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THE OTTOMAN *ULEMA* GROUP AND STATE OF PRACTICING “*KAZA*”
AUTHORITY DURING THE 18TH CENTURY

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I hereby declare that all information in this document has been obtained and presented in accordance with academic rules and conduct. I also declare that, as required by these rules and conduct, I have fully cited and referenced all material and rules that are not original to this work.

İsmail Gündoğdu

ABSTRACT

THE OTTOMAN *ULEMA* GROUP AND STATE OF PRACTICING “*KAZA*” AUTHORITY DURING THE 18TH CENTURY

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In this study, it is aimed to analyze the learned (*ilmiye*) group that was important part of the military class of the Ottoman Empire and the *ilmiye* group had three important members. They were judges (*kadis*), professors (*müderreses*) and muftis (*müftüs*) and they were analyzed from the beginning to the end of the career line as a dynamic process. Due to the vast nature of the subject, one needed to delimit the research in terms of time and space. In that regard, it was chosen the 18th century and the districts belonging to the Anatolian *kazâskerlik* (chief justice). Due also to the impossibility to cover the whole Ottoman eras of six hundred years, the eighteenth century was chosen, the period following the classical period and preceding the era of modernization. This was because the 18th century was the era when the classical institutions of the Ottoman Empire could no longer resist the forces of change. The extent of changes, which took place in this century, might constitute a topic for other researches. On the other hand, the need to delimit the area of research to the Anatolian chief justice (*kazâskerlik*) was a result of technical and methodological necessity.

Keywords: chief justice, court, judge, judge’s office, daybook, daily revenue of

magistratures, kadi, learned group, *medrese*, movement, mufti, professor,
rank

ÖZ

18. YÜZYILDA OSMANLI ULEMA ZÜMRESİ VE “KAZA” YETKİSİNİN UYGULAMADAKİ DURUMU

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Bu çalışmada, Osmanlı askeri sınıfın önemli üyesi olan ilmiye gurubu ve bu gurubun üyeleri olan kadı, müderris ve müftülerin ilmiye teşkilatına ilk girişinden, gurup içindeki (silk) ve özellikle kazâ mekânındaki hareketliliği incelenmeye çalışılacaktır. Konunun genişliği göz önüne alındığında, zaman ve mekân sınırlandırılması gerekli görülmüş ve zaman olarak 18. yüzyıl, mekân ise Anadolu kazaskerliği yetki alanındaki kazâlar olarak seçilmiştir. Yaklaşık altı yüz yıl gibi uzun bir sürenin incelemesi çok zor olduğundan klasik sonrası ve modernleşme öncesi geçiş dönemi olan 1700–1800 yılları arası yani 18. yüzyıl zaman dilimi araştırmaya esas alınmıştır.

Anahtar Kelimeler: ilmiye gurubu, hareket, kadı, kadı yevmiyesi, kaza, kaza yevmiyesi, kazasker, mahkeme, mansıp, medrese, müderis, müftü, ruznamçe, paye.

To My father Mr. Şerif and mother Mrs. Huri Gündoğdu

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I studied at the *Müftülük* Archives of İstanbul, the Başbakanlık Archives in İstanbul, and National Archives in London, and the Papacy Archive in Vatican, and worked at the various the libraries such as İSAM, Süleymaniye Library and the Library of Nuriosmaniye in İstanbul, and British Library in London and the Library of John Raynolds in Manchester, in UK.

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LIST OF ABBREVIATIONS

AKR	:	İstanbul Müftülüğü Şer'ıye Sicili Arşivi Anadolu Kazaskerliği Defterleri
AÜİFD	:	Ankara Üniversitesi İlahiyat Fakültesi dergisi
DİA	:	Diyanet İslam Ansiklopedisi
EI	:	Encyclopedia of Islam
IA	:	İslam Ansiklopedisi
IJMES	:	International Journal of Middle East Studies
IU	:	İstanbul Üniversitesi
İMŞSA	:	İstanbul Müftülüğü Şer'ıye Sicili Arşivi
İÜEF	:	İstanbul Üniversitesi Edebiyat Fakültesi
İÜİFM	:	İstanbul Üniversitesi İktisat Fakültesi Mecmuası
K	:	Kaza
MS	:	Müstakil Sancak
N	:	Nahiye
NOK	:	Nuriosmaniye Kütüphanesi
OSAV	:	Osmanlı Araştırmaları Vakfı
RKR	:	İstanbul Müftülüğü Şer'ıye Sicili Arşivi Rumeli Kazaskerliği Defterleri
SM	:	Sancak Merkezi
TTK	:	Türk Tarih Kurumu
VM	:	Vilayet Merkezi
M	:	Muharrem
S	:	Safer
Râ	:	Rebî'ülevvel
R	:	Rebî'ülâhir
Câ	:	Cemâziyelevvel
C	:	Cemâziyelâhir
B	:	Receb
Ş	:	Şaban
N	:	Ramazan
L	:	Şevvâl
Zâ	:	Zilkâ'de
Z	:	Zilhicce

The system of transliteration:

Both Arabic and Turkish words are spelled according to Ferit Develliođlu, *Osmanlıca Türkçe Ansiklopedik Lügat* (Ankara: Aydın Kitabevi Yayınları, 2002).

CHAPTER I INTRODUCTION

The Judgeship (*Kadılık*) is a judicial and administrative position that was institutionalized since the early Islamic states. This institution emerged with Islam and took slightly different forms in different geographical regions and states. The Ottoman state, too, adopted this institution from its emergence for about six hundred years. The institution of judgeship continued from the principality (*Beylik*) era to 9 April 1340 (1924), going through various stages. This institution evolved differently in the Ottoman state from other Islamic states in terms of its hierarchy, education and promotion. Due to its importance, many researchers studied the institution of judgeship before and during the Ottoman era¹. The studies on Ottoman religious institution come forward more and more but there are still major issues to be explored.

In this study, it is aimed to analyze the course of a typical Ottoman judge's career as a dynamic process. Due to the vast nature of the subject, one needed to delimit our research in terms of time and space. In that regard, I chose the 18th century and the districts belonging to the Anatolian *kazâskerlik* (chief justice). Due also to the impossibility to cover the whole Ottoman eras of six hundred years, the eighteenth century was chosen, the period following the classical period and preceding the era of

¹ For a general outline see; İsmail Hakkı Uzunçarşılı, *Osmanlı Devletinde İlmîye Teşkilatı* (Ankara: Türk Tarih Kurumu, 1988); Özer Ergenç, *Osmanlı Klasik Dönemi Kent Tarihçiliğine Katkı: XVI. Yüzyılda Ankara ve Konya* (Ankara: Ankara Enstitüsü Vakfı, 1995); Halil İnalçık, *The Ottoman Empir: The Classical Age 1300-1600* (London: Phonix Press, 2000); idem, "Mahkama," *Encyclopedia of Islam*, vol. vi, 2nd. ed., (1991), 3-5; İlber Ortaylı, *Hukuk ve İdare Adamı olarak Osmanlı Devletinde Kadî* (Ankara: Turhan Kitapevi, 1994); Ebül'ulâ Mardin, "Kadî," *İslam Ansiklopedisi*, c., 6, (1967), 42-46; Kaldy Nagy, "Kâdi," *Encyclopedia of Islam*, vol.4, 2nd. ed., (1978), 373-375; Mehmet İpşirli, "Osmanlı Devletinde Kazâskerlik," *Bellekten*, LXI, 232, (Aralık 1997), 597-699; R. C. Repp, *The Müfti of İstanbul* (London: Ithaca Press London for the Board of the Faculty of Oriental Studies Oxford University, 1986); Fahrettin Atar, *İslam Adliye Teşkilatı* (Ankara: Diyanet İşleri Başkanlığı Yayınları, 1991); Joseph Schacht, *An Introduction to Islamic Law* (Oxford: Clarendon Pres, 1966).

modernization. This was because the 18th century was the era when the classical institutions of the Ottoman Empire could no longer resist the forces of change. The extent of changes, which took place in this century, might constitute a topic for other researches. On the other hand, the need to delimit the area of research to the Anatolian chief justice (*kazâskerlik*) was a result of technical and methodological necessity. Moreover, the chief justice of Anatolia covered vast areas from Istanbul's Anatolian bank to Yemen and from the Iranian border to Algeria. Due to the difficulty in investigating such a vast area, it is particularly focused on the Anatolian geography. After delimiting the time and space of the research, the sources have been limited to certain types of sources. Since the number of *Kazâsker Rûznâmçe defters* (the registers of Chief Justice Daybooks) are plenty in number, for the source on the Anatolian province I selected the years 1115/1703-1704, 1158/1746, 1177/1763-1764 and 1206/1791-1792. Along with these *Rûznâmçe*, I used the books for other areas and years as needed.

