa, ve Mevlud bin Satılmış nam kimesneler li-ecli'ş-şehade meclis-i şer'e haziran olup, eserü'l-istişhad fi'l-vaki' tarih-i kitabdan 31 gün mukaddem mezbur Mustafa bizim huzurumuzda gazabnak olduğu halde merkume Emine'ye eğer sen benim zimmetimde olan mehr-i müeccelinden ve nafaka-i iddet-i malüme ve meunet-i süknasından feragat idersen, iradetin yedinde olsun deyüb, mezbure Emine dahi ol hinde senin zimmetinde olan mehr-i müeccelinden ve nafaka-i iddet-i malüme ve meunet-i süknandan fariğa oldum, zevciyyet istemem, senden müfarakat eyledim dedi, biz bu hususa şahitleriz, şehadet dahi ideriz deyu eda-yı şehadet-i şer'iyye eylediklerinde bade't-tadil ve't-tezkiyye şehadetleri makbule olmağın mucebiyle hükm ve dava-ı merkumeden mezbur Mustafa'yı men' birle ma vakia bi't-taleb ketb olundu. fi'l yevmi't-tasi' min şevvali'l-mükerrem li seneti ihda ve mie ve elf."³⁹⁵

Mustafa bin Mehmed from Hacı Hasan neighborhood in Konya, invited her wife to the court and stated that 31 days before the court case, since they were not getting well together (*beynimizde hüsn-i zindegani ve musafat olmamağla*) suddenly upon his anger (*gazab*) he annulled the marriage giving her permission to act however she wishes. The wife then, left the house. However, once the husband's anger passed away, he requested her to come back home but she disagreed. The husband also had a *fetva*, which required his wife to move back home since there was no *hul* divorce. His wife apparently rejected the claim. And she stated that they had a severe quarrel and her husband with a great anger told that he would divorce her by *hul* if she agreed to renounce advance portion of her dowry and allowances. She accepted the payment and left the house telling him

³⁹⁵ Konya JCR 35: 129

that she does not want to continue this marriage anymore. Then witnesses were requested from Emine who in the court confirmed Emine's allegation. As a final decision the kadı rejected the husband's claim.

Although this is also a *hüccet* for a *hul* divorce, its context gives us further clues on the husband-wife relations. The husband claimed that marriage contract could not be terminated if the uttered words had been pronounced upon sudden anger and he had a *fetva*, which confirmed to be so. However, the wife rejected his claim and insisted that it did not constitute a *talak* type divorce but a *hul* divorce since her husband stated that he would divorce her if had she renounced some of her rights and that she had accepted it. This case record is also distinct in the sense that it gives us further explanation regarding the anger of the husband. The wife's words furthermore give us more clues on their emotional states. The wife, instead of claiming that they did not have *hüsn-i zindegani* and *musafat* between themselves, provided us with further evidence by using the words *tenazu* and *teşacür*. While *tenazu* means contending, quarrelling or litigating with each other, *teşacür* means a struggle in opposition or squabbling together. The witnesses as well informed that the husband was in strong anger (*gazabnak*). The wife declared that their divorce of *hul* had been legally valid, and her husband's anger was not a sudden and an unexpected display of anger, severe intensity of which was also testified by the witnesses. The testimonies of the witnesses indicate however something more. We learn that the witnesses are from the neighborhood Mevlud Şeyh Sadreddin. However, the couples are from Hacı Hasan neighborhood. Although these two neighborhoods were close to each other, it is evident that the witnesses did not live next door (*car-ı mülâsık*) to the couples. While testifying

however, they declared that they witnessed the husband's words uttered in anger, which seems to be violent anger, close to rage. It is evident that the witnesses were in the couple's house and they violently quarreled within their presence.

We may not know from this record why they quarreled, or how their marriage was before. However we may at least argue that the husband felt repentance for what he had said during his sudden anger. We do not either know if he tried to work things out by the help of any mediator before appealing to court. However we may say that he did not want to divorce his wife and that he got prepared for the case beforehand by obtaining a fetva from the *müfti*, and felt sorry for what he had done and he tried his best to reverse the things back. Although there are no evidences in the case, we may think of why the wife refused to go back home and continue her marriage. Probably their marriage had long been stormy and there had been several cases beforehand when she had to leave the house but had returned back with the mediator's advise and that it was hard for her to believe in her husband's resentments anymore.

The case given below is from Konya court records.

“Mahmiye-i Konya’da Dolab Ucu mahallesi sakinelerinden zati muarefe olan Fatma bint Ali nam hatun meclis-i şer’-i enverde işbu rafiu’l-kitab zevc-i muhali’i Ahmed bin Emrullah mahzarında ikrar-ı tam ve takrir-i kelam idüib zevcim mezbur ile beynimizde şikak ve adem-i vifak vukuundan naşi hüsn-i zindeganimiz olmamağla zimmetinde mukarrer ma’kudun aleyh 13 guruş mihr-i müeccelim ve iddet nafaka ve meunet-i süknam kendi üzerime olub, hamlim dahi zuhur ider ise bir şey talebinde olmayıb, kendüm infak ve iksa itmek üzere cümlesinden fariğa olub, muhalaa-i sahih-i şer’i eylediğimde ol dahi ber minval-i muharrer hul’ itmeğle, ibtida-i zevciyetden tarih-i kitaba gelince hukuk-ı zevciyete müteallika cüzzi ve külli amme-i deavi ve mutalabat ve kaffe-i muhasematdan zevcim mezburun zimmetini ibra-i amm ile ibra ve iskat-ı dava eyledim zimmetinde bir akçe ve bir habbe hak ve alakam kalmadı didikde gibbe’t-tasdik-i’ş-şeri ma vakıa bi’t-taleb ketb olundu. fi 3 rebüü’l ahir 1177.

musa efendi, hatib süleyman efendi, hüseyin bin ahmed, ibrahim bin

mustafa, Abdurrahman Beşe bin Ahmed.”³⁹⁶

This case provides further clues about the broader meaning of the term “*hüsn-i zindegani*”. Fatma bint Ali claimed that there was no *hüsn-i zindegani* in their marriage on the grounds of presence of *şikak* and absence of *vifak*. Absence of *vifak* denotes that they could not establish an emotional symbiosis. *Vifak* means mutual agreement, existence of being together in a peaceful way and *şikak* means an incompatibility, quarrelling and contending. Her utterance makes us think that they were recently wed and did not have a long lasting marriage. Further in her utterance, she stated that she was suspicious of her pregnancy and in case of giving birth to her child, she would be the one taking care of her child with no responsibility whatsoever on the husband’s part. This case is important in the sense that it evidences marriage as an emotional community between men and women.

The next example is not a *hul* divorce case. It is about a marriage, although legally valid, in which the wife had no consent in conjugal relationship and is important for giving us clues on the emotions of women getting married to someone that she could not have established an affective tie.

