

Hüseyin GÜNDOĞDU

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**THE CIRCLE OF JUSTICE AS A TOOL OF OPPOSITION
IN THE OTTOMAN POLITICAL DISCOURSE
FROM LÜTFİ PAŞA TO İBRAHİM MÜTEFERRİKA**

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by
Hüseyin GÜNDOĞDU

Fatih University

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To Bahar, Bahadır and Their Mother

APPROVAL PAGE

Student : Hüseyin GÜNDOĞDU
Institute : Institute of Social Sciences
Department : Political Science and Public Administration
Thesis Subject : The Circle of Justice as a Tool of Opposition
in the Ottoman Political Discourse from Lütfi Paşa to İbrahim Müteferrika
Thesis Date : June 2011

I certify that this thesis satisfies all the requirements as a thesis for the degree of Master of Arts.

Assist. Prof. Ertuğrul GÜNDOĞAN
Head of Department

This is to certify that I have read this thesis and that in my opinion it is fully adequate, in scope and quality, as a thesis for the degree of Master of Arts.

Prof. Recep ŞENTÜRK
Supervisor

Examining Committee Members

Prof. Recep ŞENTÜRK

Prof. M. Lutfullah KARAMAN

Assist. Prof. Ertuğrul GÜNDOĞAN

It is approved that this thesis has been written in compliance with the formatting rules laid down by the Graduate Institute of Social Sciences.

Assoc. Prof. Mehmet KARAKUYU
Director

AUTHOR DECLARATIONS

1. The material included in this thesis has not been submitted wholly or in part for any academic award or qualification other than that for which it is now submitted.

2. The program of advanced study of which this thesis is part has consisted of:

i) Research Methods course during the undergraduate study

ii) Examination of several thesis guides of particular universities both in Turkey and abroad as well as a professional book on this subject.

Hüseyin GÜNDOĞDU

June, 2011

ABSTRACT

Hüseyin GÜNDOĞDU

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THE CIRCLE OF JUSTICE AS A TOOL OF OPPOSITION IN THE OTTOMAN POLITICAL DISCOURSE FROM LÜTFİ PAŞA TO İBRAHİM MÜTEFERRİKA

The Circle of Justice which has a major role in the formation of Ottoman bureaucratic system and political structure is also a key concept to understand the relations between the ruler and the ruled in the classical period. The Circle of Justice inherited from the Pre-Ottoman Turkish states actually goes back to Ancient Persia and India and it is fundamental also to gain insight for the Ottoman political texts. The Circle of Justice makes the ruler and the ruled mutually dependant on each other with functional solidarity with the mediatory of the institutions like army and treasury. Although it emerged with secular aims in the ancient times, the Islamic and Turko-Islamic states adopted the Circle of Justice to keep their agro-economies powerful and their multicultural population obedient. In this regard it had a key role in the determination of their internal politics. Thus the concept was also appreciated and appropriated by Muslim and Turkish political thinkers with some contributions in their written advices to the sultans.

The Ottoman Empire borrowed the Circle of Justice from previous Turko-Islamic states and employed it as an essential guide in the state institutionalization. It also found an important place in the Ottoman political advice literature and turned out to be a common concept used by different genres. While in flourishing times it was used to maintain the ongoing system, in the later periods it became a tool to criticize the disruption and the lack of order. Through the prism of the Circle of Justice, the study of the relations between the sultanate and the *re'āyâ* in the Ottoman Empire can sweep aside the modern wrong image which portrays this relation as of autocratic rulers and suppressed subjects, and supply with a clear and unbiased vision for further research.

Key words: The Circle of Justice, functional solidarity, Ottoman institutionalization, political advice literature, opposition, sultan, *re'āyâ*

KISA ÖZET

Hüseyin GÜNDOĞDU

Haziran 2011

LÜTFİ PAŞA'DAN İBRAHİM MÜTEFERRİKA'YA ADALET DAİRESİ'NİN OSMANLI SİYASAL SÖYLEMİNDE BİR MUHALEFET ARACI OLARAK KULLANILMASI

Osmanlı İmparatorluğu'nun bürokratik yapısında olduğu kadar devlet ve toplum ilişkilerinin düzenlenmesinde de önemli bir role sahip olan “Adalet Dairesi” Osmanlı siyasi düşüncesinin de temel kavramlarından biridir. Kökeni daha ziyade antik doğuya uzanan ve değişik biçimlerde formüle edilen bu kavram bilinmeden Osmanlı devlet ve toplum yapısını anlamak güç olacaktır. Yönetenleri ve yönetilenleri fonksiyonel bir dayanışma ile birbirine bağımlı hale getiren Adalet Dairesi antik dönemde seküler amaçlarla ortaya çıkmış olmasına rağmen, İslam dünyasında da yeni katkılarla kabul görmüş ve ardından Türk-İslam devletlerinin iç siyasetlerinde belirleyici bir rol oynayarak bu devletlerin toprağa dayalı ekonomik yapılarını güçlü tutabilmek ve çok kültürlü ülkelerini yönetebilmek için vazgeçilmez bir siyasi teori olmuştur. Türk-İslam siyaset düşüncesinde de sıklıkla referans alınması kavramın önemini daha da artırmaktadır.

Osmanlı İmparatorluğu kendisinden önceki Türk İslam devlet geleneğinden devraldığı bu teoriyi devletin kurumsallaşmasında bir rehber olarak kullanmıştır. Osmanlı siyaset literatüründe farklı janrlardaki düşünürler tarafından da sıkça kullanılan Adalet Dairesi teorisi devletin güçlü dönemlerinde varolan otorite ve düzeni korumak, devletin zayıflamaya başladığı zamanlarda ise bozulma ve çözülmeyi eleştirmek için kullanılmıştır. Adalet Dairesi üzerinden Osmanlı devlet ve toplum ilişkilerini okumak güçlü ve otokrat hükümdarlar ve onların baskısı altında ezilen halklar olarak yanlış biçimde imgeleştirilen bu ilişki yumağını daha net görmemizi sağlayacaktır.

Anahtar Kelimeler: Adalet Dairesi, işlevsel dayanışma, Osmanlı kurumsallaşması, siyasi düşünce literatürü, muhalefet, sultan, re‘âyâ

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INTRODUCTION

The natural and contractual rights of citizens in the modern states are guaranteed by the constitutions. What about the subjects in the ancient and medieval times who had to live under the rule of a king or sultan? Did they really deprive of all these rights like life, property, petition, etc.? To answer this question requires contemplating the state documents or political texts in a certain pre-modern period.

This thesis seeks for the answer of this question during the classical period of the Ottoman Empire through the prism of the Circle of Justice which was a basic concept to determine the state and society relations in the Ottoman political advice literature from the very beginning on. Also the influence of the concept on the state institutionalization will be examined to be able to interpret these texts in their contexts. Since the Circle of Justice had a major role in the formation of the Ottoman system, the corruptions and dissolutions in this system after the mid-sixteenth century were criticized again through this concept in the political works.

The Circle of Justice is a political theory which has many different formulations among which a very brief one is “No sovereignty without men, no men without money, no money without subjects and no subjects without justice”. This theory is actually still very famous in the modern middle-eastern states with the aphorism “Justice is the basis of state”. It necessitates interdependence between the ruler and the ruled through a functional solidarity among the political, social, economic and judicial institutions between these two. In this circle every unit has a distinctive role and each of them is equally important since they constitute a chain circle in which there is no superiority among the links. If any of them is absent, the circle falls to pieces. Thus, the Circle of Justice is not only a concept regarding the judicial functions of a state, as its name implies, but also the cement holding the social, political, economic and military institutions in order.

Justice is the most important term in the classical Eastern political literature just as liberty and democracy was in the Western political one. However, how to apply the justice is not a question agreed upon. Thus the divergence in the politics of the classical Eastern states actually derives from their different conceptions of justice. Although their definitions of justice differ, they are of the same opinion that securing justice is possible solely through an authoritarian sultan who would protect the weak

from the powerful. For this very reason the powers of the sultan should be kept in a level that he could secure the justice but would not be a despot. This is what the Circle of Justice did in theory. With the Circle of Justice in his mind a sultan would know that he needs the support of his civil servants and soldiers to rule and the productive capacity of his subjects for the treasury and thus would do justice to keep all of them obedient to himself.

With its practicability and instrumentality therefore the Circle of Justice emerged in the agrarian societies of the Ancient Middle-East and was adopted later by many Muslim and Turkish dynasties dominated around that region. The concept together with its cyclic relation was naturalized also by the political authors of these dynasties. However, the conception of justice changed as the time went by. In the patrimonial state system of Indio-Persian tradition in which this concept evidently existed, justice meant pity and benevolence of the sovereign to his subjects. In Turko-Mongol tradition, however, it signified just the impartial practice of *töre* (Turkish oral law). Also, in the Ottoman political literature the conception of justice varies among the different genres, but principally it was perceived in several definitions as the giving people their rights, treating them with mercy and affection, enforcing the *şerî'at*, preventing the oppression over the subjects and keeping the central authority. Thus, any change or deviation from their conception of justice got strict reaction by the political authors of different genres. Hence, they tried to oppose to these changes again by employing the Circle of Justice reminding the ruling class what they were doing was not in accordance with the perfect order of the glorious times.

The first chapter of this study looks briefly at the ancient and medieval origins of the Circle of Justice and tries to understand why it was adopted by the Muslim and Turko-Muslim empires though it emerged in pre-Islam communities with secular concerns. The appropriation of the Circle in Muslim and Turkish political literature with diverse formulations is presented shortly. Three articles by Linda T. Darling¹ presented a comprehensive access to the old Persian and Indian primary sources in which the roots of the Circle of Justice existed.

¹ Linda T. Darling, "Do Justice, Do Justice, for That Is Paradise: Middle Eastern Advice for Indian Muslim Rulers," *Comparative Studies of South Asia, Africa and the Middle East* XXII, no. 1&2 (2002).; ———, "Islamic Empires, the Ottoman Empire and the Circle of Justice," in *Constitutional Politics in the Middle East*, ed. Saïd Amir Arjomand (Oxford: Hart Publishing, 2008).; ———, "Political Change and Political Discourse in the Early Modern Mediterranean World," *Journal of Interdisciplinary History* 38, no. 4 (2009).

The second chapter scrutinizes the Ottoman adoption of the Circle of Justice in the early periods in both the practical and theoretical realms. How this theory was adapted to and practiced in the bureaucratic structure and institutions of the Ottoman Empire is analyzed through considering each unit of the Circle singly. Many works done by Halil İnalçık² introduces the Ottoman awareness of the concept from the first periods of the Empire. Also to trace the change in the conception of justice, the difference in the formulations of the Circle of Justice as the time changed is revealed in this chapter. The changing character in these formulations can be seen in the political writings of different genres during the classical age of the Ottoman Empire.

The third chapter is intended to show the multiplex content of the Ottoman political discourse in which the existence of the *Ahlâk*, the *Fıkh*, the *Sûfi*, the History and the *Islahatnâme* genres can be observed. The academic awareness of these genres can be seen in the PhD Thesis by Hüseyin Yılmaz³ who touched the diversity of thoughts among the Ottoman thinkers without going in detail. The difference in the formulations of the Circle of Justice is also in a way resulted from the existence of different genres in the Ottoman political thought. To see whether the Ottoman political discourse in the classical age was monolithic or pluralist can supply a different point of view in order to interpret the contradicting criticisms to the corruption in the system.

The last chapter regards the concept in the sense that how it was used to criticize the corruptions in the Ottoman system beginning from the late reign of Süleymân the Lawgiver till the mid-eighteenth century. Since the disorder began in this period, as a matter of course a sharp increase occurred in writing political treatises to oppose to the ongoing attitudes of the state. Thus, this study gives a separate chapter on this issue to see how the Circle of Justice is employed in the *Islahatnâme* genre in which it was most frequently referred.

To give the name “*Islahatnâme* Genre” was suggested firstly by Coşkun Yılmaz⁴ instead of “*Nasihatnâme* Genre”⁵ which is still customary in modern

² See for example the articles in Halil İnalçık, *Osmanlı'da Devlet, Hukuk, Adalet* (İstanbul: Eren, 2005).

³ Hüseyin Yılmaz, "The Sultan and the Sultanate: Envisioning Rulership in the Age of Süleymân the Lawgiver" (Harvard University, 2005). 12

⁴ See Coşkun Yılmaz, "Osmanlı Siyaset Düşüncesi Kaynakları İle İlgili Yeni Bir Kavramsallaştırma: Islahatnâmeler," *Türkiye Araştırmaları Literatür Dergisi* 1, no. 2 (2003). 299-338

⁵ See Cornell H. Fleischer, "From Sehzâde Korkud to Mustafa Âli: Cultural Origins of the Ottoman *Nasihatname*," in *Third International Congress on the Economic and Social History of Turkey* (Princeton 1983). 67-77

scholarship to explain the political discourse of a decline literature. However, these treatises have diversity within themselves since their authors were affected by different theories set forth by past thinkers in different genres. Thus, to name this genre as *Islahatnâme* genre seem better than *Nasihathnâme* since the latter implies as if these treatises have only mystic features.

There is a variety of sources on Ottoman political thought, but this study includes the works of some major representatives from different genres. For the *Islahatnâme* genre which had the most crowded scene in the political corpus, only those who used the Circle of Justice as a tool in their critics are included in the limited scope of this study. Since writing a political treatise is a political act itself, to examine the texts under consideration the methods of both textual and discourse analysis are used through pragmatics together with the instruments of speech act. Thus, rather than what these texts say, what the authors wanted to do by their writings is tried to be revealed. For example, the term opposition used in this study of course is not the one in modern politics which means keeping the government in check but it implies what the political writers or policy makers did while they wrote something.

CHAPTER I

THE CIRCLE OF JUSTICE: A BRIEF LOOK AT THE ANCIENT AND MEDIEVAL ORIGINS

1.1. The Ancient Roots

Modern eyes mostly view the ancient and medieval societies as those ruled by autocratic kings or sultans under whom aggrieved subjects with no right to complain had to live. This image needs to be modified as to Darling because those rulers were well aware of the fact that the survival of their sovereignty depended on the productive capacity of the peasants under their rule.⁶ Hence, they had to secure a just reign for those from whom they got land taxes in order to maintain the treasury and to feed the army protecting their sovereignty.⁷

While in modern states the relations with citizens are regulated by constitutions, the Ancient and Medieval states described and legitimized these relations through justice and more specifically by adopting the theory of the Circle of Justice. The effectiveness of the Circle was dependant on the coherence between the governmental activities and the contentedness of the subjects.⁸ Since the economies of these states were based on agriculture, the productivity of the peasants was of high importance to sustain the sovereignty. Thus, the kings together with their civil servants had to please their subjects who expected justice in return for their obedience to these kings. Although many modern scholars characterize these relations as oriental despotism, the necessity of justice in these agrarian societies in a way mitigated the worst effects of inequalities between the weak and powerful.⁹ The Circle of Justice, therefore, ensured the needs of both the governing and the governed.

The Muslim political authors attributed the Circle of Justice and *mezâlim* (review of wrongs) courts to the Pre-Islamic Persians. However, in the surviving Sassanid political literature the latter is not found.¹⁰ Also in Aristotle's supposed

⁶ Darling, "Islamic Empires, the Ottoman Empire and the Circle of Justice." 19

⁷ Ibid. 3

⁸ Ibid. 12

⁹ _____, "Do Justice, Do Justice, for That Is Paradise: Middle Eastern Advice for Indian Muslim Rulers." 3

¹⁰ Ibid.

letters to Alexander the Great, a pseudo-philosophical source titled *Sirru'l-Esrâr* (also known as *The Secret of Secrets* and *Secretum Secretorum*) written in tenth century, both the Circle of Justice and *mezâlim* courts were included.¹¹ However, the Circle of Justice can be traced back to the reigns of ancient Mesopotamia kings, like Hammurabi, who accepted themselves as the shepherds who had to keep their flocks happy.¹²

In the Ancient Persian source *Denkard* and *Arthasastra* of the Ancient India, though included some of the other concepts in the Circle, they disregarded the justice and attributed the prosperity to power rather than justice.¹³ Darling asserts that justice was introduced into the political literature by Muslims benefiting from the descriptions of old Persian royal courts named as *mezâlim*, where the complaints and petitions of the subjects were heard and solved.¹⁴ Though not mentioned in pre-Islamic Persian literature, The Persian king Nûşirevân (Anushirvan)(531-579) who reigned immediately prior to Islam, was praised by the Prophet Muhammad (571-632) who said "I was born in the lifetime of a just king".¹⁵ It is supposed by Muslim thinkers that Nûşirevân, to enact the *mezâlim*, hung a bell outside the palace gate and anyone seeking justice could ring it and speak to him face to face.¹⁶

After being deposed by his subjects' rebellion due to their poverty, the Sassanid king Perviz (Parwiz)(?-628) justified himself by announcing "The things which support the kings are treasury and army. Soldiers and weapons can only be acquired through big money. This money can only be collected by taxes taken forcibly from people".¹⁷ Although the main concepts of the Circle of Justice such as treasury and army are mentioned in this speech, justice is ignored. The Sassanid kings can be claimed, therefore, to have practiced the Circle of Justice for the sake of rational politics.¹⁸

¹¹ Ibn Khaldun, *The Muqaddimah*, trans. Franz Rosenthal, N. J. Dawood ed. (Princeton: University of Princeton Press, 1980). 81

¹² Darling, "Do Justice, Do Justice, for That Is Paradise: Middle Eastern Advice for Indian Muslim Rulers." 4

¹³ ———, "Islamic Empires, the Ottoman Empire and the Circle of Justice." 513

¹⁴ Patricia Crone, *Ortaçağ İslam Dünyasında Siyasi Düşünce*, trans. Hakan Köni (İstanbul: Kapı, 2007). 238

¹⁵ Clément Huart, "Nûşirevân," in *İA*. 370

¹⁶ Darling, "Do Justice, Do Justice, for That Is Paradise: Middle Eastern Advice for Indian Muslim Rulers." 4

¹⁷ İnalçık, *Osmanlı'da Devlet, Hukuk, Adalet*. 15

¹⁸ Crone, *Ortaçağ İslam Dünyasında Siyasi Düşünce*. 157

1.2. The Circle of Justice in the Medieval Political Thought

1.2.1. The Islamic Discourse

Since Prophet Muhammad was also a founder of a political state in addition to his being a prophet, it is usual to argue that the main legitimate politics for Islamic states are the sayings and traditions of him subordinate to the *Kur'ân-ı Kerîm* (Holy Qur'an). However, historically, most Muslim monarchies were modeled on the bureaucratic empire tradition of the Ancient Near East, especially Iran, as they turned out to be large empires.¹⁹ Even the examples of ideal rulers in the Islamic literature for princes are not only prophets like Muhammad and Solomon but also pre-Islamic kings like Nûşîrevân and İskender (Alexander the Great) (356-323 BC). The authors of Islamic political literature adapted the politics and ethics of them to the needs of a Muslim empire.²⁰

A rigid class system existed in ancient Persian and Indian societies from which the Circle of Justice emerged. Therefore the Circle, which requires its elements like soldiers and cultivators to keep their places, was easy to instill in the empires founded on these societies. But in Islam, it was not so easy, because "Islam in principle never recognized either caste or aristocracy".²¹ Therefore, to prevent people from passing to other classes became always problematic, for example, in the Ottoman Empire.

As the conquest of new lands by the medieval Muslims continued, however, the Muslim government based on tribal structure fell short of meeting the needs of the state polity which must govern large territories and people keeping their own ancient customs. This new imperial politics brought about new imperial ideologies like the Circle of Justice.²² Since justice and the image of a shepherd ruler were not new concepts for Islam²³, and *örf* (established custom) is permitted to enter into the

¹⁹ Ibid. 149

²⁰ Darling, "Islamic Empires, the Ottoman Empire and the Circle of Justice." 11

²¹ Bernard Lewis, *The Political Language of Islam* (Chicago: University of Chicago Press, 1988). 15

²² Darling, "Islamic Empires, the Ottoman Empire and the Circle of Justice." 16

²³ In the *suras* of *Nahl* (verse 90), *Sa'd* (verse 26), *Hadid* (verse 77) etc. justice was advised and ordered. Also there is a Tradition of Prophet Muhammad as "**Everyone of you is shepherd and everyone of you shall be asked about those under his guard**" İmam Nevevî, *Riyâzü's-Sâlihîn*, trans. İhsan Özkes, vol. 2 (Kahraman Yayınları, 1991). 73

Islamic law²⁴, the Circle of Justice was welcomed with adaptation by Islamic political literature and even by jurists and members of the *ulemâ* (Islamic scholars).

During the famous translation era of Abbasids, the eighth century, the translations of Greek treatises on political philosophy and also Persian manuals on statecraft and court etiquette through the incumbent Persian and Christian scribes gave a new sophistication to Islamic discourse on politics.²⁵ Both the Caliph Ömer (586-644) and the Persian Nûşirevân were shown as the embodiment of just rulers. That means justice was not seen as possible only in a Muslim state but also in a secular or non-Muslim state.

That the policy literature of Islam not only gives comments from the Prophet and his companions or religious scholars, but also shows references from Sassanid kings and Greek philosophers unfolds that the understanding of justice was cautionary in Islam. The main theme in a topic regarding politics was not from where it originated but was how beneficial it was.²⁶ In this regard, Persian models for princes were much more influential than Aristotle's apocryphal letters to İskender or other Greek sources.²⁷

Just as in the Circle of Justice of Persian political literature, the Umayyad caliphs were called 'the shepherd of Allâh on earth' and here the flock for which they were responsible was the Muslim community.²⁸ Yezîd III, after he seized the throne, declared that he would protect the poor from the mighty, treat all the subjects equally, pay stipends on time but not overtax the peasants and force them to flee.²⁹

The well known translations from Persian into Arabic were the works made by Persian courtier İbn-i Mukaffa (721-757), especially *Kitâbü't-Tâc*, that quoted the Circle of Justice. *Kelile ve Dimne*, a collection of political fables; the 'Letter of Tansar' and also 'Testament of Ardaşir' were among the other ones translated.³⁰ *Ahdü Mervân* by Abdülhamid El-Kâtib, the first originally Arabic example for Arabic political literature, was contemporary to those translation works and

²⁴ Muhammed Hamidullah, *İslamda Devlet İdaresi*, trans. Kemal Kuşçu (Ankara: Nur, 1979). 18

²⁵ Halil İnalçık, *The Ottoman Empire: The Classical Age 1300-1600*, trans. Norman Itzkowitz & Colin Imber (London: The Trinity Press, 1973). 65; Lewis, *The Political Language of Islam*. 6

²⁶ Crone, *Ortaçağ İslam Dünyasında Siyasi Düşünce*. 151

²⁷ Ibid. 152

²⁸ Darling, "Islamic Empires, the Ottoman Empire and the Circle of Justice." 13

²⁹ Ibid. 14

³⁰ Ibid.

surprisingly it has no advice, not even a word, regarding justice for the *halîfe* (caliph) about whom it was written.³¹

The oldest surviving statement of the Circle of Justice in Islamic literature is in *Uyûnü'l-Ahbâr* written by İbn-i Kuteybe (828-889) in the ninth century.³² However, the imperial polity of the Abbasids started to include some elements of the Circle long before that. For example, Harun Reşid's (763-809) chief justice, Ebû Yusuf (731-798), attributed most of his policies in *Kitâbü'l-Harâc* (Book of Taxes) to Muslim sources, and this does not contradict the prevailing political path of the Sassanid tradition. He linked the caliph's dispensation of justice with accuracy and fairness in taxation, using the concepts of a shepherd over the flocks of Allâh and the resulting increase of the yield of the land taxes (*harâc*). The Circle of Justice clearly lies behind these policies. Ebû Yusuf presented the concept of the Circle as the normal ethic of an imperial state, Islamic or not, and he supported these ideas with verses from the *Kur'ân*. This indicates how thoroughly the concept had been integrated into the Islamic political thought.³³ It is clear that as a pioneering *fakîh* (Islamic lawyer) Ebû Yusuf handled the concept in the context of *örf* and adapted it to the Islamic law.

Although appropriated by the Islamic mode of rule as a result of necessity, the Circle of Justice cannot be regarded merely a literary device or a propaganda tool; members of the *ulemâ* also used it in analyzing the Islamic politics. Mâverdî (974-1058), even though he specified the qualifications and responsibilities of the *halîfe* referring mostly to the *Kur'ân* and the past practices of early Islamic community, ranked the constituents of the Circle such as defense of the realm, provision of security, appointment of capable officials, proper tax collection, execution of justice, etc. as essential.³⁴ He also emphasized the *halîfe*'s role in *mezâlim* courts, which means giving the ruler a right to provide justice outside the regular legal system of Islam.³⁵

Gazâlî (1058-1111) stresses the Islamic justice more than the secular one and advises the sultan to be just by reminding him that he will be called to account in the

³¹ See; Abdulhamid El-Kâtib, *Doğunun Hükümdarı*, trans. Güldane Gündüzöz & Soner Gündüzöz (İstanbul: Lacivert Yayınları, 2007).

³² Darling, "Do Justice, Do Justice, for That Is Paradise: Middle Eastern Advice for Indian Muslim Rulers." 4

³³ Lewis, *The Political Language of Islam*. 61

³⁴ Darling, "Islamic Empires, the Ottoman Empire and the Circle of Justice." 19

³⁵ Ibid.

next world for his actions.³⁶ However, he does not ignore the Circle of Justice and mentions also the worldly results of justice and injustice by referring to Zoroastrian kings:

If the king is just, the world will be prosperous and the subjects secure, as it was in the time of Ardashîr, Âfarîdûn, Bahrâm Gûr and Anushirawân. But if the king is tyrannical, the world will be depopulated as it was in the time of Zalhâk, Afrâsiyâb and Yazdigird the Sinner. The kings of ancient times strove to make the world prosperous because they knew that the greater the prosperity the longer their government and the more their subjects... Religion depends on kingship and kingship on the army and the army on wealth and wealth on prosperity and prosperity on justice.³⁷

Here he adds the link 'religion' to the chain of the Circle of Justice and that is to say he integrates the Circle with the Islamic concepts of state. The other links of the Circle as kingship (sovereignty), army, wealth, subjects and justice are obvious in his formulation.

Şeyzerî who lived in the time of Selahaddîn Eyyûbî (1138-1193) warns the Muslim ruler about justice saying that even the Pharaoh avoided injustice. This was why his rule was allowed by Allâh. However, the Umayyids, though they were Muslims, lasted only a short time, because they handed over the rule of the Muslim community to those who tyrannized them.³⁸ So he also stresses the secular dimension of justice.

Since, in the milieu of an ongoing anarchy during eleventh and twelfth centuries, authoritarian sultans were needed in the Islamic world. This need came with a political and military authority conferred to sultans by referring to the understanding of justice dependent on old Indio-Persian state tradition.³⁹ But it does not mean that these 'potent' sultans could do whatever they wanted, because "neither in theory nor in practice is Islamic government the rule of an all-powerful despot over a slave subject".⁴⁰ Also, their power was constrained by the Circle of Justice itself, since their existence as sovereigns depended on some other factors like soldiers, bureaucrats, treasury, subjects, but more importantly justice.

³⁶ Ann K. S. Lambton, *State and Government in Medieval Islam* (New York: Oxford University Press, 1981). 118

³⁷ Ibid. 122-123

³⁸ Crone, *Ortaçağ İslam Dünyasında Siyasi Düşünce*. 158

³⁹ İnalçık, *Osmanlı'da Devlet, Hukuk, Adalet*. 30

⁴⁰ Lewis, *The Political Language of Islam*. 31

Finally, İbn-i Haldûn (1332-1406) in his *Mukaddime* (Introduction), enumerates the duties of the just sultan as protecting the community, providing justice, supervising the market, issuing trustworthy coinage, and insuring the contentment of the people with their destiny.⁴¹ He supports his sociological analysis by quoting the allegedly Aristotelian version of “the Circle of Justice”:

The world is a garden the fence of which is the dynasty. The dynasty is an authority through which life is given to proper behavior. Proper behavior is a policy directed by the ruler. The ruler is an institution supported by the soldiers. The soldiers are helpers who are maintained by money. Money is sustenance brought together by the subjects. The subjects are servants who are protected by justice. Justice is something familiar, and through it, the world persists.⁴²

1.2.2. The Turko-Muslim Discourse

The Muslim Turks dominated the Middle East lands as the glorious times for Abbasids started to disappear from the eleventh century on. With their own state traditions in their bags, they had to adopt the state theory of the previous Middle East states in order to rule that multicultural large geography. Hence, the Circle of Justice naturally entered their state conception and political writings. The first Ghaznavid ruler Sebuktegin (?-997), for example, included the concept of the Circle of Justice in his political testament to his son Mahmud:

The first thing you should do is to keep the private and public treasuries in a prosperous condition; for a kingdom can only be retained by wealth. If you do not possess money, gold, or wealth, nobody [i.e., the troops] will obey you. Wealth cannot be acquired except by good government and wise statesmanship, and good government cannot be achieved except through justice and righteousness.⁴³

Also poet Yusuf Has Hacib (1017-1077) merged the Circle with the cultural state traditions of the Turks.⁴⁴ According to him, if a ruler does not take heed of justice, then his populace will rebel against him resulting in the end of his sovereignty and reversing his fortune.⁴⁵ Yusuf Has Hacib employs the Circle in his

⁴¹ Darling, "Islamic Empires, the Ottoman Empire and the Circle of Justice." 22

⁴² Ibn Khaldun, *The Muqaddimah*. 81

⁴³ Darling, "Do Justice, Do Justice, for That Is Paradise: Middle Eastern Advice for Indian Muslim Rulers." 5

⁴⁴ ———, "Islamic Empires, the Ottoman Empire and the Circle of Justice." 21

⁴⁵ Crone, *Ortaçağ İslam Dünyasında Siyasi Düşünce*. 155

long poem *Kutadgu Bilig* (The Book of Knowledge) which he wrote for Karakhanid sultans in 1069:

To control the state requires a large army. To support the troops requires great wealth. To obtain this wealth the people must be prosperous. For the people to be prosperous the laws must be just. If any one of these is neglected the state will collapse.⁴⁶

Nizâmü'l-Mülk (1018-1092) in his magnum opus *Siyeru'l-Mülûk* (The Paths for Sultans) which is widely known as *Siyasetnâme* (The Book for Government) recommends both a mighty sultan and a just rule by repeating the famous maxim "A kingdom remains with unbelief, but not with injustice".⁴⁷ He also recommends the practice of *mezâlim* for the sultan⁴⁸ and fair treatment for *iktâ* owners.⁴⁹ The *iktâ* system emerged in Seljuks in order to arrange the relations between the ruler and the ruled⁵⁰ and also to feed the army by the tax revenues collected by state officials from the workers on state land.⁵¹ Strangely enough, the Ghaznavids, though aware of the Circle of Justice, did not adopt the *iktâ* system and set loose the officials to collect the taxes on their own behalf. This caused the peasants to leave the lands because there was no agreement between the statesmen and the subjects.⁵²

These advices based on the Circle of Justice seem to be kept even by Seljuk sultans of Anatolia. They, as the Sassanid kings did a thousand years ago, would go to the *kâdî*'s court of justice to see whether there was any complain about their rule.⁵³ Since the Ottomans had the legacy of these Turko-Muslim states especially that of Seljuks, the Circle of Justice as institutionalization must be inherited mostly from them. However, the extensive usage of the Circle in the Ottoman political thought and state theory cannot be explained only through this legacy since Ottoman scholars were aware of the whole Islamic literature written in Arabic or Persian during the Medieval Ages.