Prof. Dr.Özer Ergenç recommended Prosopographic method (group biography) for this research. "*Prosopography is the investigation of the common background characteristics of a group of actors in history by studying their collective lives*²." This method involved establishing common characteristics of a group by investigating the life stories of its members. This method is generally used to explain three main issues: (a) to understand the origins of political movements, (b) to analyze social structure and social movements, and (c) to explore an intellectual or religious movement's social, political, geographical or other factors. The goal of prosopography is to understand social movements, to analyze ideological or cultural changes and to explore social reality and social structure and the nature of social movements. There were various kinds of biographical books such as *Şakâikü'n-Nu'mânîyye* and its appendices named '*Atâ'î*, '*Uşakîzâde* and *Şeyhî* written about *ulema* including professors, senior judges, chief justices and *Devhatü'l-Maşâyih* written solely about *Şeyhülislam*, and *Hadikatü'l-Vüzerâ* for viziers or ministers. A close examination of these sources revealed that they focused on the more popular figures from the learned class who reached to the top and

² Lawrence Stone, "Prosopography," *Daedalus*, (winter, 1971), 46-47.

overlooked their counterparts in the provinces that constituted a great majority. For this reason, the method of prosopography could not be applied to the ulema of the provinces (*taşra*) based on the information in these biographic works. In order to talk about a group biography, it is necessary to obtain sufficient information about the majority, which is studied. We tried to obtain information about the provincial judgeships of Anatolia based on the Rûznâmçe daybooks' limited information. In brief, this study aims to establish the place and role of the *ulema* class in the Ottoman political system and to study the changes the system of judgeship (*kadıılık*) within the Anatolian Chief Justice went through during the eighteenth century.

In this stage, one person would like to briefly review the studies and researches made in this area and explain why this study is significant and valuable.

The number of studies on Ottoman state has risen in recent years. Halil İnalcık conducted serious research on the Ottoman history and shed light on many issues. His work entitled *The Ottoman Empire: The Classical Age (1300-1600)*³ became an introductory book for the Ottoman institutions in the Classical Age (1300-1600). The book consisted sections on the Ottoman law: its teaching and scholarly works on law. In this part, he elaborated on the general nature of the Ottoman legal system. However, İnalcık's other work named *Rûznâmçe Registers of The Kazâsker of Rumeli as Preserved in the İstanbul Müftülük Archives*⁴ provides a better background for this study. In his article, İnalcık used the rûznâmçe registers of the *kadiasker* of Rumeli in the İstanbul Müftülük archives and established the situation of the learned (*ulema*) class during the seventeenth century. He also explained the terms such as *müddet-i örfiye*, *infisâl*, *âsitâne* in relation to the judicial positions and the meanings they carried in the seventeenth century. However, there is not enough information about the situation in the eighteenth century. Another important work on our subject is that of İsmail Hakkı Uzunçarşılı who produced a great body of knowledge about the history of political

³ Halil İnalcık, *The Ottoman Empire- The Classical Age 1300-1600*, (London: Phonix Press, 2000).

⁴ Halil İnalcık, "The Rûznâmçe Registers of The Kazâsker of Rumeli as Preserved in the İstanbul Müftülük Archives," *Turcica XX* (1988), 251-275.

Ottoman institutions and organizations. His work entitled *Osmanlı Devletinin İlmîye Teşkilatı (The Ulema Institution of the Ottoman State)*⁵ is still a major reference book. The book gives general information on judgeship, chief justice and *Nakibü'l-Eşraflik (Chief of the Descendants of the Prophet Muhammed)* but it does not provide sufficient information for the present research. That is because the work mostly addressed the classical age (1300-1600). İlber Ortaylı, too, made a valuable contribution on the subject. His book called *Hukuk ve İdare Adanı Olarak Osmanlı Devletinde Kadî (The Judge as a Legal and Administrative Figure in the Ottoman State)*⁶ mostly focuses on the administrative role of the Ottoman *kadî*. In fact, Ortaylı used the register of Kazâsker Rûzâmçe dated 1058/1648 as a source for his research. Ortaylı's other article titled "18. Yüzyılda İlmîye Sınıfının Toplumsal Durumu Üzerine Bazı Notlar (Some Notes on the Situation of the Learned Class during the Eighteenth Century)"⁷ seems closer to our subject matter. However, by studying the *Şeyhülislam*'s biography in *Devhatü'l-Maşâyih*, the author concluded that the learned class was not open to outside world. Because this article set a methodical example for our research it solely studied the biographies of *Şeyhülislam*, it does not provide any information about provincial judgeships. In her article entitled "Social Mobility among the Ottoman 'Ulema in the Late Sixteenth Century"⁸, Surely Frothy studied the social mobility of the learned class by focusing on the works containing biographical information about the learned class in the late period of the sixteenth century. Faroqhi used *Şakâikü'n-nu'mânîye* and its appendices 'Atâ'î and 'Uşakîzâde but she did not use the registers of rûznâmçe. It seems that Faroqhi's article inspired later studies on the issue but it solely studied the period of the sixteenth century. In her article named *Civilian Society and Political Power in the*

⁵ İsmail Hakkı Uzunçarşılı, *Osmanlı Devletinin İlmîye Teşkilatı*, (Ankara: Türk Tarih Kurumu Basımevi, 1988)

⁶ İlber Ortaylı, *Hukuk ve İdare Adanı Olarak Osmanlı Devletinde Kadî*, (Ankara: Turhan Kitapevi, 1994)

⁷ İlber Ortaylı, "18. Yüzyılda İlmîye Sınıfının Toplumsal Durumu Üzerine Bazı Notlar," *ODTÜ Gelişme Dergisi, Özel Sayı*, (1979-1980), 155-159

⁸ Suraiya Faroqhi, "Social mobility among the Ottoman 'Ulema in the Late Sixteenth Century," *I.J.M.E.S.*, 4 (1973), 204-218

*Ottoman Empire: A Report on Research in Collective Biography (1480-1830)*⁹ Suraiya Faroqhi studied the influential families in the Ottoman bureaucracy, ulema families, and families close to the Ottoman dynasty. As its names suggests, this article provides a general outlook. The registers of *Kazâskerlik rûznâmçe* started to draw researchers' attention later on. In 1980, Nedim Ceylan studied this subject for the first time as an undergraduate thesis under the supervision of Mübahat Kütükoğlu. One of those studies was titled *951-959 (1544-1556) Tarihli Rumeli Kazâskerî Ruznamesi (The Rûznâme of Rumeli Kazâskerî Dated 951-959 (1544-1556))*¹⁰. This thesis transcribed the whole register after explaining some terms. There are other studies similar to this undergraduate thesis by mostly aiming to transcribe registers. Some of these works will be mentioned during the course of our study.

It is known that the officials working in the Ottoman state mechanism and generally called the 'military' were divided into three groups in terms of organization: (a) warrior class or *seyfiye (örfiye)*, (b) the learned class (*şer'îye* or *ilmiye*) and (c) the bureaucratic class or *kalemiye*. The warrior class fulfilled the executive power of the Sultan, the *ilmiye* carried out the function of judiciary while the learned class took on the function of bureaucratic organization. In the classical age, the Ottoman sultan held the absolute control of central administration as a model based on these three classes. The purpose of this model was to establish the sultan's authority over every individual living in the Ottoman territories called 'protected land'.

This model of administration had to serve its purpose by overcoming the technological constraints of its time where the production, communication, and transportation were based on human and animal labor until the nineteenth centuries. The Ottomans who emerged as an Islamic model of monarchy developed certain mechanisms to overcome

⁹ Suraiya Faroqhi, "Civilian Society and Political Power in the Ottoman Empire: A Report on Research in Collective Biography (1480-1830)," *I.J.M.E.S.*, 17 (1985), 109-117

¹⁰ Nedim Ceylan, "951-959 (1544-1556) Tarihli Rumeli Kazâskerî Ruznamesi" (*Mezuniyet Tezi, İstanbul Üniversitesi Edebiyat Fakültesi Osmanlı Müesseseleri ve Medeniyetleri Tarihi Kürsüsü, 1980*)

the technological constraints. These types of organizations were taken from its predecessors and from its contemporaries.

One of these systems was that of *tîmâr* and of subjects (*kul*). All organizations of the public administration became a major part of the establishment in order to maintain the functioning of social and economic life. This three-part system was founded to better coordinate the activities of state mechanism and to ensure state power in all parts of its territories. These three powers were relatively autonomous of each other but they also checked and balanced each other, as each was directly responsible to the Sultan. The members of three branches were a member in the Imperial Council (*Dîvân*) and consisted of hierarchical chains to reach the remote parts of the state territories. The sultan was granting authority to officials in these three branches in a certain order. A tax was charged to the subjects through these officials that took a share from it as a cost of services before they gathered in the central treasury.