“Medine-i Adana mahallatından Saçlı Hamid mahallesi sakinlerinden işbu rafii’l kitab İbrahim bin Mehmed nam kimesne meclis-i şer’i hatir-i lazimi’t-tevkirde mahalle-i mezkure sakinelerinden olub, zatını ma’rifet-i şer’iyye ile aliman olan Ahmed bin Veli ve Hasan bin İbrahim nam kimesneler tarifleriyle muarref olan Fatma binti Veli nam biker-i baliğa mahzarında üzerine dava ve takrir-i kelam idüb, “bundan akdem mezbure

³⁹⁶ Konya JCR 58: 7/5

Fatma'yı tezevvüce tâlib ve râgıb olduğum ecilden merkume Fatma tarih-i kitabdan 2 sene mukaddem Receb-i Şerif gurreinde muaccel ve müeccel mecmu'ü 50 guruş mehr tesmiyesiyle nefsi bana tezvic ve tenkihe gaib ani'l-meclis Gazioğlu dimekle ma'ruf Ömer Bey'i lede's-şuhud tarafından vekil ve naib-i menâb nasb ve tayin itmekle ol dahi vekalet-i merkumeyi bade'l-kabul yine tarih-i mezkurda vakt-i zahrda mahalle-i mezkurda vaki' kendünün sakın olduğu menziline lede's-şuhud ol mikdar guruş mehr tesmiyesiyle müvekkilesi işbu Fatma binti Veli nam bikr-i baliğayı bi'l-vekale bana inkah ve tezvic idüb ben dahi ber minval-i muharrer nefsim için tezevvüc ve kabul itmekle mezbure Fatma yevm-i mezkurdan beri benim zevce-i menkuhem olmuşken hala nefsi bana teslimden imtina ider sual olunub takriri tahrir ve nefsi şer'an bana teslim tenbih olunması matlubumdur didikde gibbe's-sual merkume Fatma cevabında tevkil-i mezkuru ve ber vech-i muharrer tezvic ve tenkih olduğunu bi'l-küllüye münkire olmağla müddei-i mezbur İbrahimden davasına mutabık beyyine talep olundukda udul-ı ahrar-ı rical-i müsliminden olub, Şam mabadi Türkmeni cemaatinden zat-ı merkumeye bi'l marifeti's-şer'iyye arifân Molla Receb ve İsmail ve Pehlivanlı Türkmanı cemaatinden Osman bin Osman nam kimesneler li-ecli's-şehade meclis-i şer'e haziran olub eserü'l-istişhad fil-hakika zatına kemal-i irfan ile arifan olduğumuz işbu hazıratü bi'l-meclis Fatma binti Veli bin Abdullah nam bikr-i baliğa sabikü'l-ism Gazibeyzade Ömer Bey'in menziline "besleme" tabir olunur hizmetkarı olduğu halde nefsi tezevvüce talibi olub, işbu müddei-i merkum İbrahim bin Mehmed muaccel ve müeccel mecmu'ü 50 guruş mehr tesmiyesiyle inkah ve tezvice hizmetinde olduğu mezbur Gazibeyzade Ömer Bey'i tarafından bizim huzurumuzda vekil ve naib-i menâb nasb ve tayin eyledi. Ol dahi yine huzurumuzda vekalet-i mezkureyi bad'et-kabul müvekkilesi işbu merkume Fatma binti Veli bin Abdullah'ı bi'l-vekale muaccel ve müeccel mecmu'ü 50 guruş mehr tesmiyesiyle İbrahim bin Mehmed'e tezvic ve tenkih idüb müddei-i mezbur İbrahim dahi nefsi için tarih-i mezkurda merkume Fatma'yı tezevvüc ve kabul itmekle emr-i akd-i nikah tamam olub, hala müvekkile-i merkume ol vechle müddei-i merkumun "helali" ve zevce-i menkuhesidir. Biz bu hususa bu vech üzere şahidleriz şehadet dahi ideriz deyu eda-ı şehadet-i şer'iyye ittiklerinde gibbe't-tadil ve't-tezkiyye şehadetleri makbule olmağın mucibiyle sıhhat-i nikaha ve nefsi zevci merkuma teslim ve temkine bade'l-hükm ve't-tenbih ma vakia bi't-taleb ketb olundu. 6 rebiü'l-ahir sene erbaa ve erbain ve mie ve elf.³⁹⁷

³⁹⁷ Adana JCR 14: 87/1

This case is about a phenomenon, examples of which were encountered not only in the Ottoman society but even our modern society. We understand that the women named Fatma, who had reached her puberty (*bikr-i baliğa*), most probably was given to Gazioğlu Ömer Bey in her childhood. The girls who were either coming from a poor family or were orphans with nobody to take care of them, would be given to those who would take care of their necessities in return for their assistance in domestic housework. They were usually termed as “*besleme*”. When they grew up reaching puberty, they would usually get married by their patrons. The girls by this practice then, would not be left desperate on the streets; rather they would be given a chance to establish their own homes and families. Fatma in this story was one of such girls. She also got married by the help of her patron Gazioğlu Ömer Bey who had taken care of her during her childhood. In strict compliance to legal terms of a marriage contract, Fatma gave permission to her patron to act as her proxy when she reached puberty, and accepted to get married with someone whom her patron would approve. However, it is understood from the case that Fatma could not whole-heartedly approve and accept İbrahim from a nomadic community as her husband. Fatma insisted that she did not give her consent to Gazioğlu Ömer Bey to act as her proxy in this marriage and rejected the claim that they had a marriage contract refusing to be the wife of İbrahim. She further added that they did not have conjugal relationship for two years, which is also confirmed by her husband İbrahim. It seems that Fatma could resist to her getting married without her consent for two years. However when her husband İbrahim proved that their marriage was legal with the statements of witnesses, the judge ruled that their marriage was legal and valid,

and Fatma was the legal wife of İbrahim. We may never be sure about the story of Fatma and her actual motivations. Since the judge ruled the validity of the marriage, it seems that they did have a legally valid marriage contract in the beginning of this process. But how could Fatma refrain herself from her husband for two years? İbrahim could prove his claim with the witnesses. However, neither Fatma nor her patron and her proxy Gazioğlu Ömer Bey were present in the court. Initially he should have been the first one to be questioned. There is no way to understand the possible reasons for his absence from the record. However it is clear that the case had been ruled against Fatma declaring that she is the legal and valid wife of İbrahim.

We need to think about not only what had been uttered in this case but also those that were kept silent. It is clear that Fatma did not have her consent in this marriage. We also do not know how their relationships proceeded as a legal wife and husband even if the judge ruled so. What this case demands us to think is the fact that every formal relationship established between two parties had also an emotional dimension. The usual story for the “*besleme*” girls is that they would be thankful to their patrons for their attempts to get them married. One may easily hold that the feeling of gratitude of the *beslemes* would be apparent towards their patrons. However, Fatma seems to have a different story, unique in itself and that she wanted to get disposed of this marriage that she had no consent in spite of Ömer Bey. We would not dare to understand the story of Fatma if we don't regard the family not only as a social unit but also an emotional community in which affective ties would count. However the reality is hidden within this story. Even if we accept it as a fact that Fatma first gave her consent to this marriage, even if it

was a legally valid marriage, she did not have consent within her heart and mind. And that's why the case has been the subject of the judicial court.