⁴⁶ İnalçık, *The Ottoman Empire: The Classical Age 1300-1600*. 66

⁴⁷ Nizâm al-Mulk, *The Book of Government or Rules for Kings (Siyar Al-Mulûk)*, trans. Hubert Darke (London: Curzon, 2002). 12

⁴⁸ Darling, "Islamic Empires, the Ottoman Empire and the Circle of Justice." 14

⁴⁹ Ibid. 28

⁵⁰ Hamit Pehlivanlı, *Selçuklular Ve Selçuklu Müesseseleri 1000-1300* (Ankara: Grafiker, 2004). 77

⁵¹ Claude Cahen, *Doğuşundan Osmanlı Devleti'nin Kuruluşuna Kadar İslamiyet*, trans. Esat Nermi Erendor (Ankara: Bilgi, 1990). 238

⁵² Ziya Kazıcı, *İslam Müesseseleri Tarihi* (İstanbul: Kayıhan, 1991). 206

⁵³ İnalçık, *The Ottoman Empire: The Classical Age 1300-1600*. 66

CHAPTER II

CONTRIBUTING TO INHERITANCE: THE ADOPTION OF CIRCLE OF JUSTICE IN THE OTTOMAN POLITICS

Since the Circle of Justice was employed frequently in the Pre-Ottoman Islamic political discourse as described above, it is not surprising that it was also used by the Ottoman political thinkers whose works are full of references to Medieval Islamic thinkers. However, they adopted the Circle with contributions and adapted it to the Ottoman social and political structure. For example, the term *Dâire-i Adliyye* (for which the direct translation is the Circle of Justice) was coined by Kınalızâde Alî in his large book *Ahlâk-ı Alâî*.⁵⁴ in which he formulated the Circle as:

Justice requires harmony in the world
The world is a garden, its walls are the state
The state's prop is the religious law.
There is no support for the religious law without royal authority
There can be no royal authority without the military.
There can be no military without wealth.
The reaya produce the wealth.
The sultan keeps the reaya by making justice reign.⁵⁵

Although he does not give the name of the Circle, the first advice related to it is found in an early Ottoman folk epic. Here the dervish Sarı Saltuk (?-1297) advises Osmân Gâzî (1258-1326); "Be just and equitable; do not provoke the curses of the poor; do not mistreat your subjects...keep watch over your *kâdîs* and governors. Act justly, so that you may stay in power and retain the obedience of your subjects."⁵⁶

The concept of the Circle of Justice became influential also on the Ottoman institutions from the very beginning on not only in theory but also in practice. They were luckier than the preceding Turkish-Muslim states in the sense that the Circle had been already adapted to the Turkish-Muslim mode of state well enough

⁵⁴ Darling, "Political Change and Political Discourse in the Early Modern Mediterranean World." 515

⁵⁵ Norman Itzkowitz, *Ottoman Empire and Islamic Tradition* (Chicago & London: University of Chicago Press, 1972). 88

⁵⁶ İnalçık, *The Ottoman Empire: The Classical Age 1300-1600*. 66

especially by Seljuks and Ilkhanids from whom the Ottomans got much about their state structure.⁵⁷

2.1. The Place of the Circle of Justice in Forming the Ottoman System

While approaching the origins and sources of the Ottoman political thought, it is necessary to look at a very large cultural geography within which the ideas mentioned above had been shaped. The Ottoman political thought and institutions are somewhat a mixture of Indian, Persian, Byzantine and Seljuk state traditions and political literature strained by the Islamic legal precepts.⁵⁸ The fact that Ottoman sovereigns had different titles from various cultures such as *pâdişâh*, *hân*, *kayzer*, *hâdim-i haremeyn*, *caliph (halîfe)* is an indication of this political cultural synthesis. The Ottomans were not in a megalomania depriving them of the experiences of other cultures.⁵⁹ Also, of the Ottoman time one of the oldest surviving works related to political literature surprisingly has the title *İskendernâme* (The Letter of Alexander), a poem written by Ahmedî (?-1414) in the fourteenth century.

This does not mean, however, that Ottoman understanding of state thoroughly stemmed from non-Muslim sources. According to the Islamic mode of rule adopted basically by the Ottomans, the sovereignty belongs to Allah. The universe is the property of Allah, so the source of law and justice needed to govern the universe is the behest of Allah. Thus, the legislative power should always consult to *fakîhs* about whether the new codes are conformed to Islam or not. The situation in the Ottoman case is the same. Although in the reign of Mehmed the Conqueror (1432-1481), the legislation became the peculiarity of the sultan, the title *şeyhülislâm* was introduced just for such a consultation.⁶⁰ Hence, the *fetvâs* disposed for this reason can be accepted among the sources of Ottoman political thought, too.⁶¹

The Circle of Justice, on the other hand, was used in the Ottoman Empire as it was adapted to Islamic state by pre-Ottoman state tradition of Muslim-Turks. This is because the Ottoman dynasty was one of the inheritors of the Islamic state tradition of which the Circle of Justice was an integral part coming from prior Middle-Eastern

⁵⁷ Ibid.

⁵⁸ Itzkowitz, *Ottoman Empire and Islamic Tradition*. 38

⁵⁹ Cemal Kafadar, "Osmanlı Siyasal Düşüncesinin Kaynakları Üzerine Gözlemler," in *Cumhuriyet'e Devreden Düşünce Mirası: Tanzimat Ve Meşrutiyet'in Birikimi*, ed. Murat Gültekinil & Tanıl Bora, *Modern Türkiye'de Siyasi Düşünce* (2006). 24

⁶⁰ İnalçık, *Osmanlı'da Devlet, Hukuk, Adalet*. 39

⁶¹ Kafadar, "Osmanlı Siyasal Düşüncesinin Kaynakları Üzerine Gözlemler." 25

regimes. Therefore, the Ottomans began their rule deliberately or not with the concept of the Circle “rather than having to learn it later from their advisors like the earlier Turks and Mongols”.⁶² Thus, as İnalçık makes it clear, the Ottoman bureaucratic organization which shapes the internal politics originates in this socio-political concept, namely the Circle of Justice. Through this practical state theory the absolutist power was harmonized with justice. It comes from the tradition not from the *şerî'at*, but was adopted and preserved to protect the *şerî'at* in the Ottoman State.⁶³

The Ottomans were aware of the fact that the maintenance of the religion could only be supplied by maintenance of the state. To preserve and maintain the state they should provide justice. Therefore they managed to introduce new regulations in order to supply justice and by this to preserve the religion and the state.⁶⁴ Thus, the contentment of the sultan's subjects was guaranteed with an ‘implicit contract’ between them and the sovereignty, because the survival of the sovereignty depended on doing justice towards subjects.

The links which constitute the chain of the Circle of Justice in the Ottoman case are *şerî'at*, sovereignty (sultanate), civil servants, army, treasury, *re'âyâ* and at the end justice which connects the last link to the first. For the Circle to run well the functions of these links can be enumerated as such: The function of the *şerî'at* is to guide the sultan and civil servants how to do justice by determining their powers and duties. The function of the sultan is to protect the *şerî'at* and do justice towards his subjects and he is responsible for every link to run well. The function of the civil servants is to convey the power of the sultan to his subjects and to represent him before them by keeping obedient to him and the *şerî'at*. The function of the army is to protect the sultanate against internal and external enemies. The function of the treasury is to meet the needs of the civil servants and the soldiers. The function of the *re'âyâ* is to produce the wealth for the treasury and obey to the sultan as far as they are ruled in just conditions. Finally, the justice of the sultan would keep the *re'âyâ* pleased and make their production continuous. Now, how the Circle of Justice functioned in the Ottoman Empire could be reviewed by handling each ring of the Circle singly.

⁶² Darling, "Islamic Empires, the Ottoman Empire and the Circle of Justice." 22

⁶³ İnalçık, *Osmanlı'da Devlet, Hukuk, Adalet*. 46

⁶⁴ Hilmi Yavuz, *Türkiye'nin Zihin Tarihi: Türk Kültürü Üzerine Kuşatıcı Bir Söylev* (İstanbul: Timaş, 2009). 39-40

2.1.1. The *Şerî'at*

The fundamental change brought by Muslim thinkers to the ancient near-eastern state theory was that they accepted the observance of the *şerî'at* as an essential duty of the sovereign.⁶⁵ Similarly, the Ottoman political authors also added the *şerî'at* to the links of the chain of *dâire-i 'adliyye* though keeping other secular functions of it. For example, Kınalızâde Alî as mentioned above added the *şerî'at* to the Circle of Justice in his large book *Ahlâk-ı Alâî* written in 1561. Although he is aware of the existence of sultanic politics (*siyâset-i sultânî*) he sets forth that this kind of politics is not permanent and restricted to the reign of the sultan who enforced it. However, in his opinion, the *şerî'at* is not a time-varying law, so for the continuity of the state the sultans should prefer the *şerî'at* over the secular or sultanic law.⁶⁶ Actually the secular (*örfî*) law was already embodied in the *şerî'at* before Kınalızâde joined it to the Circle of Justice. That was done by Ottoman jurists especially İbn-i Kemâl and Ebussu'ûd.⁶⁷

The Ottoman sultans are the protectors of the *şerî'at* as the Circle of Justice, the version formulated by Kınalızâde, implies. They were not its originators.⁶⁸ The sources of the *şerî'at* are the *Kur'ân* first and secondly the sayings and actions of the Prophet Muhammad supplemented by the jurists with legal analogy. The belief of the Muslim community in these divine sources gave the *şerî'at* a superiority over the political authority of the time.⁶⁹ Hence, the role of the sultan was to bring it to life by putting its ordinances into effect. It is no doubt that such a responsibility is impossible without the *ulemâ* who are competent in the interpretation and transmission of the *şerî'at*.⁷⁰ Since the *Hanefî* School of Law was the dominant one in Anatolia when the Ottoman principality emerged, from the first sultans on they adopted the *Hanefî* School of Law and founded the *medreses* to train the *muderrises*, *müftis* and *kâdîs* who will establish the necessary legal system.⁷¹ Thus the manuals of *Hanefî* law necessary for the state system to dwell in were produced by the jurists

⁶⁵ İnalçık, *The Ottoman Empire: The Classical Age 1300-1600*. 67

⁶⁶ Kınalızâde Ali Çelebi, *Ahlâk-ı Alâî* (İstanbul: Klasik, 2007; reprint, Mustafa Koç). 413-414

⁶⁷ Colin Imber, *The Ottoman Empire 1300-1481* (İstanbul: The Isis Press, 1990). 244

⁶⁸ Ibid. 217

⁶⁹ Ibid. 218

⁷⁰ Ibid.

⁷¹ Ibid. 225-226

like Dâvûd-ı Kayserî, Şemseddîn Fenârî and Molla Hüsrev etc.⁷² Till the reign of Mehmed II it was kept essential that these *medreses* were independent foundations with their endowments, trustees and administrators.⁷³ However, since to protect the *şerî'at* was the duty of the sultan, we see that in Mehmed II's *kânûnnâme* these foundations were kept controlled by the sultans in their manners of progression and financing. That meant the members of *ulemâ* became the members of the ruling class since they began to take their stipends from the state treasury.⁷⁴ Therefore the sultans, in accordance with the Circle of Justice, deliberately let the *şerî'at* to regulate the affairs of state. No doubt such a change enabled them to increase their legitimacy before their subjects.

The *ilmiye* class whose members were the state officials responsible for organizing the legal and educational issues according to the *şerî'at* were led by *şeyhülislâm* and two *kazaskers*. The duty of the latter was to organize the administration of the systems of education and justice on behalf of the sovereignty.⁷⁵ On the other hand, the duty of *şeyhülislâm* as the head of *ulemâ* was not only to give *fetvâs* when asked on a certain issue but to warn the sultan or the grand vizier in case of any action against the *şerî'at*. For example, as one of the most authoritarian sultans Selim the Grim (1470-1520) was corrected by the Şeyhülislâm Zenbilli Alî (1445-1526) when he decided to execute 150 soldiers commissioned in the state treasury.⁷⁶ The words of the *şeyhülislâm* to the sultan went like:

O Glorious Sultan! I am required to put you off from the things against the *şer'î* rules. I heard that for a trivial crime you ordered the execution of some soldiers. By the *şerî'at* they are immune to the death sentence. If you do not relinquish from your decision you will be impeached before Allâh... You were given the titles of sultan and *halîfe* not to kill anybody as you wish but to enforce the ordinances of the *şerî'at* and punish those who do injustice and cause social disorder. The penalties for all the crimes are determined by Allâh and the penalty for such a crime is not death. Otherwise you will be brought to account in the Judgement Day.⁷⁷

Also the reason why *müftis* who are again competent to give *fetvâs* were sent to the provinces is, as to the anonymous author of *Hırzû'l-Mülûk*, to make it easy for

⁷² Ibid. 227

⁷³ Ibid.

⁷⁴ Ibid. 228

⁷⁵ Mehmet İpşirli, "Ottoman State Organization," in *History of the Ottoman State, Society and Civilisation*, ed. Ekmeleddin İhsanoğlu (İstanbul: IRCICA, 2001). 273

⁷⁶ Anonymous Author, "Hırzû'l-Mülûk," in *Osmanlı Devlet Teşkilâtına Dair Kaynaklar*, ed. Yaşar Yücel (Ankara: TTK, 1988). 192

⁷⁷ Ibid. 193

the poor and weak men from the *re'āyâ* to consult to the religious authorities on certain issues. Otherwise they would have to come to Istanbul and suffer the troubles of such a difficult journey.⁷⁸

Apart from the *şeyhülislâm* and *müftis* among the *ulemâ* especially *kâdîs* played an important role in the organization of the relations between the state and the *re'āyâ*. Every city, town or village was under the authority of a *kâdî* and every individual regardless of his religion had the right of recourse to the court of *kâdî*.⁷⁹ Thus the bridge of justice between the *re'āyâ* and the sultan was formed by the *kâdîs* against the unfair conduct of the civil servants in the provinces. Also the decisions of *kâdîs* could be appealed in higher courts. Therefore, they were the most important figures in the *ulemâ* with regard to justice in the level of the *re'āyâ*.

In short, as Hasan Kâfî El-Akhisârî states, the role of the members of *ulemâ* was *emr-i bi'l-ma'rûf ve nehy-i 'ani'l-münker* (enjoining the good and forbidding the evil).⁸⁰ Also, Koçi Bey states that the order of the state and society can only be supplied through the *şerî'at*.⁸¹ Therefore, the role of the *şerî'at* casted by the theory of Circle of Justice is actualized through the consultancy and jurisdiction of the *ulemâ* who should be appointed in accordance with meritocracy.

2.1.2. The Sovereignty (The Sultanate or the *Mülk*)

The most influential link in the Circle of Justice is the *mülk* (sovereignty) since the sultan himself should control whether the other links function well or not. However, the Circle also requires the sultan not to behave like a despot since he should not go out of the *şerî'at* in his decisions. Although Ottoman concept of sovereignty (sultanate) is based mostly on Islamic norms, also the old Turkish state traditions have a considerable influence on this concept.⁸² Other than these the political works written for the sultans played a significant role in determining the relations between the ruler and the people.⁸³ Thus, the political writings under the title of *Siyâsetnâme*, *Nasîhatü'l-Mülûk* etc. together with the *kânûnnâmes* and *fetvâs*

⁷⁸ Ibid. 194

⁷⁹ Imber, *The Ottoman Empire 1300-1481*. 232

⁸⁰ Mehmet İpşirli, "Hasan Kâfî El-Akhisârî Ve Devlet Düzenine Ait Eseri Usûlü'l-Hikem Fî Nizâmi'l-Alem," *Tarih Enstitüsü Dergisi* 10, no. 11 (1981). 251-52

⁸¹ Yılmaz Kurt, *Koçibey Risalesi* (Ankara: Burak Matbaası, 1998). 13

⁸² Halil İnalçık, "Osmanlı Pâdişahı," *Ankara Üniversitesi Siyasal Bilgiler Fakültesi Dergisi*, no. 13 (1958). 68

⁸³ İpşirli, "Ottoman State Organization." 133

are distinctive sources regarding the responsibilities and power limits of the sultans. The Circle of Justice, as a state theory, is another factor restricting the powers of the sultan since he had to please the *re'āyā* to make his sovereignty remained.

According to *bezm-i elest* thesis which guides the human beings to obey conditionally to the rulers, the sultans should have *bîat* (oath of allegiance) from their subjects under the condition that they would supply justice in return. Otherwise, the people could take this power from the sultan and give it to another person.⁸⁴ With this Islamic fundamental in their minds the Ottoman sultans, however, tried to overcome this constraint by the *fermâns* issued on the ceremonies of their accession to the throne expressing “with Allah’s grace the sovereignty was granted to them.”⁸⁵ This ceremony used to be made as a public appearance of the new sultan before his troops and high-ranking subjects till the time of Süleymân the Lawgiver (1495-1566). From the 1540’s he promulgated the notion that the Ottoman sultan was caliph (*halîfe*), so the accession to the throne should be made by a contract with *ehlü'l-hal' ve'l-'akd* (men of loosing and binding) as to the Sunnî theology. From then on *bî'ât* (oath of allegiance) began to be made with a few senior officials and the sultan was confirmed as *Halîfetü'l-Müslimîn* (Caliph of the Muslims).⁸⁶

The concept of sovereignty can be observed to have an *örfî* (customary) character in the first centuries since the first Ottoman sultans like Osmân Gâzî tried to legitimize their rulership by claiming that they are the descendants of the Oğuz tribe and successors to the Seljuks to show their superiority to other Turkish tribes and states.⁸⁷ Later on, the character of the sovereignty gained a *şer'î* (religious) character especially after the official transfer of the title *halîfe* (caliph) to the Ottoman sultans following the Egyptian campaign in 1517. The different titles the Ottoman sultans used, which are categorized in two groups by İnalçık as the *örfî* and *şer'î* titles,⁸⁸ indicate the changing character of the sovereignty. Among the other titles as *bey*, *han*, *hakan*, *kayzer*, *gâzî*, *pâdişâh* and *halîfe*, the title *sultan* is the most preferred one.

The fact that all decisions taken in *Dîvân* meetings were presented to the sultan for his approval reveals that the sultan was the highest authority in decision making.

⁸⁴ Ibid.

⁸⁵ İsmail H. Uzunçarşılı, *Osmanlı Devletinin Saray Teşkilâtı* (Ankara: TTK, 1988). 49

⁸⁶ Imber, *The Ottoman Empire 1300-1481*. 115-116

⁸⁷ İnalçık, "Osmanlı Pâdişahı." 68-69

⁸⁸ Halil İnalçık, "Pâdişah," in *İA*. 491-493

However, there are some mechanisms which restricted him to possess absolute power. The most known and explicit of those are the rules of *şer'î* law expressed by *fetvâs*, a good example of which is by Ebussuud Efendi that goes as “*Nâ meşrû‘ nesneye emr-i sultânî olmaz*”.⁸⁹

Apart from the *fetvâs* and the distribution of his authorities among the other statesmen, the Circle of Justice (*dâire-i adliyye*), though implicitly, was another restrictive factor for the sultans. As the necessity of the Circle, the sultans had to please the *re‘âyâ* and appoint competent men for the state posts in order to secure justice. Before the *kânûnnâmes*, the political literature explained above was an indispensable source of knowledge for the Ottoman sultans on how to supply the legitimacy of their sovereignty.⁹⁰ Yılmaz puts the common assertions of the political authors to legitimize the Ottoman rulers in four aspects.⁹¹ Firstly, the political authors like İbn-i Kemâl, Lütfî Paşa and Kınalızâde Alî claim that the Ottoman dynasty is a lineage chosen by Allâh and the individual sultans are the renewers (*müceddids*) of religion. Second, the breed of Osmân, they allege, is stainless unlike the dynasties prior to them. The third feature of the Ottoman rulers is that they achieved to realize the political ideals of the prior sultans and the concept of rulership reached its ultimate form in the hands of the Ottoman sultans. Finally, they waged war against the infidels and spread the word of Allâh with a constant war. All these features, to these political authors, supplied a perfect legitimacy for the rule of the Ottoman dynasty.⁹²

The first Ottoman sultans like Orhân and Murâd II were known to listen directly to the complaints of people by stepping up a higher place in front of the palace in mornings.⁹³ Even the actual aim for the meetings of *Divân* was to listen to the complaints of the *re‘âyâ*.⁹⁴ This action is called *mezâlim*. The writings of Bayezid I’s Egyptian physician Şemseddîn proves that the *Divân-ı Hümayûn* was in origin a high court of justice:

Early in the morning the Ottoman ruler would sit on a wide, raised sofa. The people stood some distance away, in a place whence they

⁸⁹ “The sultan’s order is not applicable to matters that are unlawful” İpşirli, "Ottoman State Organization." 137

⁹⁰ Imber, *The Ottoman Empire 1300-1481*. 119

⁹¹ Yılmaz, "The Sultan and the Sultanate: Envisioning Rulership in the Age of Süleymân the Lawgiver". 265-273

⁹² Ibid. 273

⁹³ İnalçık, *Osmanlı'da Devlet, Hukuk, Adalet*. 77

⁹⁴ “*Tertîb-i divân ‘an asl istimâ‘-ı dâd-ı mazlûmân için mevzû ‘dur.*” Ibid.

could see the sultan, and anyone who had suffered wrong could come to him and state his complaint. The case was judged immediately. Security in the land is such that nowhere will anyone touch a fully-laden camel whose owner has left it and departed.⁹⁵

However, the duty of *mezâlim* can also occur through control of the sultan himself. He can do this by going about in disguise (*tebdîl gezme*) and also through the surveyors and agents sent to the provinces to gather information.⁹⁶ They would usually dress up as a sipâhî or a mevlevî dervish to mingle with the people.⁹⁷ All these practices of the sultan actually serve his function in the Circle of Justice, since they are intended to secure justice.

2.1.3. The Civil Servants (The *Ricâl*)

Max Weber, in his analysis of the patrimonial state for which he often refers to the Ottoman state, claims that the patrimonial state “makes administrative and military organization a purely personal instrument of the master to broaden his arbitrary power”.⁹⁸ He calls such an authority as Sultanism which is distinct from every form of rational authority. To him, Sultanism is characterized by a complete reliance on military force and arbitrary power or despotism.⁹⁹ However, İnalcık by rejecting Weber’s initial characterization of the Ottoman state sets forth that the bureaucratic group within the Ottoman state attempted to assert themselves as an autonomous body with their well-defined responsibilities guaranteed by the *kânûn* which was an objective rule that bring a certain rationality, too, to ensure the controlling role of the bureaucrats in the government.¹⁰⁰

İnalcık states that a sultan should know firstly how to use his authority to attain his goals in the imperial system. For a sultan to be successful, he should control and maintain balance and harmony between the groups to him he delegated his powers. Thus, he would consult to the members of government even in ordinary governmental affairs and this was called *meşveret* as ordered in the *Kur’ân* and

⁹⁵ ———, *The Ottoman Empire: The Classical Age 1300-1600*. 89

⁹⁶ ———, *Osmanlı'da Devlet, Hukuk, Adalet*. 77

⁹⁷ ———, *The Ottoman Empire: The Classical Age 1300-1600*. 91

⁹⁸ Max Weber, *Economy and Society: An Outline of Interpretive Sociology*, trans. G. Roth & C. Wittich, vol. I (Berkeley: Columbia University Press, 1978). 231-232

⁹⁹ *Ibid.*

¹⁰⁰ Halil İnalcık, *Essays in Ottoman History* (İstanbul: Eren, 1998). 115

Prophetic traditions.¹⁰¹ That is to say, the philosophy lying behind the Circle of Justice is in tune with the Islamic recommendation of *meşveret* in the sense that it regards the sovereignty without state officials impossible.

The principal activities of the Ottoman government, just like the near-eastern concept of state were in three spheres – the political, judicial and financial. Through the provision in Mehmed II's *Kânûnnâme*, these activities were entrusted basically to three authorities respectively – the grand vizier, *kazaskers* and *defterdârs*.¹⁰² This makes it clear that the sultan by the force of law convey his both worldly and religious responsibilities to his representatives.

Since the most important function of the government was the administration of justice, the sultans would employ and assign their representatives for certain posts to assume their authorities in the provinces by securing the justice for the subjects. From the earliest period the Ottoman sultans appointed to a district both a *bey*, who represented the sultan's executive authority, and a *kâdî*, who represented the sultan's legal authority. This division of power was essential for a just administration in the provincial government¹⁰³ and thanks to this division the statesmen were controlled by both the sultan and the *ulemâ*.

2.1.4. The Army

The first Ottoman soldiers, according to Byzantine chronicles, were mounted and experts in surprise attacks. These were lightly armed but effective raiders formed through volunteers.¹⁰⁴ These raiders, after the creation of a main army capable in sieges and battle-fields by the sultans Orhân and Murâd I, functioned as auxiliaries whose role now was to terrorize the enemy in the frontiers before the main onslaughts.¹⁰⁵ In the 14th century, therefore, the Ottoman military power that was a force of raiders gathering around the ruler turned out to be a disciplined army. Such a

¹⁰¹ Ibid. 116

¹⁰² “*Ve tuğrâ-yi şerîfîm ile ahkâm buyurulmak üç cânibe mufavvazdır. Umûr-ı âleme müte'allik ahkâm umûma vezîria'zam buyuruldusu ile yazıla. Ve maluma müte'allik olan ahkâmı defterdârlarım buyuruldusu ile yazalar. Ve şer'-i şerîf üzere deâvî hükmünü kazaskerlerim buyuruldusu ile yazalar.*” İpşirli, "Ottoman State Organization." 137

¹⁰³ İnalcık, *The Ottoman Empire: The Classical Age 1300-1600*. 104

¹⁰⁴ Abdülkadir Özcan, "Ottoman Military Establishment," in *History of the Ottoman State, Society and Civilisation*, ed. Ekmeleddin İhsanoğlu (İstanbul: IRCICA, 2001). 349; Imber, *The Ottoman Empire 1300-1481*. 252

¹⁰⁵ Imber, *The Ottoman Empire 1300-1481*. 254

transformation became possible by the *timâr* holding cavalry and the Janissaries.¹⁰⁶ The former consisted of cavalymen who, thanks to their possession of *timars*, did not need plunders for livelihood and the latter acted as the sultan's personal guard as a standing force who were in a continuous military training in the centre of the state. These groups had a contractual duty to serve the sovereignty and it was this as much as anything else that was the underlying reason of Ottoman military success.¹⁰⁷

Whether disorganized or disciplined the main function of the Ottoman army was to guard the sultanate. The *timar* holders were in overwhelming majority with an approximate total number of 50 000 *sipâhîs*, while the Janissaries were at most 5000 during at the accession of Mehmed II in 1451 and remained no more than about 10 000 during the 16th century.¹⁰⁸ To avoid military expenditures, since they had their stipends from the treasury, and also to constrain their power, the Janissaries were restricted in number. This was because the Ottoman dynasty witnessed many rebellions by the Janissaries who were sometimes not as loyal to the individual sultans as they were to the dynasty.¹⁰⁹ On the other hand the *timar*-holding cavalymen received no money from the Treasury. Instead they were given plots of lands for cultivation and exempted from taxes. This is why they were preferred much more than the Janissaries when it comes to the Circle of Justice.

2.1.5. The Treasury

İnalçık professes "The fundamental concern of an oriental ruler was a full treasury under his control as a source of support for his power and authority."¹¹⁰ To look at this statement through the prism of the Circle of Justice the sultan should be sure that those who receive stipend from the treasury could meet their needs with their incomes. Since to give all the stipends from the treasury for an empire like that of Ottomans who had a large bureaucracy and a huge army, payments for the services were also made through indirect ways practiced mainly under the *timâr* system. The Ottoman treasury which is called also *beytü'l-mâl* (house of property)

¹⁰⁶ Ibid. 256

¹⁰⁷ Ibid. 257

¹⁰⁸ Ibid.