The problem with such a policy was to balance the execution of these functions by state officials both for the Sultan and for the subjects. This is where the Ottoman system mainly differed from European feudalism. Only when state officials who were the Sultan's officials performed these real functions and maintained them, this central authority attained a real functionality. This was realized by dividing each branch into sub-branches both vertically and horizontally. In that regard, the *örfiye* class used the executive power of the Sultan while the *ilmiye* class employed the judicial power. This was the primary function played by the *ilmiye* class. The Ottoman laws formulated this principle, "a *bey* (chief) cannot operate without a judge's ruling while a judge cannot execute his ruling by himself." This way, the *ilmiye* class' implementation of the Sultan's judicial power as their primary function expanded in its practical sense. In other words, a judge was who put into practice both the Islamic law and the Sultan's customary laws to solve the controversies between individuals as well as to join in the administration process by using his authority of administrative justice.

Along their judicial authority, the learned class played a role in teaching and in issuing *fetvas*. Their primary role was to express their scholarly views on various issues, as the second role was to state religious, legal views for all Muslims on the worldly issues including the issues related to the Sultan. These two roles played by the learned class were directly based on the epistemology of the Ottoman period. Both ontologically and epistemologically, the knowledge was based on the Islamic notion of life and world. In other words, inspired by the Ancient Greek philosophy the Muslims interpreted their existence based on the notion of God and the world to be organized by His orders. In brief, the Ottoman knowledge was shaped by the Islamic epistemology. The learned class was the group of people that acquired and interpreted this knowledge and transfer it from generation to generation. The learned class was the sole group who provided formal education in what is called *medreses* with a definite curriculum in the Ottoman state. The *örfiye* class could transfer an office from its holder to their deputies in a chain without violating legal guidelines under the condition that this function was fulfilled without interruptions and flaws. After this condition was met, an authority could be transferred to a deputy from any segment of society, a *de facto* post holder authorized by its actual legal holder could be anyone from various groups including the subjects. For example, a *sancâk bey* could appoint for his place someone from notables or aristocracy as his deputy or *kâ'immakâm*. Only in the learned class, this policy was not implemented. A judge, a *müderris* or *müfti* could transfer his authority to his deputy only if he was a member of the learned class. These somewhat lengthy explanations were needed to provide a theoretical framework for the present.

This thesis studies the learned class (*ilmiye*) on three grounds, based on the following analyses:

1. Like other classes, the *ilmiye* class aimed to establish and to apply the Sultan's authority throughout the country. The officials who undertook this function need to carry two qualifications. The first was to have the knowledge and experience to fulfill this function. The second was to obtain the Sultan's full trust. The ones who carried these two features were selected in a system of 'elimination' to

become an official, meaning that these officials could advance, based on the principles of qualification, skill, knowledge and trustworthiness in the Ottoman state machinery.

2. Except for the ones working in the *kapıkulu* system at center, the *ilmiye* class, like other classes, did not receive their salaries from the state treasury. They received a share from state taxes for their service according to ‘the rate and amount specified in the law’. The amounts based on taxes had a concrete value as well as a symbolic one as it also showed the ranking among the members of the learned class.
3. This social category that defined and interpreted knowledge in the Ottoman society was also significant in the development and change in social epistemology.

I limited the theoretical framework of the study to the three main points. First, all of the activities of the learned class were kept by the *kazâskerlik* offices from their admission to their retirement. The *kazâskers* registered these records in the *rûznâmçe* daybooks. I analyzed these names appeared in these daybooks with a prosopographic method in a specific period and in the Anatolian territories of the Ottoman state. Within these boundaries, I analyzed social mobility within this class across space and time (i.e. career course). Secondly, I attempted to establish the meaning and value of the salaries of professors (*müderris*) and *müftis*. Thirdly, I aim to elaborate on how the learned class changed over time in terms of speed and frequency of their service.

Within this theoretical framework, the learned class was naturally closed to the outside groups. Very often, this group was resistant to change. However, a change was possible in this resistant group due to the fact that the judges and deputies exercising a judicial authority participated in the administration together with the warrior class (*örfiye*). The changes emerged in the warrior class were parallel to the changes in the learned class’ execution of judicial and administrative authority. The change could be observed in the system of candidacy (*mülâzemet*), in the implementation of timing and interruption in

service. Secondly, the system of deputies that were previously used occasionally upon necessity turned into a constant policy, pointing to another area of change. As I will explain below, there were significant efforts to prevent the system of deputation from becoming a permanent policy.

CHAPTER 2 THE CRITICISM OF RÛZNÂMÇE BOOKS AS ASPECTS OF THE OTTOMAN PALEOGRAPHY

2.1 On the Sources

At this point, it will be useful to define the sources and materials of our research in order to clarify the nature of our project. As I mostly used the registers of rûznâmçe daybooks preserved in the offices of Ottoman Chief Justice (*Kazâskerlik*), it is necessary to provide background information about them.

The judges (*kadî*) fulfill the function of legal affairs in the Ottoman state. Literally, *kadî* (*qadi* in Arabic) as an adjective means the performer or executer. As a noun it refers to a judge who judges according to the *şer'* or religious law¹¹. The judges worked as judges as a part of the administrative subdivisions of a province called *kazâ* (or district) under the Rumeli or Anatolian *Kazâskerliks*. These legal areas of authority were organized differently from that of political realms in the Ottoman state. In that regard Anatolia, Egypt, Hicaz and *Garb Ocakları* (Tunisia and Algeria) were divided into *kazâs* and further into *nâhiyes* as subdivisions of *kazâ* (district). The Rumeli province had the same type of legal organization under the Rumeli *Kazâskerlik*. Each *kazâ* was under the judicial authority of a judge (*kadî*). The judges sometimes used to send his *nâib* (deputy judge) in his place. At other occasions, the central government to this position at other times appoints a *nâib*.

The judges did not take their salaries from the central treasury but earn it by charging tax on their judicial works. For that purpose, the Ottoman lands were divided into *kazâ* centers. The revenue of a *kazâ* center was organized based on the presumptive calculation that every thousand household would yield revenue of ten *akçes*¹².

¹¹ Şemsettin Sami, *Kâmûs-ı Türki* (İstanbul: Çağrı Yayınları, 1989), 1029.

¹² İsmail Hakkı Uzunçarşılı, *İlmiye Teşkilatı* (Ankara: Türk Tarih Kurumu Basımevi, 1988), 91., and Halil İnalçık, "The Rûznâmçe Registers of the Kadî'asker of Rumeli as preserved in the İstanbul Müftülük

Accordingly, it is assumed that there must be fifteen thousand households in a *kazâ* if a judge's salary is registered one hundred and fifty *akçes* in the record books of the *kazâ*. It was obvious that the reality was not exactly the same way because *the judges' daily earnings were the amounts relative to their ranks and, therefore, the size of their districts (kazâ) and their level of importance*¹³.

2.1.1 The Daybooks (*Rûznâmçes*)

In this section, it is necessary to provide information about the *Rûznâmçe* daybooks in the Rumeli and Anatolian *Kazâskerlik* of the Ottoman state. The *Kazâskerlik Rûznâmçe* daybooks constitute the primary sources of information about the ulema institution and its operation. As *Rûz* refers to day, *nâmçe* means notebook in Persian, *Rûznâmçe* means a kind of daily journal. The examples of daybooks of salaries similar to *Rûznâmçe* were also found about the pre-Ottoman eras. The *Risâle Felekiyye der İlm-i Siyâkat* for the Eighth Hegira Century was this kind of book prepared from the documents in the Tabriz archive. Those documents belonged to the Hegira years 741, 741, 751, 834, 841, and 871. It seems that the recording system that was formerly used in the İlhanlı, Akkoyunlu, and Timur states were maintained in the Ottoman state offices¹⁴.

There are many varieties of *Rûznâme* or *Rûznâmçe* for recording daily activities in the Ottoman state. They are named after the offices that kept these registers. *Tîmâr Rûznâmçe* daybooks, *Hazîne* (Treasury) *Rûznâmçesi* and *Kazâskerlik Rûznâmçes* are such daybooks. For example, in the daybooks called *Treasury Rûznâmçes* and recorded by the Ottoman Finance (*Defterdarlık*) the daily expenses of the Ottoman treasury and

Archives,” in *Essays in Ottoman History* (İstanbul: Eren Yayıncılık, 1998), 129., Özer Ergenç, *Osmanlı Klasik Dönemi Kent Tarihçiliğine Katkı, XVI.Yüzyılda Ankara ve Konya* (Ankara: Ankara Enstitüsü Vakfı, 1995), 82.

¹³ Ergenç, *Ankara ve Konya*, 82.

¹⁴ Halil Sahilliođlu, “*Rûznâmçe*”, *Tarih boyunca Palegrafya ve Diplomatik Semineri-30 Nisan-2 Mayıs 1986*, (İstanbul: İstanbul Üniversitesi Edebiyat Fakültesi Tarih Araştırma Merkezi, 1988), 1133-114.

the daily inputs and outputs were recorded. The offices that kept the records of such books were divided into *Büyük Rûznâmçe Kalemi* and *Küçük Rûznâmçe Kalemi*¹⁵.