All the cases regarding either the termination of *namzedlik* or the marriage and the utterances of the women in these cases reveal the features of Ottoman emotional regime in which especially the women had to be silent in their expressions of emotions. They were supposed to repress their feelings. That's why the court case records are silent regarding the utterances of women, the reasons for terminating their engagement or marriage. The repressed display of emotions however was revealed within such phrases like the absence of “*rıza*” or “*hüsn-i zindegani*” or “*musafat*” or “*vifak*” or the presence of “*nüşuz*” or “*teşacür*”. Their emotions were hidden under such terms. The absence of explicit expression of emotions cannot and should not be regarded as absence of emotional conflicts between the partners. Even the renouncing of women from their legal and material rights from their husbands with their own consent should be regarded as evidences of presence of affective ties that could not have been explicitly expressed.

6.5. Concluding Remarks

In this chapter the emotional dimension of the relations established between husbands and wives in particular and between men and women in general are elaborated. The general assumption for Ottoman husbands and wives holds that the marriages were grounded on rational purposefulness which served as a tool for reproduction and material means of the couples in pre-modern era. The affective ties between the couples were promoted and achieved only after modernity.

However, it has been showed that marriage also demanded love and affection between husbands and wives. In other words, couples did pursue their emotional well being when they got married in addition to pursuing their material or otherwise well beings. However, prescriptions of emotions demanded to repress or hide the expressions of love and affection for both men and women.

For women it was even demanded to repress their emotions of anger, joy and happiness. In that sense, Ottoman society may well be regarded as an “emotional regime” in Reddy’s terms. In this emotional regime, women sought for refugees to more openly express their feelings and public baths for example served as “emotional refugees” for women. The tension between the prescriptions and descriptions of emotions was however apparent and they tried to push the prescribed boundaries.

Individuals developed their own emotional scripts in which some terms and concepts acted as emotion codes reflecting implicit expression of one’s emotions. One such term was “*rıza*” which although literally means consent, it reflected the motivations and the emotions of individuals in various contexts. “*Hüsn-i zindegani*” and “*musafahat*” were also such terms, which denoted expressions of emotions, especially in married couples. Taking each court record as a cultural product on its own, focusing on the broader meanings of some seemingly formulaic phrases and identifying cases, although quite rare, which provide additional clues on the broader meanings of phrases may be regarded as a new approach to better understand why people acted the way they did in the past. This approach may be also utilized as a tool that which may release the historians from the so-called impressionistic narration of history.

CHAPTER VII

CONCLUSION

This thesis, as an attempt to *do* history from the “inside out” by taking emotions into consideration, should first and foremost be regarded as “*muhasıla*”, the findings of which is a synthesis drawn upon a collection of quite many things. It would be inadequate in other words, to say that the primary sources that I actually quoted and used in this thesis form the only foundation of its findings. They constitute only a selected a part of what had been utilized, exemplifying the ones that could not been quoted. In one way or another however, they all had been reflected in this narration, which lied behind a short sentence or a paragraph. If the topic of this thesis had been a specific historical event, which took place at a specific time and place, or if it had attempted to explore the meaning of a specific concept, it would have been easier to cite the primary sources that had been utilized. However, since the attempt had been to explore emotions, which are almost everywhere, in almost every source that a historian encounters, to understand how Ottomans gave meaning to their lives, how they justified their acts, why in other words, they acted the way they did, it would necessitate to utilize as many sources as possible, some of which though, may not be properly

quoted. Although regarded as secondary, the scholarship produced so far on the subject of emotions in the fields of not only history but also psychology, neuroscience, sociology and political science, constitute another important part of the collection. They acted in this synthesis as crucial as the primary sources utilized, especially in drawing and specifying the main route of this search. They not only shaped the methodological approach but also provided tools for a comparative analysis enabling the similarities/variances with emotional language of other political entities or societies. My never-ending intellectual discussions with my advisor on the history of the emotions of pre-modern Ottoman society formed the last but not the least contribution enlightening my way; thus should also be considered as one of the crucial pieces of this synthesis. If one of the constraints cited above were absent from this research, it would not bear anything novel and just remain to argue that Ottomans did also cry, feel happy, show grief and were frightened just like we do. Quite contrary though, the main intent of this research had been to develop a counter argument against this presentist view, showing that the displays of emotions and the linguistic representation of the displays were not the same as today.

Although there are quite few studies which traced emotions in Ottoman history from different perspectives, like fear in the travelogue of Evliya Çelebi or emotions in Ottoman literary sources, this research may be considered among the first in its counterparts taking a rather holistic approach, drawing its findings on not only literary sources but also archival sources and judicial court records.

This research considered emotions as a factor in shaping human motivation, which had long been unacknowledged by the Ottoman historians. Neglecting

emotions however, automatically subdues the humane texture of the historical actors which is quite paradoxical since historians usually strive to understand the motivations and intentions of the people who lived in the past. Exploring the history of the institutions formed by ration may serve as explanations as to why people acted the way they did, however; this research aimed to present novel explanation to this question by taking emotions into consideration.

The findings of this research had been systemized basically on three different relational dimensions. While the relations established between the ruler and the ruled constituted one dimension, the intra-communal relations within *taife/cemaats* and the relations between men and women in general with a focus on the marital relations between husbands and wives constituted the second and the third dimensions, respectively.

Under the basic assumption that emotions are a result of not only neurobiological but also cognitive processes and are thus shaped by antecedent experience, present goals and expectations, the recent findings of the research on emotions had been confirmed in this thesis that, unlike our beliefs in emotions primarily residing in the private sphere of individuals or intimate relations, emotions had significant implications in the public sphere as well, filling the gap between the private and the public, the individual and the collective.

This research, by focusing on the collectivity of the emotions shared by the groups and their collective expressions in all three dimensions mentioned above, and by tracing emotions within linguistic expressions, regardless of the implicit or explicit use of emotion words, showed that the State/Sultan and the ruled together

with those whom were delegated to rule by the Sultan, the sub-communities within the Ottoman society which were termed as *taife/cemaat* and families acted as emotional communities, each having same goals and stakes, each having their own established emotional scripts.

The emotional script of the emotional community consisting of the rulers and the ruled was best reflected in the primary sources as “*telif-i kulûb* and *mahabbet*”. In their political negotiations, both sides were well aware of the established emotional codes that were expressed in their political rhetoric. They had collectively constructed emotional expectations from one another. In Reddy’s wording, even if all the people had the same potential to feel the same emotions, the patterns in who expressed which emotions to whom and when, assumed real political significance in the Ottoman political domain. The ruler was expected to protect and govern by compassion, where as the ruled were expected to submit to their rulers with affection. The moralists defined not only the innate nature of the emotions but also instructed what the rulers and the ruled should feel towards one another and how they should express them. It has been evidenced that the rules of feeling, theorized in ethic manuals, were indeed duly practiced in daily political negotiations and adopted as a rule of thumb. There was in other words, always a room for emotions in the idealized Ottoman political order and its daily practice. In their attempt to ensure compliance to religious and sultanic laws, the rulers always referred to emotional states’ of the subjects in their political rhetoric. Likewise, the subjects also relayed their political demands on the grounds of their emotional states whenever they were displeased of their current conditions. The emotional well being of the subjects in other words, also counted just as much as

their material well beings. They remained as loyal subjects so long as they were a member of this emotional community, in this case the Ottoman State, having the same stakes and goals, bonded with one another by affective ties regardless of their secondary identities of faith or occupation. However, it should not be inferred as a claim for a permanent presence of affective ties between the Ottoman rulers and the ruled. Primary sources are replete with those who were displeased of their material conditions demanding a change in the current regulations, but they all pursued their emotional well being and expressed their emotional displeasure in their political requests. Emotional well being of the subjects then, also constituted one of the constraints of political order; supplementing the remaining rational and logical constraints of law (both religious and sultanic) and cultural constraints of customs. Emotions acted as a tool for political communication and negotiation and remained as such until modernity, which in this sense represented an era with laws and regulations formalized, mainly by reason and logic as their basic foundation. However, the persistence of the value and meaning of the symbolic and emotions codes of the preceding era is best reflected in the verses of an Ottoman intellectual; namely Ziya Paşa (1825-1880) who lived in a period when most of the traditional Ottoman institutions were being renewed and restructured. His famous poem “*terkib-i bend*” implicitly bears a criticism of modernity, a part of which is quoted below:

*Evrâk ile i'lân olunur cümle nizâmât
Elfâz ile terfih-i ra'yyet yeni çıktı*

Evrak (pl. of *varak*: sheet of paper) denotes the new statutes, written rules or regulations, enacted during the Tanzimat era as a requisite of modernity. *Elfaz* (pl. of *lafz*: word, letter) on the other hand, denotes literal understanding of law.

“*Evrâk ile i'lân olunur cümle nizâmât*” indicates enactment of the new rules and regulations, which were publicized in their written forms. The second line of the verse however, “*Elfaz ile terfih-i raiyyet yeni çıktı*” indicates his criticism of the new regulations. It may roughly be translated as: “a recent practice of prospering the subjects verbally”. The most crucial word of his verse is “*elfaz*”. There are several interpretations of law, some of which are still under debate. One rule for interpretation is the “literal rule” which is interpreting law in a literal and ordinary sense in plain language. The words and terms used in the statutes in other words, are construed in their plain sense with the presupposition that they are precise enough with no need to take into consideration the function or the “sense” or the “spirit” of law. Ziya Paşa criticizes the Tanzimat regulations lacking sense, while aiming at the prosperity and welfare of the subjects. They were all void of emotion with no reference to emotional codes that which make the state and the subjects an emotional community. The new codification of law was solely based on logic, without any embedded accompanying and supporting emotion codes. In other words, he criticizes the separation of reason and emotions in political thought. Modernity, for Ziya Paşa denotes a political ideology void of emotions and the codified law was purely rational in its essence with no considerations of emotions whatsoever. The regulations were so precisely defined that there was no room left for negotiation, which lies in contrast with the previous practices of legislation. It seems that Ziya Paşa stands as the last representative of the classical period.

Likewise, the emotional script of the *taife/cemaats*, each being a different emotional community, was best reflected in the primary sources as “*rıza ve*

şükran”. Similar to *telif-i kulûb*, this expression of emotion for the members of the emotional community acted as a secret code of emotion, again the rules of which were well known by the members. While *telif-i kulub* served as a bond among the subjects regardless of their secondary identities, *rıza ve şükran* as an expression of emotion, acted as a tool for establishing solidarity among the members. *Rıza ve şükran* was an expression of a collective emotion and it did not apparently express one’s own emotional state. It was rather relational, in the sense that it was collectively shared as an expression of emotion for a member of this community in relation to its supposed position within the community. Linguistic expression of collective emotions was not just an indication of emotional states’ of the community members; rather they acted as a tool for social communication. As long as individuals were a part of this emotional domain, they were protected, not only physically from the outside threats but also materially, financially and emotionally. It has been shown and evidenced that becoming a member of this emotional community, sharing the same emotional script, following the same emotionology with the group members had larger political, social and economical implications. Taking emotions into consideration therefore enabled us to better interpret how the *taife/cemaats* themselves could succeed in bypassing the disparities among them, be it religious, occupational, financial or otherwise. It has also been showed that both the acceptance and the termination of becoming a member of this emotional domain necessitated a long process. In some cases, like the banquets of the guilds, rituals represented the culmination of the process of acceptance. In other cases, easing the financial liability of a community member in tax payments represented the validity and confirmation of one’s membership.

The length of the process of becoming a member, also helps to give a more nuance explanation as to why the Ottoman subjects in pre-modern period, could not easily change their residential or occupational communities. Likewise, cases of expulsion from this emotional domain were a sign of termination of membership, which though, involved several phases like efforts to persuade or discipline. Only if the preceding phases had remained futile, and only if the actions of the dissident had been validated as habitual, the member would be officially expelled. Although we may not assertively know the length of preceding efforts, it seems that there was always a room for negotiation before appealing to official and legal authorities. This was quite similar to the practices implemented in the emotional community of the rulers and the ruled where the rulers tried first to persuade the dissident subjects by showing compassion and then to discipline them as an effort to reverse the conditions of the subjects back to the state of “*tefif-i kulûb*”. Only if such efforts had remained futile and the dissident subject had remained still displeased of being a member of this emotional community would the state resort to severe punishment, moving to the phase of “*iğbirar-ı kulûb*”.

It has also been showed that, although it demanded the same utterance of the emotional expression as “*rıza ve şükran*” for membership for all the sub-communities, each community was different from one another, especially in terms of its drawing its own borders for the wrong-doers. The limits for bending the rules in other words, remained different from one another.

The search for the sustenance of the established emotional domain by the members also resulted in evidencing larger social implications of the cultivation

of an emotion; namely, the shame. Shame, as an emotion, probably the most socially constructed one among its counterparts, was termed in quite many ways, confirming Matt's suggestion that "words give shape to one's emotions by choosing to identify and name one's feelings in one way rather than another".³⁹⁸ Different uses of shame-like words in different contexts, even gendered expressions of the emotion of shame, showed that, as a cultivated emotion by the society and also religion, it acted as a crucial tool to sustain the rules and regulations of the emotional domain of "*rıza ve şükran*". The cultivation of shame by the society in other words, ensured the members' submission to the implicit rules of the emotional domain willingly.

As the third dimension of relations, the emotional script of the familial relations between husbands and wives, which denoted the smallest emotional community, was best reflected in the sources either as "*mahabbet*" or "*musafat*". Contrary to some of the historians' who claimed that love between couples in Ottoman husbands and wives started in late nineteenth century, exploring emotionology of the pre-modern Ottoman family indicated presence of affective ties between couples long before modern times, however different in its expression. It also contradicts with the claims of historians who saw a purposeful rationality as the foundation of marriages in pre-modern or traditional societies. While ethic manuals showed what husbands and wives should feel towards one another, when and how in an idealized form of marital relations, Ottoman judicial records

³⁹⁸ Susan J. Matt, "Recovering the Invisible: Methods for the Historical Study of the Emotions," in *Doing Emotions History*, ed. Susan J. Matt and Peter Stearns (Urbana, Chicago: University of Illinois Press, 2014), 43.

validated the expected form and expression of emotions. The expression or display of “*mahabbet*”, love and affection, was strictly regulated. Both men and women were not supposed to openly express their emotions to their beloveds in this emotional regime. The men for example; were not supposed to show or express their love, not even after the loss of their beloveds. However they had an emotional script of their own. Willingness or reluctance to getting married for example; was implicitly expressed with the term “*rıza*” which was an all-catch phrase for emotions. The public baths on the other hand, served as emotional refugees especially for women to freely express their emotions. It has been showed that, Ottoman husbands and wives in their familial relations within this emotional community pursued not only their physical or material but also their emotional well beings which was evidenced in the judicial court records with the use of phrases like *hüsn-i zindegani* and *musafat*.