¹⁰⁹ Ibid. 258

¹¹⁰ Halil İnalçık, "The Ottoman State: Economy and Society 1300-1600," in *An Economic and Social History of the Ottoman Empire 1300-1914*, ed. Halil İnalçık & Donald Quataert (New York: Cambridge University Press, 1994). 77

includes not only the coins, jewelry or cash money inside it, but also the real estates and lands belonging to the state.¹¹¹

The main incomes of *beytü'l-mâl* or *hazîne-i âmire* are land taxes some of which are sent directly to the centre and some were collected by the *timâr* owners as their compensation for state service. This is why the treatise writers hardly ever mention the other incomes when they criticize the deficiency in the treasury. Since the Ottoman economy was essentially based on agriculture, it was necessary for the state to please the *re'âyâ* who cultivate the lands and produce the needs of the treasury. Also the expenditures had to be diminished through keeping the number of Janissaries who took stipends from the treasury.

2.1.6. The *Re'âyâ* (The Subjects)

The old Indo-Persian mirrors for princes which employed the Circle eagerly liken the sovereign to a shepherd and his subjects to a flock. Similarly, Prophet Muhammad is recorded to say that “*Every one of you is shepherd and every one of you shall be asked about those under his guard*”.¹¹² All Islamic rulers and also the Ottoman sultans adopted that kind of relationship and considered their subjects as *re'âyâ*, meaning flock.¹¹³

Although the early Islamic society was equalitarian, conquering large territories converted the Islamic societies to urban environments hard to be controlled and governed. By the thirteenth century Muslim theoreticians began to elaborate new solutions for this difficulty and adopted a view of society divided into four status groups (*erkân-ı erba'a*).¹¹⁴ These status groups were, *ulemâ*, soldiers, merchants and *re'âyâ*. However, in the Ottoman institutionalization *ulemâ* and soldiers were included in the *askerî* class while the *re'âyâ* class included both merchants and cultivators. The former constituted the ruling class who were in charge of controlling the latter ruled class. Without this clear division and keeping these classes in their proper ranks the Circle of Justice was impossible to be practiced.

It could be alleged that such a control in the Ottoman state structure was achieved mostly by *timâr* system (a continuation of *iktâ* mentioned above). The state

¹¹¹ Mehmet Erkal, "Beytül mâl," in *TDVİA*. 90

¹¹² “*Küllüküm râ'un ve küllüküm mes'ûlün 'an ra'ıyyetih.*” Nevevî, *Riyâzü's-Sâlihîn*.73

¹¹³ İnalcık, *The Ottoman Empire: The Classical Age 1300-1600*. 67

¹¹⁴ Itzkowitz, *Ottoman Empire and Islamic Tradition*. 39; I copied the term ‘four status groups’ as a translation for *erkân-ı erba'a* from Antony Black, *The History of Islamic Political Thought: From the Prophet to the Present* (Edinburgh: Edinburgh University Press, 2001). 46, 53

was based upon the fundamental division between the *askerî* and *re'âyâ* classes.¹¹⁵ The same is true for the Circle of Justice itself. So the necessary interdependence between these two classes was implemented through the *timâr* system. The tax collection in the *timârs* (state lands) were delivered to state officials and they had to be just towards the *re'âyâ* (the ruled apart from the *askerî* class) so that they would not leave the lands and cut off cultivation on which the living of these state officials depended. This was so because the only income of the *timâr* owners was the taxes they collected from the *re'âyâ* in certain amounts. Hence, Hasan Kâfî accepts that the function of the *re'âyâ* is superior to those of other status groups.¹¹⁶

The representatives of central state in provinces, however, were not only these *timâr* owners. The *kâdîs* (judges) were appointed again by the state to keep the *timâr* owners within their limited authority. This mechanism gave the right to the *re'âyâ* to condemn about the wrong-doings. Anyone, regardless of his social status, could petition in the *Dîvân* (imperial council) directly, or the *re'âyâ* would send delegations to Istanbul.¹¹⁷

For the distant areas the plaintiffs went to local *kâdî* and through his letter to the sultan at the end. The sultans' rescripts related to justice called *adâletnâmes* actually comprised mostly the answers given to and solutions found for these complaints which reached the sultans again by means of *kâdîs*.¹¹⁸ Contrary to popular belief, the *timâr* system basically served to the *re'âyâ* not to the *askerî* class, because the fact that the property of most lands belonged to the state was the vital principle of the subsistence farming of the *re'âyâ* class.¹¹⁹ As it is understood the *timâr* system also served the functioning of the Circle of Justice. This is why the persistence of some political authors of the sixteenth and seventeenth centuries in the Circle of Justice corresponded with the beginning of disruption in the *timâr* system.

To set the difference between the *re'âyâ* and the *askerî* class, even some sumptuary laws were enacted which prohibits them from dressing up like soldiers, riding horses and carrying swords.¹²⁰ Also for a man in the *re'âyâ* class to pass to military status was considered a breach of the fundamental principles of state, since

¹¹⁵ Itzkowitz, *Ottoman Empire and Islamic Tradition*. 88

¹¹⁶ İpşirli, "Hasan Kafi El-Akhisârî Ve Devlet Düzenine Ait Eseri Usûlü'l-Hikem Fî Nizâmî'l-Alem." 252

¹¹⁷ İnalçık, *The Ottoman Empire: The Classical Age 1300-1600*. 91

¹¹⁸ Huricihan İslamoğlu, *Osmanlı İmparatorluğu'nda Devlet Ve Köylü* (İstanbul: İletişim, 1991). 33-34

¹¹⁹ Ibid. 36

¹²⁰ Itzkowitz, *Ottoman Empire and Islamic Tradition*. 40

their role, as the Circle of Justice requires, was to produce and pay taxes.¹²¹ On the other hand, this role enabled the *re'āyâ* to make influence in state policies and decision making to some degree. Their possible flight and abandonment of the land which means an important decrease in the revenues of the treasury made them aware of their importance in the eyes of the Ottoman government.¹²²

2.1.7. The Justice

In the Ottoman Empire justice in general was accepted one of the main functions of the sovereign and was symbolized with “tower of justice”, a high structure from which the sultan supposedly observed any possible act of oppression by state officials.¹²³

To secure justice, they institutionalized the Circle's concept of justice in the functioning of courts in which the judges adjudicated both in the Islamic law (*the şerî'at*) and customary law (*örf*) in accordance with the *şerî'at*. The *divân* (imperial court) over which the tower of justice was erected handled both land and tax issues and also executed the *mezâlim* function, serving as a court of appeal open to all,¹²⁴ which is the primary function of it.¹²⁵ *Mezâlim* meaning protection of the people against oppression and also equilibrium between social classes were tried to be achieved through fair and just taxation assured by frequent revenue surveys, proper record keeping, firm control of the state officials and soldiers, and at the end a readiness to hear the complaints and petitions of the subjects,¹²⁶ which were named as *arz-i mahzar*.¹²⁷

Also the *kâdîs* could be complained about by the way of appeal system. For example in the reign of Bayezid the Thunderbolt (1360-1403) about 80 *kâdîs* were chained and brought to Bursa and were pilloried since they got excessive fees from people in official dealings.¹²⁸ To wit, securing the justice was not carried over only by the *ulemâ*.

¹²¹ İnalçık, *The Ottoman Empire: The Classical Age 1300-1600*. 69

¹²² ———, *Essays in Ottoman History*. 120-121

¹²³ Itzkowitz, *Ottoman Empire and Islamic Tradition*. 57

¹²⁴ Darling, "Islamic Empires, the Ottoman Empire and the Circle of Justice." 22

¹²⁵ İnalçık, *Osmanlı'da Devlet, Hukuk, Adalet*. 46

¹²⁶ Darling, "Political Change and Political Discourse in the Early Modern Mediterranean World." 510

¹²⁷ İnalçık, *Osmanlı'da Devlet, Hukuk, Adalet*. 46

¹²⁸ Ahmet Lütfî, *Osmanlı Adalet Düzeni*, Erdiñç Beglem ed. (İstanbul1979). 16

Another contribution to supply of justice was the policy of *istimâlet* by which the Ottomans showed tolerance to local people of new conquered lands and tried to moderate them towards state. The aim of this policy is not only to increase the authority of the state but also to proselytize them to Islam. Unlike its contemporary states' coercion on other religions except for Christianity (like Muslims and Jews in Spain and Portugal), Ottoman state tolerated to any kind of belief and never questioned members of other religions unless they interfered in propagandas that would harm the internal peace.¹²⁹ After he conquered Istanbul, Mehmed the Conqueror secured the freedom of worship for all Christians in the city and went beyond in being a just sultan by appointing two Orthodox priests for inspecting the Islamic courts throughout the country.¹³⁰

Since the Ottomans mostly interpreted the justice as giving people their rights¹³¹, another appearance of justice can be observed in *millet* system. According to *Hanefî* school of law, every individual is born with six universal rights (life, property, religion, reason, family and honor). As their legal organization was based on this school, the Ottomans gave these six axiomatic rights to non-Muslims, too.¹³² In return, they paid their determined taxes to the state. Therefore, as it was theorized in the Circle of Justice, the justice brought money with it.

Adâletnâmes were another measure to provide justice in the Ottoman Empire. Here the concept justice means preventing the owners of authority from oppressing the *re'âyâ*. The purpose of *adâletnâmes* is completely abolishing the innovations incompatible to the *şerî'at* and *örf* and supplying the security of provinces and confidence of the subjects.¹³³ They were announced publicly and anyone could obtain a copy of them from the local *kâdî*.¹³⁴

İhtisâb is another institution to supply the justice which is based on the holy principle *emr-i bi'l-ma'rûf ve nehy-i 'ani'l-münker* (enjoining the good and

¹²⁹ Orhan Koloğlu, "Osmanlı Döneminde Balkanlar," in *Balkanlar* (İstanbul: Orta Doğu ve Balkan İncelemeleri Vakfı, 1993). 60

¹³⁰ Lütfi, *Osmanlı Adalet Düzeni*. 24

¹³¹ For example, Tursun Bey says "*eddi külle zî-hakkın hakkahû*" meaning "Give the right of every right holder" Tursun Bey, *Târîh-i Ebu'l-Feth*, ed. Mertol Tulum (İstanbul: Fetih Cemiyeti, 1977). 18

¹³² Recep Şentürk, "Sociology of Rights: 'I Am Therefore I Have Rights': Human Rights in Islam between Universalistic and Communalistic Perspectives " *Muslim World Journal of Human Rights* 2, no. 1 (2005). 24

¹³³ İnalçık, *Osmanlı'da Devlet, Hukuk, Adalet*. 78

¹³⁴ ———, *The Ottoman Empire: The Classical Age 1300-1600*. 92

forbidding the evil).¹³⁵ The source of this institution is the *hisbe* organization whose duty is to enforce the state laws, to prevent the things against the *şerî'at* and to control the commercial transactions. The official who is responsible for this institution is *muhtesib* and he is in charge of determining the prices through *narh*, preventing the speculations in the market and controlling the measuring and weighing devices. The main aim of this application was to relieve the *re'âyâ*.

To sum up, by managing to secure justice in the classical age, Ottoman state implemented the most important step of the Circle of Justice. Hence, supplying justice pleased the *re'âyâ*, the villagers continued to cultivate the state lands and tradesmen gave the taxes, the treasury of the state became full and the statesmen and soldiers could easily took their stipends and obeyed the rule of sultans, and the defense of the country against enemies and rebels lasted. The interdependence and harmony among sovereign, civil servants, army, wealth, subjects and justice kept the power of the state. After the reign of Süleymân the Lawgiver, the central authority, as a crucial pillar of the Circle of Justice, began to lose potency and the others followed it. The following centuries witnessed an increase in the works regarding political literature in most of which the Circle of Justice was reminded, advised and used to analyze and oppose to the ongoing situation.

2.2. Different Formulations of the Circle of Justice in the Ottoman Classical Political Thought

The Ottomans borrowed main constituents of their political advice literature from the Middle-East Islamic culture, just like most of their institutions. Similarly, they put the concept of the Circle of Justice, which is likened to Rousseau's concept of the "state of nature" in the manner of its employment,¹³⁶ in the centre of their 'mirrors for sultans' either in full form or partly.

This advice literature was composed of *siyâsetnames*, *nasîhatnames*, *islâhatnames* and some parts of other literary works like poems. One of the first works in hand within Ottoman political advice is the poet Ahmedî's *İskendernâme*

¹³⁵ Mübahat Kütükoğlu, "The Structure of the Ottoman Economy," in *History of the Ottoman State, Society and Civilisation*, ed. Ekmeleddin İhsanoğlu (İstanbul: IRCICA, 2001). 606

¹³⁶ Itzkowitz, *Ottoman Empire and Islamic Tradition*. 88

written in 1402 and recommending the justice together with *gazâ* (*holy war*) as one of the two criteria for the Ottoman sultans' good rulership.¹³⁷

Like every mirror for prince Ottoman works related to advice for sultans should be evaluated in conjunction with actual political change and historical developments.¹³⁸ Considering this reality enables reader not to examine this literature only in philosophical or literary content. Especially the juxtaposition of Ottoman works during the sixteenth and seventeenth centuries need to be analyzed in terms of their historical context.¹³⁹ Although the concept of the "Circle of Justice" more or less illuminates the political concerns of these works, as to the conditions of the time they were produced, the different concepts of the Circle were highlighted by their authors.

Tursun Bey (1420?-1499?) wrote his book *Târîh-i Ebu'l-Feth* in the time when there was a struggle for power between Bayezid II and his brother Cem. Therefore, Tursun Bey in the preface of this history book brings forward the concepts 'sovereignty and justice' of the Circle of Justice. He lays down a powerful sovereign as a condition for the civilization of human beings.¹⁴⁰ He also considers the justice as the maintenance of social order and the prevention of conflict and rapacity.

İbn-i Kemâl who experienced the highest ranks in the *ulemâ* in the reigns of very potent sultans as Selim the Grim and Süleymân the Lawgiver, *şeyhülislâm* of the latter, gives two obstacles for continuation of those brilliant times; one is injustice and the other is negligence.¹⁴¹ He quotes a very short Arabic and a Persian poetic version of the Circle of Justice, the translation of the latter in which he puts forward the concepts 'wealth and army' of the Circle of Justice is:

The oil for sovereignty candle is obtained from wealth.
The survival of the sovereignty is not possible without gold.
Neither army is collected without gold nor is gold gained without
army.¹⁴²

Another prominent *şeyhülislâm* of the Ottomans Ebussu'ûd contributed to Ottoman political thought with his *fetvâs*.¹⁴³ He determines with a *fetvâ* that one who

¹³⁷ Darling, "Islamic Empires, the Ottoman Empire and the Circle of Justice." 22

¹³⁸ ———, "Political Change and Political Discourse in the Early Modern Mediterranean World." 506

¹³⁹ Ibid. 508

¹⁴⁰ Bey, *Târîh-i Ebu'l-Feth*.12

¹⁴¹ İbn Kemal, *Tevârih-i Âl-i Osman: I. Defter* (İstanbul: TTK, 1991; reprint, Şerafettin Turan). 24

¹⁴² Ibid. 19

makes alliance with *ehl-i örf* (the ruled class who are originally soldiers) is impossible to be just.¹⁴⁴ By this he restrains the *kâdîs* from contact with bureaucrats which can cause them not to give fair verdicts. Even he blocks the sultan from giving orders out of law by determining that there can be no decree of the sultan ordering something that is illegal according to the *şerî'at*.¹⁴⁵ Clearly enough is that Ottoman sultans were also restricted by *ulemâ* reminding them that they are allowed to do everything they wanted. Though it is not certain that Ebussu'ûd benefited from the concepts of the Circle, these *fetvâs* contributed to the concept justice that is necessary to be adopted by the sultan for the functionality of the Circle of Justice.

Another statesman, this time a grand vizier Lütfi Paşa again puts the justice in the centre of the state,¹⁴⁶ because the vizier cannot be at ease while the subjects are not well-protected. The bribery is an incurable disease for statesmen, he says, and the posts should not be given with bribery since those who get their posts in return for money will compensate these expenditures with collecting excessive taxes from the subjects.¹⁴⁷ Thus, such kind of injustice will harm the sovereignty in return.

Since he became the vizier in a time when the treasury was full but being vacated with unnecessary expenses in the reign of Süleymân the Lawgiver, Lütfi Paşa highlights the importance of the concepts 'wealth and justice' of the Circle. He employs the Circle as quoting "Firstly, governing the treasury is among crucial jobs. The dynasty could exist only by treasury, and the treasury could only be filled with precaution and justice."¹⁴⁸

As mentioned before, the term *Dâire-i Adliyye* (the Circle of Justice) was coined by Kınalızâde Alî, again a high ranking member of the *ulemâ*. He relates the necessity of justice with the indispensability of individuals to live together. To him there are three concepts necessary to supply the justice; *nâmus-ı rabbânî* (the *şerî'at*), *hâkim-i insânî* (sovereign) and *dinâr-ı mîzânî* (money). In other words he contributes to the Circle of Justice not only by giving its name but also adding

¹⁴³ *Fetvâ* means a satisfactory answer given by *şeyhülislâm* or other authorized officials regarding a certain issue.

¹⁴⁴ Pehlül Düzenli, "Osmanlı Hukukçusu Şeyhülislam Ebussuûd Efendi Ve Fetvaları" (Selçuk Üniversitesi, 2007). 223

¹⁴⁵ Ertuğrul Düzdağ, *Ebussuûd Efendi Fetvaları Işığında 16. Asır Türk Hayatı* (İstanbul: Enderun, 1983). 98

¹⁴⁶ Lütfi Paşa, *Âsafnâme* (İİED, 1980; reprint, Ahmet Uğur). 245

¹⁴⁷ *Ibid.* 247

¹⁴⁸ *Ibid.* 250-251

another concept to it, namely the *şerî'at*. An alternative translation of his famous formula different from the one quoted above can be like that:

Justice is the requisite for the goodness of the world.
The world is a garden, the wall of which is the state.
The enactor of the state is the *şerî'at* (the Islamic law).
There can be no protector for the *şerî'at* but the sovereignty.
Nothing can hold the sovereignty but the army.
Nothing can gather the army but the wealth.
Those who produce the wealth are the *re'āyâ* (subjects).
The *re'āyâ* obey to the sovereign only if he secures the justice.¹⁴⁹

It is clear that the authors of this political literature were not devoted themselves to increase the authority of the sultan but to help their religion, their state and their Ottoman way of life.¹⁵⁰ They accepted the approval of oppression as oppression, too. Thus, as the *Kur'ân* orders to enjoin the good and to forbid the evil for every individual Muslim,¹⁵¹ it can be said that these authors mostly write these books as obedience with this order. By the end of the sixteenth century, those authors shifted their interest from employing the Circle of Justice as a model for good government to using it as a critique of bad government.¹⁵²

This is also evident in the anonymous treatise *Hırzû'l-Mülûk* in which the survival of the sovereignty is related again to justice and a beneficial army while criticizing the distribution of *timârs*. The author is against the disposition of state lands to the private property of high ranking statesmen or converting them into *vakf* lands (glebes). This causes two big problems according to him. Firstly, the statesmen and soldiers who get along with *timâr* lands become discontent with the privatization (*temlîk*) of those lands unjustly. Secondly, the conquest of lands is for the improvement of sovereignty and treasury, not of the private ownership of some statesmen.¹⁵³ If there are not enough state lands, the *re'āya* could not produce enough and consequently the Circle does not function. He, like Lütü Paşa, complains about the ongoing tyranny of some *timâr* owners over the *re'āya*. The aim of the sultan

¹⁴⁹ Kınalızâde Alî Çelebi, *Ahlâk-ı Alâî*. 539; See also Appendix I for the original Ottoman formulation.

¹⁵⁰ Itzkowitz, *Ottoman Empire and Islamic Tradition*. 87

¹⁵¹ Lewis, *The Political Language of Islam*. 69

¹⁵² Darling, "Islamic Empires, the Ottoman Empire and the Circle of Justice." 23

¹⁵³ Anonymous Author, "Hırzû'l-Mülûk." 176-78

should be the comfort of the *re'āya* and he should prevent these state officials and also some other bandits from discomfoting his subjects.¹⁵⁴

Hasan Kâfî el-Akhisârî (1544-1616) relates the disruption in the system with the sultans' isolating themselves from state affairs and the soldiers' starting to tyrannize over subjects.¹⁵⁵ That is to say, he is restless with the ignorance of 'sovereignty and justice' concepts in the Circle. He addresses the Circle of Justice by sticking to the concept of justice:

The improvement of sovereignty is possible by handling the subjects with tender, by collecting the taxes and dues by no violent means, by endearing the sovereignty to subjects with justice, by ensuring the security of roads in provinces and by getting the rights of the oppressed from the oppressor.¹⁵⁶

The century changed but not the disruption of the system. Therefore employing the Circle to criticize the ongoing situation continued with Koçi Bey (?-?) in the seventeenth century. He seems to dispense with the persistence in the *şerî'at* and repeats the famous maxim "the world remains with unbelief but not with injustice".¹⁵⁷ He complains about the omission of *mezâlim* from the Süleymân the Lawgiver's reign on.¹⁵⁸ In his formulation all concepts of the Circle are mentioned, probably because all of them are problematic in the time when he wrote his booklet:

Finally, the glory and power of Ottoman sovereignty exist with the army. The survival of army is with the treasury. The revenue of treasury is with the *re'āyâ*. The survival of the *re'āyâ* is by justice. Now, the system is decayed, the *re'āyâ* is wretched and the treasury is deficient.¹⁵⁹

The anonymous author of *Kitâb-ı Müstetâb* sees the weakness of the sultan authority is the reason for every disruption. This weakness, as to him, caused the *devşirme* (recruitment) system to corrupt since the entrance of the *re'āya* to the *askerî* class was allowed. Therefore, the number of *askerî* class who took stipend from treasury increased while the number of the *re'āya* who produced the wealth

¹⁵⁴ Ibid. 158

¹⁵⁵ İpşirli, "Hasan Kafi El-Akhisârî Ve Devlet Düzenine Ait Eseri Usûlü'l-Hikem Fî Nizâmî'l-Alem." 261

¹⁵⁶ Ibid. 254

¹⁵⁷ Zuhuri Danışman, *Koçi Beg Risalesi* (İstanbul: MEB, 1993). 34

¹⁵⁸ Ibid. 50

¹⁵⁹ Ibid. 71-72

decreased.¹⁶⁰ This implies that the balance between the classes provided by the Circle of Justice broke down in the seventeenth century.

Another political advisor of that century Kâtib Çelebi touches on the short version of the Circle formulated in Arabic as:

*Lâ mülke illâ bi'r-ricâl ve lâ ricâle illâ bi's-seyf ve lâ seyfe illâ bi'l-mâl ve lâ mâle illâ bir-ra'yyet ve lâ ra'yyete illâ bi'l-'adl.*¹⁶¹

Other formulations he uses to analyze the decline are *ahlât-ı erba'a* (four liquids; blood, phlegm, bile and secretin) and *erkân-ı erba'a* (four columns: scholars, soldiers, tradesmen and subjects). Human can live as the balance of the four liquids is kept in the body, and state lasts as long as these four columns are equally powerful. In this metaphor the sultan is the soul of body. If the soul gives freedom to feelings and capacities, this triggers the desires and upsets the body balance. Likely, if the sultan does not supervise his bureaucrats and clerks, the bribery becomes inevitable and the balance of state collapses. At this point, the author bravely says that the statesmen of his time could not keep their promises they gave to Allâh. Consequently, the divine justice appeared. The abundance of treasury was gradually exhausted and the Ottoman soldiers, unlike the past, started to be afraid of their enemies.¹⁶²

He alleges that there are many alternatives for solving all of these complications. The first stage of his solution offer is the existence of a sword owner (a potent ruler). Then, all of the statesmen should know that the real owner of state is Allâh. The sultan is just a tenant who rules as a successor of Him. The role of statesmen is to help him to secure the justice and to stamp out the ones who are against him in a congruence of goals and ideas as long as he stays open-eyed. In this direction, it is necessary that the army should eliminate and root away the traitors in it and give support to the rulers in blocking the wastefulness.¹⁶³ All these advises strengthen the links of the Circle.

¹⁶⁰ Anonymous Author, "Kitâb-ı Müstetâb," in *Osmanlı Devlet Teşkilâtına Dair Kaynaklar*, ed. Yaşar Yücel (Ankara: TTK, 1988). 16-17

¹⁶¹ "Sovereignty is possible only by men (civil servants). Men (civil servants) can be controlled only by army. Army is sustained only by wealth. Wealth can be collected only from subjects of state. These subjects are not possible to obey without justice." Kâtib Çelebi, "Düstûru'l-Amel Li-Islâhi'l-Halel," in *Kavânin-i Âl-i Osmân Der Hülâsa-i Mezâmin-i Defter-i Divân*, ed. M. Tayyib Gökbilgin (İstanbul: Enderun, 1979). 124

¹⁶² Ibid. 128-29

¹⁶³ Ibid. 136-37

Further, the historian Mustafa Naîma who was evidently influenced by Kâtib Çelebi gives a place for the Circle with his own words:

The state and political power is possible only by soldiers and statesmen. Statesmen and soldiers exist only by wealth. Wealth comes from the *re'āya*. The *re'āya* become well off by justice. The disability in every compartment of state is always caused by the collapse of these four pillars.¹⁶⁴

The desire for the Circle to come back continued in the eighteenth century with Defterdâr Sarı Mehmed Paşa. He quotes the Circle as a poem of his own¹⁶⁵ and sets forth that the real owner of the state is the *re'āya* not sultan by telling an anecdote about Süleymân the Lawgiver.¹⁶⁶ Also he does not want the *re'āya* to enter in the *askerî* class since this would harm the balance supplied with the Circle of Justice.¹⁶⁷ The poem-formatted formulation of his own is the following:

*Mülk durmaz eğer olmazsa ricâl
Lâzım ammâ ki ricâle emvâl
Mâl tahsîli ra'îyyetden olur
Bağ u bostan zirâ'atden olur
Olmasa adl re'âyâ durmaz
Adlsiz çetr ikâmet kurmaz
Adldir asl-ı nizâm-ı âlem
Adlsiz saltanat olmaz muhkem
Mülkde zelzele gâflettendir
Terk-i ahkâm-ı şerî'atdendir
Bâğbân etmeyicek çeşmini bâz
Bağına herkes eder desti dırâz¹⁶⁸*

Divitçioğlu states that the Ottoman political authors mentioned above were aware that the essential reason behind the Ottoman economic and social system was the Circle of Justice.¹⁶⁹ In other words, although some of these writers do not write the formulation of the Circle of Justice explicitly, since the ideal system they advise matches up with the system envisaged by the Circle of Justice, their ideas and criticisms can also be examined on the basis of the Circle.

¹⁶⁴ Mustafa Naîmâ, *Târîh-i Naîmâ*, vol. I (İstanbul: Matbaa-i Âmire, 1283). 40

¹⁶⁵ Defterdar Sarı Mehmet Paşa, *Devlet Adamına Öğütler: Osmanlılarda Devlet Düzeni (Nasihatü'l-Vüzerâ Ve'l-Ümerâ)* (Ankara: TTK, 1969; reprint, Hüseyin Ragıp Uğural). 23

¹⁶⁶ Ibid. 74

¹⁶⁷ Ibid. 97

¹⁶⁸ "The sovereignty does not remain without men. These men need money which can be collected from the *re'âyâ* who cultivate the fields. The *re'âyâ*, however, do not obey without justice which organizes the earth and sustains the sovereignty. And the sovereignty comes down with the omission of the ordinances of the *şerî'at*." Ibid. 29

¹⁶⁹ Sencer Divitçioğlu, *Asya Üretim Tarzı Ve Osmanlı Toplumunu* (İstanbul: Köz Yayınları, 1971). 95

CHAPTER III

GENRES IN THE OTTOMAN POLITICAL DISCOURSE AND THEIR MAJOR REPRESENTATIVES

There are several words in Arabic and also in the Ottoman language for the word “justice”, but the common usage is the word *adl* antonyms of which are often the words *cevr* and *zulm*. The word *adl* is derived from the verb *adele* which literally means to straighten, to amend, to depart from a wrong way to a right one, to be equal, to equalize or to be in a state of equilibrium.¹⁷⁰ Thus, the literal meaning of justice is a combination of the social values like fairness, balance, temperance and straightforwardness.¹⁷¹ On the other hand, the conceptual meaning of *adl* differs among the genres of thought in the Muslim and Ottoman world like bureaucrats, jurists, philosophers, historians and mystics. This chapter will inquire how this conceptual meaning varies among those genres and why they employed the Circle of Justice as a common tool for their advices to the sultans, although their conceptions of justice are different from each other.

Khadduri sets forth that the most emphasized moral principles in the *Kur’ân* and Traditions are uprightness, equity and temperance. This is caused, he thinks, mostly by the reaction of first Muslims against the unjust social order in the ages before Islam.¹⁷² He argues, however, that there are no certain measures in the *Kur’ân* and Traditions to illuminate how justice can be realized on Earth.¹⁷³ Thus, to comment on this question became the task of scholars by looking from the divergent angles of different genres.