In the same way, the *Tîmâr Rûznâmçes* are the daybooks kept for the distribution of the Ottoman tax sources called *dirlik*. The *tîmâr* system was a type of organization used for determining the tax potential of a conquered territory during the years 1300 to 1600, i.e., the classical age of the Ottoman state. In this system, an analyzed territory was divided into upper and lower income groups. The lands with the highest level of income were given to the Sultan and highest level statesmen, those with a middle level income were given to *zaîms* (chiefs) that were middle level statesmen, the lower level units (*dirlik*) called *tîmâr* were given to *tîmârlı sipahis* (cavalry army). All these activities were registered in the *Tîmâr Rûznâmçes*¹⁶.

As explained earlier, the *Rûznâmçe kalems*¹⁷ of the two *Kazâskerliks* organized the activities of *ulema*'s promotion, re-location, and other affairs and were registered in the daybooks called *rûznâme* and *rûznâmçe*¹⁸. While these daybooks were called *Rûznâme* in the fifteenth century, it began to be called *Rûznâmçe* from the sixteenth centuries on. They were called *Yevmiye* daybooks after the Tanzimat period. In various sources, different names were used for the daybooks of the learned class but were used in the same sense. Among them were *Rûznâmçe-i Hümayûn*, *Tarîk Defeteri*, *Matlab Defteri*, *Vezaif Defteri*, *Danişmend Defteri*, *Akdiye Defteri*, *Müderrişlik defteri*, *Defter-i Kuzat*, *Me'murini İlmiye Defteri*¹⁹.

¹⁵ *Başbakanlık Osmanlı Arşiv Rehberi*, (İstanbul: T.C. Başbakanlık Devlet Arşivleri Genel Müdürlüğü Osmanlı Arşivi Daire Başkanlığı Yayın Nu: 42), 296; For detailed information about the *Tîmâr Rûznâmçe* Defters see, Erhan Afyoncu, "Osmanlı Devlet Teşkilatında Defterhane-i Amire (XV.-XVIII. Yüzyıllar)", (*Unpublished Ph.D. Diss., Marmara Üniversitesi Türkiyat Araştırmaları Enstitüsü*, 1997), 27-30.

¹⁶ *Başbakanlık Osmanlı Arşiv Rehberi*, 135.

¹⁷ M. Kemal Özergin, "Eski bir Rûznâmeye Göre İstanbul ve Rumeli Medreseleri," *İÜEF Tarih Enstitüsü Dergisi*, 4-5 (1973-1974), 270.

¹⁸ Ergenç, *Ankara ve Konya*, 81.

¹⁹ Baltacı, "Kadı-asker Rûznâmçelerinin Tarihi ve Kültürel Ehemmiyeti." *İslam Medeniyeti Mecmuası*, c., 4, no., 1 (Temmuz 1979), 59.

It is not very clear when these daybooks began to be registered but it seems that they were regularly kept since the beginning of the sixteenth century. In the beginning of this period there were only the daybooks showing the *mülâzamet* records²⁰. The *Kazâsker Rûznâmçe* daybooks were cited as a source of academic studies after the year 1979. Tangible examples of those daybooks were not at hand and, therefore, researches could not use them in their studies. It was argued that these daybooks must be present in the Ottoman archives. The *Kazâsker Rûznâmçe* daybooks were introduced by Dr. Cahit Baltacı to the academic world with his research in the *İstanbul Müftülük's Şer'iyeye Sicili* archive²¹. After confirming that almost all of the daybooks were in the *İstanbul Müftülük's Şer'iyeye Sicili* archive and pointing to their historical and cultural value, Dr. Baltacı published a detailed catalogue of these daybooks²². Today about 377 are present in the *İstanbul Müftülük's Şer'iyeye Sicili* archive²³. 250 of those daybooks belongs the Rumeli *Kazâskerlik* and the rest to the Anatolian *Kazâskerlik*. Compared to the Rumeli *Kazâskerlik*, the rest to the Anatolian *Kazâskerlik's* daybooks seemed to be incomplete. In the catalogue published by Dr. Baltacı, it is noticed that the daybooks of the Anatolian *Kazâskerlik* have great empty spots and it did not show any appointment of professors (*müderris*), *mülâzims* (judge candidates), and *kadîs* in some years, meaning that the daybooks of some years were either lost or somewhere else. Another researches, Dr. İsmail Erünsal, filled this void. During his research in the Istanbul's Nuriosmaniye Library, Erünsal found fifty *Rûznâmçe* daybooks belonging to mostly Anatolian *Kazâskerlik* and a few belonging to Rumeli *Kazâskerlik* and he briefly described those daybooks²⁴. At the end, the number of the Anatolian *Kazâskerlik's Rûznâmçe* daybooks reached from 120 to 170. Considering the fact that the number of daybooks belonging to Rumeli *Kazâskerlik* is 250, this number may still be incomplete.

²⁰ Mehmet İpşirli, *Kazâskerlik*, 640-1.

²¹ Hereafter İŞSA.

²² Baltacı, *Kadî-asker*, 59.

²³ Baltacı, *Kadî-asker*, 58.

²⁴ İsmail Erünsal, "Nuriosmaniye Kütüphanesinde Bulunan Bazı Kazâsker Rûznâmçeleri," *İslam Medeniyeti Mecmuası*, c. 4, no.3 (1980), 3-15.

2.1.2 The Contents of Daybooks

The Rûznâmçe daybooks contain information about the *kadîs* (judges) and professors' appointment, promotion, dismissal and relocation and about the situation of personnel, establishing *kazâs* (judicial districts) and the cancellation or conjoining thereof, the ranking of the *kazâs* along with the information of salaries of *kadî* and professors, about allocation of *imams*, *müezzins* and *vaizs* (preachers) called side office service (*cihet hizmeti*). These daybooks are very valuable to understand the judicial (*kazâ*) and teaching (*medrese*) system. It is understood from the documents that in both *kazâskerlik* offices called *kalems* perform the above-mentioned functions²⁵. M. Kemal Özergin states that *Rûznâmçe Kalem* coordinates the personnel work related to teaching and justice in the two *kazâskerliks*²⁶.

2.1.3 The Physical Characteristics of the Daybooks

The Rûznâmçe Daybooks have brown leather covers as some of them are with *mikleps* and others without them. Some of them have broken or missing leather covers. The Rûznâmçe Daybooks are physically in two different types and rectangular shapes. According to Cahit Baltacı, 55 of these daybooks are in this small shape²⁷. The font types used in these books are that of *talik* that is used frequently²⁸. It is seen that the daybooks that were collected in the *Kazâsker* offices page by page and were later compiled. This explains why some pages of different dates come together in the same volume²⁹. The Rûznâmçe Daybook numbered RKR.Özel No, 72 belong to the years 1123/1711 and 1126/1714 about *mülâzamet* records. It is understood that the pages

²⁵ AKR.Özel No, 51, 14a-b: “İnegöl-i Bursa mutasarrıfı Mustafa gayet-i şehri-i atiden bakiye dokuz ay zamanın ba'de't-tasarruf-ref', ve muvakkıtı Ahmet Aziz ba'fermân-ı 'ali **Rumeli kalemінде** ahar kazâdan nakl olunmakla yeri yevmi üç yüz akçe ile Musul kazâsından...”

²⁶ M. Kemal Özergin, “Eski bir Rûznâmeye Göre İstanbul ve Rumeli Medreseleri.” *İÜEF Tarih Enstitüsü Dergisi*, 4-5 (1973-1974), 270.

²⁷ Baltacı, *Kadî-asker*, 58.

²⁸ Midhat Sertoğlu, “Osmanlı Tarih Lügatı,” (İstanbul, Enderun Kitapevi, 1986), 329.

²⁹ Baltacı, 73.

about the year 1126/1714 were put in the daybook of the year 1123/1711 and compiled. However, the book numbered RKR.Özel No, 73 is consistent with 1124/1712, RKR.Özel No, 74 in the chronological order and the book numbered consisted the records of the year 1124/1712–1125/1713³⁰.

2.1.4 The Description of the Daybooks' Covers

On the outer cover of the daybooks, the names of the permanent *Kazâskers* and the years of the records are written. For example, on the outer cover of the book numbered 5193 and duplicate 4569/42 in the *Nuriosmaniye* Library it is written that “the *Rûznâmçe* of the year 1156/1743-1744 by *Hocazade Es-seyyid Abullah Efendi*³¹ (d.1160/1747-1748). In another *rûznâmçe*'s cover explains the months of the year in detail:

*The Rûznâmçe of Hazreti Mirzazâde Şeyh Mehmet Efendi for the month of Rabi'ül-Evvel of the year 1125 to the month of Rabi'ül-Evvel of the year 1126 (“Rûznâmçe-i Hazreti Mirzazâde Şeyh Mehmet Efendi, min Rebi'u'l-evvel sene 1125 ilâ Rebi'u'l-evvel sene 1126)*³²

This information explains who kept the records for the *Rûznâmçe* and its dates. Page numbers are written with Arabic numerals on the upper left corner from the first page to the last. Moreover, the first page explains the total number of pages along with dates such as “the year 1157 and 51 pages”³³. Each page of the daybook was divided into two columns. However, the early pages filled with petitions and with the copies of Imperial orders (*hatt-ı hümayun*) did not have divided columns. In this way, the pages were kept in two columns and the *kazâzker*'s seal appear on the last page of the daybook below the last words in order to prevent the entry of any further information to the daybook.