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APPENDICES

APPENDIX I.

Yahya Koç, “149 No’lu Mühimme Defteri (1155-1156/1742-1743) İnceleme-Çeviriyazı-Dizini” (Unpublished Master’s thesis, İstanbul: İstanbul Üniversitesi, 2011), 268-269.

Van beylerbeyisi Üçüncü-zâde Ömer -dâme ikbâluhû-ya hüküm ki, Hakkari hâkimi İbrahim -zîde uluvvuhû-nun hakikat-i sû-ı hâlini müş’ir mukaddemâ vârid olan arz ve mehâzırın mefhûmlarına binâ’en azl ve tenkîliyle (..?) hükûmet-i mezbûra tevcîhi evâmîr-i şerîfesi egerçi isdâr olunup, lâkin bu hılâlde ol serhadlerin ihtilâl-i intizâmını müceb hareketden dahi mücânebet lâzime-i mehâmm ve ihtiyât olmak hasebiyle mîr-i merkûmun def’i ve yerine âharın nasbı emrinde ba’zı tekellüf ve su’ûbet rû-nümâ olur ise vakt-i âhara ta’lîk ile evâmîr-i şerîfe gelmesi ihfâ olunmak bâbında keyfiyet sadr-ı azam ka’imesiyle sen ki mîr-i mîrân-ı mûmâ-ileyhsin, sana ta’lîm ve inhâ olunmuşidi. Ancak mukaddemâ mulâhaza ve tefkîr olunduğu üzre husûs-ı merkûm suhûlet üzre hüsn-i sûret bulmayup, tarafından mukatele ve muhârebeye mü’eddî olmağla, ber-minvâl-i muharrer sana tahrîr ve tefhîm olunduğu vechile işini bu mertebeye getürmeyüp ketm-i mâdde ve keyfiyet birle vakt-i âhara ta’lîk ve te’hîri lâzime-i hâlden iken noksân-ı avdet-i hiddetinden nâşî sen dahi mîr-i merkûm üzerine asâkir ba’s ve tesyîr ile güyâ temşiyet-i maslahata mübâderet eylediğini bu def’a ol taraflardan

vürûd eden mevsûkun-bihim kimesneler ihtiyâr eylemişlerdir. Şimdi işin bu dereceye reşîd olması bir dürlü vakt ü hâle münâsib olmadığından mâ-adâ ma'âzallâhi te'âlâ bâ'is-i şamata-i iğrâ ve mucib- i neş'et-i şeml-i ârâ olacak bir emr-i nâ-becâ olmağla, keyfiyyetin bu vechile vukû'ına aslâ ve kat'â rızâ-yı hümayûnum olmayup, nâriye-i mücâdele ve muhâsamanın vech-i suhûlet ile itfâsı alâ eyyi-hâl matlûb olduğuna binâ'en, hâkim-i mûmâ-ileyh yine Hakkari hükûmetini ifâ ve tevcîh ve beyninizde ârız olan münâkaşa ve mu'âraza derûnlarınızdan külliyyen tard ve teb'îd ve islâh-ı zâtü'l-beyn ile tarafeyni taltîf ve te'mîn olunmak üzere bi'l-iktizâ nevâziş ve istîmâleti hâvî başka emr-i şerîfin ifâsı emr-i şerîfi isdâr ve irsâl olunmuşdur. İşbu emr-i şerîfim () ile vusûlünde o havâlîlerin bu esnâda âsâyış ve emniyetini ne mertebe matlûb ve mültezim idüğü takdîrden müstağnî olmağla, zinhâr ve zinhâr bâ'is-i nizâ' ve cidâl ve mü'eddî-i hurûb ve kıtâl olacak harekâtdan keff-i yed ve mübâşeret olunmuş ise dahi bi-eyyi- hâl men' ve sedd edüp, keyfiyyet-i vâkı'ayı pes-mânend-i sâhâ-i imhâl ve îbkası emrini ve nevâziş-nâme-i mülûkânem tarafına irsâl ve miyâneden ârızâ-i bürûdet ve adâvete endâhte-i (..) imhâl ederek, ke'l-evvel hâkimi mûmâ-ileyh ile tarz-i ülfet ve muhabbet ve celb-i kulûb ve hâtırına mübâderet ve istîmâlet vererek, idhâl-i dâ'ire-i itâ'at-i mülâyemet ve müsteclibün aleyh ve mukadderi olan ittihâd-ı derûn kaidelerini ne vechile olur ise olsun hâllen ve ka'ilen vücûda getürmeğe bezl-i makderet ve'l- hâsıl i'mâl-i tedâbir-i hasene ile mâdde-i mübâlâtın su'ûbet ve germîyete tahvîline nisâr-ı nakdîne-i gayret ve azîmet eyleyüp, iktizâ-yı nefsâniyet ve dâ'îye-i şiddet ve hiddet hasebiyle iyâzen billâhi te'âlâ nâ-mülâyim nesne hudûsundan ve hilâf-ı emr-i şerîf vaz' ve hareketden gayetü'l-gâye hazer ve mücânebet eylemen bâbında fermân-ı âlî-şânım sâdır

olmuşdur, buyurdum ki,.....Fî evâhır-ı Câ [Cemâziye'l-evvel] sene [1]155



APPENDIX II.

10 Zilhicce 1046 / 5 Mayıs 1637

Umera ve elviye-i mezburede olan kadılara ve Altı Bölük Kethüda Yerlerine ve Yeniçeri Serdarlarına ve sair İş Erlerine hüküm ki;

Merasim-i adl ü dad ve levazım-ı nizam-ı umur-ı bilad ve terfih-i kulub-ı reaya ve ecnad iktiza-ı murad-ı fuad olub, her bar muhfi ve aşikar etraf ve cevanibe ademler gönderib, reaya ahvaline takayyüd-ı hümayünüm mukarrer olub ve bundan akdem vezir-i azam-ı sabık Mehmed Paşa zamanında reayaya zulm ve teaddiye müteallik nice tekalif teklif olunmağla, enva-i cevr ve teaddi ve zulm ve te'ezzi olunduğu semm-i hümayunuma ilka olunmağın tevaif-i reaya ki vedayi-i halik- kibriyadır haklarında mezid refet ve şefkat ve vufur-ı mekremet ve merhametim zuhura getürdüb, minbad ol makule zulm ve bid'at tekalif olunmayub, her biri eyyam-ı devlet-i hümayun ve hengam-ı hilafet-i saadet-makrunumda müreffeh ve muntazamü'l-ahval olmaları için tenbih-i hümayunum ve ferman-ı saadet-makrunum olduğundan gayri bi'l-fül vezir-i azam ve serdar-ı ekremim olub şark seferine âzim olan düstur-ı ekrem müşir-i eham nizamü'l-alem müdebbir-i umurü'l-cumhur bi-fikri's-sakıb mütemmimu mehami'l-enam bi'r-reyi's-saib mümehhidu bünyani'd-devleti ve'l-ikbal müşeyyidu erkani'l-iz ve'l-iclal el-mahfufu bi-sunuf-ı avatıfi'l- meliki'l- a'la vezir-i azam ve serdar-ı ekrem Bayram Paşa –ademallahu teala iclalihu ve yesseru bi'l-hayr amalihu- nun cibilliyet-i zat-ı merhamet-nihad ve esniyye-i murad-ı fuadi'l halisi'l-itikadında asar-ı merhamet ve ref'et mevzu' ve izhar-ı adl ve atifet mevdu' olub, ecnad-ı zafer-itikadım ile cihad-ı zafer-itiyada müteveccih ve âzim oldukda reayaya mahz-

ı merhamet ve şefkat için sürsat-ı zahire salmayub, narh-ı ruzi üzere bulunan yerde zadu zadesin akçesiyle alub, rıza-ı yümm iktiza-i padişahaneme muvafık reayaya şefkat ve fukara ve zuefaya merhamet ile hareket eyleyub, bundan sonra reaya taifesine mezalim ve bid'aiyyete müteallik nesne teklif olunmayub, her biri eyyam-ı devlet ve a'vam-ı saltanatımda asude-hal ve müreffehü'l-bal olmaları babında mufassal ve meşruh ferman-ı şerif-i kadr-i tuvanam sadır olmuştur.