It can be argued that the non-existence of an Islamic social order in which justice is secured with its all components paved the way for the emergence of different conceptions of politics. The same is true for justice itself. This also supplied the opportunity for Muslim societies to adopt the political traditions of other cultures, even the non-Muslim ones from whom the Circle of Justice was appropriated for instance. Also, the interpretation of justice, by this means, could be open to

¹⁷⁰ Majid Khadduri, *The Islamic Conception of Justice* (Baltimore & London: The Johns Hopkins University Press, 1984). 6

¹⁷¹ Ibid. 8

¹⁷² Ibid. 10

¹⁷³ Ibid. 11

innovations and had a changing character as the needs of Muslim society changed, although some scholars worked out to resist to any change in the understanding of justice defined in the *Kur'ân* and Traditions.

As a continuation of the Islamic and Turko-Muslim civilizations the Ottoman civilization retained this understanding and there emerged different layers of knowledge and thought. The diversity in the Ottoman political discourse is generally explained through the synthesis of Turkic, Iranian, Islamic and Byzantine influences on the Ottoman state tradition.¹⁷⁴ However, also the multiplex character in Islamic science culture supported by the concepts *merâtibü'l-hakâik* (multiplex truth), *merâtibü'l-'ulûm* (multiplex knowledge) and *merâtibü'l-me'ânî* (multiplex meaning) smoothed the way for the co-existence of different layers of knowledge and thought without having to conflict with each other.¹⁷⁵ Therefore, this multiplexity also supplied the emanation of different genres in the Ottoman political discourse reflected in the political texts as translations and genuine compositions under the titles of *siyeru'l-mülûk*, *siyâsetnâme*, *nasîhatnâme*, *islâhatnâme* etc.

Another reason for the diversity of the Ottoman political literature produced by different authors from different backgrounds and genres, Yılmaz asserts, can be the increase in the readership of political texts.¹⁷⁶ Also, especially after the Ottoman Empire annexed the large territories on which the traditions of previous states and cultures continued to survive, the Ottoman statesmen appointed to the different posts in various places from the Arab lands to Balkans possibly became aware of the political works of different traditions in these lands. The translations of these works must have contributed to the diversity in the Ottoman political discourse observed mostly from the sixteenth century on.

Needless to say is that each political writer does not have to belong to a specific genre. Many of these authors share the main views and points of views by more than one genre of political thought. For example, a *kâdî* since he was also an administrator could have both political and legal perspectives or a *Sûfî* if he was interested also in *ahlâk* books could have both ethical and mystic points of view.

¹⁷⁴ See for example İnalçık, *The Ottoman Empire: The Classical Age 1300-1600*. 55-120

¹⁷⁵ Recep Şentürk, *Açık Medeniyet: Çok Medeniyetli Dünya Ve Topluma Doğru* (İstanbul: Timaş, 2010). 236-40

¹⁷⁶ Yılmaz, "The Sultan and the Sultanate: Envisioning Rulership in the Age of Süleymân the Lawgiver". 21

Also sometimes different authors of same genre could have different views from each other on a same issue.

The diversity was not only in ideas but also in language. These political works were written in Arabic, Persian and Turkish almost in same weight. This trilingual character of Ottoman political writing indicates that it could benefit from the antique and medieval sources easily. The jurists usually prefer Arabic firstly because of their conventional education in *medreses* and secondly for the aim of reaching large Muslim communities where the Arabic is a common language. If the work is intended to be advice just for the sultan by a statesman then probably the Turkish language is used. And the *Sūfi* scholars principally prefer Persian probably because of its poetic character and maybe for the reason that the past famous *Sūfis* came from Asia Minor to Anatolia over Iran. Most of the texts include all the three languages in it. This chapter maps five different genres in the Ottoman political discourse during the classical age and briefly analyzes the political ideas of three major representatives for each genre.

3.1. The *Ahlāk* Genre

The authors who can be categorized under the *Ahlāk* genre were basically influenced by Tūsî, Devvânî and Kâşifî to whom they often refer and in some parts they copy their ideas. Ottoman political theory can be claimed best reflected by this genre. This may be because the famous Sunnî thinkers of the past appropriated this genre in their books.

The representatives of the *Ahlāk* genre make a division between the government of self and the government of others and connect the quality of government to the moral quality of the sultan. They composed their works on the concept of practical philosophy (*hikmet-i ameliyye*) conformed to Sunnî theology. They express their theoretical ideas in morality, government and social order and leave a large area for administrative regulations of political authority. They see politics as a subtitle of practical philosophy and handle it within the field of ethics. The reason and religion are inseparable to them. They believe the existence of unity on the earth and man should participate in this unity through social life. This is the regard they centre the Circle of Justice in their political thoughts, because the Circle of Justice contributes to and keeps the unity in the social life. The legitimacy for this genre, İnalçık states,

comes from its approval by Gazâlî.¹⁷⁷ Probably this is why Kınalızâde Alî gives much reference to him in his *Ahlâk-ı Alâî*, although Gazâlî is against some views of philosophers except ethics (*ahlâk*) and he is a thinker rather in the *âdâb* genre of Persian political literature with his *Nasîhatü'l-Mülûk*. Thus, the representatives of this genre melt the genres of *ahlâk* and *âdâb* in the same pot that composes this moralist genre in the Ottoman political discourse. One can find much reference in their books to both Ancient Greek and Persian rulers like İskender, Nûşîrevân, Ardaşîr etc.

3.1.1. Major Representatives of the *Ahlâk* Genre

3.1.1.1. Ahmed bin Hüsâmeddîn El-Amâsî (?-after 1406)

With no detailed information about his life in the later chronicles, Ahmed bin Hüsâmeddîn reveals in his book *Kitâb-ı Mir'âtü'l-Mülûk* (Book of Mirrors for Sultans)¹⁷⁸ that he authored it in 1406. This book is one of the earliest political works in the Ottoman history and the author is the first representative of the *Ahlâk* genre. He is clearly affected by Nâsîru'd-dîn Tûsî's *Ahlâk-ı Nâsîrî* in his thoughts regarding ethics and by Gazâlî's *Nasîhatü'l-Mülûk* in his advices within *âdâb*.¹⁷⁹ Hence, this work is a good composition of Greek and Persian political literature.

The first part of the book is on ethics, especially *hikmet-i ameliyye*. This part also includes the relation of politics with ethics besides many other topics. The author repeats the thoughts of Nâsîru'd-dîn Tûsî and explains the mankind's need for civic life. People have different faculties and these faculties function only if they come together and make a division of labor in a city. Those who live apart from community by doing so are against the divine organization. They become subject to any possible attacks by rapacious and cruel sovereigns. However, living together necessitates an authority (*vilâyet*) so that the possible discordances among people could be solved and any efforts for superiority among them could be prevented.¹⁸⁰

The sultan is the source for both the bad and the good in the society. If he himself departs from the right path, his subjects imitate him. Thus, the sultan's

¹⁷⁷ İnalçık, *The Ottoman Empire: The Classical Age 1300-1600*. 165-167

¹⁷⁸ Ahmed bin Hüsâmeddîn El-Amâsî, "Kitâb-ı Mir'âtü'l-Mülûk," in *Esad Efendi* (İstanbul: Süleymaniye Library, 1406).

¹⁷⁹ Mehmet Şakir Yılmaz, "Political Thought in the Beginning of the Ottoman Empire as Expressed in Ahmed Bin Husameddin Amasi's Kitab-ı Miratü'l-Muluk (1406)" (Bilkent University, 1998). 5

¹⁸⁰ El-Amâsî, "Kitâb-ı Mir'âtü'l-Mülûk." 52a-52b

actions should be just so that the society could be in conformity with the universal harmony designated by Allâh. Through a just sultan, the society becomes an organic one made of complementary classes rather than contradicting ones.¹⁸¹ He is also aware of the fact that solely a just sultan is not enough for such a harmony. Also, an agreement of opinions supported by co-operation should emerge among the members of the society. Otherwise the sovereignty is nothing more than subordination (*tegallüb*).¹⁸²

He thinks that the authority of the sultan can be limited only by ethics and religion.¹⁸³ Therefore, he uses both the sources of ethics (*ahlâk* and *âdâb*) and Islam and gives examples from the ancient Persian kings like Nûşîrevân and also from the caliphs like Ömer. The principles (*evzâ'*) of politics is established by the prophet (*nâmûs*) and judgments (*ahkâm*) are determined by the sultan (*imâm* or *melik*) in accordance with those principles.¹⁸⁴ A true sultan should be above and outside of the four status groups in the society, namely scholars, tradesmen, soldiers and subjects. However, he is necessary to keep the same distance from each group and to distribute the incomes of the state equally among them.¹⁸⁵ His role is also to guide them to true happiness and perfection through his judgments.¹⁸⁶ He should try to establish attachment among his friends (his subjects) and hostility among his enemies.¹⁸⁷ The justice of the sultan means his equal treatment towards the four status groups with no preference or priority among them.¹⁸⁸

To him, the sultan's rewards or punishments should be based on merit, but he is against the death penalty.¹⁸⁹ Likewise, he is in principle against war, too. He advises the sultan to find peaceful solutions to the external conflicts and to avoid war for domination except for religious purposes. The sultan, like a merchant, should count the losses and profits of war and then decide what to do.¹⁹⁰ He should never

¹⁸¹ Ibid. 56a

¹⁸² Ibid. 56b

¹⁸³ Yılmaz, "Political Thought in the Beginning of the Ottoman Empire as Expressed in Ahmed Bin Husameddin Amasi's *Kitab-ı Miratü'l-Muluk* (1406)". 68

¹⁸⁴ El-Amâsî, "*Kitâb-ı Mir'âtü'l-Mülûk*." 54b

¹⁸⁵ Ibid. 58a

¹⁸⁶ Ibid. 55b

¹⁸⁷ Ibid. 57b

¹⁸⁸ Ibid. 58a

¹⁸⁹ Ibid. 59b

¹⁹⁰ Ibid. 61b

forget that the protection of his sovereignty depends on his altruism for people rather than on the power of his soldiers.¹⁹¹

El-Amâsî assigns some degrees (*merâtib*) for justice of the sultan. The first one is to recognize the rights of people given to them by Allâh. Secondly, the sultan should take heed of the advices of the *ulemâ*. Thirdly, he should keep himself responsible for not only his own actions but also for the actions of his civil servants (*ricâl*). Also, he should listen to petitions of his subjects.¹⁹²

He confines the second part to *âdâb* supported by the stories of old sultans especially those of Persian kings. This part is a less sophisticated one and tries to give lectures to the sultans through the examples of just actions especially by Nûşîrevân and Caliph Ömer. Also some words from the Greek and Persian philosophers are rendered for advice. The ending words in a way summarize his combination of *ahlâk* and *âdâb* on the basis of reason and religion;

Arab sages transmit that Gabriel had appeared before some prophets and asked: 'I brought reason, religion, and science. Which one do you prefer?' they replied: 'We prefer reason'. Then Gabriel said to the religion and science: 'Go! Leave!' They replied: 'We are not allowed to dissociate ourselves from the reason!'¹⁹³

3.1.1.2. Kınalızâde Alî (?-1571)

As a member of Ottoman *ulemâ* taking on the posts as *müderriş*, *kâdî* and *kazasker*, Kınalızâde Alî is known mostly as a moralist with his magnum opus *Ahlâk-ı Alâî* (High Ethics). His family is originally from Isparta, but he was educated in Istanbul. His most famous teacher was Şeyhülislâm Çivizâde Muhyiddin Efendi who is known with his ideas against Sufism.¹⁹⁴ After his *medrese* education he taught as *müderriş* in Edirne, Bursa, Kütahya and Istanbul respectively until he was appointed as the *kâdî* of Damascus in 1563, where he wrote *Ahlâk-ı Alâî*.¹⁹⁵ Then he was posted, in the same position, to more prestigious cities as Cairo, Bursa, Edirne and Istanbul respectively before he was promoted to the position of *kazasker* of

¹⁹¹ Ibid. 60b

¹⁹² Ibid. 72a-79b

¹⁹³ Ibid. 86a-b; Translation belongs to Yılmaz, "Political Thought in the Beginning of the Ottoman Empire as Expressed in Ahmed Bin Husameddin Amasi's Kitab-ı Miratü'l-Muluk (1406)". 79

¹⁹⁴ Kınalızâde Alî Çelebi, *Ahlâk-ı Alâî*. 2

¹⁹⁵ Ibid. 5-6

Anatolia in 1570. However, he died in 1571 before his expected appointment as *şeyhülislâm*.¹⁹⁶

Ahlâk-ı Alâî as a typical book of ethics begins with the morality of person, to that of family and to the state at the end. In the preface of his book he clears that he made use of previous books on ethics such as those of Nâsirî and Devvânî etc. While using the eastern ethics literature he does not hesitate, like many other Ottoman thinkers, reviewing the sources of Ancient Greece.

Kınalızâde is the thinker, as mentioned before, who coined the term Circle of Justice (*Dâire-i Adliyye*). His political thoughts are dispersed in different parts of *Ahlâk-ı Alâî*, but the third part of this voluminous book is on politics under the title of *İlm-i Tedbîru'l-Medîne* (The Knowledge of City Administration). He, like El-Amâsî, relates the necessity of a just ruler with the indispensable need of individuals to live together. According to him, since every individual inclines to satisfy his desires, sometimes these desires are at odds with the desires of another individual, in this case a conflict becomes inevitable and the more powerful side tyrannizes the weaker one, whether the former is right or not. Therefore, he considers an omnipotent ruler as a condition to secure the justice in a society and to give people their rights. He also sets forth the need for money to secure justice, plus a just ruler to avert tyranny and to raise the hand of justice.¹⁹⁷ He sees three concepts necessary for justice; *nâmus-ı rabbânî* (the *şerî'at* and prophet), *hâkim-i insânî* (sovereign) and *dinâr-ı mîzânî* (money) and so he contributes to the Circle of Justice not only by giving its name but also adding another concept to it, namely the *şerî'at*. Heretofore, in the formula of the Circle there was no concept telling the sovereign how he will supply justice and use power. Now, Ali completes the missing pillar with *the şerî'at* to guide the sovereign. He supports this reasoning with the verse 25¹⁹⁸ of the *Sûretü'l-Hadîd* in the *Kur'an* in which he interprets the word *kitâb* (book) as the *şerî'at*, the word *mizân* (balance) as money and the word *hadîd* (iron) as sovereign, which all-together would secure justice in the world.¹⁹⁹

¹⁹⁶ Ibid. 6

¹⁹⁷ Ibid. 137

¹⁹⁸ “We sent aforetime our messengers with Clear Signs and sent down with them the Book and the Balance (of Right and Wrong), that men may stand forth in justice; and We sent down Iron, in which is great might, as well as many benefits for mankind, that Allah may test who it is that will help, Unseen, Him and His messengers: For Allah is Full of Strength, Exalted in Might.”

¹⁹⁹ Kınalızâde Alî Çelebi, *Ahlâk-ı Alâî*. 137

He classifies the politics into two qualities as virtuous and un-virtuous. The doer of the former intends to be moralized by the morality from Allâh and so he reaches happiness, while that of the latter wants to meet his own desires through violence and so he acquires contempt in return.²⁰⁰ The first ruler grabs on to justice and pleases his subjects by improving the cities and avoiding his personal desires, while the second one prefers the tyranny over his subjects and regards them as his slaves. In this regard, he criticizes some past Muslim rulers who do not want their subjects to have property and confiscate their earnings.²⁰¹

The subjects fall into line with their rulers most times. Thus, he thinks, whether the good or bad behaviors become widespread among them depends on the quality of the sultan. The Tradition “The people follow the religion of their sultans” proves that. Therefore, to him, if the sultan is just towards his subjects and mortifies his flesh, then good public traits (*hayrât-ı âmmе*) like security, peace, welfare and habituation prevail among them. However, if the sultan is evildoer towards them and behaves self-indulgently, then bad public traits (*şürûr-ı âmmе*), such as fear, misery, hatred, poverty and theft become prevalent among his subjects.²⁰²

Kınalızâde states that the sovereignty is a gift by Allâh, so the sultan should adopt the *şerî‘at* of His messenger. Only by this means, his sovereignty and state could be upright and he could deserve the titles of *halîfetu’llâh* (the Successor of Allâh) and *zillu’llâh* (the Shadow of Allâh).²⁰³ Then, he sets about mentioning the seven qualities a sultan should have in order to achieve these titles. These are high devotion (*ulüvv-i himmet*), right decision (*isâbet-i re’y ü fikret*), perseverance (*azm ü azîmet*), tolerance towards difficulties (*sabr-ı şedâyid*), contentedness (*gınâ*), subjugation (*itâ‘at ü inkıyâd*) and legitimacy of dynasty (*neseb-i âlî*).²⁰⁴

He makes use of body politics and makes a parallel between doctor before his patient and sultan before his subjects. Just as a doctor should know both the symptoms and medicine for a disease, the sultan should know the problems his subjects have and the remedies for them. Just like many other Ottoman thinkers, he also explains the necessity of civilization and concludes that the discordances among the institutions of state and the clash of ideas among the holders of power result in

²⁰⁰ Ibid. 461

²⁰¹ Ibid.

²⁰² Ibid. 462

²⁰³ Ibid. 463

²⁰⁴ Ibid. 463-475

the collapse of Muslim civilizations like those in Andalusia.²⁰⁵ Thus, a prudent sultan should always seek for the alliance among the soldiers and civil servants of his own and should try to create trouble among those of his enemies.²⁰⁶ His examples in this regard are İskender (Alexander the Great) and Pharaoh with secular considerations.²⁰⁷

His next advices are on how to secure the justice and what a just sultan needs. Firstly, he thinks, the sultan ought to keep all his subjects in balance. The four pillars (*erkân-i erba'a*), in his words *ehl-i kalem* (men of pen), *ehl-i şemşîr* (men of sword), *tâ'ife-i ticâret* (men of trade) and *tâ'ife-i zirâ'at* (men of agriculture) are in analogy with water, fire, air and soil (*anâsır-ı erba'a*) respectively. He favors that these status groups need to be balanced without penetrating into each other, so that the state and society could survive. To him, the virtue of agriculturalists is to cooperate in farming actions, the virtue of tradesmen is to cooperate in exchanges, the virtue of rulers is to cooperate in political affairs, the virtue of scholars is to cooperate in words of truth and the virtue of soldiers is to cooperate in war and defense, then in consequence they all manage to cooperate in the improvement of the cities.

Secondly, these status groups should be treated as to their merits and talents. Those who are good in nature and their goodness avails others, such as men of pen, ought to be in touch by the sultan through consultation. The sultan should also keep them superior to others. Those who are good in nature but their goodness is of themselves should also be pleased through meeting their needs. Those who are neither good nor bad in nature should be watched and encouraged for education. Those who are bad in nature but their badness is of themselves should be humbled and warned for coming to good way. Also, those who are bad in nature and their badness harms others are the scurviest of all creatures. This last group should be checked and if their badness is prevalent they should be restricted from it by the necessity of reason and *şer'î* law.²⁰⁸

Thirdly, the sultan should give them their dues not more or less. He reminds the sultan, in this regard, that he is not permissible to give even more than someone's

²⁰⁵ Ibid. 480

²⁰⁶ Ibid. 481

²⁰⁷ Ibid. 482-483

²⁰⁸ Ibid. 487-89

due. This is because, Kınalızâde invokes, the sultans are commanded by Allâh to make over trusts to their owners.²⁰⁹

In brief, Kınalızâde as the thinker who coined the term *dâire-i adliyye* (The Circle of Justice) concentrates mostly on the quality of the sultan rather than other concepts of this circle. Although the Circle of Justice is a secular concept as cleared in the first chapter, Kınalızâde adopts it within the boundaries of the *şerî'at* while he completes the missing part of that circle with the *şerî'at*. To him, the qualities of sultan reflect on his subjects, so he should be just towards them so that they become moral and the state could continue forever.

3.1.1.3. Muhyî-i Gülşenî (1529-1608?)

Muhammed bin Fethullâh, known with his nickname Muhyî-i Gülşenî, was born in Edirne in 1529. He was given up for adoption to a mystic leader when he was eight. He was educated together with this *şeyh*'s son in Edirne and he continued his education in Istanbul after 1545 and took courses from Ebussu'ûd. After 1552 he went to Cairo and entered the circles of Gülşenî order. From then on, he shuttled back and forth between Cairo and Istanbul and served also in some middle state posts.²¹⁰ He says he wrote two hundred books, forty of which survived till the present.²¹¹

His book on ethics and politics named by him as *Sîret-i Murâd-ı Cihân* (The Manner of Worldly Desires) in the original text which is his own manuscript²¹² is also known as *Ahlâk-ı Kirâm* (Ethics of the Generous). He, as in the other ethics books, divides it into three parts as personal ethics, social ethics and political ethics. He expresses that mankind needs to live together with other people since he is civic in nature. To meet his needs like food or clothing he needs the help of others because otherwise he or she has to know all the crafts and this is impossible.²¹³ For them to live together without encroaching each other an authoritarian sultan is necessary. If this sultan has both exoteric and esoteric features, it is the best for people, but he is

²⁰⁹ Ibid. 492

²¹⁰ Tahsin Yazıcı, "Muhyî-i Gülşenî," in *TDVİA*. 79

²¹¹ Ibid. 80

²¹² Muhyî-i Gülşenî, "Sîret-i Murâd-ı Cihân," in *Fâtih* (Istanbul: Süleymâniye, 1585). 18b

²¹³ Ibid. 55a-55b

not good enough to rule neither the worldly nor the religious issues of people, then his rule turns to despotism.²¹⁴

As to him, people come together in five forms; family, neighborhood, society, *ümme*t (religious community) and whole humanity.²¹⁵ Each of them has a leader and it is love that keeps them together. To Gülşenî, if the love prevails in the world, there would be no need for justice or other ethical features.²¹⁶

He states that, as the actions of people are divided into two as good and bad actions, their comings together are also in two types as good and bad reasons.²¹⁷ Copying from Fârâbî he states that the first one is *medîne-i fâdıla* (virtuous society) and the other is *medîne-i gayr-ı fâdıla* (un-virtuous society). Then he divides the latter into three as *medîne-i câhile* (ignorant society) whose people are short of reason and where the civilization is not possible without external interference, *medîne-i fâsıka* (wicked society) whose people have the necessary reason for civilization but because of their laziness some other powers make them civilized, and *medîne-i dâlle* (errant society) whose people are short of reason but again make some new laws and assume themselves as civilized through these laws.²¹⁸ However, the people of the former society (*medîne-i fâdıla*) unite in their thoughts and actions, and try to make their societies prosperous through justice and good politics.²¹⁹ Gülşenî states that also the *re'îs* (leader) of the virtuous society should be virtuous in his actions.²²⁰

3.2. The *Fıkh* Genre

While the pursuit of ethics in government and personal morality of the sultan dominated the Ottoman political discourse in the early centuries, by the sixteenth century it gave way to legalism that evaluated rulership by the sultan's observation of laws (*kânûn-ı kadîm* and *şeri'ât*) rather than his morality.²²¹ In this approach, the observance of customs and sultanic laws replaced the sultan's character in

²¹⁴ Ibid. 55a

²¹⁵ Ibid. 56a

²¹⁶ Ibid. 56b

²¹⁷ Ibid. 61a

²¹⁸ Ibid. 62a-62b

²¹⁹ Ibid. 62b-63a

²²⁰ Ibid. 66a-66b

²²¹ Yılmaz, "The Sultan and the Sultanate: Envisioning Rulership in the Age of Süleymân the Lawgiver". III

determining the quality of government.²²² The *fikh* genre seems to come into effect in the Ottoman political thought under such considerations.

The well-known representative of this genre was İbn-i Teymiyye before the Ottomans. The main Ottoman representatives of this genre can be said to try to reconcile sultanic law (*kānûn*) and the *şerî'at*. First attempts of this were done by İbn-i Kemâl and Ebussu'ūd.²²³ The political tracts written by them are often in Arabic since they were professors (*müderris*) or legal authorities like *kâdî* or *müftî* whose reference sources are expected to be principally in Arabic. The treatises written in this genre are filled with verses from *Kur'ân* and the Traditions of Prophet Muhammad. The only tool they used to warn or urge the sultan is not writing political tracts but also issuing *fetvâs* when they were asked on any topic.

The basic principles for them of the government are predominantly consultation (*meşveret*) and justice (*adl*). They prefer the term *vâcib* (required) for the things they think as necessary for the sultan or the government. They are interested in the responsibilities and obligations of the sultans towards Allâh and their subjects rather than the need for the presence of sultans.

They generally seek for the legitimacy of the Ottoman rule before beginning their advices, since the Ottoman dynasty cleansed the *zulm* and *fesad* in Muslim territories. They see the legitimacy of the sultanate not in the need for a sultan, as the in the *Ahlâk* genre, but in what the sultans did when they came to power.

3.2.1. Major Representatives of the *Fikh* Genre

3.2.1.1. Kâfiyeci Ebû Abdullâh Muhammed (1386-1474)

He is one of the early Ottoman scholars and was born in 1386 in Pergamum (Bergama). Actually his real name is in doubt but his nickname Kâfiyeci is well-known. He took lessons from different scholars in Anatolia and Iran in his youth. After his stays in Damascus and Jerusalem, he settled in Cairo and died there in 1474. He became one of the prominent Hanefî scholars who became an authority on Arabic literature, *tefsîr*, *fikh*, *kelâm*, history etc.²²⁴

²²² Ibid.

²²³ Colin Imber, *Ebu'ssu'ud: The Islamic Legal Tradition* (Stanford: Stanford University Press, 1997).

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²²⁴ Hasan Gökbulut, "Kâfiyeci," in *TDVİA*. 154

His Arabic book *Seyfü'l-Mülûk ve'l-Hukkâm* (The Sword of Sultans and Rulers) is a *siyâsetnâme* which can be considered in *fikh* genre, since the author as a famous *fakîh* (Islamic lawyer) associates his ideas with the Islamic jurisprudence in theoretical concerns.

He starts this book with advices regarding justice for the rulers. He divides the concept of justice into three; justice in word, justice in property and justice in action. He defines the justice in word as speaking to people as to their minds; the justice in property as gaining the property through right ways and distributing it to those who deserved; and the justice in action as not punishing someone who is not guilty and not forgiving someone who make no apologies though he committed a crime.²²⁵

He counsels the sultan to do justice through the verses in the *Kur'ân*, the sayings and traditions of the Prophet Muhammad and some sentences by the past great Muslim scholars. He also cites the behaviors and words of ancient non-Muslim rulers unlike the other representatives of the *fikh* genre.

Kāfiyeci defines the just sultan as the one who treats fairly towards his subjects and stays away from tyranny. The unjust sultan, however, is an ominous man and his sovereignty cannot survive. At this point he mentions the famous maxim of Islamic political thought which is "Sovereignty remains with unbelief but not with injustice". Interestingly enough is that he says that it is a tradition of the Prophet.²²⁶ He gives the example of Zoroastrians' sovereignty which, he says, lasted four thousand years to support this *hadîs*.

He quotes the advices of Caliph Ali to a governor as if the author himself gives them to the rulers of his time as:

Pull yourself together when you deal with the problems of your subjects. Do not forget they can make mistake as you can do. Thus, tolerate their faults, so they tolerate yours... If the powers you have cause you to be conceited, remember that Allâh is the most powerful of all. This thought will sober you... Your prize must be the content of your subjects. Do not forget that the dissatisfaction of your subjects outweighs the satisfaction of the ones around you. However, if the subjects are pleased with your rule, the hatred of the latter is ignored...²²⁷

²²⁵ Osman Güman, "Kafiyeci Ebu Abdullah Muhammed Ve Eseri 'Seyfü'l-Mülûk Ve'l-Hükâm'," in *Osmanlı Siyaset Düşüncesi: Seçme Metinler (Forthcoming)*, ed. A. Cüneyd Köksal.

²²⁶ Ibid.

²²⁷ Ibid.

He quotes the words of Nûşirevân defining the Circle of Justice and advises the rulers that the way of understanding whether their rule is just or not is checking on the state incomes. If the incomes increase, the rule is just. He adds that the sultan should be abstinent because justice is impossible without abstinence. He also counsels the sultan, if he wants to be just, to keep in his mind that he will die.

Unlike the *fakīhs* of the next century like Ebussu‘ūd and Dede Cöngî, Kāfiyeci tries not to enlarge but to set down the authorities of the sultan. By referring a tradition of the Prophet he determines the prerogatives of the sultan as determining the *had* penalties (penalties for the crimes against the public order), *zekâts* (alms), booties and leading the Muslims in Friday prayers. He implies that in the legal realm the sultan has no other authorities. What he tries to do is to determine the borders of the sultan not to legitimize his powers and politics. For example, he states that the sultan can dispose of any lands that do not belong to persons but not of private properties.

Kāfiyeci describes three levels for the relation between the *ulemâ* (Islamic scholars) and the rulers. The first is low level in which scholars visit the rulers and this is, he says, prevalent in his time. The second is middle level in which the rulers visit the scholars and this is allowable. The third level is the high level in which there is no personal contact between the two and this is the best one. He also advises the scholars like himself not to visit the rulers personally if they will not speak about their wrongs to their faces. However, he confesses that the scholars of his time visit the rulers to teach them how to bypass the *şer‘î* rules and to make profit for themselves.

He explains in detail the past sovereigns of the Middle-East from the Prophet Adam on and counsels the sultan if he wants to meet all these past sovereigns, he should read history books through which he can learn how to govern his country.