³⁰ Ibid., 73-74.

³¹ Gülsen Gökçay, “XVIII. Asrın İlk Yarısında Anadolu ve Rumeli Kazâskerli” (Mezuniyet Tezi, İstanbul Üniversitesi Edebiyat fakültesi Tarih Bölümü, 1964), 99.

³² AKR.Özel No, 15a-b.

³³ NOK.Yeni Kayıt, 4569/42, 1a-b.

2.1.5 The Description of the Daybook Contents

In order to better understand the learned class of the Ottoman society, the *Kazâsker Rûznâmçes* need to be closely inspected and analyzed in terms of content. In the *Rûznâmçes* there are many documents about not only the appointment of judges but also about professors (müderris) and deputy judges and other officials working in the judicial process and documents about subdivisions of provinces. Petitions, *mahzars* (presence) and firmans. The appointment of judges' ad professors naturally constituted the main body of these notebooks.

2.1.6 Petitions in the Daybooks

The page early pages of following the first page in the *Rûznâmçes* contain the petitions that explain various demands by the judges from the *kazâskerlik* as their higher office. Along with the petitions of judges, these daybooks also contain *arz-ı mahzars* (collective petitions) written by the people of the provincial districts (*kazâ*)³⁴.

Arzuhâl is a kind of petition written by anyone from the military class or subjects, Muslim or *zimmi*³⁵ to express a demand or a complaint from a lower status to a higher authority. Such documents can also be seen as *arz-ı mahzar*³⁶. The petitions of the military class are called *arz* and the one submitted by the subjects are called *arz-ı hâl*³⁷. However, the term *arz-ı mahzar* is used for the petitions signed by a group of people collectively. The members who participated in the *arz-ı mahzar* sign it and this makes the document an official petition expressing a group's complaint. The documents that state only one person's demand or complaint is called *arz-ı hâl*³⁸.

³⁴ See some of petitions of *kadis*: Erünsal, *Bazı Kazâsker Rûznâmçeleri*, 3-15.

³⁵ Sertoğlu, "Zimmi", *Osmanlı Tarih Lûgati*, (İstanbul: Enderun Kitapevi, 1986), 376.

³⁶ Halil İnalçık, "Şikayet Hakkı: Arz-ı Hâl ve Arz-ı Mahzâr'lar," *Osmanlı'da Devlet, Hukuk, Adâlet* (İstanbul: Eren, 2000), 50.

³⁷ *Ibid.*, 51.

³⁸ *Ibid.*, 55.

Like other states in the Middle East, the principle of justice was considered very important in the Ottoman state and constituted the basis of government. According to the principle, the just a king is, the longer his rule lasts. Along with the justice served by the courts, he himself must be just and his Dîvân as the highest court must attend to people's complaints and find a solution to them. He must take the petitions of complaint into consideration and act accordingly. The Sultan who does otherwise is not viewed as legitimate³⁹.

The main condition to file a petition was that the goal of the complainer was to remove an injustice. The complainer can be a person, a group, or an institution such as a charity foundation. The subject of the petition can be a demand to overrule a court ruling, being fed up by the oppression of outlaws, injustices by the traditional authorities, a tax dispute between a villager and a *tîmârlı sipahi* or a tradesman who violates a regulation. The main aspect of all these petitions is the issue of private damage. Public damages are not found in the general petitions (*arzuhâl*) but in the *Mühimme* notebooks⁴⁰. Moreover, when the traditional authorities were subject to complaints they were the subject matter⁴¹ in the *adâletnâmes*⁴².

In the beginning of the *Kazâsker Rûznâmçes* there are many petitions written to the office of the *Kazâskerlik*. These petitions can be divided into two groups: (a) the demands of judges about their personal situation and (b) the demands of local population about their judge himself.

³⁹ İncalcık, "Adalatnameler," *Osmanlı'da Devlet, Hukuk, Adalet*, (İstanbul: Eren, 2000), 75-190.

⁴⁰ Sertoğlu, "Dîvân-ı Hümâyûn Sicilleri", *Tarih Lûgatı*, 88.

⁴¹ İncalcık, *Şikayet Hakkı*, 51.

⁴² See further information, Halil İncalcık, "Adalatnameler", *Türk Tarih Belgeleri Dergisi*, II-3/4 (TTK, 1965), 49-145.

2.1.7 The Petitions of Judges in the Daybooks

In the first group of petitions, judges express their personal demands to the office of *kazâskerlik* in order to find a solution to their problems related to their own personal situations. Some of them are written to request an appointment to a higher district and the other major portion be written by professors to demand their transfer from schools to a judicial career. On the other hand, there are some petitions by some professors to request the allocation of some districts for their service in order to increase their own revenues.

A petition dated 1115/1703 provides an interesting example. When he was a judge in Van, Abdalbaki was dismissed from his job via a firman upon a notification by the janissary officer İsmail Paşa to the Dîvân for not working in the districts (*kazâ*) and was fired before the completion of his term in office. Abdalbaki filed a petition to obtain a counter-firman in order to complete his shortened term in Istanbul. It is understood from the writing on the petition that the office of the Anatolian *kazâskerlik* investigated Van's judge Abdalbaki's demand. The *kazâskerlik* ruled that this judge suffered damage and wrote in its reply: “Based on a legal consideration, you must attend to Istanbul and register there”⁴³.

Another petition belongs to the judge appointed to the district (*kazâ*) of Yüreğir. This judge told that three days after he started his job with a written order (*mektûb tezkiresi*) given to him, a person named Seyyit Mehmet without any relation to the Path claimed that this district was previously allocated to him by Şehulislam Mehmet⁴⁴ Efendi as a source of living (*maişet*) and demanded from the Anatolian *Kazâskerlik* a remedial of his damage⁴⁵. The *Kazâskerlik*'s note states, “it is ordered to proceed as required.”

⁴³ RKR.Özel No, 63, 1a-b.

⁴⁴ On İmam-ı Sultan-i Mehmet Efendi, see İlmiyye Salnamesi, (İstanbul: İşret, 1998), 402.

⁴⁵ RKR.Özel No, 63, 1a-b: “Devletlu, merhametlu, sağ olsun. Arzuhâli daileri oldurki; bu dailerine Yüreğir kazâsı tevcih olunub, yedine mektûb tezkiresi olub, kazâ-i mezbûru üç gün zabt etmişken, tarîkde”

The early pages of the *Rûznâmçe* books are filled with a great number of petitions instances written by judges to promote to a higher rank, i.e. to the *kazâskerlik*⁴⁶. On one example, Mehmet Arif that served as a professor for thirty five years stated that he was a son of ulema and recently passed an examination and requested that the district of Germîgad? (كرميغاد) be assigned to him as a source of subsistence because he faces financial difficulties⁴⁷. Another petition requested that the district of Günyüzü be assigned to him as a source of subsistence because he faces financial difficulties⁴⁸. The early pages of about all the *Rûznâmçe* books are filled with this kind of petitions.

2.1.8 Petitions and “*Mahzars*” Written by District Population in the *Rûznâmçe* Daybooks

As we explained above, in the Ottoman Empire from the subjects or from the military class everyone believing that he/she suffered damages or injustices has a right to file a petition. Anyone who believes that he/she suffered from a damage or injustice can submit a petition to the Divân as the highest court by bypassing lower courts. In the *Rûznâmçe* books there are petitions and *mahzars* that express complaints from people of the district about judges⁴⁹. As we mentioned above, *mahzars* are the type of petitions from the people of a district to a judge or directly to the Divân. I provide examples of *mahzars*' content below.

⁴⁶ See NOK.Yeni Kayıt, 4569/33; NOK.Yeni Kayıt, 4569/34; NOK.Yeni Kayıt, 4569/35: “here are many examples about promotion from lower rank to upper ranks”

⁴⁷ RKR.Özel No, 51, 1a-b.

⁴⁸ RKR.Özel No, 51, 1a-b: “*Günyüzü kazâsına bervechi maîşet mutasarrıf olan Gümüşlü Abdullah Efendi ref'inden işbu 1206 senesi Recebü'l ferd gurreşinden zabt eylemek üzere olan evladı ulemadan ma'zur ve mahalli merhamet sabıken Yenişehir kadî'sı olan müteveffa Bendereki (Kdz. Ereğli) Hafız Ahmet Efendinin oğlu Mehmet Said efendiye kazâ-i mezbûr ber vechi maîşet tevcih ve mektûb tezkeresi i'ta buyurula*”

⁴⁹ Erünsal, *Bazı Kazâsker Rûznâmçeleri*, 3-15.