Buyurdum ki vusul buldukda bu babda sadır olan ferman-ı saadetim mucebince amel ve bu ferman-ı kadr-ı tuvanımı sicillatta kayıd ittirdükden sonra mecma-ı nas olan mahallerde ve cemaat-pazar yerlerinde her birine nida ve izan ve tefhim ve ilan ittüresin ki bundan evvel olan mezalim ve bid'aiyetten hilaf-ı şer ve kanun reayaya bir nesne teklif olunmayub ve hayf ve teaddi ittürmeyüb, her biri eyyam-ı devlet hümayunumda asude-hal ve müreffehü'l-bal kar ve kisblerinde olalar ve dahi mezalim ve bid'atten bir ferd-i reaya ve berayaya iştigal üzere ve ittirmeyesün ve emr-i şerifim ile varan avarız ve harac kullarına muhkem tenbih ve te'kid eylesesin ki cem' eyleüğü.... ve avarızları kanun ve defter mucebince alub gulamiye-i hizmet ziyadedir deyu ol vechle akçelerin almayalar ve aldırmayasuz ve bi'l-cümle tevaif-i reaya ki vedayi'-i halikü'l- berayadır cümlesine şefkat ve merhamet olunmak ve hallerine istikrar ve intizam virilmek aksa-ı murad-ı hümayunumdur. Ana göre her birine agah idüb, her biriniz takayyud ve ihtimam eyleyüb, eyyam-ı devlet-i adalet-makrunumda tekalifleri tahfif ve kalblerin tatyib ve taltif eylesesüz müşarünileyh serdar-ı zafer-şiar tarafından hufyeten ademler gönderilmiş idi şöyle ki bundan sonra reayaya ve fukaraya ümeradan ve gayriden cevr ve teaddi ve zulm ve te'ezzi olunduğu istima' oluna her ahval sizden bilinüb, ve bir vechle öZRünüz makbul ve cevabınız mesmu'

olmayub eşedd-i hakaret ile haklarınızdan gelinmek mukarrerdir ve ana göre basiret ve intibah üzere olasız ve men 'le memnu' olmayan ehl-i fesad ve zalemeyi ism ve resimleriyle yazub, müşarünileyh vezir-i azam ve serdar-ı ekrem Bayram Paşa –ademallahu teala iclalehuya arz ve ilam eyleyesüz ki zalim ve ehl-i fesad olanlara asla aman ve zaman virmeyüb, kayd ve bend ile ordu-ı hümayunume götürüb, bir vechle haklarından geeler ki sairler muceb-i ibret ve nicelere sebab-i nasihat ola şöyle bileler.



APPENDIX III.

Ankara JCR: 135/ case no 280.

Hala Ankara sancağ mutasarrıfı izzetlü, ref'etlü Paşa hazretleri –dame ikbalehu- ve şerai-şiar sancak-ı mezbure kazalarında vaki' kudât ve nüvvâb efendiler –zide fazlihüm- ve mefahirü'l-emasil ve'l-akran voyvodalar ve kethüda yerleri ve yeniçeri serdarları ve a'yan-ı vilayet ve iş erleri –zide kadrihum” inha olunur ki, memalik-i mahruse-i bilâd-ı İslamiyye'de vaki' sükkân-ı memleket ve kuttan-ı vilayet ki vedayi'-i Haliki'l-beraya olan fukara-i raiyyet ve mürûr ve ubûr iden ebna-i sebîlin kutta'-i tarik ve haramzâdeden himaye ve siyanetde ve herkes kar u kisblerine istigâl ile fariza-i zimmet-i enam olan dua'-ı devlet-i hazreti padişâhiye müdâvemet ve mevaziyyet ve cümlelerin emn ü asayiş ile müstedîm olmaları vulât ve hükkâm üzerlerine lazime-i zimmet olub liva-i mezburda geşt ü güzâr ve nvâ-i fesâd ve şekavete içtirâ ve fukaranın rahatları meslûbuna bâdi ve muhtel-i nizâm-ı bilâd olan muharriklerin te'dib ve gûşmalleriyle tathir-i memleket zımnında Anadolu valilerinin senede bir kaç defa bayrakları geşt ü güzâr ve birer bahane ile cem'-i mebalîğ ve yem ve yiyecek ve konakçı ve bayrak akçeleri namıyla fukaraya teaddileri cümlelerin ma'lumu olub ve kazalarınızda zuhur iden haşerati cümle ittifakı ile ahz ve elegetirilmesine dikkat eylemeniz için bundan akdem buyrulduumuz ile tenbih olunmuşken mütenebbih olmayıb, eslâfımız müsillü bayraklarımız ile külliyetli mübaşir ile teftiş olunmak lazım gelse ve bir pâre ve bir akçe alınmasa dahi yine yem ve yiyecek için bu kadar mesarîfiniz zuhur

ideceği malumumuz olduğundan fukarayı siyanete hafifü'l-müenne mübaşir ta'yin ve irsal kılınmağla ol makule erâzil ve eşkiya her gangınızın taht-ı kaza ve hükümetlerinde bulunur ise marifet-i şer' ve zâbitân ve ta'yin olunan mübaşir marifetiyle ahz ve suret-i sicillatla mübaşir-i mümaileyhe teslîme ve ibreten li'l-sâirîn te'dib ve guşmâl için ihzar idüb ve bundan maada ber mutad-ı kadim tarafımıza ait olan demm öşrü ve aidât-ı sairemizi mübaşir-i mümaileyhe telîm eylemeniz için teftîş-i mutazammın divan-ı Anadolu'dan işbu buyuruldu tahrir ve isdar kılınıb ve kıdvetü'l-emacid ve'l-a'yan mühürdarımız izetlü Hüseyin Ağa - zide mecdihu- ile irsal olunmuştur. inşallahü taala vusulünde vech-i meşruh üzere amel ve hareket ve sen ki bu hususa ve teftîşe memur mübaşir-i mümaileyhsin fukara-ı ibâd ve ebnâ-yı sebinin adem-i emniyetleriyle bais ve bâdi olan yaramaz ve eşkiyayı teftîş ve 'alâ eyyi hâlin ahz ve suret-i sicillatlarıyla ihzar idüb ve ol makule haramzade ve eşkiya güruhundan olanları zâbitân ve a'yan taraflarından ketm ve ihtifâ veyahud firar ittirmek ihtimalleri olur ise haklarından gelinmek için isim ve resimleriyle tarafımıza i'lam idüb ber mutad-ı kadîm demm öşrü ve sair tarafımıza olan aidatı ahz ve kabz idüb hilaf-ı şer' ve mugayir-i kanun hareketten hazer ve mücanebet idüb mucib-i buyruldu ile amel olasız deyü.....fi gurre-i muharrem 1165

bâ mühr-i vezir-i muhterem Yahya Paşa

vali-i Anadolu haliyâ

APPENDIX IV.