3.2.1.3. Ebussu‘ūd Efendi (1490?-1576)

Ebussu‘ūd Efendi, whose real name is Ahmed bin Muhyiddin, though differs in the sources about him, was born presumably in Istanbul in 1490's.²²⁸ After his

²²⁸ Bursalı Mehmed Tahir, *Osmanlı Müellifleri*, A. Fikri Yavuz & İsmail Özen ed., vol. I (İstanbul: Meral Kitabevi, 1972). 306

medrese education he was appointed as *müderris* to several *medreses*. Then, he became *kâdî* of Bursa, *kâdî* of Istanbul and *kazasker* of Rumelia till he was appointed as *şeyhülislam* by Süleymân the Lawgiver in 1545, a post he occupied for almost 30 years till his death in 1576.²²⁹ He has such a critical personality that he even sometimes criticized his own *fetvâs* besides the *fetvâs* of former jurists.²³⁰ He has works in the fields of *tefsîr*, *kelâm* and literature. Also his *fetvâs* and *ma'rûzâts* (petitions to the sultan) together with his legitimatizing contribution to the *kânûnnâmes* reflect his competence in *fikh*.

Since long before the time of Ebussu'ûd the methodological works with volumes regarding *fikh* were accepted to complete the prime period in this field, the Islamic jurisprudence started to continue with the *fetvâs* based on the former references. Therefore, the part of Ebussu'ûd in the field of *fikh* became the correction of deficiencies in this system.²³¹ He did this by not writing a specific book but giving *fetvâs* in the subjects like faith, worship, marriage, religious institutions, Sufism, peace, war, internal and external affairs of the state etc.²³² Hence, his *fetvâs* reflect his conception of state and politics.

In one of his *fetvâs* he comes to conclude that a *kâdî* who makes alliance with *ehl-i örf* (bureaucratic class) is impossible to be just.²³³ This view proves that Ebussu'ûd is in the opinion that the juridical and executive branches of the state should be separated so that the justice could be secured.

For the problem of land, Ebussu'ûd solves the confusion regarding the status of the conquered lands. Hanefî School of Law which is evidently adopted by the Ottoman *ulemâ* determines the status of the conquered lands in three ways. Firstly, the conquered lands on which the Muslim population lives are the property of the local community and they pay the tax *öşr*. Secondly, the lands which are conquered without war and have non-Muslim population are again the property of local people and they pay the tax *harâc*. Thirdly, the lands conquered by war and have non-Muslim population are entrusted to the authority of the sultan in three regards. He can allocate them among the warriors, he can leave them to the property of local people or he can convey the property of them to the treasury and the disposition of

²²⁹ M. Cavid Baysun, "Ebussu'ûd," in *İA*. 93

²³⁰ Düzenli, "Osmanlı Hukukçusu Şeyhülislam Ebussu'ûd Efendi Ve Fetvaları". 38

²³¹ *Ibid.* 71

²³² *Ibid.* 94

²³³ *Ibid.* 95

them to the local people in return for tithes.²³⁴ This is the source of legitimacy for the Ottoman *timâr* system. Ebussu'ûd states that allocating them to the warriors and leaving them to the property of local people are not proper in his time.²³⁵ This is probably because he thinks that the control of these lands would be easy by this way and thus the continuation of state incomes would be guaranteed. Hence, he prioritizes the survival of state to the interests of the people. Also he legitimizes the most profitable way for the state and public benefit.

Another problematic issue of his time was the problem of cash *vakfs*. Although some of the *ulemâs* of the time were against the functioning of these *vakfs*, since they thought that they were engaged indirectly to the charge of interest, Ebussu'ûd confirmed and supported them with the concept of *istihsân* (exception of general rules for a special issue) probably because he thought they were in public benefit.²³⁶

Again the concept of *örf* which enables the sultan to enact new codes and rules was regarded by Ebussu'ûd in two occasions. In one of them he gives the verdict that the sultan could not enjoin anything illegal.²³⁷ In another one, however, he gives him the power to enact codes on accustomed issues.²³⁸

In general, Ebussu'ûd, since he lived in a time when the fractions of belief in Islam became too much,²³⁹ was aware of the fact that this would cause the social troubles damaging the state and also the religion. Thus, he not only tried to prevent these fractions but also to realize unity in law by trying to include all the rules in the *şeri'at*.

3.2.1.3. Dede Cöngî (?-1567)

Kemâlüddîn İbrâhim bin Bahşî, known with his nickname Dede Cöngî, is a famous member of the Ottoman *ulemâ*. He was born in Amasya before the year 1514 and lived there as a tanner until he started his science career. After finishing his education, his first place of duty became Bursa where he worked as *müderris*. Later he was appointed to the *medreses* in Tire, Merzifon, Diyarbekir and Halep

²³⁴ Ibid. 96

²³⁵ "Fî zamâninâ arâzî-i 'öşriyye ve harâciyye mümtâz degildir." Ibid. 99

²³⁶ Ibid. 220

²³⁷ "Nâ meşrû' nesneye emr-i sultânî olmaz." Düздаğ, *Ebussu'ûd Efendi Fetvaları Işığında 16. Asır Türk Hayatı*. 98

²³⁸ "Kânûn-ı pâdişâhî kadîm ise icrâ olunmak gerek." Düzenli, "Osmanlı Hukukçusu Şeyhülislam Ebussu'ûd Efendi Ve Fetvaları". 226

²³⁹ See Ibid. 160-179

respectively, where he served again as *müderris* till he was honored as the *mufti* (the officer who gives *fetvâs* when needed) of Kefe. He stayed in this position until he resigned because of his old age.²⁴⁰ Then he came back to Bursa and lived there till his death in 1567.²⁴¹

Dede Cöngî seems to have no close relation with palace circles, still he wrote two treatises on politics in which his attempt was to reconcile the sultanic authority (*örf*) with the *şerî'at* just as Ebussu'ud did. Thus, he must have written these treatises with scholarly purposes.²⁴² Yılmaz argues that, unlike the other contemporary *fakîhs*, his attempt was to legitimize the sultanic law not only in the eyes of *Sunnîs* but also for other main *mezhebs* like Şâfi'î, Hanbelî and Mâlikî.²⁴³

In *Es-Siyâsetü'ş-Şer'iyye* written in Arabic he discusses theoretically the relevance between the authorities of the sultan and the ordinances of the *şerî'at*. Thus, as the title of his treatise *Siyâset-i Şer'iyye* (The Legal Politics) means the politics legitimate in the eyes of the *şerî'at*, as Yılmaz puts it, he tries to solve the tension among the judges and governors on criminal law issues.²⁴⁴ He divides politics into two types; just and unjust politics (*siyâset-i âdile* and *siyâset-i zâlîme*) determined as to the severity of punishments given by the sultan. For the conception of the legitimization regarding the sultanic law, he opposes to both considering every politics by the sultan as legitimate and to judging none of the political authorities of him as illegitimate. In his legitimating the sultanic politics he employs two *fikh* terms as *tegayyür* (change in conditions) and *maslahat* (social benefit).²⁴⁵

In short, like Ebussu'ud Efendi, Dede Cöngî lived in a time when the religious fractions among the Muslim community came to harm the order in the state and society. Thus, he tried to convince all segments of the Muslim community to accept that the sultans' power to enact new codes was legitimate as far as they were not against the *şerî'at*. Dede Cöngî, like other *ulemâ* of his time, seems to think that the religion is impossible without the state which protects the order. Thus, the authority of the sultan should be kept and supported as the changing conditions of the time might harm the religion and public benefit.

²⁴⁰ Ahmet Akgündüz, "Dede Cöngî," in *TDVİA*. 76

²⁴¹ Yılmaz, "The Sultan and the Sultanate: Envisioning Rulership in the Age of Süleymân the Lawgiver". 73

²⁴² Ibid.

²⁴³ Ibid. 74-75

²⁴⁴ Ibid. 75

²⁴⁵ Ibid.

3.3. The *Sūfī* Genre

The representatives of this genre are interested in the nature and personal ethics of rulership with a spiritual language. They are basically influenced by Muhyiddin ibn El-Arabî. To them, rulership is an extension of Allâh's divine government. For a man to have rulership requires moral perfection. They emphasize spiritual and esoteric aspects of rulership rather than its material features. To them, sultans should seek advice from the *Sūfī* leaders. There is a spiritual and saintly order (a cosmic government) in the world for them and the sultan should adapt to this order by trying to gain the spiritual sultanate. They want to guide the sultan to the right path but with no political considerations in their minds. They seem to do this just for the sake of Allâh away from any earthly concerns. They think that the sultan had to govern his self first and then the society or the subjects. In their advices there is not much reference to legendary kings like İskender or Nûşîrevân. Instead they prefer the examples of prophets and four caliphs after the Prophet Muhammad. They, like jurists, see writing political tracts as a public duty to command good and forbid wrong. Personal character of the sultans is at the core of their analyses. They seem to have no problem with the regime and try to create conformity between good governance and mystic teachings.

3.3.1. Major Representatives of the *Sūfī* Genre

3.3.1.1. Azîz Mahmûd Hüdâî (1540?-1628)

Azîz Mahmûd Hüdâî is a very important figure not only in spiritual but also in political and intellectual life in the late 16th and early 17th centuries of the Ottoman Empire, whose ideas and thoughts especially in spiritual realm keep their effects even today. As a *Sūfī* leader whose living years correspond to critical times for the Ottoman state and society, he actively took part in finding solutions to the problems of the time. It is accepted that he was born in Koçhisar or Sivrihisar around 1540's in the reign of Süleymân the Lawgiver.²⁴⁶ After 1570's he took his *medrese* education first in Edirne and later in Süleymaniye Medresesi till his appointment as a candidate

²⁴⁶ Ziver Tezeren, *Aziz Mahmud Hüdâyi: Hayatı, Sanatı, Fikir Hayatı, Çağdaşları İçindeki Yeri Ve Ünlü Eserleri* (Ankara: Kültür ve Turizm Bakanlığı, 1987). 10-14.

müderris back to Selimiye Medresesi in Edirne.²⁴⁷ Then he went to Damascus and Cairo for internship necessary to become a *müderris* or *kâdî*²⁴⁸ before he was given the post of *müderris* in Bursa.²⁴⁹ There he met to Üftâde with such affiliation that he left his *ilmiyye* career to enter in Üftâde's service and accepted him as his spiritual teacher.²⁵⁰ After the death of Üftâde, Hüdâî became the leader of *Celvetiyye* order founded by the former and institutionalized by the latter.²⁵¹ He moved to Üsküdar and served as preacher in different Istanbul mosques till he built his own place in Üsküdar.²⁵² With the intermediary of high-ranking statesmen he found the opportunity to have contact with the sultans from Murad III on, which got him involved in politics as the spiritual mentor of them.²⁵³

Azîz Mahmûd Hüdâî was uneasy about the movements of *Kızılbaş* in Balkans and in the east under the influence of Iran. He even somehow took part in Ferhad Paşa's campaign to Iran against Safevids.²⁵⁴ The Ottoman sultanate was in an effort for centralization to prevent the deviations from the *sünnet* and the *şerî'at* and Hüdâî was a volunteer figure to help the sultans to do that. He even tries to solve the discordances in the central government so that the central authority could keep its power. Hüdâî did not write a political treatise. Instead he wrote letters to the sultans in which his political thoughts are immanent.

Tezâkîr (Compasses) consist of Hüdâî's letters to sultans for that purpose. His correspondence with the Ottoman sultans begins with Murad III and continues with Mehmed III, Ahmed I, Osman II and lastly Murad IV. His intention in this relationship as he explains in *Tezâkir* is "to keep and protect the sultan's religion, his worldly life, his state and dignity through devotion and determination and so to become one of his loyal and true assistants who help him to reach the Prophet and Allâh."²⁵⁵ He always in his letters advises the sultan to obey to and serve the Prophet

²⁴⁷ Ibid. 14

²⁴⁸ Hasan Kamil Yılmaz, *Azîz Mahmûd Hüdâyî Ve Celvetiyye Tarîkatı* (İstanbul: Erkam Yayınları, 1982). 70-71

²⁴⁹ Nev'izâde Atâî, *Şakâik-i Nu'mâniyye Ve Zeyilleri: Hadâiku'l-Hakâik Fî Tekmileti'-Şakâik*, Abdülkadir Özcan ed. (1989). 760-61

²⁵⁰ Yılmaz, *Azîz Mahmûd Hüdâyî Ve Celvetiyye Tarîkatı*. 177

²⁵¹ Ibid. 149-51

²⁵² Tezeren, *Aziz Mahmud Hüdayi: Hayatı, Sanatı, Fikir Hayatı, Çağdaşları İçindeki Yeri Ve Ünlü Eserleri*. 21

²⁵³ Gonca Baskıcı, "A Life between Piety and Politics: Azîz Mahmûd Hüdâyî (Ca. 1543-1628)" (Bilkent University, 2000). 93

²⁵⁴ Tezeren, *Aziz Mahmud Hüdayi: Hayatı, Sanatı, Fikir Hayatı, Çağdaşları İçindeki Yeri Ve Ünlü Eserleri*. 110-11

²⁵⁵ Azîz Mahmûd Hüdâî, "Tezâkir," in *Kasîdecizâde* (İstanbul: Süleymaniye Library). 48a

and Allâh. Some of these letters are the interpretations of the dreams of the sultans in reply to their demands.

In one letter probably to Murad III he begins with a *hadîs-i şerîf* (Prophet Muhammed's saying) probably to explain why he advises to him, which is "The religion is the admonition". Then he reminds the sultan to endeavor and take care for the ordinances of the *şerî'at*, the etiquettes of *tarîkat* (dervish order) and the *sünnet* of the Prophet. He implies that the disorder in the state and society in that time results from the neglect of these three. To correct the situation he thinks that the society should be retained back to religious life as ordered by the *şerî'at*. Thus, he advises the sultan to order the viziers to prohibit the intoxicant substances and vehicles for fun probably prevalent in the society of the time. He also advises to collect the Muslim people in the mosques in prayer times. Also those who do not perform prayers and who prevent the alms should firmly be punished as to the laws of the *şerî'at*.²⁵⁶

He interprets the concept *zillu'llâhi fi'l-arz* (Shadow of Allâh on the earth) as the sultan's having the greatest mercy for the believers. As a *şeyh* of a religious order (Celvetiyye order) his praises for the sultan should also be conceived as the advices to him. In this regard, his praises to the sultan for being perfect in Allâh's knowledge, being a representative of the prophet, being merciful towards his subjects are also his admonitions for the sultan. Thus he counsels the sultan, by force of his divine nature, not to behave towards a person or people in general in violation of Allâh's consent and the laws of the *şerî'at*. However, since there are multiple existences and different capacities among the people, when these caused to some difficulties in ruling the people, the sultan should suffer and feel himself mistaken by thinking that if he as the ruler is good the ruled would also be good. If he treats like this and is resigned himself to Allâh, he is helped by Him to solve these problems.²⁵⁷

The existing problems in the institutions and the breakdown in the relations between the state officials and the *re'âyâ* are not so much regarded by him since he has no practical or pragmatic concerns. Hüdâî handles the duties of the sultan with the Islamic notion that the *re'âyâ* is entrusted to him by Allâh and he should lead them to the right path. He not only should take care of and meet the needs of the

²⁵⁶ Ibid. 5a

²⁵⁷ Ibid. 52b-53a

re'āyâ but also should admonish and teach them as a requirement of justice.²⁵⁸ He also reminds the sultan to give the rights of right holders and relieve the tax burden on the *re'āyâ*.²⁵⁹ He thinks in principle that if the sultan does his best before Allâh every problem would be solved, so he is not interested in the social and economic problems other than the personal character of the sultan.

3.3.1.2. İsmâil Hakkı Bursevî (1653-1725)

Another *Sūfî* thinker, also one of Hüdâî's successors in Celvetiyye order, is İsmâil Hakkı Bursevî who was born in Aydos in 1653. He participated in the Celvetiyye order in his childhood and was educated in Edirne and Istanbul on religious and mystic knowledge.²⁶⁰ When his time came to represent his order, he was sent to Üsküp by his *şeyh*. The ongoing ill-treatments of the state officers in Üsküp were vigorously criticized by Bursevî that caused him to move to other cities. He was deputed to Bursa by his *şeyh* in 1685, where he lived as much time to be called as *Bursevî*. He preached for a long time in the mosques of Bursa for 23 years and also recorded his sermons to the full extent for completing his famous book *Rûhu'l-Beyân fî Tefsîri'l-Kur'ân* which is still a reference work on *tefsîr*. He was assigned as the *şeyh* of the Celvetiyye order in 1690. Then, he was invited like Hüdâî to the circles of the sultan and took part in the expeditions to Austria on the purpose of uplifting the army in 1696 and 1698. He continued his efforts for spiritual and ethic guidance in Tekirdağ, Şam and Üsküdâr till his return to Bursa where he died in 1725. As a prolific *Sūfî* leader, Bursevî has more than one hundred works on *tefsîr*, *hadîs*, *fikh*, *kelâm*, *tasavvuf* (Sufism), poem, grammar and history.²⁶¹

It is a mystic tradition that *Sūfî* thinkers write letters of admonition under the name of *tuhfe* which means present. In this regard his *Tuhfe-i 'Aliyye* is a political and spiritual present by Bursevî to the grand vizier of his time. In this book it is obvious that Bursevî was imposed by the great *Sūfî* İbnü'l-'Arâbî.²⁶²

Bursevî, in this work, makes a distinction between the concepts *imâm* (leader) and *halîfe* (caliph). The word *imâm* in his terminology is the sultan who is the head

²⁵⁸ Ibid. 76b

²⁵⁹ Ibid. 45a

²⁶⁰ Şeyda Öztürk, "İsmail Hakkı Bursevî'nin İki Tuhfesi: Tuhfe-i Vesimiyye, Tuhfe-i Aliyye" (Marmara Üniversitesi, 1999). 3-4

²⁶¹ See İsmail Hakkı Bursevî, *Kitâbü'n-Netîce*, Ali Namlı & İmdat Yavaş ed. (İstanbul: İnsan Yayınları, 1997). 12-287

²⁶² Ibid. 315

of a state and *halîfe* is the sultan whose words and actions exactly correspond to those of Prophet Muhammad.²⁶³ Hence, only the first four caliphs are the caliphs in real terms. However, an *imam* (sultan) could also reach the rank of *halîfe* if he makes a just reign. This is because his position as the sovereign over his subjects is a semblance of Allâh's position over His creatures.

To him, Ottoman sultans (*imâms*) are caliphs, too. This is not because they took over the caliphate from Mamlukids, he ignores this event, but because they go *jihâd* against infidels, they preserve the holy places of Islam, they consult *şeyhülislâm* in political affairs and they had the distinct honor of conquering Istanbul.²⁶⁴ That means he accepts all the Ottoman sultans as caliphs even before Selim the Grim who conquered Egypt and took over the caliphate from Mamlukids.

Bursevî reminds that the survival of religion is possible only through the security (*emân*) of people. Such a security could only be achieved by a caliph or sultan. Allâh orders survival of the religion but not acquiescence of a sultan. However, since the survival of religion is only possible through acquiescence of a sultan, so the obedience to a just sultan is required (*vâcib*) in his orders which are permissible by the *şerî'at*.²⁶⁵ Implicit in these words is that the abidance to sultan under every condition is not necessary.

Bursevî, like other *Sûfî* thinkers, underlines the essential characteristics of a sultan. The first one is perfection in religion. The sultan is necessary to have intention in reaching such perfection. For this purpose he should know that sovereignty is the vehicle and the religion is the aim. If he sees the religion as a medium to achieve the sovereignty all the creatures become his enemy and oppose to him. For the sultan to reach perfection in religion is through intimacy with a *Sûfî* leader (*insân-ı kâmil*). Forbidding the evil is a sign of this perfection and it could be done only by the help of such persons. Sultan should live through the religious rules and only then he could order them to his subjects.

Next, he considers justice as another quality a sultan should have. To him, justice is to give punishment in accordance with crime.²⁶⁶ Worldly (*zâhirî*) politics is achieved only by justice, otherwise unrest and disorder prevails among the society which results in frustration. The third one is bravery. If the sultan wants his soldiers

²⁶³ _____, "Tuhfe-i Aliyye (Kitâb-ı Sülûk'ül-Mülûk)," (Selim Ağa Library). 5a

²⁶⁴ Ibid. 6b-9a

²⁶⁵ Ibid. 9b-11b

²⁶⁶ Ibid. 19b

to fight courageously against the enemy, then he should be courageous in battlefield.²⁶⁷ Also, sultans should have generosity. The authority (*heybet*) is also a necessary feature for the sultans, which is actually gained not by ceremonies and processions but through piousness.

This book is a rare one in the sense that it includes parts for both the sultan and the vizier. Probably because of the increasing potency of the grand viziers in the time Bursevî lived, he also gives a part for the vizier. Either a sultan or a vizier governs the Muslim society, but they could not achieve this without reaching personal perfection that could only be possible by kneeling down before a spiritual leader.

3.3.1.3. Sarı Abdullâh Efendi (1584-1660)

As one of the notable *Sūfîs* who also served in state offices Sarı Abdullâh Efendi is famous for his *şerh* (expoundation) on Rûmî's *Mesnevî*. He was born in Istanbul in 1584 and was educated in *Sūfî* circles from his childhood on. When he was 25 years old he entered the chancelry as an apprentice of Halil Paşa who appointed him as *re'îsü'küttâb* (chief scribe) when he became the grand vizier of Murad IV. After his deposition he took intimacy from Azîz Mahmûd Hüdâî till he was appointed again to different offices in the bureaucracy. After 1658 he left his offices and secluded himself in his house till his death in 1660.²⁶⁸

He has two main books on politics *Nasîhatü'l-Mülûk Tergîben li-Husni's-Sülûk* (Advice for the Sultans Leading them to Good Path) and *Tedbîru'n-Neş'eteyn ve Islâhu'n-Nushateyn*. (Administration of Two Structures and Reclamation of Two Advices). Since his political ideas seem to be well reflected in the latter, it was preferred in this study. *Tedbîru'n-Neş'eteyn ve Islâhu'n-Nushateyn* is clearly affected by İbn-i Arâbî's mystic book *Tedbîru'l-İlâhiyyât* to which the author makes many references throughout the book.

Sarı Abdullâh, in the beginning of the book, elucidates that Allâh created the universe in a balanced manner, but not the human who has both good and bad feelings which he had to moderate with respect to the order in the universe. To help and lead them to do this Allâh sent prophets, however, after the last prophet Muhammad leading human beings both in political and spiritual realms became impossible. Instead, while to direct the hearts of people to the right way the scholars

²⁶⁷ Ibid. 14a

²⁶⁸ Nihat Azamat, "Sarı Abdullah Efendi," in *TDVİA*. 145-147

became the representative of the Prophet, to govern them in political manner became the duty of the sultans or the *halîfes*. However, they should consult to scholars in order to understand the importance of their position and be guided how to rule the people. In this point he gives *İskender* as an example who, to him, always consulted to Aristotle who wrote a book titled *Sirru'l-Esrâr* for *İskender*.²⁶⁹

He states that the *halîfe* is the shadow of Allâh and thus since there is only one Allâh, His shadow must also be one. Hence, more than one *halîfe* is not possible on the earth. People must obey to him whether he is just or unjust. What the *halîfe* should do, however, is to represent the divine morality in his behaviors towards the people. He should keep in mind that how he is determines how the people are. If he leads them to be moralized like himself, he can easily govern them. To do this the *halîfe* has make his sovereignty servant to the *şerî'at* not vice versa.²⁷⁰

Sarı Abdullâh sets forth that the sovereignty perishes in two ways. First, if the sovereign (sultan or *halîfe*) deviates from the right way, so does the sovereignty in his hands. That is to say, if the sultan does not do justice which is the soul of the sovereignty, both of them perish. Second, if the sultan deviates from the right way, so does the people under his rule, since the ruled follow the lead of the ruler.

He advises the sultan to look at the piety of a man before promoting him. Appointing a pious man over wicked people can lead the latter to the right way but appointing a wicked man over pious people causes the latter to imprecate the sultan.

He likens the *halîfe* before his subjects to the soul of human body before the organs. Thus, he alleges that just as the organs should obey to the soul whether it is good or evil, so the subjects should obey to the *halîfe* regardless of his moral level. This is their care and they will be accounted for whether they obeyed to the *halîfe* or not. On the other hand, the *halîfe* will be accountable in the hereafter for whether he secured justice and cooled his desires or not.

3.4. The History Genre

The history books were not written just to satisfy the curiosity for the past events in the Ottoman Empire, but to find solutions to ongoing problems by learning lessons from the experiences of past societies. Thus, as İbn-i Haldûn did with his

²⁶⁹ A. Cüneyd Köksal, "Sarı Abdullâh Efendi Ve Eseri 'Tedbîru'n-Neş'eteyn'," in *Osmanlı Siyaset Düşüncesi: Seçme Metinler (Forthcoming)*, ed. A. Cüneyd Köksal.

²⁷⁰ Ibid.

Mukaddime, many Ottoman historians preferred to write an introduction to their history books, where they revealed their political ideas. Although they share the ideas of the thinkers in the other genres mentioned above, they methodologically differ from them in the sense that their main aim was to write a history book not to give advices to the sultans or statesmen. Their ideas change as to their background. For example, İbn-i Kemâl was an Islamic scholar besides his being a historian, so his ideas are more or less same with those of the *fikh* genre. Also, Tursun Bey, since he was under the influence of Nâsiruddîn Tûsî, his political ideas match with the authors in the *ahlâk* genre. Their common point is that they wrote their political ideas in the introductions of their history books and tried to prove their thoughts by trying to show references from the past experiences which they wrote as the main body of their books.

3.4.1. Major Representatives of the History Genre

3.4.1.1. Tursun Bey (1420?-1499?)

Tursun Bey gives his real name as *Tûr-i Sînâ* in his history book *Târîh-i Ebu'l-Feth* (The History of the Father of Conquest).²⁷¹ Again the main source for his life is the autobiographical knowledge he gave in that book. Without any information about his family, place of birth etc., it is deduced from some sentences that he was a *timâr* holder in an early age.²⁷² Also it is estimated that he was born in 1420's.²⁷³ Later with his company in the conquest of Istanbul he was promoted to the positions of *kazasker* of Anatolia and Rumelia respectively.²⁷⁴ As he states in his book he was an old retired statesman when he wrote it probably in 1499 in the age of Bayezid II (1447-1512).²⁷⁵

Tursun Bey explains the reason why he wrote this book and he says that he wrote that book not to step in the road to authorship but to render his gratitude for the benefits he gained during the reigns of Mehmed II and Bayezid II.²⁷⁶ His history book *Târîh-i Ebu'l-Feth* mentions about the conquests of Mehmed II though in an

²⁷¹ Tursun Bey, *Târîh-i Ebu'l-Feth*. XI

²⁷² Franz Babinger, *Osmanlı Tarih Yazarları Ve Eserleri*, trans. Coşkun Üçok (Ankara: Kültür Bakanlığı Yayınları, 1992). 29

²⁷³ Tursun Bey, *Târîh-i Ebu'l-Feth*. XII

²⁷⁴ Babinger, *Osmanlı Tarih Yazarları Ve Eserleri*. 29

²⁷⁵ Ibid.

²⁷⁶ Tursun Bey, *Târîh-i Ebu'l-Feth*. XIX

ambiguous way. More than the history part its preface attracts attention. In this part the political understanding and the awareness of *örf* (wordly politics) in the Ottoman state system is well reflected under the title of *Güftâr der Zikr-i İhtiyâc-ı Halk be-Vücûd-ı Şerîf-i Pâdişâh-ı Zillullâh* (Words to Mention the public need for the glorious existence of sultan who is the shadow of Allâh).

Tursun Bey, by repeating the thoughts of past thinkers like Fârâbî, Nizâmü'l-Mülk and İbn-i Haldûn, enumerates the stages of human creation and recounts the need of people for a sultan.²⁷⁷ Human beings, since they are civic by nature, need solidarity and cooperation in order to live together. However, as they have different characters in creation, it is not so easy to do that for them. If they are left alone without any intervention, it is inevitable that they are exposed to conflict and hostility. Hence, Tursun Bey states, for the human order with interdependence and cohesion instead of injustice and violation of rights, *tedbîr* (politics) is needed.²⁷⁸

To him, politics has two types. The first is the one done as to the requirements and rules of *hikmet* (wisdom). Wise thinkers (philosophers) call this kind of politics as *siyâset-i ilâhî* (divine politics) and Islamic jurists call it as *şerî'at*. The second is the one which depends on reason not wisdom and is done to solve only the worldly problems. This kind of politics, he says, is called *siyâset-i sultânî* (sultanic politics), but it is named as *örf* in the Ottoman tradition.²⁷⁹

Tursun Bey thinks that each kind of politics mentioned above needs a sultan. He even claims that a prophet is not necessary for every era but a sultan is. This is because the resulting chaos due to the absence of a sultan makes the survival of humans impossible but the teachings of a prophet is enough for them till the end of the world. At the end he sets forth that the existence of a sultan is a felicity for mankind and the appreciation of such a felicity is to obey the sultan.²⁸⁰

After praising the existence of sultan, he sets about enumerating the virtues a sultan should have. He uses the title *zillu'llâhi fi'l-arz* (shadow of Allâh on the earth) not as a vehicle to show the power of sultanic authority but to remind the sultan his responsibilities towards the subjects. In such a way that *zillu'llâhi fi'l-arz* is a common title for all sultans and a sultan should deserve it by behaving as if he is the shadow of Allâh on the earth. He should use this title for the benefits of the people

²⁷⁷ Ibid. 11

²⁷⁸ Ibid. 12

²⁷⁹ Ibid.

²⁸⁰ Ibid. 13

not for his own desires.²⁸¹ In other words if he becomes merciful and just like Allâh towards his subjects, only then he deserves this title.