A petition in the form of *mahzar*⁵⁰ sent by the scholars, virtuous people, and religious leaders as well as poor and weak people in the town of Alaşehir was recorded in the notebook 1115/1703-1704 and numbered RKR.Özel No, 63, 1a-b. It states that Abdülkadir who served as a judge for twelve years was ignorant and unintelligent and that he favored the oppressive people and led to injustices for the poor and the weak and that he was not capable to give a fetva and his fetvas were contrary to the law (*hilaf-ı şer'*). Moreover, the petition expressed that the judge's documents (*hüccet*) did not have any official value and, therefore, caused a chaos in the town as its people became victims and demanded from the Anatolian *Kazâskerlik* the dismissal of the judge for all these reasons and the appointment of a new law-abiding judge⁵¹.

The Anatolian *Kazâskerlik* considered the petition and took a legal action against the judge Abdülkadir Efendi as it was said in the document: “Abdülkerim the judge of Alaşehir was investigated⁵² and found that he was ignorant and unintelligent. Based on all these facts the judge Abdülkerim was dismissed and a new judge was appointed in his place⁵³. In the *mahzar* people mentioned about the judge's mistreatment of people and helping the strong and oppressing the poor and the weak and applied to the *Kazâskerlik*. These characteristics were not supposed to be in a judge. In order for someone to become a judge he is required to be free, Muslim, trustworthy, intelligent,

⁵⁰ RKR.Özel No, 63, 1a-b: “... *kasaba-i Alaşehir'de sâkin 'ulema ve sulehâ ve e'imme ve hudeba ve fukara ve zuefanın mahzar-ı tarîkî üzere arzuhâli sadakat mahzarları oldurki; ..*”

⁵¹ RKR. Özel No, 63,1a-b: “*Âsitâne-i Asman saadet medar, kasaba-i Alaşehir de sakin 'ulema ve suleha ve eimme ve hudeba ve fukara ve zuefanın mahzar-ı tarîki üzere arzuhâli sadakat mahzarları oldurki; hala kadî'mız olan Abdülkadir Efendi daileri on iki aydır kadî'mız olup cahil-i s(h)arf olduğundan gayri aklındanda hiffet olmağın her babada zülüm tarafında bulunub fukara ve zuefanın mazlum olmasına ba'is olduğundan maada hükümetde rüşdü dahi olmamakla cemi' hükümeti hilaf-i şer' olub erbab-ı hacata sened olmak için verdiği hücec dahi ma'mul baha olmayub vilayetimizde 'azim ihtilal hasıl olub perakende ve perişan olmağın kadî'yi mezbûr 'azl olunub ve yerine bir müteşeri' kadî' nasb olunmak babında Allah ve Resülü ahvalimiz der-i devlet masire mahzar birle i'lam itmeğın 'ala vuku'-i i'lam olundu. Baki fermân men lehü'l-emrindir.”*

⁵² RKR, Özel No, 63, 1a-b: “*ma'ruz-u da'i devlet-i 'alileri oldurki; Alaşehir kadî'sı Abdülkadir'in ahvali sual olunduk da cehline ve hiffet-i 'aklını ihbar etdiler. Baki fermân men lehü'l-emrindir.”*

⁵³ RKR,Özel No, 63, 1a-b: “*I'lamı mucebince ref' olunub bir müstahakkına verile deyu buyuruldu.”*

just and treat everyone equally⁵⁴. It seems that these people know these requirements or at least consulted someone who knows them when writing these petitions. Considering that petitioners are generally from scholars and religious leaders, these complaints are probably correct. The *kazâsker* accepted these claims and dismissed the judge based on ignorance and lack of intelligence. We can ascribe the dismissal of the judge to one of these reasons: (a) the loss of mind, (b) blindness, deafness and ability to speak, (c) violation of laws, (d) loss of faith, (e) corruption and (f) ignorance⁵⁵. Another important aspect of this event was the investigation made about the judge. The investigation seemed to be made by the *Kazâskerlik* office but the steps of this process was not clearly explained in the documents. It is known that the judges were inspected in certain intervals during the sixteenth century⁵⁶. İsmail Hakkı Uzunçarşılı said the judges were inspected by investigation officials⁵⁷.

In another petition written to the *Kazâsker* it is noted, “When asked about the condition of Abdülkadir, the judge of Alaşehir, it was notified that he was ignorant and had insufficient intelligence. From this expression, it is not understood whether an investigation official was sent to collect information or an official request was sent to the local authorities. However, it is expected that the source of information needed to be a reliable source. These reliable sources of information were probably the notables, aristocracy and urban chamberlain or other military personally⁵⁸.”

The word of notification above implies that the afore-mentioned judge was not interrogated but they gathered information about him and this information was presented to the *Kazâsker*. However, it is not clear how and from whom this information was collected. On the other hand, the notables who wrote the petition and other traditional authorities were probably asked about the complaint because the Anatolian judges point

⁵⁴ Ebü'lulâ Mardin, “*Kadî*,” İslam Ansiklopedisi, vol. 6, (1967), 42–46.

⁵⁵ Ortaylı, *Kadî*, 10.

⁵⁶ İpşirli, *Kazâskerlik*, 672–674.

⁵⁷ Uzunçarşılı, *İlmiye Teşkilatı*, 107.

⁵⁸ Özer Ergenç, “Osmanlı Klasik Dönemindeki «Eşraf ve A'yan» üzerine bazı bilgiler,” *Osmanlı Araştırmaları* III (1982), 108.

to this policy. Because these petitions were filed by Anatolian judges to complain about the illegal appointments in the districts and contained notes stating that, the complaints were “*asked to the notables*”⁵⁹. Even though the notables⁶⁰ mentioned here generally meant the prominent members of the learned class, it is well probable that they were the notables and aristocracy of the districts because most of the petitions were written by the same group of people in the districts. Based on this information, the *Kazâsker* terminated a judge’s term and appointed a new one to his position⁶¹.

The *Rûznâmçes* contained not only complaints but also the *arzuahâls* that expressed people’s appreciation to the judge in the district. There are generally about the extension of a judge’s term. For example, a petition of the year 1115/1703-4 was written to the Anatolian *kazâskerlik* on behalf of the notables and aristocracy of the Adana district⁶². These notables fit the profile of the ones mentioned in the petitions above. In this instance, they were written as *scholars, wise people, religious leaders, preachers and siblings of Mohamed (seyyid)*⁶³. In the petition (*arzuahâl*) the notables of the Adana district expressed their happiness with the judge Ali Efendi and demanded the extension of his term for six months because he was a contented scholar who practice his knowledge (*ilmiyle amel*) and applied the laws vigilantly and all people were pleased with him⁶⁴ and the Anatolian *kazâskerlik* extended his term for three months⁶⁵.

⁵⁹ NOK.Yeni Kayıt, 4569/36, 1a-b.

⁶⁰ Uzunçarşılı, *İlmiye Teşkilatı*, 93: “Rumeli, Anadolu ve Mısır’daki kazâlarda kâdilik ederek site denilen dereceye kadar çıkanlara eşraf-ı kuzât denilir.”

⁶¹ Ergenç, *Eşraf ve A’yan üzerine*, 109.

⁶² RKR, Özel No, 63, 1a-b

⁶³ Ergenç, *Eşraf ve A’yan üzerine*, 106: “In the article, the author shows the same social groups among the notables in the cities of eighteenth century of Ankara. He brought out his conclusion from the court registers of Ankara which belongs to eighteenth century.

⁶⁴ RKR, Özel No, 63, 1a-b: “Atabe-i adâlet unvan serabına Medine-i Adanada ulema ve suleha ve eimme ve hudeba ve sadat-i kiram dailerinin mahzarları oldurki; hala kadî’mız olan Ali Efendi daileri, ‘ilmiyle ‘amil, ve ahkam-i şer’iyyeyi icrada kamil damen kanat-i dine dest-i Devr ve giriyana mechur evzağından herkes hoşnud ve şakir oldukları ecilden zamanına altı ay dahi zamm olunmak ricasına hüsn-i hali der-i devlet-i medara ‘arz olundu. Baki mürüvvet men lehü’l-emrindir.”

There are many examples of this kind in the rûznâme daybook dated 1115/1703 and numbered 63 of the Rumeli *Kazâskerlik*⁶⁶. Another type of complaint is the petitions (*arzuââl*) ending with an expression “*kazâskerlik* was notified” in the districts. Whether these petitions a person or a group wrote the demand is unknown. It is possible that these petitions were verbally made and the official who listened the complaint wrote it down⁶⁷. It is possible to find similar examples in these daybooks. For example, a complaint stated that the judge of the İndağı? [اندغی] Ahmet could not fulfill his judicial functions despite being from *medrese* and tended to seek his personal interest and, therefore, the Anatolian *kazâskerlik* must act upon this complaint⁶⁸.

⁶⁵ RKR, Özel No, 63, 1a-b “*Anadolu Kadî’askeri izzetlu faziletli efendi hazretlerimahzar olduđu üzere cümlesi şükran olmağla üç ay dahi med edüb mektûb verilmek buyuruldu*”

⁶⁶ Although the book registered for the Rumeli Kazâskerliğı, it must belongs to the Anatolian provinces.