Ankara JCR: 135/ case no 262

Kıdvetü'n-nüvvabbi'l-müteşerri'în Ankara kazası naibi mevlana –zide ilmihu- tevkii refii hümayun vasıl olıcak malum ola ki; sen ki mevlana-i mümaileyh Mehmed Aziz –zide ilmihu-sun südde-i saadetime mektub gönderib Ankara kasabası ahalisi kasaba-i mezbure mahkemesinde meclis-i şer' de liva-i mezbur mutasarrıflarına mukaddema imdad-ı hazeriye tertib ve tayin olundukda vali ve sancak mutasarrıfları seferler vukuunda ferman olunan imdad-ı seferiyye ve sefersiz vakitlerde tayin olunan hazeriyyelerin şurutu mucebince aldıklarından sonra devr namı ve kaftan baha ve zahire ve nal baha ve öşr-i diyet ve sair bahane ve illet ile bir akçe ve bir habbe almayıb ve mücerred tecrîm kasdıyla fukara üzerine müsfedde ile bölük ve mübaşir göndermeyib her halde tanzim-i umur-ı memleket ve terfih-i ahval-i raiyyete ihtimam eylemeleri için sâdır olan evamir-i aliyemde ve elli üç senesi tarihiyle müverrah hatt-ı hümayun-ı şevket-makrunumla mu'anven emr-i şerîfimde dahi tasrîh ve liva-i mezbur mutasarrıfları ita'at ve inkıyad ve fukara-i raiyyete taarruzları olmayub, cümlesi asude-hal üzereler iken bir kaç seneden berü liva-i mezbur mutasarrıfları hilaf-ı hatt-ı hümayun ve mugayir-i şurût vaz' ve hareket ve müsvedde ile fukara üzerine bölük gönderib bi-gayrı-hakk tecrîm ve zahire baha namıyla tacîz ve tekdîr ve celb-i mâle mübaderetden hâli olmayıb ahvalleri diger-gûn olmağla şurût mucebince amel ve hareket ve mugayir-i şurût devr namı ve zahire baha mütalebeleri men' ve ref'leri için emr-i şerîfim sudûrunu istirham eylediklerin sen ki mevlana-i

mümaileyhsin arz ve divan-ı hümayûnumda mahfûz hazeriyet tertibi defterlerine ve ahkam kuyudlarına müracaat olundukda Ankara sancağında vaki kazalardan liva-i mezbur mutasarrıfları için senede üç taksit ile topdan 4750 gurus imdad-ı hazeriyeye tesfiye kılıldığı tertib defterlerinde ve vüzera-i i'zâm ve mirmiran-ı kirâm ve ümerâ ve mütesellim havza-i hükûmetlerinde olan ahali-i memleket ve zîr-i destan-ı raiyyetden mukaddema ref' olunan devr namı ve kaftan baha ve zahire baha ve öşr-i diyet ve sair illet ve bahane ile takdîr ve ta'yin olunan hazeriyyelerinden ziyâde bir akçe ve bir habbe almayub ve müsvedde ile üzerlerine bölük göndermeyüb hilaf-ı şer'-i şerîf ve mugayir-i kanun-ı münîf ve bilâ-emr tecrîm kasdına fukara tekdîr ve rencide olunmamaları için tenbîh-i ekîddi hâvi hatt-ı hümayun-ı adalet-makrunum ile muanven evamir-i şerife verildiği divan-ı hümayunundan ihrâc olunmağla bu suretde ahali-i kaza-i mezburdan sancak mutasarrıflarına sefersiz vakitlerde tayin olunan hazeriyeye müfredat üzere olmayıb topdan tayin olunmağla kaza-i mezbur ahalisi hazeriyyenin ibtidâ-i vaz'ında liva-i mezbur mutasarrıflarına tesfiye kılınan hazeriyyeden cümle marifeti ve marifet-i şer'le hadd-i i'tidâl üzere hisselerine isabet iden her ne ise sicilden ba'de'l-ihrâc ahali-i kaza-i mezbure şurût mucebince vakt ve zamani ile eda eylediklerinden sonra hilaf-ı şurût ve mugayir-i hatt-ı hümayûn vucûh-ı mezalim ve teaddiyat-ı beyhude ile fukara-i raiyyet rencide ve remide olunmayub gereği gibi himayet ve siyânet olunmaları için hazeriyeye şurûtu ve mukaddema verilen emr-i şerîfim mucebince müceddeden emr-i alişanım suduru için iftiharü'l-emacid ve'l-ekarim bi'l-fiil reisü'l-küttâbım olan Abdullah Naili -dame mecdihu- i'lam itmeğin i'lamı mucebince amel olunmak babında emr-i alişanım sâdır olmuştur; buyurdum ki, hükûm-i şerîfim

vusûl buldukda bu bâbda sâdır olan emrim üzere amel dahi hususu-ı mezbura temâm mukayyed olub göresiz arz olunduğu üzere ise eyyâm-ı saadetimde reaya fukarasına ve bir ferde ol vechile ve sair bahane ile zulm ve teaddi olunduğuna kat'a rıza-i şerifim yokdur. kaza-i mezbur ahalisi liva-i mezbur mutasarrıflarına sefersiz vakitlerde tayin olunan ol mikdar gurus hazeriyeden cümle marifeti ve marifet-i şer'le hadd-i i'tidâl üzere hisselerine isâbet ideni şurûtu mucebinca vakt ve zamanıyle eda eylediklerinden sonra hilaf-ı şurût ve mugayir-i hatt-ı hümayûn ol vechile sair vücûh-ı mezâlim ve teaddiyât-ı beyhude ile fukara-i raiyyeti rencide ve remide ittirmeyüb gereği gibi himayet ve siyanet eyleyüb mazmun-ı emr-i şerifimle âmil olasin şöyle bilesin alamet-i şerife itimad kılasin tahriren fi evasıt-ı zilkâde sene erbaa ve sittin ve mie ve elf (1164)

APPENDIX V.