Reportedly from Nâsiruddîn Tûsî's *Ahlâk-ı Nâsırî* he says that the features as mildness, courage and chastity should be refined with those of wisdom and justice by the sultan.²⁸² He thinks that the character of the sultan determines the character of the state he governs. If he is just in his own behaviors, so is the state. Justice, as to him, is giving the right of every right holder.²⁸³

3.4.1.2. İbn-i Kemâl (1468-1534)

Şemsüddin Ahmed bin Süleymân, widely known as İbn-i Kemal and Kemalpaşazâde, was a member of Ottoman *ulemâ* who was assigned as *şeyhülislam* in the reign of Süleymân the Lawgiver.²⁸⁴ As the son of an Ottoman soldier he started his career as a member of Ottoman army in his teenage, but realizing the importance of knowledge, he says, changed his way to scholarship.²⁸⁵

After his education first in Edirne and later in different *medreses*, İbn-i Kemâl, thanks to his shining competence in learning, was appointed as *müderris* soon. In the reign of Selim the Grim he was promoted to the positions of *kâdî* in Edirne and later *kazasker* of Anatolia in 1516.²⁸⁶ In 1526 he was appointed as *şeyhülislam* by Süleymân the Lawgiver and occupied this post till his death in 1534.²⁸⁷

İbn-i Kemal was an extremely prolific scholar who wrote more than three hundred books and booklets in the fields of *hadîs*, *tefsîr*, *kelâm*, history, philosophy, medicine and literature. He was a trilingual scholar writing mostly in Arabic, but also in Persian and Turkish in a sententious wording.

İbn-i Kemal did not write a direct book on politics and administration, but it is possible to deduce his political thoughts from his *fetvâs* and some parts of his books. His *fetvâs* regarding politics had a decretive role especially in the cross-border relations of the Ottoman Empire namely with Mamlukids and Safevids in the time of Selim the Grim.²⁸⁸ Through his *fetvâs* he proclaims Safavids as *mürtedd* (apostate)

²⁸¹ Ibid. 15

²⁸² Ibid. 16-17

²⁸³ Ibid. 18

²⁸⁴ İbn-i Kemal, *Tevârih-i Âl-i Osman: VII. Defter* (1957; reprint, Şerafettin Turan). IX

²⁸⁵ Mustafa Fayda, "İbn-i Kemal'in Hayatı Ve Eserleri," in *Şeyhülislam İbn-i Kemal (Tebliğler Ve Tartışmalar)* (Ankara: 1986). 55-56

²⁸⁶ İsmet Parmaksızoğlu, "Kemal Paşa-Zâde," in *İA*. 562-63

²⁸⁷ Ibid. 564

²⁸⁸ Ahmet Uğur, *Kemalpaşa-Zâde: İbn Kemal* (Ankara: MEB Yayınları, 1996). 70-74

and delivers that it is *farz* (religious obligation) to fight against them.²⁸⁹ Also, he tried to convince the sultan to fight against Mamlukids although they were *Sunnîs* and many other scholars did not see it *câiz* (permissible) to go war against them.²⁹⁰ Hence, it can be inferable that İbn-i Kemâl in the controversial issues between religion and state delivered his *fetvâs* on behalf of state.

As a historian, however, just like Tursun Bey he wrote a preface for his history book *Tevârih-i Âl-i Osmân* (The History of Ottoman Dynasty) in which he unveiled his political ideas. While Tursun Bey legitimizes the presence of a sultan, İbn-i Kemâl goes further and tries to legitimize the Ottoman rule in the world. He thinks that the Ottoman dynasty is a gift by Allâh for the Muslim world and glorifies them by comparison with the past Muslim dynasties.²⁹¹

He begins with a mention of ancient Persian kings like *Cemşid*, *Dahhâk*, *Feridûn*, *Efrâsiyâb* and *Rüstem* in a positive way, but he adds that their times went by like the kings *İskender* and *Nûşirevân* who were famous for their justice. Also, the Muslim dynasties like Abbasids and Seljuks were all forgotten and the sun of the Ottoman dynasty rose over the Earth.²⁹²

İbn-i Kemâl sets forth that the Ottoman sultans are superior to the past ones in three regards. First, the past dynasties like Samanids and Seljuks founded their states by vandalizing the Muslim cities. However, the Ottoman dynasty founded their states by uniting the dispersed Muslim principalities with no cruelty or tyranny. Second, the authority of the Ottoman sultans is prevalent in entire country unlike the past sultans whose authorities are valid only inside their palaces. Third, Ottoman sultans, although they dominated such large territories and had a full treasury, never gave up the justice.²⁹³

He thinks that they could take over even the entire world but there are two obstacles for such a goal. First, to attack the Muslim states and principalities in the past was necessary since they attacked the Ottomans from behind when the Ottoman armies were in *jihad* (holy war) against the infidels. Now, however, it would be not true to continue such a fight against the Muslim brothers. Instead, their support must

²⁸⁹ İbn-i Kemal, *Tevârih-i Âl-i Osman: X. Defter* (Ankara: TTK, 1996; reprint, Sefaettin Severcan). LVII

²⁹⁰ Mustafa Kılıç, "İbn-i Kemal'in Mısır Fethine Dair Bir Risale-i Acîbesi," *Diyanet Dergisi* XI, no. 1 (1990). 114-119

²⁹¹ Kemal, *Tevârih-i Âl-i Osman: I. Defter*. 16

²⁹² *Ibid.* 20-23

²⁹³ *Ibid.* 17-19

be gained. Second, the Ottoman sultans should not neglect the fact that the Anatolian peninsula is a precious land and there are plenty of enemies who were waiting the weakness of the Ottoman dynasty to invade it. Moreover, the enemies are both external and internal, so the sultan should be open-eyed and not rely on his present power.²⁹⁴

İbn-i Kemal coins the word *cihânistân* (worldland) for the modern concept of *empire*.²⁹⁵ Thus, he advises the sultans to protect this large country by keeping their authorities. He seems in a big effort by his writings to supply the continuation of present conditions for the Ottoman dynasty. To do this he also gives the required religious support for the sultans to protect their power and the survival of the state.

3.4.1.3. Mustafa Na'ımâ (1655?-1716)

Mustafa Na'ımâ is known more of a historian than his posts as a statesman. Rumor is that he was born in Aleppo in 1655 before he came to Istanbul as an apprentice for education in the palace guilds.²⁹⁶ With a long-lasting civil service with ups and downs he died in Mora as an expelled bureaucrat in 1716.²⁹⁷ His living years unlike Tursun Bey and İbn-i Kemâl were rather a degradation period for the Ottoman Empire. Thus, his political thoughts seem to be shaped around not glorifying but retaining the state power and social structure.

His history book *Ravzatü'l-Huseyn fî Hulâsati Ahbâri'l-Hafîkayn* (The Garden of Hüseyin: A Summary for East and West Stories) widely known as *Târîh-i Na'ımâ* (The History of Na'ımâ was written at the request of Amcazâde Hüseyin Paşa. Starting to write this book promoted Na'ımâ as the first Ottoman state chronicler. However, though written as an advice for Ottoman high-ranking bureaucrats, possibly they did not find opportunity to read this book since their incumbent times were very short as a nature of the period.²⁹⁸ The book is famous for being the first published book by İbrahim Müteferrika in *Matba'a-i Âmire* (State Press).²⁹⁹

Like many other Ottoman historians Na'ımâ inserts his thoughts regarding politics and sociology throughout his book, especially in the first part. Clearly enough is that he was influenced in most of these thoughts by great Muslim thinker

²⁹⁴ Ibid. 24

²⁹⁵ Ibid. 28

²⁹⁶ Na'ımâ, *Târîh-i Na'ımâ*. 36-40

²⁹⁷ Mehmed Tahir, *Osmanlı Müellifleri*.

²⁹⁸ M. Cavid Baysun, "Na'ımâ," in *İA*. 48

²⁹⁹ Ibid.

İbn-i Haldûn. He, like İbn-i Haldûn, tries to explain the political, social and economic crises of his time benefiting from the historical experience. Also he provides references regarding his ideas from the books by Kınalızâde Alî and Kâtib Çelebi.³⁰⁰

In the preface of *Târîh-i Na‘îmâ* he states that social life is a necessity for mankind in the sense that he is civic by nature. Allâh created the society for cooperation and solidarity just like the organs of human body. However, their nature is evil more than good. For them to live together without any violation of human rights and feel secure from the damage of each other, the existence of state is necessary.³⁰¹ Through the state the neglect of some in solidarity can be compensated by the dedication of other.³⁰²

Na‘îmâ defines the state, copying from Kâtib Çelebi, as a human community coming together under a sovereign.³⁰³ He also copies the thoughts of Kâtib Çelebi in his anthropomorphic analysis of state and society.³⁰⁴ Then he continues with the theory of phases by İbn-i Haldûn who thinks that there are five. He thinks that if the actual development phase of a state is detected, then the related solution to the problems of that phase can be found. As a state can never be static, so should the statesmen be.³⁰⁵

As described in *Mukaddime* by İbn-i Haldûn, the first phase of a state is the phase of solidarity in which the sovereign and public are integrated with mutual trust. The second is the phase of authority in which the sovereign has a class of servants under his strict rule and governs the people together with them. The third one is the phase of prosperity in which there is no contradiction between the ruler and the ruled since both are satisfied under the just reign. The fourth phase is that of peace in which the state reaches the natural boundaries and the people start to deviate from the right path by seeking for personal benefits rather than social ones. The fifth and the last phase is the decline phase in which the state incomes become lower than expenses and the injustice becomes prevalent.³⁰⁶ Na‘îmâ thinks that Ottoman Empire is in the fifth phase in his time. However, he, like Kâtib Çelebi, does not accept that

³⁰⁰ Na‘îmâ, *Târîh-i Na‘îmâ*. 5-6, 33, 40

³⁰¹ Ibid. 31

³⁰² Ibid. 52

³⁰³ Ibid. 27

³⁰⁴ “Since these thoughts are already given in the part for Kâtib Çelebi, they were not repeated here.”

³⁰⁵ Na‘îmâ, *Târîh-i Na‘îmâ*. 34

³⁰⁶ Ibid.

it will end. Instead he advises to retain the justice so that this state could survive forever.

3.5. The *Islahatnâme* Genre

This genre pertains to the Ottomans and conceptualizing it as *islahatnâme* genre³⁰⁷ seems in conformity with its contents. The sources of the authors in this genre are generally their own experiences in statecraft more so than theoretical knowledge. They usually write on politics after retirement and share their experiences for their next counterparts.

Most of them had such high ranking posts in the state hierarchy like *vizier*, *defterdâr* etc. Few were in middle rank like the owners of *timâr* or those from chancellery office. They criticize corrupt practices and usually propose government reforms different from most of other genres. They are not against the official ideology but the way of implementing it. They are interested in the contemporary government not in the best suitable model for a Muslim state or society. They are not much interested in the abstract principles of government, ethics or jurisprudence. Instead they focus on the structures and institutions and the historical change in them. These authors usually concentrate on a field on which they are specialist and say little on others. They take for granted the question of corruption and offer practical solutions to the contemporary administrative problems. Unlike the thinkers in *Sūfî* and *Ahlâk* genres, they think that the subjects and civil servants can only be controlled through overpower not through admonition or mildness.³⁰⁸

Since they criticize the ongoing system and try to retain the glorious times of the Empire, their examples of successful sultans are usually Mehmed the Conqueror, Selim the Grim and Süleymân the Lawgiver. Thus, their writings are also a good source for the periods of these sultans. They hardly ever gives references to ancient kings or sultans and prefer their own experiences to theoretical knowledge.

³⁰⁷ See Yılmaz, "Osmanlı Siyaset Düşüncesi Kaynakları İle İlgili Yeni Bir Kavramsallaştırma: *Islahatnâmeler*." 299-338

³⁰⁸ Kurt, *Koçibey Risalesi*. 66

3.5.1. Major Representatives of the *Islahatnâme* Genre

3.5.1.1. Lütfi Paşa (?-1563)

Lütfi Paşa whose birth date and place is not certain is an Albanian origin statesman who reached the position of *vezîria'zam* (grandvizier) in the reign of Süleymân the Lawgiver. Recruited possibly in the reign of Bayezid II he served and was educated in the palace in the time of Selim the Grim. He is known to be assigned as the *beylerbeyi* of Şam until he was promoted as palace vizier in 1534.³⁰⁹ He was appointed as *vezîria'zam* in 1539 and served just two years in this position until he resigned from his post possibly due to the intrigues of his own wife and other enemies within the palace.³¹⁰ From then to his death in 1563 he lived in his private farm in Dimetoka writing books.

Âsafnâme (Letter to Grand Viziers) together with many other ones is the product of these retirement years which, he says, is written for an attempt to advise the next viziers.³¹¹ He collects his advises in four parts. The first part of Âsafnâme is about the appropriate behaviors for viziers towards the sultan and the *re'âyâ*. Second part is how to conduct the campaigns. The third one is how to manage the treasury and the final part is how to rule the *re'âyâ*.

Although Lütfi Paşa's advises are intended for the viziers he also interlines some advises for the sultans. He states that the state affairs should be confidential and should not be revealed other than the members of *Divân-ı Hümayûn*. Even some of them should be secret between the sultan and the grand vizier.³¹²

Lütfi Paşa is not against nepotism especially for the sons of viziers and for the relatives of the Ottoman dynasty. To him, since their relatives would be respected and obeyed by the ruled they should be appointed to important posts like their fathers.³¹³ That means he thinks that someone whose father is competent is competent, too.

He is very attentive about separating the goods of the sultan from those of the *re'âyâ*. Hence, he advises the sultan not to transfer the goods whose heirs are not certain to the treasury without waiting them for seven years in the palace. Also,

³⁰⁹ Mehmed Süreyya, *Sicill-i Osmanî: Osmanlı Ünlüleri*, Nuri Akbayar & Seyit Ali Kahraman ed., vol. III-IV (İstanbul: Kültür Bakanlığı Yayınları, 1996). 91

³¹⁰ Lütfi Paşa, *Âsafnâme*. 3-4.

³¹¹ Ibid. 11

³¹² Ibid. 14

³¹³ Ibid.

punishing the statesmen with *müsâdere* (confiscations) should be avoided because this humiliates not only the statesmen but also the state itself before the eyes of public. The small crimes can be punished with small penalties like censuring letters to the mistaken servants.³¹⁴

For the viziers he advises to resign from their posts instead of doing unfavorable actions. He warns them that if these kinds of actions increase, the people flow in Istanbul to complain and make the city unlivable. In other words, he is aware of the fact that even in such flourishing years the *re'âyâ* may revoke against the state. To avoid this, the vizier should please those who come to him for complain.³¹⁵

Probably since the bribery started to become widespread in his living years, he strictly warns the viziers not to set about it reminding that it is the reason for the state to collapse. However, some presents do not hurt provided that the presenters are in no need for posts or money. He explains in this point the revenues of the viziers and comes to conclude that their incomes are already more than enough not to try to earn more. Thus, he advises them to be abstinent.³¹⁶

He reminds the hierarchical order among the statesmen in detail and lectures the viziers to know this order very well. He implies that such a hierarchy is indispensable for the organization of state affairs. Also he thinks that if the viziers do well in their actions the responsibility in the next world is for the sultans not for the viziers.

He also believes that it is necessary for each social class to stay in their places. Thus he does not approve the mobility from the *re'âyâ* class to *askerî* class. Apparently effected from the concepts of *dâ'ire-i adliyye* and *erkân-ı erba'a* he sets forth that such mobility will cause the extinction of the *re'âyâ* class and thus the disruption of treasury incomes.³¹⁷

Lütfî Paşa explains the course of action in the campaigns and wartimes and the measures to keep the treasury balanced in detail. The fact that these advices also reflect the Ottoman military and economic organizations makes *Âsafnâme* an invaluable source for institutional history, too.

In the concluding part, he mentions the administration of the *re'âyâ*. Other than the vertical mobility from the *re'âyâ* class to the *askerî* one he is also against the

³¹⁴ Ibid. 15-16

³¹⁵ Ibid. 17

³¹⁶ Ibid.

³¹⁷ Ibid. 20

movement of the *re'āyâ* between the regions. He warns the *sancakbeyis* not to let anybody from other *sancaks* to settle in theirs. Such social mobility, to him, is the reason for the destruction of the cities.³¹⁸ However, he advises the decrease of the tax loan on them. Thus, he is for the idea that each class should be made happy in their places in order to maintain the social order. He negatives any insult to the property of the *re'āyâ* but also advises not to let them to dress up like the members of *askerî* class.

3.5.1.2. Kâtib Çelebi (1609-1657)

Mustafa bin Abdullâh or Kâtib Çelebi also known as *Hacı Halîfe* is one of the prolific and well-respected Ottoman intellectuals in the 17th century. He was born in February 1609 in Istanbul and died in an early age while he was 48 years old in 1657.³¹⁹ As a son of a father who had been educated in *Enderûn*³²⁰, he got a private education until the age of 14 and he was accepted as an apprentice in the chancery in 1623. In the reign of Murad IV he occasionally participated as a young scribe in the Eastern campaigns from 1624 to 1640. After his return to Istanbul in 1638, he began to stall his scribal career and focused his attention on self-education under the guidance of some famous scholars of the time.³²¹ In 1645 he resigned from his post in the chancery. He spent most of his money on hand and also his mother's inheritance to bring together probably the largest private library in Istanbul of his time.³²² His works are mostly in the fields of bibliography, geography and history.

The 17th century is a period of unrest which is named with the term of İbn-i Haldûn as *sinn-i vukûf* (age of learning and knowing) by Kâtib Çelebi. In this century the Ottoman state experienced many difficulties and problems in several fields. The discomposure resulted from these decays and corruptions required the initiation of reform efforts in different elements of the state. This gave rise to the preparation of treatises about how and what kind of reforms should be done and about how sultans

³¹⁸ Ibid. 27

³¹⁹ Orhan Şaik Gökyay, *Kâtib Çelebi: Yaşamı, Kişiliği Ve Yapıtlarından Seçmeler* (Ankara: Türkiye İş Bankası Kültür Yayınları, 1982). 1-6.

³²⁰ "Although it is not known whether he was recruited through the *devşirme*, that his brother was also in the army makes it unlikely, since usually only one child per family was drafted" Gottfried Hagen, "Kâtib Çelebi," <http://www.ottomanhistorians.com>. 1

³²¹ Kâtib Çelebi, *Mizânü'l-Hakk Fi-İhtiyârî'l-Ehakk*, ed. Orhan Şaik Gökyay (İstanbul: Tercüman 1001 Temel Eser, 1980). 117-18

³²² Fikret Sarıcaoğlu, "Kâtib Çelebi'nin Otobiyografileri," *İstanbul Üniversitesi Edebiyat Fakültesi Tarih Dergisi*, no. 37 (2002). 298; Hagen, "Kâtib Çelebi." 2

could overcome the problems and re-secured the justice. Kâtib Çelebi's opus *Düstûru'l-'Amel li-Islâhi'l-Halel* was one of these treatises.

He states that he wrote *Düstûru'l-'Amel li-Islâhi'l-Halel* (The Method of Practice to Overcome the Disorders) to find solutions to the problems as budget deficit, unrest of the *re'âyâ* and redundancy of soldiers.³²³ It is understood that the author does not want to call attention to himself since he neither mentions about the sultan or the vizier with exaggerated compliment nor scratches their back, instead he tries to pull his own weight with the sense of responsibility.

The introduction which is summarized by the author as *etvâr-ı devlet* (phases of state) reveals that Kâtib Çelebi adopts the thoughts of İbn-i Haldûn about the topics of history and society. In an attempt to analyze the structure of the Ottoman state and society Kâtib Çelebi benefits from the biologist social philosophy or the method of anthropomorphic analogy appropriated not only by Fârâbî and İbn-i Haldûn but also by many thinkers in the history from the ancient times on.³²⁴ His point of view proves that the author makes the most of both empiric and theoretical knowledge in his work.

In the very beginning of his introduction, he defines the state shortly as *mülk* (sovereignty) and *saltanat* (sovereignty). The state exists only if individuals come together and constitute it. Afterwards, just like İbn-i Haldûn he sets forth that just as human beings experience the ages of *nümiyy* (developing), *vukûf* (learning and knowing) and *inhitât* (decline), also states pass by the same ages. The spans of these ages in human or in a state are short or long depending on the body health for human and the strength of structure for state.³²⁵ For the states which have solid structures like Ottoman State, the age of learning and knowing is very long. However, by a successful observation of the indications of these ages and by using the right medicine at the right time, it is possible to prolong them.³²⁶ With this view Kâtib Çelebi, unlike İbn-i Haldûn and his Ottoman contemporaries who handle the above-mentioned transitions with a fatalist approach, does not exclude the human factor in transformation of societies and states.

³²³ Kâtib Çelebi, "Düstûru'l-Amel Li-Islâhi'l-Halel." 120-21

³²⁴ Hilmi Ziya Ülken, "Kâtib Çelebi Ve Fikir Hayatımız," in *Kâtib Çelebi: Hayatı Ve Eserleri Hakkında İncelemeler*, ed. Hilmi Ziya Ülken (Ankara: TTK, 1991). 181; Mehmet Öz, *Osmanlı'da Çözülme Ve Gelenekçi Yorumcuları* (İstanbul: Dergâh Yayınları, 2005). 99

³²⁵ Kâtib Çelebi, "Düstûru'l-Amel Li-Islâhi'l-Halel." 122

³²⁶ *Ibid.* 123

In the introduction part, he touches on the concept of *dâire-i adliyye* (the Circle of Justice) formulated in Arabic as:

*Lâ mülke illâ bi'r-ricâl ve lâ ricâle illâ bi's-seyf ve lâ seyfe illâ bi'l-mâl
ve lâ mâle illâ bir-ra'yyet ve lâ ra'yyete illâ bi'l-'adl.*³²⁷

Other formulations he uses here to make himself clear are *ahlât-ı erbaa* (four liquids; blood, phlegm, bile and secretin) and *erkân-ı erbaa* (four columns: scholars, soldiers, tradesmen and subjects). Human can live as the balance of the four liquids is kept in the body, and state lasts as long as these four columns are equally powerful. In this metaphor the sultan is the soul of body. If the soul gives freedom to feelings and capacities, this triggers the desires and upsets the body balance. Likely, if the sultan does not supervise his bureaucrats and clerks, the bribery becomes inevitable and the balance of state collapses.³²⁸ At this point, the author bravely says that the statesmen of his time could not keep their promises they gave to Allâh. Consequently, the divine justice appeared. The abundance of treasury was gradually exhausted and the Ottoman soldiers, unlike the past, started to be afraid of their enemies.³²⁹

In the second part he asserts that a proportional and fixed balance of the four liquids is never be secured. The same is true for the state, so it is no use to try to keep the numbers of the four columns (*erkân-ı erba'a*) in a certain level. What is logical is to let them increase or decrease to the extent that they will not give any harm to the state. Instead of diminishing the number of soldiers, for example, it is necessary to keep their number in a harmless amount. The number of soldiers is less damaging than the amount of money paid to them.³³⁰

The third part is about treasury. As humans get older, their breads turn white. Similarly, as states passes through their ages of decline, the interest in decoration and adornment increases between people. Ordinary people start to contest with ruling class in their fig and clothing. This increases the expenditures and decreases the incomes, because nobody wants to work anymore. He explains that this process was experienced in Ottoman Empire after Süleymân the Lawgiver and claims that the

³²⁷ "Sovereignty is possible only by men (state officials). Men can be controlled only by army. Army is sustained only by wealth. Wealth can be collected only by subjects of state. These subjects are not possible to obey without justice."

³²⁸ Kâtib Çelebi, "Düstûru'l-Amel Li-Islâhi'l-Halel." 124-27

³²⁹ Ibid. 129

³³⁰ Ibid. 132

only requisite for overcoming this situation is an authoritarian sovereign who could use his sword if needed.³³¹

He starts the conclusion part by alleging that there are many alternatives for solving all of these complications. To him, some of these solutions, however, are not possible to implement. The first stage of his solution offer is the existence of a sword owner (a potent ruler). Then, all of the statesmen should know that the real owner of state is Allâh. The sultan is just a tenant who rules as a successor of Allâh. The role of statesmen is to help him to secure the justice and to stamp out the ones who are against him in a congruence of goals and ideas as long as he stays open-eyed. In this direction, it is necessary that the army should eliminate and root away the traitors in it and give support to the rulers in blocking the wastefulness. As the final word, he confesses that the fulfillment of these solutions is very difficult because humans go after their desires and against such kind of an authoritarian order.³³²

In the epilogue, he makes another practical suggestion for solution to the redundancy of soldiers and shortage of incomes. As to him, the sultan should supply one-year income in this or that way. Then he should find a very reliable agent who will pay the debts of the treasury from the future incomes little by little. One-year income should always be kept in the treasury so that it could be capital for many kinds of works. Moreover, in the posts which necessitate a contented handling of state incomes, some trustworthy men should be hired. The taxes levied on subjects need to be diminished. The sale of the posts collecting these taxes ought to be forbidden.³³³ He is sure that these measures would change the state back into its flourishing years.³³⁴

In short, Kâtib Çelebi believes that states and communities, just like humans, go under a decline after they develop and enlarge. He bricks his political discourse around prolonging these ages through pragmatic solutions. If a functional solidarity among the constituting elements of the society is secured and kept with rational politics, this state could stand in long years and make its subjects happy. Although he, also as a history writer, benefits from the views of İbn-i Haldûn in his analysis of the current state and society, his offers and advices for solution to ongoing problems are pragmatic ones with practical concerns. His examples for the successful rulers

³³¹ Ibid. 133-35

³³² Ibid. 137

³³³ Ibid. 138

³³⁴ Ibid. 139

are, just like Lütfi Paşa, are not philosopher-kings of Ancient Greece, Persia or India, but the Ottoman sultans or the viziers of the Golden Age. Thus, his political thoughts accord more with the *Islahatnâme* genre.

3.5.1.3. İbrâhim Müteferrika (1670?-1746?)

İbrâhim Müteferrika, known widely as the man who inaugurated the printing press to the Ottoman Empire, is a convert to Islam who was born presumably in a Hungarian town between 1670 and 1674.³³⁵ Widely accepted is that he voluntarily became a Muslim and took refuge in Istanbul around 1690's because of the oppression by Habsburgs in his homeland. He was appointed as *müteferrika* (court steward) in 1716 with no information in hand about how and why. He was appointed as a liaison officer to Prince Rakoczy of Hungary to help him to construct the peace between Hungary and France. He stayed in this position till 1735.³³⁶ While his incumbency is active he also made a great contribution to the Ottoman cultural life by bringing the printing press to Istanbul in 1729. He was given many other intermediary missions on behalf of the Ottoman Empire till his death of presumably 1746-1747.³³⁷

As a middle-ranking bureaucrat like Kâtib Çelebi, İbrahim Müteferrika seems to be much affected by him. For his *Usûlü'l-Hikem fî Nizâmi'l-Ümem* (Philosophical Methodology for the Order of Nations), however, he does not deviate from the bureaucratic genre though the name of the book is much sophisticated. He recounts the regimes and polities in European political thought and translates some political concepts to Ottoman Turkish,³³⁸ but he does not say anything about how to benefit from them.

Although he begins his treatise like those in *Sûfi* and *fikh* genres, he soon makes it clear that his aim to write his book is to investigate the reasons of trouble which were, to him, ignored by the state officials and the members of *Dîvân*. Thus, he makes it clear that he wrote this treatise to find practical solutions for the ongoing problems in the political and military institutions.³³⁹

³³⁵ Vefa Erginbaş, "Forerunner of the Ottoman Enlightenment: İbrahim Müteferrika and His Intellectual Landscape" (Sabancı University, 2005). 7

³³⁶ Ibid. 9-11

³³⁷ Ibid. 13

³³⁸ İbrâhim Müteferrika, *Usûlü'l-Hikem Fî-Nizâmi'l-Ümem* (Konstantuniyye: Dârü't-Tıbbâ'ati'l-Ma'mûre, 1144 (1732)). 7a-7b

³³⁹ Ibid. 4a-4b

Unlike the bureaucrats of past centuries who wrote treatises, Müteferrika states that he made use not only of the history books and the experiences of the great sultans of the past but also of the current sciences (*fenn-i muhâzara*) which he gathered from the books written in Latin alphabet.³⁴⁰ He repeats the words of Kâtib Çelebi and states that the ongoing disorder is a result of divine customs and a necessity of human civilization. To him, in order to prevent the problems it is necessary to renovate the ordinances of the state and religion, to strengthen the *şer'î* rules, to empower the sovereignty, to reorganize the state and society, to relieve the *re'âyâ* and to revive the *sünnet* of the Prophet.³⁴¹ However, throughout the treatise he only tries to renew the tactics of war and military order by copying the European ones.

After introduction, apparently affected by İbn Haldûn, he consecrates the first part to the necessity of the existence of sultans. He reminds that the shape of the globe is like a ball and Allâh created the people in need for each other. Thus, they need each other in order to survive, to avoid extinction and to protect their means of livelihood. However, since their ways of life are different from each other and the inequalities in power cause them to harm each other, the existence of wise rulers is necessary. He is called *nâmûs-i ekber* by philosophers and prophet or sultan as a successor of prophet by Islamic jurists. He concludes that the state and religion are twins.³⁴²

Then he sets about enumerating the regimes by which the rulers govern the people. The first form government is the way of Plato. In this form people should obey to a wise and just sovereign and set him free in state affairs. This regime is called *munarhiya* (monarchy) in Greek and Latin languages. The most of the people on the earth are governed in this form. The second one is the way of Aristotle which is called *aristokrasiya* (aristocracy) by the philosophers and *tedbîr-i a'yân* (the government of notables) by the people. In this form few notables select one of them as the ruler but share the rights of sovereignty among them since a monarch could deviate from being just when set free. The third is the one of Democratis³⁴³ to whom the sovereignty should belong to the people. The way of government is through

³⁴⁰ Ibid.