⁶⁷ There is no signature below the paper.

⁶⁸ RKR, Özel No, 63, 2a: “*Ma’rûz u dâ’i devletleridir ki; İndağı? kadî’sı Ahmet medreseden olmağla usul-i mahkemededen gafil ve tama’ u hırsına mail deyu haber vermişlerdür. Fermân devletlu sultanımındır.*”

2.2 The Importance of the Rûznâmçe Daybooks as an 18th Century Source

2.2.1 The Samples of Hatt-ı Hümâyûn and Firmans

A *Hatt-ı hümâyûn* is a term used to the orders personally written by the Sultan with some exceptions⁶⁹. A firman is the orders of the Dîvân-ı Hümâyûn or the dîvâns of sadrâzams taken in *Paşakapısı* and signed by the sultan's signature (*tuğra*)⁷⁰. The word *Fermân* is not used alone and the words such as *fermân-ı âlişân*, *fermân-ı hümâyûn*, *fermân-ı padişâhî* to denote its importance and its relation to the sultan⁷¹. Both a firman and a hatt-ı hümâyûn have its own unique features and conditions but they are excluded because they do not constitute the essence of this research⁷².

The early pages of the *Kazâsker rûznâmçe* daybooks contain examples of petitions, *arzuhâls ve mahzars*. They also contain the samples of *hattı hümâyûns* and firmans about various issues related to the learned class. Some *hattı hümâyûns* were very general and about the functioning of the learned class. Some other *hattı hümâyûns* were about raising or lowering the ranks of districts. The *berâts* that belonged to the Sultan are found in the daybooks and some *berâts* were related to allocating judges and others to the dismissal of judges for any reason or the forgiving of the dismissed judges as well as to raising their status of the district. Moreover, there are instances of *berâts* showing that certain judges were appointed to certain districts.

In the rûznâmçe daybooks, there are orders about reorganizing the course program taught in the *medreses*, teaching them effectively and the instructions about testing the ones who want to become a judge. For example, the *Hattı Hümâyûn* copy dated 1115/1703 states that the complaint reached the Dîvân about judges' inflicting injustices

⁶⁹ Mübahat S. Kütükoğlu, *Osmanlı Belgeleinin Dili* (İstanbul: Kubbealtı Neşriyatı, 1998), 172.

⁷⁰ See for further information, M. Tayip Gökbilgin, *Osmanlı Paleografya ve Diplomatika İlmi* (Enderun Kitabevi, 1992), 79-81.

⁷¹ Kütükoğlu, *Belgeleinin Dili*, 99-100.

⁷² For further information, Kütükoğlu, *Osmanlı Belgelerin Dili*.

to subjects and ordered not to assign any further position to these dismissed judges. A *Hatt-ı Hümayûn*, too, ordered to make sure that the candidates of judges took the necessary education and that they were tested for their qualifications to become a judge. The *Hatt-ı Hümayûn* required the candidates to regularly attend the classes every month and to be tested about their knowledge and prohibited bestowing a judgeship to anyone who did not have a clear capability and skill for this profession through intercession or patronage⁷³.

The firman dated 1045/1636 and written to the judge of Rumeli, Mevlânâ Nuh Efendiy,⁷⁴ ordering him to reorganize the education system of the Ottoman *medreses* and the rules to take this education. According to this firman, the important scholars used to strictly follow the rules before but some undeserved people joined in the learned class (*tarîk-i ilm*) lately without following the laws and caused stagnation in the cycles of knowledge. To prevent these flaws and to assure that scholars, judges and their candidates as well as advanced students abide the laws, the müfti of Istanbul Mevlâna Ahmet was appointed as an examiner (*mümeyyiz*⁷⁵) with a firman. When someone wants to enter the circle of knowledge (*tarîk-i ilm*), he will go and be tested by the müfti of Istanbul Ahmed Efendi and will be given a certificate (*temessük*⁷⁶) if he succeeds. Scholars (*müderris*) would accept only the ones with certificates as candidates of assistantship (*danişmend*). These candidates cannot apply to a higher *Sahn Medrese* without taking one-year education. Moreover, students who did not take one-year

⁷³ RKR, Özel No, 63, 1a-b: “*Faziletlu Şeyhülislamım efendi hazretleri dîvânlarda re’âyâ fukârası herbâr gelüb kuzâtın nice sinin zulüm ve te’addisinden şikayet ederler. İmdî; ol makule zülüm ve te’addisinden şikayet ile ma’zul olanlara bir dahi mansıp verilmemek üzere Rumeli ve Anadolu Kazâskeri efendilere tenbih ve te’kid eylesiz. Merhum ve ma’furun leh vâlid-i mâcidim eyyamı saltanatlarında mansıb-ı kazâya tâlib olanlar her ay ve ekmelden ders okuyub imtihân olunub ehliyet ve istihkâkı zâhir olmadıkça mansıb-ı kazâ verilmez idi. Hâlâ yine Hüdâvengâr merhumun zaman-ı devletinde olduğu vech üzere kazâya tâlib olanlar her ay ve ekmelden imtihân olunup isti’dâdı ve istihkâkı zahir ve nümâyan olmadıkça şefâ’at ve himayet ile ehliyet ve istihkâkı olmayanlara kazâ verimliye. Ba’de’l-yevm sâdır olan Hatt-ı hümayûn ma’delet makrûnum mücebince ‘amel olunub hilâfına tecvizden ziyade tevakkî ve ihtirâz edeler.’”*

⁷⁴ The document belong s to 17th century.

⁷⁵ Ferit Devellioğlu, s.723. “*İmtihânda bulunup talebenin bilgisini yoklayan kimse.*”

⁷⁶ Ferit Devellioğlu, s.1073. “*yazılı belge*”

education in the *Sahn* (the Courtyard of the Eight) and *Altmışlı* (a medrese of sixty, aspers' daily stipend) cannot go to the Süleymaniye medrese as a higher educational institution. Those who take one-year education in Süleymaniye *medrese* can be take under the supervision of high-ranking judges. The *Kazâsker*, too, can choose the same student. The firman ordered everyone, including the *Şeyhülislam*, to follow this system.

Another issue that was warned about was that sons of senior scholars (*Mevâlîzade*) had also to abide by the same rules and they had to be tested by a *mümeyyiz*. Sons of scholars had to pass the examination made the judge of Istanbul. When they passed the examination, they entered the profession of scholars (*ilmiye*) and were bound by the old law *kanûn-ı kadîm*⁷⁷. The law introduced by the firman further stated that if someone violated these laws he would not be registered as judge candidate (*mülâzım*) and would not be eligible for one of the learned offices.

The firman dated 1045/1636 regulated how the scholars educate *mülâzıms* (junior scholars). According to this law, when a *müderris* attended the *medrese* he was supposed to teach the courses of text and interpretation (*metin, şerh*), to file a petition to record the students with the best knowledge of law (*fıkıh*) as a returning judge candidate (*i'âdeden mülâzım*⁷⁸) among the students who were able to infer a legal conclusion after examining all of the legal clues and evidences. Moreover, the students who wanted to be a judge candidate would be subject to an examination by the *mümeyyiz* that would give the successful ones a certificate and would not register a candidate if he did not have a certificate. In addition, students would be taken the *medreses* that traditionally produce candidates but not from the *medreses* that were opened with a special permission (*müsâmaha*), from *arpalıks* or from other *medreses*.

⁷⁷ On some advtages of *Ulemazades*, Uzunçarşılı, *İlmiye Teşkilatı*, 72.

⁷⁸ On Mülâzemet system and *i'âdeden mülâzemet*, see Mehmet İpşirli, “Osmanlı İlmiye Teşkilatında Mülâzemet Sisteminin önemi ve Rumeli Kazâskeri Mehmet Efendi Zamanına ait Mülâzemet Kayıtları”, *İ.Ü.E.F. Güney Doğu Avrupa Araştırmaları Dergisi*, X-XI/ (İstanbul: 1983):221-231; idem, *Kazâskerlik*, 641-666; Uzunçarşılı, *İlmiye Teşkilatı*, 83-126.

All of the senior scholars (*mollas*) were ordered not to give any candidacy (*mülâzemet*) to working the students with a judge or after his death unless they learn courses from the *mümeyyiz* and pass the examination in order to have a *berât* (authorization). A firman dated 1045/1636 regulates the relations between the professor and his assistant in the Ottoman *medreses* where the senior assistants called *mu'id* (*mu'in?*) will teach four courses in a week. Professors (*müderris*) will keep teaching four courses in a week and when they complete their candidacy, they will test the ones who want to go to the *medreses* in the *iç ils*, (i.e. *İstanbul, Burasa, Edirne*). If they undoubtedly find some of them successful and skillful in practice,⁷⁹ they will be assigned to a medrese.