Ankara JCR: 135/ case no 248

Düsturun-ı mükerremun müşirun-i mufahhamun nizamü'l-alem medebbiru umuri'l-cumhur bi'l fikri's-sakıb mütemmimu mehamü'l-enam bi'r-reyi's-saib mümehhidu bünyani'd-devleti ve'l-ikbal müşeyyidu erkani's-saadeti ve'l-iclal el mahfufunu bi-sunuf-ı avatifi'l meliki'l- 'ala Anadolu valisi vezirim Paşa ve Erzurum valisi vezirim Paşa ve diğer Diyarbekir valisi vezirimPaşa ve Karaman valisi vezirimPaşa ve Sivas valisi vezirim Paşa -ademallahu teala iclalehum- ve emirü'l-ümerai'l-kiram kebirü'l-küberai'l-fiham zu'l-kadr ve'l-ihtiram sahibü'l-iz ve'l-ihtişam el-muhtasu bi-mezidi'l-inayeti'l-meliki'l-'ala Maraş Beylerbeyisi Paşa -damet mealihu- ve akdau kudati'l-müslimin evlau vulati'l-muvahhidin meadini'l- fezail ve'l yakin rafiu alami 'ş-şerife ve'd-din varis u ulumi'l-enbiya ve'l-mürselin el-muhtassin-i bi-mezidi inayeti'l meliki'l-muin Amid ve Erzurum kadıları –zidet fezailihuma- ve mefahirü'l-kudat ve'l-hükkam meadini'l- fezail ve'l-kelam Sivas ve Adana kadıları ve Kütahya ve Konya ve Maraş naibleri ve zikr olunan eyaletlerden Kuds-i Şerif'e varub gelince yol üzerinde vaki' sair kudat ve nüvvab –zidet fazlium- ve mefahirü'l-emasil ve'l-akran mütesellimler ve yeniçeri serdarları ve kethüda yerleri ve Adana ve şark pare ağası ve Ayntab kaymakamı ve sair zabitan ve a'yan-ı vilayet ve iş erleri – zidet kadrihum- tevki-i refi-i hümayun vasıl olıcak ma'lum ola ki;

Kuds-i Şerif'de vaki' merhum ve mahfirunleh Haseki Sultan –tabe serahuma- 'nın kaim-i makam-ı mütevellisi ve Yafa gümrüğü emini kidetü'l-emasil ve'l-akran Abdullah –zide kadrihu- südde-i saadetime mühürlü arz-ı hal gönderib, vakf-ı mezburun iradı beher sene etraf ve eknafdan Kuds-ı Şerif'de vaki' Kamame ziyaretine gelen Rum ve Ermeni taifelerinden hasıl olub, tertib kılınan erbab-ı vezai'fin vazifeleri irad-ı mezkurdan virigeldiğine binaen Sivas ve Erzurum ve Diyarbekir ve Anadolu ve Karaman ve Adana ve Maraş eyaletlerinde vaki' elviye ve kazalardan Lazkiye ve İskenderun ve Antakya ve sair mahallerden Kuds-ı Şerife gidib gelen Rum ve Ermeni taifesi Adana'dan ve mahall-i mezbureden mürur ve ubur ve gidişde ve gelişde kasabat ve kurada ve derbend ve geçitlerde esna-i rahda bir ferd mesfurları rencide ve remide idegelmiş değil iken mahall-i mezburede olan ehl-i örf taifesi ve sairleri siz Kuds-i Şerif'e gidersiz, bize virgü ve gufr namıyla akçe virin deyü nice müddet tevkif ve yollarından alıkoyub külli akçelerin ahz ve cevr ve teaddi eylediklerinden gayrı iskele eminleri daha sefine kapudanları ile yek-dil ve matlubları olan sefinelere süvar olmağa mümanaat ve ziyade navl ile diledikleri aher sefineye koyub bu vechile cevr ve teaddileri hadden ziyade olmağla emin ve salim varıb gelib himayet ve siyanet olmaları için müceddeden emr-i şerifim sudurunu istidâ ve Divan-ı Hümayunumda mahfuz kuyud-ı ahkama müracaat olundukda beher sene berren Kuds-ı Şerif'e gidib gelen ziyaretçi Ermeni taifesinin esna-i rahda mürur ve uburlarına mümanaat olunmayıb zulm ve teaddiyatdan ve celb-i mal'den istihlas olunmaları için (1)140 senesi evasit-ı rebü'l-ahirinde ber vech-i meşruh emr-i şerifim virildiği mestur ve mukayyed bulunmağın mukaddema sadır olan emr-i şerifim mucebince amel olunmak (babında) ferman-ı alışanım sadır olmuşdur, buyurdum ki, vusul

buldukda bu babda mukaddema ve hala sadır olan evamir-i şerifem mucebince amel ve dahi siz ki vüzera-i müşar ve sair mümaileyhimsiz beher sene ziyaretci namıyle Kuds-ı şerife azimet iden Rum ve Ermeni taifesi havza-i hükmetinizde zihab ve iyablarında (gidiş gelişlerinde) ber vech-i muharrer mezalim ve teaddiyat ile bir dürlü rencide ve remide olunmayub ve ahire dahi ittirmeyüb emnen ve salimen imrarları ile himayet ve siyanetlerine cümleliz say' ve dikkat ve mazmun-ı şerifimin hilafına harekete bir ferde cevaz ve ruhsat göstermekden ve hilaf-ı şer ve kanun kendülerine ve emvallerine taarruz ve teaddiden ziyade hazer ve mücanebet eylesiz. şöyle bilesiz, alamet-i şerife itimad kılász. tahriren fi evail-i şabani'l-muazzam sene erba' ve sittin ve mie ve elf.

APPENDIX VI.

85 Numaralı Mühimme Defteri (1040-1041(1042)/ 1630-1631(1632), (Ankara: Devlet Arşivleri Genel Müdürlüğü, 2002), 32-33.

“Meğri nâyibi ile Döğer nâyibi Südde-i Sa‘âdetüm'e mektûb gönderüp; "Meğri ve Döğer ve Pırnaz ve Üzümlü ve Eşen ve Ağırtas kazâları Mentеше санcağıbeği oturduğu yirler olup Muğla kasabası dört günlük mesâfe olup Hamîd ve Teke sancaklarınınun mâbeyninde vâkı‘ olmağla dâyimâ ehl-i fesâd zuhûr idüp Mentеше санcağıbeği veyâhûd kethudâsı üzerlerine vardukda firâr idüp ba‘dehû yirlerine gelüp üç санcağın mâbeyninde bir mahall olmağla haklarından gelinmek mümkün olmayup fesâdları gündен güne izdiyâd bulmağın müderrisinden ve kuzâtdan ve a‘yân-ı vilâyetden nice kimesneleri katl ve emvâl ü erzâkın gâret idüp zikrolunan mahallerde bölük-bölük otuzar-kırkar nefer eşkıyâ tahassun idüp re‘âyâ vü berâyâ zulmü te‘addîlerinden perîşânu perâkende olup ol sebebden emr-i şerîfümle vâkı‘ olan umûr-ı mühimme görilmeyüp mâdâm ki, bir müstekîm kimesne ol mahalleri hıfz u hırâset idüp mezkûrûn eşkıyâyı elegetürüp haklarından gelmeyince re‘âyâ vü berâyâ terk-i diyâr u celâ-yı vatan itmeleri mukarrer olup ve sen ümerânun ihtiyârı ve a‘yân-ı vilâyet ef‘âl ü akvâlünden rızâ vü şükrân üzre olduklarından mâ‘adâ ol diyârlarda sâkin ve eşkıyâ-i mezbûrûnı elegetürmekde vukûfun olup zikrolunan mahalleri hıfzu hırâset eylemen bâbında a‘yân-ı vilâyet recâ eyledüklerin" arzyledükleri ecilden, zikrolunan mahalleri sen hıfz u hırâset eylemen bâbında fermân-ı âlî-şânım sâdır olmışdur. Buyurdum ki:....”