³⁴¹ Ibid. 3a-3b

³⁴² Ibid. 5a-6b

³⁴³ An imagined or pseudo figure probably borrowed from Kâtib Çelebi's *İrşâdü'l-Hiyârâ*. See Erginbaş, "Forerunner of the Ottoman Enlightenment: İbrahim Müteferrika and His Intellectual Landscape". 48

election in this form and it is called *dimokrasiya* (democracy).³⁴⁴ Thus, the only part in the treatise which in the least deserves to be called *usûlü'l-hikem* is over.

After this information he turns his attention to army and military issues throughout the book except the part about geography. In brief he reminds the war tactics of past armies and concludes that they were not well-organized and disciplined in their conduct. However, the Muslim armies and especially the Ottoman armies since they were masters of sword became successful in their wars until recently. However, during the recent years the European armies with their fire weapons and new tactics came into being superior to Ottoman ones. Therefore, to Müteferrika, to investigate their new order and equipments is necessary in order to compete with them.³⁴⁵ He is uneasy about the ignorance in the Muslim societies and warns them with practical concerns to know the conditions of the enemies in order to overcome them. He also attributes importance to discipline in the armies and gives the examples of Roman and Byzantine empires. To him, these two had fallen because of the lack of discipline in their armies.³⁴⁶

To him, to keep the justice in a society the army with the support of the *ulemâ* have to control the other two status groups, namely the tradesmen and the *re'âyâ*. He also reads the Circle of Justice backward and states that a powerful army will increase the incomes of treasury. The Janissaries, for example, harm the treasury both by involving in trade and endangering the tradesmen and also by not participating in wars though they took their stipends. Just like the past *islahatnâme* writers Lütfî Paşa and Kâtib Çelebi, he thinks that every class should stay in their places in order to keep the order in the society.³⁴⁷

In brief *Usûlü'l-Hikem* is mostly a reform treatise for the disorder in the Ottoman army. He thinks that the defeats of the Ottoman armies stemmed from the new organization of the European ones. Hence, if the Ottoman armies adopt that new order, it will be very easy to defeat the European armies because in such an equal case the brave soldiers will determine the winner and they are countless in the Ottoman side.³⁴⁸ His thoughts about how to keep the order in the state and society are redundant but about the organization of army are apparently genuine. While the

³⁴⁴ Müteferrika, *Usûlü'l-Hikem Fî-Nizâmi'l-Ümem*. 7a-7b

³⁴⁵ Ibid. 13b

³⁴⁶ Ibid. 20a-21b

³⁴⁷ Ibid.

³⁴⁸ Ibid. 29a-29b

former representatives of the bureaucratic genre give their examples from the golden age of the Ottoman Empire, Müteferrika glorifies the European history since he thinks the military reform should be done according to the innovations in the Europe not as an attempt to revive the past as the former thinkers of the *Islahatnâme* genre assumed. However, he agrees with them in his nostalgic thoughts about the Circle of Justice and *erkân-ı erba‘a*.

CHAPTER IV

TEXTS IN CONTEXT: OPPOSITION EXPRESSED THROUGH THE CIRCLE OF JUSTICE

The genres mentioned in the previous chapter use the Circle of Justice as a common concept. While the representatives of *ahlâk* genre employ the Circle as a core concept in their ideal state and society system, the *islahâtname* genre adopt it as a tool to criticize the defective aspects of the bureaucratic and social structure from the second half of the 16th century till the mid-eighteenth century. This chapter claims that the Circle of Justice was employed by the *islahatname* writers in their censure of state and society institutions. They put the Circle of Justice in the basis of their oppositions regarding the corruptions in the political, economic, legal and social order which, they think, was perfect in the past.³⁴⁹ Thus, the Circle of Justice was modified from being the basic concept of classical state theory to being the core element to oppose to the corruptions in the reform treatises written with practical concerns from the mid-sixteenth to mid-eighteenth century.

The corruption and dissolution in the Ottoman system emerged especially in the late years of Süleymân the Lawgiver's reign as to the *islahatname* authors. The problems were abundant. In the capital the ruling elite including statesmen, *ağas* and palace women were in a struggle for power because of the vacuum caused by the absence of potent sultans. In this chaos, janissaries got more spoiled and went far to violent rebellions. The same thing was prevalent in the periphery, too. The rapid population growth and the arbitrary attitudes and behaviors of the statesmen and civil servants against the *re'âyâ* caused Ottoman *timâr* system to collapse. This became the reason of another kind of rebellions, *Celâlîs*. In addition to these domestic problems, Ottoman treasury had to digest the change of trade routes from east to west. Also the influx of American silver into Ottoman markets gave rise to an unexpected inflation. Meantime, Ottoman armies were in ever-lasting wars against Habsburgs in the west and Safavids in the east. However, strangely enough is that as the Circle of Justice did not, also the *islahatname* authors said almost nothing to

³⁴⁹ Öz, *Osmanlı'da Çözülme Ve Gelenekçi Yorumcuları*. 16

solve the international problems. This is also evidence that they based their thoughts on the concepts of classical state theory like the Circle of Justice and *erkân-ı erba‘a*. In any case, though their concerns are practical and pragmatic, they could not be deprived of any theory in their writings. Another indication of the fact that they used basically the Circle of Justice in their opposition is that they regard all the links of it at an equal rate without placing any of them before others just as the Circle requires in theory.³⁵⁰

The only principle, as a matter of course, was not the Circle of Justice in their advices. Especially in their addresses to the persons they make most of their emphasis to the main sources of Islam like the verses from the *Kur‘ân* and the sayings of Prophet Muhammad. However, this chapter tries to put forth that their criticisms regarding the corruptions in the system are clearly affected by the theory of the Circle of Justice. Therefore, their oppositions to the disorder are again handled through the links of the Circle singly in the following.

4.1. The *Şerî‘at*

Since the *şerî‘at* is the link which organizes the relations among the other links of the Circle of Justice, almost all of the treatise writers criticize the corruptions in the institutions regarding the *şerî‘at*. They usually oppose to the appointment of incompetent men to the religious posts. Also the short incumbencies of the *ulemâ* members are criticized since this caused the fear of deposition among them. They recognize the fact that the *ulemâ* bring the system to balance by controlling the *seyfiyye* (statesmen with military origin). Thus, without the effective participation of them to politics, the justice could not be secured since the powers of the statesmen would not be restricted.

The anonymous author of *Hırzû‘l-Mülûk* (The Spell of Sultans) written for Murâd III (1546-1595) criticizes, in this sense, the corruption in the *mülâzemet* (candidacy) system of the *ilmiyye* organization. While a member of *ulemâ* had to pass through some phases and study the necessary sciences to gain candidacy to be appointed to high posts as *kâdî* or *müderriş*, he states that now this long process was

³⁵⁰ For detailed interpretation on how the treatise writers conceived justice see Boğaç A. Ergene, "On Ottoman Justice: Interpretations in Conflict (1600-1800)," *Islamic Law and Society* 8, no. 1 (2001) 52-87

cut unfortunately through bribery.³⁵¹ Therefore the *kâdîs* and *müderrises* of his time appointed in exchange for bribes were not competent to pull their weights. Therefore he advises the *kazaskers* to record the names of the *ilmiyye* members including their educational curriculum in a *defter* (register) from their graduation on and when any candidate was offered to him for appointment he had to look up his career and decide whether he was competent for a given office.³⁵² What is to be considered in the appointment issues, as to the author, should be not the experience of age but that of education and skill. A *kâdi* who was appointed in exchange for a bribe would make ally with the other officials in his place of duty and continue to acquire property contrary to the *şerî'at* since he spent money to acquire that position. It is the *re'âyâ* at the end who bite the dust.³⁵³ He implies that the bribery begins with the grand vizier who takes bribes to appoint other high-ranking officials and it continues from top to bottom since any civil servant who took his position through bribery would see it legitimate to give any post under his authority in exchange for bribery. Therefore the responsibility, as to him, belongs to the sultan who should appoint high-ranking officials from those servants for whom he is confident that they would not get something illegally.³⁵⁴ In this regard the protection of the *şerî'at* he thinks is in the hands of the sultan.

He thinks that the *şerî'at* organizes the system and in this regard he is not ease about the civil organizations within the religion like *tekkes* and *zâviyes*. He supposes that these joints are necessary but gathering of more than 20 or 30 followers around a *şeyh* is dangerous since at the times of chaos these are possible to revolt against the state as in the revolts by the *Kızılbaş* orders.³⁵⁵ Also he states that many people from the *re'âyâ* assert themselves again through bribery as the descendants of the Prophet Muhammad (*sâdât-ı kirâm*) and try to be exempt from state taxes by this claim. This is also another abuse of the rights supplied by the *şerî'at* and these asserters should be reviewed by appointing some *kâdîs* who were authenticated as *seyyid* (descendant of the Prophet).³⁵⁶ All of these problems can only be solved by the firm intention of the sultan.³⁵⁷

³⁵¹ Anonymous Author, "Hırzû'l-Mülûk." 195

³⁵² Ibid.

³⁵³ Ibid. 196

³⁵⁴ Ibid.

³⁵⁵ Ibid. 198

³⁵⁶ Ibid. 200-201

³⁵⁷ Ibid. 201

Also, Kâtib Çelebi (1609-1657) states that the corruption of the system was caused by the ignorance of the *şer'î* and rational rules and the servants of the sultan resorted to tyranny instead of the *şerî'at*.³⁵⁸ Similarly, the anonymous author of *Kitâbu Mesâlihi'l-Müslimîn ve Menâfi'il-Mü'minîn* (The Book for the Affairs of Muslims and Benefits of Believers) written to the vizier of the time around 1640's reminds the function of the *şerî'at* as it is in the Circle of Justice and states that it is *ulemâ* who organize the public order (*nizâm-ı 'âlem*).³⁵⁹ He is not against the mobility from the *ulemâ* (men of pen) to *seyfiye* (men of sword). He suggests that if those who are not capable enough within the *ulemâ* could be transferred to the *seyfiye*. This could make two benefits. Firstly, those who wait for appointment among the *ulemâ* could find opportunity to be incumbent in these emptied posts. Thus, since the members of *ulemâ* would not be afraid of removal threat, they would never give in to the pressures of the administrators in the provinces and also would not undergo bribery. This would in a way guarantee the continuity of their function in the Circle of Justice. Secondly, the men of sword could benefit from the knowledge of those new transfers from the *ulemâ*.³⁶⁰ He thinks just through such a change in the system the *ulemâ* as the representatives of the *şerî'at* could keep their positions as the organizers of the public order. Hence, the author seems not against new changes in the *kânûn-ı kadîm* (old precedents), but he keeps in mind the necessity of the Circle of Justice.

Koçi Bey who inscribes his treatise to Murâd IV (1612-1640), on the other hand, suffers from the frequent deposition of the *şeyhülislams*. He thinks that once a member of *ulemâ* was appointed as *şeyhülislam* that would mean that he was the most proper scholar for this post and so he should stay incumbent till his death, because he is the head of the *şerî'at* which organizes the state. If *şeyhülislams* change frequently the state order cannot be fixed.³⁶¹ Also the other members of the *ulemâ* would know that if they had the necessary competence, they would be appointed to important posts and stay there long enough. However, since the duration of the incumbency is short, they tried to take those posts through bribery.³⁶² Furthermore,

³⁵⁸ Kâtib Çelebi, "Düstûru'l-Amel Li-Islâhi'l-Halel." 139

³⁵⁹ Anonymous Author, "Kitâbu Mesâlihi'l-Müslimîn Ve Menâfi'i'l-Mü'minîn," in *Osmanlı Devlet Teşkilâtına Dair Kaynaklar*, ed. Yaşar Yücel (Ankara: TTK, 1988). 91

³⁶⁰ Ibid. 91-92

³⁶¹ Kurt, *Koçibey Risalesi*. 40-41

³⁶² Ibid. 41

since they now have the fear of deposition, they hesitate to say the truth before the *ehl-i örf* (the civil servants).³⁶³

4.2. The Sovereignty (The Sultanate or the *Mülk*)

The sovereign (*pâdişâh*, sultan or *melik*) is regarded as the enactor of the Circle of Justice in theory. However, since after the time of Selim II (1524-1574) the grand viziers replaced the authority of sultans, the defenders of the Circle of Justice opposed to this change. To them, it is the sultan who will be called to account in the hereafter not the grand vizier. Hence, conveying the dominion to them is not permissible because the right to govern is given to the sultan by Allâh. Although they know that the treatises they wrote might be read not by sultans they continued to address to the sultans in their writings. Beginning with Lütfi Paşa's *Âsafnâme* (Letter to Grand Viziers) in the mid-sixteenth century and the number of treatise addressed to viziers increased after the last decades of the 17th century such as *Nasîhatü'l-Vüzerâ*³⁶⁴ by Süleymân Nahîfî and *Nasîhatü'l-Vüzerâ ve'l-Ümerâ* by Defterdâr Sarı Mehmed Paşa.

The author of *Hırzû'l-Mülûk* criticizes the sultan's self-efacing from the state affairs and conveying them to the grand vizier. He insists that the sultan should pay much attention for government issues though it is difficult for him to gain insight for all of them.³⁶⁵ However, he is the one who is responsible for them and will be brought to account in the Judgement Day.³⁶⁶ What is good and proper for the sultan is to appoint able men for the state posts and keep prudent about their actions.³⁶⁷ He thinks that the bribery taken by the high-ranking statesmen for appointing incompetent men for the state offices can be avoided if the sultan himself undertakes the appointment issues.³⁶⁸

On the other hand, Lütfi Paşa (?-1563) is uneasy rather about the relations between the sultan and high-ranking statesmen. He advises that the sultan should keep himself distant from his servants.³⁶⁹ He also advises that the sultan should not

³⁶³ Ibid. 43

³⁶⁴ See Mehmet İpşirli, "Nahîfî'nin Nasîhatü'l-Vüzerâsı," *Tarih Enstitüsü Dergisi*, no. 15 (1997). 15-27

³⁶⁵ Anonymous Author, "Hırzû'l-Mülûk." 174

³⁶⁶ Ibid. 178

³⁶⁷ Ibid. 180

³⁶⁸ Ibid. 182

³⁶⁹ Mübahat S. Kütükoğlu, "Lütfi Paşa Âsafnâmesi (Yeni Bir Metin Tesisi Denemesi)," in *Prof. Dr. Bekir Kütükoğlu'na Armağan* (İstanbul: İstanbul Üniversitesi Edebiyat Fakültesi Tarih Araştırmaları Merkezi, 1991). 64

confiscate the civil servants redundantly or not to sentence them to death. Such arbitrary applications could make the administration of the provinces difficult.³⁷⁰ He counsels the sultan not to allow anybody other than him to rule over the civil servants and be careful about the conflicts among them especially the members of *ulemâ*. Yet, he should consult to the notables among them in an attempt to understand the reasons for such conflicts.³⁷¹ He emphasizes that for the sultan to listen to the petitions of the *re'âyâ* is a state law (*kânûn*).³⁷² To wit, Lütü Paşa wants the sultan's devotion in state affairs and criticizes the arbitrary behaviors of the high-ranking bureaucrats free from the sultan's supervision.

Hasan Kâfî El-Akhisârî (1544-1616) thinks that the decreasing power of the sovereignty from 1570's on was caused by the failure to secure the justice. He thinks, any sovereignty deprived of justice is neither preserved by Allâh nor tolerated by others.³⁷³ Also, Koçi Bey complains about the renunciation of the sultans after Süleymân the Lawgiver from listening to the petitions of the *re'âyâ* through which they could be informed about the real situation throughout the country.³⁷⁴

The unknown author of *Kitâb-ı Müstetâb* (Nice Book) written for Osmân II (1604-1622) sees the reason for the corruption as the indifference of the sultans in the state affairs beginning with the time of Murad III. He thinks that the transfer of state affairs totally to the grand viziers who tried to gain power in their limited incumbency started the bribery and corruption in the Ottoman bureaucracy.³⁷⁵ He states that the main cause of the rebels like those of *Celâlîs* is the unjust attitudes of the ruling class. To him, it is not surprising for any servant who took his post in return for bribery to see taking bribery legitimate for any action.³⁷⁶ He reminds that "If no bribes enter the palace, they do not prevail in provinces, too".³⁷⁷ He thinks that only a potent sovereign could solve these problems, but seems hopeless about a new potent sultan and instead he consults the sultan to appoint a competent man for the office of grand vizierate.³⁷⁸

³⁷⁰ Ibid. 69

³⁷¹ Ibid. 73

³⁷² Ibid. 79

³⁷³ İpşirli, "Hasan Kafi El-Akhisârî Ve Devlet Düzenine Ait Eseri Usûlü'l-Hikem Fî Nizâmî'l-Alem." 254

³⁷⁴ Kurt, *Koçibey Risalesi*. 16

³⁷⁵ Anonymous Author, "Kitâb-ı Müstetâb." 4

³⁷⁶ Ibid. 5

³⁷⁷ Ibid.

³⁷⁸ Ibid. 31

Kâtib Çelebi's (offer for the solution to the corruptions in all the departments of the state is, as the Circle of Justice implies, a potent sultan since he is the core pillar for a state to survive.³⁷⁹ In his conclusion before he repeats the necessity of a sultan who would subjugate the people to Allâh he mentions that the *ehl-i hal' ve'l-'akd* (men of loosing and binding) who enthrone and dethrone the sultan know the solution for these problems.³⁸⁰ By reminding this presumably he gives a message to those men so that they could arrange the enthronement of a potent sultan.

Finally, Defterdâr Sarı Mehmed Paşa enumerates the responsibilities of the sultan as supplying prosperity for the *re'âyâ*, organizing the public affairs, enforcing the *şerî'at* and guarding the borders of the country from enemies. To do this, he needs men and money.³⁸¹

Almost all the *islahatnâme* writers oppose to the indifference of the sultan in the state affairs especially about the appointment issues. They, keeping the Circle of Justice in their minds, counsels the sultans to secure the justice for the *re'âyâ* by listening to their petitions or sending agents to provinces to check whether they are contented. Also, their justice for the civil servants and *ulemâ* would be to appoint them as to their competences.

4.3. The Civil Servants (The *Ricâl*)

The role of civil servants in general is to help and represent the sultans in public affairs in solidarity also to each other. However, as the time of potent sultans disappeared from the mid-sixteenth century on, the sovereignty started to be shared by them under the leadership of grand viziers. This change was not accepted in the earlier stages, but later the *Islahatnâme* writers conceded this change as long as they stayed away from the bribery and tyranny. Thus, they even began to give parts for advice to grand viziers and further wrote treatise directly to the grand viziers.

Lütfi Paşa is in the opinion that the sultan should not share his powers with the civil servants and adds that the servants of the sultan should not interfere with the public affairs.³⁸² The grand vizier is responsible for finding the poor and the weak

³⁷⁹ Kâtib Çelebi, "Düstûru'l-Amel Li-Islâhi'l-Halel." 135

³⁸⁰ Ibid. 136

³⁸¹ Defterdâr Sarı Mehmed Paşa, *Devlet Adamına Öğütler: Osmanlılarda Devlet Düzeni (Nasihatü'l-Vüzerâ Ve'l-Ümerâ)*. 9

³⁸² Kütükoğlu, "Lütfi Paşa Âsafnâmesi (Yeni Bir Metin Tesisi Denemesi)." 64

and for meeting their needs.³⁸³ He thinks that merit is closely related to the lineage, so the sons of the old statesmen should be regarded as competent and trustable for the new appointments.³⁸⁴ Also, the people are expected to obey only to those whose lineage is familiar to them.³⁸⁵ If a mistake is made some other experienced servants from the chancery should warn the grand vizier.³⁸⁶ As to Lütü Paşa the grand vizier should not be afraid of deposition and should keep the sultan distant from procuring so much money.³⁸⁷ He sees the bribery as a disease which has no medicine and socially the reason for the disorder in the country.³⁸⁸ He prescribes the civil servants to be contented and tries to show that their incomes are much enough for their living.³⁸⁹ Lütü Paşa sees the hierarchy among the civil servants very important for the administrative organization and describes in detail the protocol rules to make that hierarchic order clear.³⁹⁰ He strictly opposes to civil servants' engaging in trade since this is contrary to the old precedents (*kânûn-ı kadîm*).³⁹¹ The civil servants should be appointed according to four things; honor, lineage, ability and service. Those who are not competent should not be given posts.³⁹²

The author *Hırzû'l-Mülûk* again opposes to the increasing power of the viziers and regards the abundance of the viziers in the *Divân* not as a symbol of supremacy but an opportunity for the richness in consultancy. Hence, the viziers should not rely on their number. Instead they are obliged to advise to the sultan in any issue without hesitation.³⁹³ They do not have right to behave like the sultan and to give the posts without the approval of the sultan. He criticizes the ongoing position of the grand vizier in the sense that the grand vizier behaves as if he is the sultan. This is dangerous, as to him, since the state officials regard the grand vizier as the sole authority and devote themselves to serve him not the sultan.³⁹⁴

³⁸³ Ibid. 64-65

³⁸⁴ Ibid. 65

³⁸⁵ Ibid.

³⁸⁶ Ibid. 66

³⁸⁷ Ibid. 67

³⁸⁸ Ibid. 70

³⁸⁹ Ibid. 71

³⁹⁰ Ibid. 74-77

³⁹¹ Ibid. 79-80

³⁹² Ibid. 81

³⁹³ Anonymous Author, "Hırzû'l-Mülûk." 185

³⁹⁴ Ibid. 188

He states that if the sultan himself appoints the high-ranking statesmen they would not be afraid of anybody else and try to represent him in their posts. Thus, he advises the sultan to advise a *beylerbeyi* in the course of his appointment:

Know that I appointed you to this position not at the recommendation of somebody else. Rather, I appointed you fiducially in order that you would do justice towards the *re'āyâ*. Do not be afraid of anybody other than Allâh. Behave independently and I will not listen to words of anybody about you except yourself. Content yourself with your *has* revenues and be dependant on nobody. Give the *timârs* and *zeâmet*s fully to those who deserve them... Do not accept bribes and I will pry into your actions through my agents... Do not fear from and show mercy to those who do injustice towards the *re'āyâ* and inform me about them. Be just and enforce the *şerîat* on those who cause disorder even if one of them is your own son.³⁹⁵

Hasan Kâfî El-Akhisârî asserts that the main reason of the corruption in the Ottoman system which is evident, to him, from 1572 on, is the neglect of just government which mostly stems from the increasing number of incompetent civil servants in the state posts.³⁹⁶ Thus, he thinks that the justice could only be secured through the civil servants who deserve their posts. Moreover, since they can do mistake, they should consult to the *ulemâ*, but, he observes, that they, so far from knocking their doors, began to look down on them.³⁹⁷

Also, Kâtib Çelebi strictly opposes to the distribution of state offices in exchange for bribes and he regrets to say that although bribe-takers were punished and deposed in the past, now the bribery turned out to be a tool of state affairs.³⁹⁸ He sees the civil servants as the intermediaries between the *re'āyâ* and the treasury, so the productivity of the *re'āyâ* is not enough for the fullness of the treasury if these intermediaries are corrupted.³⁹⁹ He states that bribery is forbidden even in the states of infidels since it is against the just rule and reason.⁴⁰⁰ Though the bribery is forbidden by religion, he asserts that those who take bribe announced that it is profitable for the treasury. At that it left the treasury empty.⁴⁰¹

³⁹⁵ Ibid. 188

³⁹⁶ İpşirli, "Hasan Kafi El-Akhisârî Ve Devlet Düzenine Ait Eseri Usûlü'l-Hikem Fî Nizâmî'l-Alem."

³⁹⁷ Ibid.

³⁹⁸ Kâtib Çelebi, "Düstûru'l-Amel Li-Islâhi'l-Halel." 128

³⁹⁹ Ibid. 134

⁴⁰⁰ Ibid. 128

⁴⁰¹ Ibid. 129

He recognizes the necessity of the civil servants for sovereignty and one of his solutions to the corruption in the system is that those men should be aware of the fact that they should obey to a potent sultan who is the representative of Allâh on the earth and come together through solidarity to the state survive.⁴⁰²

The author of *Kitâb-ı Mesâlih* gives high importance to the existence of old and experienced statesmen around the state officials. He suggests both the sultan himself and his civil servants to consult to elderly and wise men in their affairs since they might have already experienced the possible bad results of intended actions.⁴⁰³

The author of *Kitâb-ı Müstetâb*, however, explains the promotion system in the classical age in detail and complains about the appointments of inexperienced men to the office of grand viziers. He claims the reason for the actual disorder in his time is the abandonment of the old promotion system.⁴⁰⁴ He gives the example that even a villager from the *re'âyâ* can get a post in military through bribe which he could earn by selling his animals or lands.⁴⁰⁵

He is also not ease about the corruption among the *ricâl*. He recounts the immoral behaviors of some statesmen as bribery, subversion of the religious rules, and even pedophilia.⁴⁰⁶ Furthermore, he claims that those who are not like them are not given any post in the bureaucracy. Since those who are appointed to new offices could take their positions in return for bribery, they set about compensating the money they spent instead of dealing with the public affairs.⁴⁰⁷ He attributes the *Celâlî* rebels not to the new demands of the subjects but to the tyranny they were exposed.⁴⁰⁸ The attitude of especially the grand vizier is of great importance, to him, for the good of the state and society. He thinks that three things spoil the bureaucracy; a bad grand vizier, bribery and statesmen who behave as to the wishes of their wives.⁴⁰⁹

Unlike the other authors Koçi Bey is in the opinion that the corruption among the civil servants stems from the decreasing power of the grand viziers. While the power of sovereignty was in the hands of the sultan together with his grand vizier in

⁴⁰² Ibid. 136

⁴⁰³ Anonymous Author, "Kitâbu Mesâlihi'l-Müslimîn Ve Menâfi'i'l-Mü'minîn." 105-106

⁴⁰⁴ ———, "Kitâb-ı Müstetâb." 7

⁴⁰⁵ Ibid. 8

⁴⁰⁶ Ibid. 23

⁴⁰⁷ Ibid. 23

⁴⁰⁸ Ibid. 24

⁴⁰⁹ Ibid. 30

the glorious times, now he states that the rising power of other high-ranking statesmen adversely affected the independence of the grand viziers in state affairs. Thus, the grand viziers began to share their authorities with those other palace men by giving the state lands to their personal properties, which finally caused the decrease in state lands, in the revenues of the treasury and in the number of *timâr* soldiers. Even those statesmen distributed more lands and *timârs* to their relatives or to someone else in return for bribery.⁴¹⁰

Defterdar Sarı Mehmet Paşa repeats the words of Lütfi Paşa in his advises to statesmen and adds that the grand vizier should be accessible by the *re'âyâ* to listen to their complaints.⁴¹¹ He reminds the civil servants to carry on the tradition of *tebdîl* (going about in disguise within public) so that they could detect the wrongs of the tradesmen towards the *re'âyâ*.⁴¹² However, when they catch someone guilty, they should know that they do not have the right to punish or remit them in defiance of the *şer'î* rules.⁴¹³ He actually fancies that only the treatment of bribery disease among the ruling class would be enough for the reclamation of the system in general.⁴¹⁴

4.4. The Army

The Army, as the Circle of Justice implies, have two functions; firstly they should protect the sovereignty and secondly the expenditures for them should not be as high to damage the treasury. Thus, Lütfi Paşa makes a direct correlation between the army and the *timâr* holding. He advises that those to whom the *timârs* will be given should be not only trustable but also brave and powerful men since they would also fight against the enemies in the states of war.⁴¹⁵ Also, the same *timâr* should not be given more than one person which is contrary to *kânûn-ı kadîm* and a reason for the deficiency of soldiers.⁴¹⁶ Lütfi Paşa explains the conduct of war (*tedbîr-i sefer*) under a separate title, but he is in the opinion that in accordance with the Circle of Justice the main duty of the army is to protect the sultanate not the country. He again describes the hierarchy in the deployment of the military forces around the sultan's

⁴¹⁰ Kurt, *Koçibey Risalesi*. 36-37

⁴¹¹ Defterdâr Sarı Mehmed Paşa, *Devlet Adamına Öğütler: Osmanlılarda Devlet Düzeni (Nasihatü'l-Vüzerâ Ve'l-Ümerâ)*. 25

⁴¹² Ibid. 31

⁴¹³ Ibid. 33

⁴¹⁴ Ibid. 59-61

⁴¹⁵ Kütükoğlu, "Lütfi Paşa Âsafnâmesi (Yeni Bir Metin Tesisi Denemesi)." 65

⁴¹⁶ Ibid. 66

tent.⁴¹⁷ In this regard, he seems he has nothing to say about the tactics on the battle field.

While Lütü Paşa is against the increase in the number of salaried soldiers,⁴¹⁸ Kâtib Çelebi alleges that decreasing the number of the soldiers who take stipends from the treasury is needless. Çelebi thinks that for the century he lived a total number of about 50 000 soldiers is not too many. What is necessary is to reduce their stipends as in *kânûn-ı kadîm*.⁴¹⁹ Also he proposes that the soldiers could be taxed since at the same time they do their own businesses. This would cause the decrease of their numbers.⁴²⁰

The author of *Kitâb-ı Mesâlih*, as he is in many other issues, is also against the *kânûn-ı kadîm* in the recruitment issues, too. He proposes that the children who were recruited for military purposes from the non-Muslim peasant families should not be sent to Turkish farming families in the provinces. He thinks that this tradition makes those children far from learning military abilities in their adult ages. Instead they should be given to the soldiers as apprentices so that they could learn from experienced soldiers in an early age.⁴²¹

He also remarks the increasing quantity but decreasing quality within the janissaries. This not only had a negative effect on the results of wars but also harmed the state treasury.⁴²² Thus, he implies that the connection between the treasury and the army got loose by contrast with the Circle of Justice. He associates the survival of the sultanate with three things; the *re'âyâ*, the army and the treasury. However, he states, this connection could only be supplied with the justice that he defines as giving the *dirliks* to the competent men but now in accordance with the *kânûn-ı kadîm*.⁴²³

Hasan Kâfi El-Akhisârî alleges that the defeats of the Ottoman armies were resulted from the inclusion of other class members to the military class. This is a big mistake and actually the main reason of the disorder among the entire Ottoman society.⁴²⁴ An army without soldiers who know how to use the weapons of the enemy

⁴¹⁷ Ibid. 82-85

⁴¹⁸ Ibid. 92

⁴¹⁹ Kâtib Çelebi, "Düstûru'l-Amel Li-Islâhi'l-Halel." 132

⁴²⁰ Ibid. 138

⁴²¹ Anonymous Author, "Kitâbu Mesâlihi'l-Müslimîn Ve Menâfi'i'l-Mü'minîn." 93

⁴²² ———, "Kitâb-ı Müstetâb." 9-15

⁴²³ Ibid. 18

⁴²⁴ İpşirli, "Hasan Kafi El-Akhisârî Ve Devlet Düzenine Ait Eseri Usûlü'l-Hikem Fî Nizâmi'l-Alem." 253

cannot be victorious. Thus, those who did not have military training before war are not possible to fight. To prevent this, the sultan, if he could, should survey on his army by himself.⁴²⁵

Koçi Bey, on the other hand, explains the reason of the lack of soldiers from provinces in the course of wars as the short incumbency of the provincial administrators like *beylerbeyis* and *sancakbeyis*. He thinks that if they were let to stay more than ten years in their posts, it would be easier for them to feed and collect much more soldiers for wars.⁴²⁶ Also, the decrease in the number of *timâr* soldiers in provinces, he states, caused the increase of the expeditions with the central army to borders. Whereas, he reminds, when there were enough *timâr* soldiers in the provinces during the Golden Age, many attacks from the enemies were set back without the need for the central army.⁴²⁷ He regrets to say that almost every soldier is now from the central army and their increasing power made them spoiled to interfere with the state affairs by going too far to cause many statesmen to be executed since they did not behave as to the wishes of the central army.⁴²⁸ He adds that the central army was controlled by the *timâr* soldiers in the past, but now since the *timâr* soldiers are almost exhausted, every one of the janissaries became a giant.⁴²⁹ He is optimistic under one condition that if the *timârs* are resurrected and the number of janissaries is decreased, the state could be revived to the glorious ages.⁴³⁰

4.5. The Treasury

Almost all of the *islahatnâme* writers state that the main problem with the treasury became the increase in the number of janissaries and the decrease in the number of *timâr* lands. Only, maybe since he was the head of treasury once, Defterdar Sarı Mehmed Paşa mentions about the frequency of the wars and the decrease in the customs revenues as the other reasons for the deficiency in the state budget.⁴³¹ This may be because either these thinkers were not informed about financial problems or they were aware of the fact that the Ottoman economy was

⁴²⁵ Ibid. 268

⁴²⁶ Kurt, *Koçibey Risalesi*. 18

⁴²⁷ Ibid. 19-20

⁴²⁸ Ibid. 37

⁴²⁹ Ibid. 67

⁴³⁰ Ibid.

⁴³¹ Defterdâr Sarı Mehmed Paşa, *Devlet Adamına Öğütler: Osmanlılarda Devlet Düzeni (Nasihatü'l-Vüzerâ Ve'l-Ümerâ)*. 81

based on agriculture throughout the classical age, so they ignored the revenues other than the land taxes since they were not much in comparison with the land tax incomes. Also the decrease of the *timar* lands was the main cause of the increase in the number of salaried soldiers who dried up the state treasury.

Lütfi Paşa alerts the sultan not to mix the public goods with his own goods. This is a cause for the end of the state since such a treat could be disapproved by the *re'āyā*.⁴³² He criticizes the ongoing position of the state treasury by employing the relation between the treasury and justice as settled in the Circle of Justice.⁴³³ To him, the collection of taxes is possible only through just treatment not by tyranny and oppression. He advises not to increase the number of those who take salaries from the treasury.⁴³⁴

The anonymous author of *Hırzū'l-Mülûk* is also aware of the connection between the sultanate, the justice, the army and the treasury. Although in the original Circle of Justice the obedience of the soldiers to the sultan is related to giving them stipends from the treasury, the author of *Hırzū'l-Mülûk* replaces the *dirliks* for the stipends in the Circle.⁴³⁵ He thinks that the survival of the sovereignty is through the justice and the soldiers and the obedience of the soldiers is through the *dirliks* given to them on qualification. Thus, in his short formulation of the Circle of Justice the *dirliks* are the treasury which is necessary for the needs of the soldiers. Therefore he unequivocally opposes to the disposition (*temlik*) of state lands to the personal property of the high-ranking officials since it will diminish the economic power of the state.⁴³⁶

Kâtib Çelebi confesses that the incomes of the state treasury became less than the expenses during the last decades and for the solution his suggestion is the existence of an authoritarian sultan who will prevent the unnecessary expenses.⁴³⁷

The author of *Kitâb-ı Mesâlih* associates the illegality in recruitment affairs with the deficiency in the *harâc* taxes. He alleges that the unlawful conduct of recruitment in the Rumelia caused the Christian farmers to leave their lands and cut off cultivation which, in return, harmed the state treasury.⁴³⁸ Thus, he implies the

⁴³² Kütükoğlu, "Lütfi Paşa Âsafnâmesi (Yeni Bir Metin Tesisi Denemesi)." 68

⁴³³ Ibid. 91

⁴³⁴ Ibid. 92

⁴³⁵ Anonymous Author, "Hırzū'l-Mülûk." 176

⁴³⁶ Ibid. 178-79

⁴³⁷ Kâtib Çelebi, "Düstûr-ı Amel Li-İslâhi'l-Halel." 135

⁴³⁸ Anonymous Author, "Kitâbu Mesâlihi'l-Müslimîn Ve Menâfi'i'l-Mü'minîn." 106

relation between the treasury and the army defined by the Circle of Justice was desultory in some cases.

The author of *Kitâb-ı Müstetâb* also complains about the abundance of the salaried soldiers which, he thinks, was caused by the arbitrary distribution of posts by the grand viziers unlike the past glorious times, which at the end influenced the treasury in a negative way.⁴³⁹ He also cavils at the privatization of state lands by the high-ranking statesmen, which endangers both the treasury and the number of the *timâr* soldiers who, he thinks, were the real conquerors in the victory years of the Ottoman Empire.⁴⁴⁰

He reminds the time of Lütü Paşa's grand vizierate and says that the real treasury is the content of the *re'âyâ*. If they are not happy in their places, the treasury cannot stay full.⁴⁴¹ He proposes the sultan not to assume that the *re'âyâ* is contented as he sees the treasury is full. The sultan should be informed about the real situation of the *re'âyâ* whether they are really happy or not.⁴⁴² He should know that if there is injustice towards the *re'âyâ*, it is imminent that the fullness in the treasury will not continue.

Koçi Bey complains about the deficiency in the treasury and to make it full he offers that those who take stipends from the treasury should be given *timârs* instead of taking cash from the state. Through this way, he supposes, both the treasury would stay full and the state lands would be cultivated. Thus, the *timâr* system could be resurrected.⁴⁴³ He is also against the *vakf* lands endowed by the statesmen other than those who gained their private lands through holy war. However, now many civil servants, although they had their private lands through *temlik* by the state, they could endow them as *vakfs* which actually serve to their sons. Hence, he offers to prevent these kinds of lands and to turn them to *mîrî* (state) lands again.⁴⁴⁴

Defterdâr Sarı Mehmed Paşa argues that just the precaution of the *defterdârs* (head of the treasury) is not enough to increase the incomes and to decrease the expenditures. Also the benevolence and perseverance of the sultan and the grand vizier is needed. He reminds the care of Caliph Omer in using the *beytü'l-mâl* (state

⁴³⁹ ———, "Kitâb-ı Müstetâb." 3

⁴⁴⁰ Ibid. 15-17

⁴⁴¹ Ibid. 19

⁴⁴² Ibid. 19-21

⁴⁴³ Kurt, *Koçibey Risalesi*. 72

⁴⁴⁴ Ibid. 73-74

treasury) and advises the sultan and the grand vizier to take only their livelihood from it as to the *şerî'at*.⁴⁴⁵

4.6. The *Re'āyâ*

As expressed in the previous chapters the Circle of Justice requires both the existence of *erkân-ı erba'a* (subjects, soldiers, merchants, scholars) and keeping them in their due stations. This is crucial for the *Islahatnâme* authors especially for the *re'āyâ* class. They are strict opponents of any kinds of penetration from the *re'āyâ* to other classes since it will diminish the production in provinces and thus the taxes for the treasury. These treatise owners think that this could be prevented only through just treatment towards the *re'āyâ*. If they are, for example, secured from extra taxes and tyranny from the provincial administrators, they would be happy in their positions and the Circle of Justice will survive.

Lütfi Paşa seems aware of the possibility for the *re'āyâ* to revolt and move up to Istanbul so he warns the sultan and the grand vizier since it would cause at the end some shortage and troubles in the state centre.⁴⁴⁶ He also disapproves the transition of the *re'āyâ* to the military class since the scarcity in the number of the *re'āyâ* will also decrease the state incomes.⁴⁴⁷ He considers the *re'āyâ* with pragmatic concerns on behalf of the state benefits and casts them three roles in the system. First, some of them who are capable to fight should be enrolled in the armed services. Second, they should pay taxes and the amount of these taxes should be rearranged once every thirty years. Those who are exempt from taxes like the descendants of the Prophet Muhammad should be checked whether they have right for tax exemption. Third, they should stay where they are and not to move due to bad treatments to other places under the administration of a different official.⁴⁴⁸ If any of them is promoted to *askerî* class, his relatives should stay as *re'āyâ*.⁴⁴⁹ However, he warns that if any of them has his own property nobody has the right to take it.⁴⁵⁰ Obviously, Lütfi Paşa considers the *re'āyâ* with regard to their benefits for the state, but he does not totally disregards them in their personal rights.

⁴⁴⁵ Defterdâr Sarı Mehmed Paşa, *Devlet Adamına Öğütler: Osmanlılarda Devlet Düzeni (Nasihatü'l-Vüzerâ Ve'l-Ümerâ)*. 71-73

⁴⁴⁶ Kütükoğlu, "Lütfi Paşa Âsafnâmesi (Yeni Bir Metin Tesisi Denemesi)." 69

⁴⁴⁷ Ibid. 81

⁴⁴⁸ Ibid.

⁴⁴⁹ Ibid. 98

⁴⁵⁰ Ibid. 99

Kâtib Çelebi's first topic in his *Düstûru'l-Amel* is on the conditions of the *re'âyâ*. Thus, either he sees the *re'âyâ* as the most important pillar of the system or for his life time the most important issue was the unrest among them. He employs his formulation of the Circle of Justice in the beginning of this topic and implies the necessity of justice to please the *re'âyâ*.⁴⁵¹ He uses the concepts of *ahlât-ı erbaa* and *erkân-ı erba'a* mentioned before and comes to conclude that the *re'âyâ* is needed for the treasury. Hence, if they are oppressed and offended, they leave their services and places and so the treasury becomes empty at the end.⁴⁵² For this reason the previous great sultans used to prevent injustice and did not show tolerance to oppressors. However, he asserts that now the oppression of the *Celâlîs* caused the *re'âyâ* to leave their lands and move to the city centers which for example made Istanbul overcrowded.⁴⁵³ The other reasons for this mobility, Çelebi states, are the doubled amounts of taxes and especially distribution of *timâr* holdings in exchange for bribes which at the end cause the *timâr* owners to tyrannize the *re'âyâ*.⁴⁵⁴ He offers for the peace of the *re'âyâ* that competent and satiated men should be appointed to the offices in provinces and no money would be taken from them in return. Thus they would not oppress the *re'âyâ* and thus the *re'âyâ* would not leave their places of production.⁴⁵⁵

Also Hasan Kâfî El-Akhisârî considers the *re'âyâ* as the main body of the society and is strictly against the mobility between the classes. To him, the root cause of the expensiveness in the agricultural and animal products is the dislocation of the *re'âyâ* class which reduced the cultivation and stock-breeding in provinces.⁴⁵⁶

Koçi Bey thinks that the involvement of the *re'âyâ* to the *askerî* class is dangerous in two ways. First, this causes the state lands to be uncultivated and thus harms the treasury. Second, those *re'âyâ* who tasted the pleasure of being soldier cannot concentrate on farming after they came back from war and as a result they prefer banditry in mountains instead of cultivation. To him, the human source of the *Celâlî* rebellions was mostly those men.⁴⁵⁷

⁴⁵¹ Kâtib Çelebi, "Düstûru'l-Amel Li-Islâhi'l-Halel." 124

⁴⁵² Ibid. 126

⁴⁵³ Ibid. 127

⁴⁵⁴ Ibid. 128

⁴⁵⁵ Ibid. 138

⁴⁵⁶ İpşirli, "Hasan Kafi El-Akhisârî Ve Devlet Düzenine Ait Eseri Usûlü'l-Hikem Fî Nizâmî'l-Alem."

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⁴⁵⁷ Kurt, *Koçibey Risalesi*. 17-18

Defterdâr Sarı Mehmed Paşa, though he was the head of the treasury once, opposes to the extra taxes levied on the *re'āyâ* other than the routine ones. To him, this does more harm than good for the treasury since it would make the *re'āyâ* cut off cultivation. He likens this to taking from the foundation soil of a building and putting it again on that building.⁴⁵⁸ In this regard, he reminds the words of Süleymân the Lawgiver which goes “The real owner of the state is the *re'āyâ* who deprive themselves of rest and comfort and feed us through the food they acquired”.⁴⁵⁹ Still he, like many other thinkers, is against the freedom of the *re'āyâ* to transfer to the military or ruling class since any decrease in their number would harm the state. He, like Lütî Paşa, alleges that they should not be indulged nevertheless.⁴⁶⁰

4.7. The Justice

Justice is the only abstract link of the Circle of Justice, so the conceptions of it also differ among the *Islahatnâme* authors. However, what is common in their conceptions is that they mostly consider the justice as a relation between the ruling and the ruled. Hence, they conceive justice with its antonym and often advises the sultan to prevent injustice towards the *re'āyâ* instead of defining what justice is. Injustice or tyranny in historical context, to them, is mostly to overtax the *re'āyâ* and take their private properties by force. They think that since the *re'āyâ* were overtaxed they left cultivation and the productive link of the Circle malfunctioned. Their criticisms regarding the ignorance of justice are as following.

The author of *Kitâb-ı Müstetâb* asserts that the reason for the disorder in the Ottoman system is the ignorance of justice especially from the reign of Murâd III on.⁴⁶¹ Keeping the Circle of Justice in his mind, he sets forth that the injustice and bad government from that time on caused the *re'āyâ* to fall into great trouble, and this gave rise to budget deficit in the state treasury, and this brought about the problems in the ruling class, too.⁴⁶²

The author of *Hırzû'l-Mülûk* advises the provincial administrators to investigate the officials under their lead and know if they do injustice towards the

⁴⁵⁸ Defterdâr Sarı Mehmed Paşa, *Devlet Adamına Öğütler: Osmanlılarda Devlet Düzeni (Nasihatü'l-Vüzerâ Ve'l-Ümerâ)*. 93-95

⁴⁵⁹ “Velî ni 'met fi 'l-hakîka re'āyâdır ki anlar zirâ 'at ve harâset emrinde huzûr u ârâmı kendilere harâm ve iktisâb itdikleri ni 'met ile bizi it 'âm ederler”. Ibid. 95

⁴⁶⁰ Ibid. 97

⁴⁶¹ Author, "Kitâb-ı Müstetâb." 2

⁴⁶² Ibid.

re'āyâ. To him the security in the provinces is of big importance for the welfare of the *re'āyâ*. To ensure their security the bandits and brigands should be caught and taken to *kâdî* court.⁴⁶³ Also if any officials are ascertained to take the property of the *re'āyâ* by force, they should be prevented from doing anything against the *şerî'at* and *kânûn*, and the property of the *re'āyâ* be given back.⁴⁶⁴

The author of *Kitâb-ı Mesâlih* proposes to investigate the tax collectors of the state. He states if an official collects more taxes than expected, there are three alternatives in the issue. Firstly, he might do this because he took his work seriously and did well to get high amounts. Second, he might behave tyrannically towards the *re'āyâ*. Third, he might be a dodger who cheated the *re'āyâ*. Thus, what is required is to investigate what he did in his post.⁴⁶⁵

He mentions some other wrongs which were not mentioned in any other treatises. He complains about the bad treatments in the course of recruitments. He mentions that some young janissaries were sent to *Rumeli* to recruit the sons of non-Muslim peasants and they took their animals and lands as bribery to exempt them from giving their sons in return. Thus, the author states that these families, since they love their children more than their properties, give all they had to janissaries and leave their lands and migrate somewhere else. This is, as to the author, an important cause of the decrease in land taxes and harms the treasury though indirectly.⁴⁶⁶ Hence, he suggests sending old janissaries for this duty together with some *kâdis* under the supervision of *sancakbeyi*. Therefore, this injustice about which the grand vizier could never be informed could be prevented.⁴⁶⁷

Another injustice the author mentions is the one about the cattle taxes. He opposes to the tax collectors' attitude towards the animal breeders who were taxed even if some of their animals killed due to the climatic disasters within a year. He states that the tax amounts should be determined according to the real situation not to the one recorded in the *defters*. Otherwise, the animal-breeding *re'āyâ* suffer from both the lost of their animals and unjust taxing on their dead animals. This also

⁴⁶³ _____, "Hırzû'l-Mülûk." 185

⁴⁶⁴ Ibid. 185

⁴⁶⁵ _____, "Kitâbu Mesâlihi'l-Müslimîn Ve Menâfi'i'l-Mü'minîn." 103

⁴⁶⁶ Ibid. 106

⁴⁶⁷ Ibid.

causes those *re'āyâ* cut off husbandry and at the end increase in animal prices.⁴⁶⁸ He warns that “increase in prices is due to tyranny and cheapness is by justice”.⁴⁶⁹

Koçi Bey, by repeating the famous maxim of past Islamic political thinkers, reminds the sultan “The earth remains with unbelief but not with tyranny”.⁴⁷⁰ He lectures the sultan that he will be held accountable in the afterlife for even the slightest mischief of his agents towards the *re'āyâ*. In this sense, he thinks that the worst injustice is the excessive tax boost over the *re'āyâ*.⁴⁷¹ Defterdâr Sarı Mehmed Paşa puts forward that it is the justice which increases the revenues of the treasury and the number of the *re'āyâ*. Thus, if justice is neglected, the country is impossible to be prosperous.⁴⁷²

It is readable that most of these *Islahatnâme* writers advise justice for the sultan and other statesmen by addressing its rewards and punishments for both this world and the next world. However, they stress the worldly rewards and otherworldly punishments. Securing the justice, while it was accepted as the source of legitimacy for the Ottoman sovereigns by the classical political writers especially by those of *Fıkh* and *Ahlâk* genres, was conceived by the *Islahatnâme* writers not a source of legitimacy but a missing pillar of the Circle of Justice as equivalent to other links like the *şerî'at* or the sovereignty. These treatise writers did not think that only a just government was enough to re-establish the past power of the empire but also other links of the Circle should be retained.

⁴⁶⁸ Ibid. 107

⁴⁶⁹ Ibid. 108

⁴⁷⁰ Kurt, *Koçibey Risalesi*. 62

⁴⁷¹ Ibid. 60-62

⁴⁷² Defterdâr Sarı Mehmet Paşa, *Devlet Adamına Öğütler: Osmanlılarda Devlet Düzeni (Nasihatü'l-Vüzerâ Ve'l-Ümerâ)*. 29

CONCLUSION

As the core concept of the Eastern political discourse, justice always had a significant role in the structures of Muslim and Turkish states and it is still functionary in Modern Eastern politics. For example, though justice may mean for them something different from the past, the name of the ruling party in Turkey is Justice and Development Party like the main opposition party in Morocco. Just as these two parties' names imply that development is possible only through justice, the survival of the past Turko-Muslim states was also based on justice that meant for them giving people their rights, preventing the oppression over people, keeping the subjects in their proper positions, enacting the *şeri'at* etc. The state theory or for some societies the imperial ideology, named as the Circle of Justice (*dâire-i adliyye*) by the Ottoman thinker Kınalızâde Alî, prescribes a mutual dependence and functional solidarity among the institutions which keep the society upright. These institutions are connected to each other like the chain links which constitute a circle at the end. They are, for the Ottoman case, the *şeri'at*, the sovereignty, the civil servants, the army, the treasury, the *re'âyâ* and the justice which connects the last link to the first and thus the emerging circle implies that none of them precedes any other.

Although the origins of this theory goes back the state etiquettes of ancient India and Persia, as the Muslim and Turko-Muslim states became large empires, they employed the Circle both in their state structures and also in political advice literature. Since Islam in principle is not against new ideas and concepts even if they are from non-Muslim cultures, the Circle of Justice was welcomed through adaptation and contribution by the Muslim thinkers especially like Fârâbî, Gazâlî, Tûsî and İbn-i Haldûn during the Medieval Ages. Ottoman thinkers who were, thanks to their trilingual background, competent enough to read and interpret their writings. While the Circle of Justice entered to the Ottoman political discourse through this literary legacy, it is also evident in the Ottoman institutions from their principality times on since they inherited their bureaucratic structure from pre-Ottoman Turkish states who had already adopted the Circle in their state organizations.

Ottoman awareness of past literature gave also rise to multiplexity in knowledge and interpretation on any science or discipline. Also the political

discourse was influenced by the diversity in political conception. Since the justice itself was not a concept the meaning of which was agreed upon, similarly the political discourse which was bricked around how to supply justice did not stay monolithic. As a result this study revealed five different genres in the Ottoman political thought and touched them by giving the brief ideas of some major thinkers assumed as representatives of those different genres as *Ahlâk*, *Fıkıh*, *Sūfî*, History and *Islahatnâme* genres.

To put forward the existence of different genres also unfolds the contradicting and critical dimension of the Ottoman political discourse and further it makes it possible to read the post classical texts like *Islahatnâmes* from diverse angles without overgeneralizations. Since the authors of these treatise writers were influenced by the ideas of thinkers from different genres, their political thoughts and criticisms to corruption became contradicting, too. Also the context in which they wrote these texts affected their points of view.

While *Ahlâk* genre and treatise writers affected from them saw the Circle of Justice possible only through the continuation of *erkân-ı erba‘a* (four status groups) and their stay in their proper positions. The moralist thinkers wrote the possibilities in the classical period stating that if any movement between these groups is allowed then the manpower for the links of the Circle will decrease and so will the power of the state. However, the *Islahatnâme* writers wrote not on possibilities but on realities and did not advise the continuity of the Circle of Justice but criticized the dissolution of it.

They were also influenced from *Fıkıh* genre in the sense that they attached high importance to the *şer‘at* in the state and social structure and for the relations between the ruler and ruled. They felt themselves responsible for the ongoing corruption and tried to warn the sultan and high-ranking officials keeping the sacred order *emr-i bi‘l-ma‘rūf ve nehy-i ani‘l-münker* in their minds. They opposed to wrong-doings of especially provincial administrators by referring to the Islamic sources like *Kur‘ân* and Traditions of the Prophet.

Although they had different ideas about and diverse solutions for the overall problems of the Ottoman state they commonly employed the Circle of Justice in their oppositions. Just like the Circle does not prescribe any solution for the international problems since it was theorized for the internal problems of agricultural societies, these treatise owners did not do, either. Also, since every links within the Circle has

equal importance, they regarded each of these links and criticized the problems with them without preferring them to each other. For them, to fix the tax problems of the *re'āyâ* for example is not enough without solving the problems in the candidacy system of *ilmiyye* organization.

In the Ottoman Empire justice has the function of liberty supplied by constitutions and governmental institutions in the modern world. The Circle of Justice required a reciprocal interest between the sovereignty and the *re'āyâ* with something like an implicit contract and mutual dependency. Supplying justice did not depend just on the benevolence of sultans as widely imaged but the sultans had to do justice for the survival of their sovereignty.

The cyclic relation stipulated in the Circle of Justice is assumed to please both the subjects by preventing the tyranny and the rulers by enabling the necessary wealth for the continuation of the state. In classical period of the Empire, since the Circle was effectively practiced, there was no much need for political advice. When the necessary pillar 'a potent sultan' started to disappear by the end of the sixteenth century, the Circle also began to be untied. Hence the political advice literature boomed with diverse formulas or concepts of the Circle of Justice. According to the time the authors of these treatises lived, different concepts of the Circle were highlighted.

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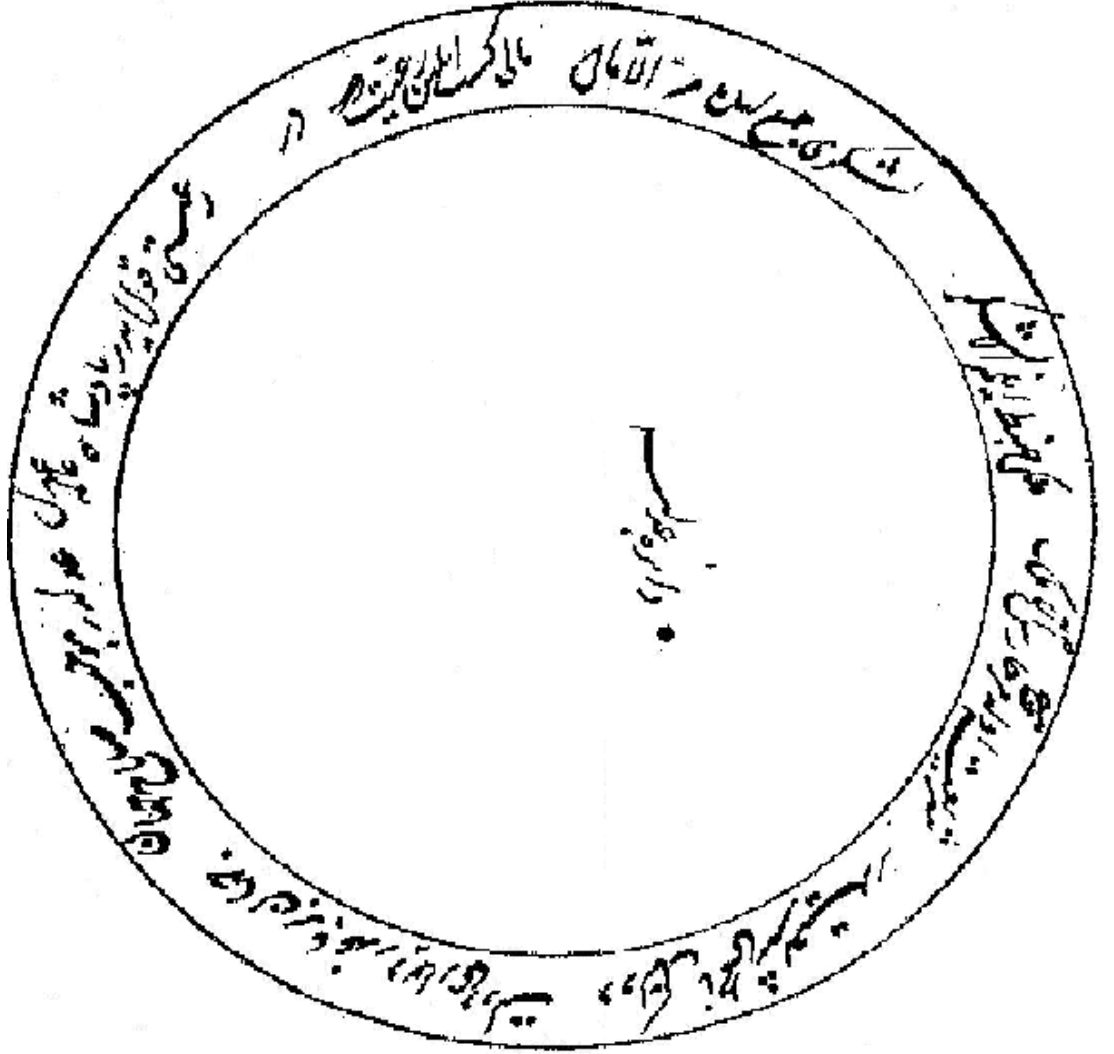
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APPENDIX I: DÂİRE-İ ADLİYYE⁴⁷³



Aldir mûcib-i salâh-ı cihân
Cihân bir bağıdır dîvârı devlet
Devletin nâzımı şerî'atdır
Şerî'ate olamaz hiç hâris illâ mülk
Mülkü zabt eylemez illâ leşker
Leşkeri cem' edemez illâ mâl
Mâlî kesb eyleyen ra'ıyyetdir
Ra'ıyyeti kul eder pâdişâh-ı âleme adl

⁴⁷³ Kınalızâde Alî Çelebi, *Ahlâk-ı Alâî*. 539