The people who newly became a *müderris* (professor) work eight years to complete this state of civil service for forty *akçes* per a month and will proceed through four stages. After that, they will be left in office in the medrese of forty unless they take additional coursed and are tested by the *mümeyyiz* in order to be allowed to become a senior professor candidate in *medreses*. The one who goes out of medreses of fourty-*akçe* daily payment can be distinguished from his counterparts with his knowledge and virtue and deserves a favor can be given a certificate after six years in order to promote the value of (religious) knowledge⁸⁰.

In the *Kazâsker rûznâmçe* daybooks, there are copies of firmans that deal with the most important aspects of higher education process such as professors, teaching and candidacy in the *medreses* as well as the firmans related to the issues of the district. An interesting example of such a document is the firman dated 1146/1733 and titled “the Firman of Incorporating (*ilhâk*) of the Nomads of *Taraklı Borlu* in the District of *Taraklı Borlu*”⁸¹. This firman orders to combine two judicial districts and the implementation of

⁷⁹ *Fünûn-ı ulûmda*

⁸⁰ On different interpretation of this document, see Mehmet İpşirli, “Osmanlı İlmiye Mesleği Hakkında Gözlemler (XVI.-XVII. Asırlar),” *Osmanlı Araştırmaları*, VII-VII (1998), 273-285.

⁸¹ NOK.Yeni Kayıt, 4569/36, 5a-b: “*Taraklı Borlu kazâsına Yörügân-ı Taraklı Borlu'nun ilhâk fermânıdır. Kıdvetü'l-kuzât ve'l-hükkâm ma'denü'l-fazli ve'l-keâm Mevlânâ Taraklı Borlu kadî'sı zîde fazluhü tevki'-i refi'-i hümâyûn vâsıl olıcak ma'lûm ola ki kazâ-i mezbûre mülhakâtından Yörügân-ı Taraklı Borlu kazâsı ahâlileri divân-ı hümâyûna arzuhâl idüb kazâlarının hâne-i avâızları Yörügân-ı*

legal activities (*şer'i*) under the jurisdiction of one district. In a firman written to the judge of Taraklı Borlu states that the nomadic people of the Taraklı Borlu district wrote a petition to the Dîvân about the extra ordinary taxation (*avâriz levy*) to be combined with the Taraklı Borlu district and their due taxes were collected, as written in the book, together with the population of Taraklı Borlu. However, the nomads of the Taraklı Borlu received legal services in the district of Taraklı Borlu because their district did not have a separate judge or a deputy judge as everybody is happy with this situation. Some time ago, a tradesman named Ömer had this district assigned to his authority as a source of living (*ber vech-i maîşet*) for some reason. However, he did not stay in the district and sent deputies in his place to be replaced every other month or two. These deputies who inflict countless injustices and evils were before each of them leaves office. Because the injustices committed by the judge himself caused a chaotic situation among these nomads, they demanded a firman that this judge is outed and that their legal affairs, like their day-to-day affairs (such as *avâriz* collection), will be dealt with in the district of

Taraklı Borlu kazâsına ilhâk olunub emr ve defter mücibince tekâlîfleri Taraklı Borlu kazâsı ahâlileriyle me'an edâ idüb lâkin kazâlarında müstakilen nâib ve hâkim ikâmet idecek mahkeme olmadığından öteden berü umûr-ı şer'iyeleri Taraklı Borlu kadi'sı muvâcehesinde görülüb fukarâ-yı ra'iyet âsûde hâl ve bir dürlü zulüm ve te'addî oldukları yoğiken bundan akdem tüccârdan Ömer nâm kimesne bir takrîb ile ber vech-i ma'îşet zabt eylemek üzere kendüye ma'îşet ta'yîn ittirmekle kendüsü rağbet itmeyüb zulme nâibler gönderüb 2-3 ayda bir nâib değışdiürb zulm ve te'addîsinin nihâyeti olmadığından gayri karye be-karye gezüb ve bilâ mücib şer'î tercîm ve te'addîsinin perâkendeliklerine bâ'is olmağla ma'îşetden ref' ve umûr-ı şer'iyeleri hâne-i avârizları ilhâk olunan Taraklı Borlu kazâsında görülmek üzere emr-i şerîfim verilmek ricâsına istid'â-yı inâyet eyledikleri ecilden hazîne-i âmiremde mahfûz olan mevkûfât defterlerine nazar oldukda Bolu sancağında vâki' Yörügân-ı Taraklı Borlu // kazâsının 27,5 avâriz hânem olub 1144 senesinde Taraklı Borlu kazâsına ilhâk olunmak için a'lemü'l-ulemâi'l-mütebahhirîn efdalü'l-fuzalâi'l-müteverri'in bi'l-fi'il Şeyhülislam Mevlânâ İshak edâmallâhu te'âlâ fezâilehü işâret itmekle işâretleri mücibince kazâ-i mezbûr ma'îşetden ref' ve Taraklı Borlu kazâsına ilhâk olunmağla vech-i meşrûh üzere amel olunmak bâbında fermân-ı âlîşânım sâdır olmuşdur buyurdum ki hükm-i şerîfimle vardıkda bu bâbda sâdır olan emrim üzere amel idüb dahi kazâ-i mezbûrun hâne-i avâriz ve umûr-ı şer'iyeleri Taraklı Borlu kazâsına nakl ve ilhâk olunmağla fîmâ ba'd lazım gelen avâriz ve sâir emr-i şerîfimle vâki' olan tekâlîflerine Taraklı Borlu kazâsı ahâlileriyle me'an edâ ve umûr-ı şer'iyelerini dahi sen görüb hilâf-ı emr ve defter kimesneye mümâna'at ittirmeyesin şöyle bilesin alâmet-i şerîfe i'timâd kılasın ve ba'de'n-nazar bu hükm-i hümayûnumu ellerinde ibkâ idesin tahrîren fi's-sâdis aşere Şevval li-sene sitte ve erba'in ve mie ve elf. Kostantiniyyetü'l-Mahrûse."

Taraklı Borlu. In the *mevkufât* books, the number of the nomads of the Taraklı Borlu district is 27,5 temporary houses. In the year 1144/1731, this district was combined with that of Taraklı Borlu. Consequently, upon the guidance of the Şeyhülislam *Mevlânâ İshak*, it was ordered that the temporary houses of the nomads of *Taraklı Borlu* and their legal affairs were transferred and appended to Taraklı Borlu.

2.2.2 Appointment of Judges in the Daybooks and Their Competent Parts

The main purpose of the *Kazâsker Rûznâmçe* daybooks was to keep the records of the judge appointments to the districts. As we noted above, these daybooks were kept by the Anatolian and Rumeli *Kazâskers*. In the *Rûznâmçe* daybooks, there are records of judges' appointment, dismissal and promotion in the provincial towns. The appointment of higher judgeships called *mevleviyet* and higher professorships were done upon the recommendation of *sadrâzam*. Therefore, these daybooks do not contain any records about the higher judges whose wage was more than five hundred akçe daily.

The *Rûznâmçe* daybooks that contained the names of judge candidate were read in front of the sultan in the days when the Imperial Council (*Dîvân-ı Hümâyün*) and when the *kazâskers* were admitted by the Sultan and asked his consent⁸². Because the sultans no longer headed the Imperial Council from the fifteenth century on, the *kazâskers* presented their wishes to appoint judges to the sultan through *sadrâzam*⁸³. The judges whose candidacy is accepted are required to take a diploma from the Sultan (*berât*); the judge receiving the diploma could go to the place of job and start working there.

I explained above that in the early pages of the *Rûznâmçe* daybooks there were petitions, *mahzars* and firmans. The appointment of judges and professors constitute a major portion of these daybooks. The *Rûznâmçe* daybooks start with the patterned phrases such as in the name of God, prayer and thanks to God (*besmele, hamdele, salvele*). The

⁸² Uzunçarşılı, *İlmiye Teşkilatı*, 87.

⁸³ Uzunçarşılı, *İlmiye Teşkilatı*, 105.

most common form of *besmele* was the form of “*bismillahirrahmanirrahim*⁸⁴.” Moreover, God’s other names were also used in these forms. The book numbered RKD 63 started with the short form *bismillah* but the book numbered AKD 43 started with the phrase “*hüve’l- mu’în*⁸⁵” as the starting phrase. After a short space, the *hamdele* (thankfulness to God) took place. Among the thanks to God, the phrase “*elhamdulillah*” was the most common one used in these books. After the *hamdele*, there are expressions of prayers to Mohammed and his companions followed by the date written in Arabic form. However, this type of introduction is not the same in all books as some of them have longer versions of these phrases.

2.2.3 Appointment Dates of Judges

In general, the names of the *kazâskers* were clearly written in the cover or the first page of the Rûznâmçe daybooks. The names of the judges were also clearly written during their appointment. In the book numbered RKD.Özel No, 63, the date was written in Arabic with month and day in words and the year in numbers. Lunar months were described as follows: “*Fî gurre-I Şa’banu’l-mu’azzama li senetet’il-merkume [1]115/1703.*” In another daybook (numbered AKD.Özel No, 43) day, month and year is written in Arabic words: “*Fî gurre-I zî’l-ka’dei’l-şerîfe, li sene seb’a ve hamseyn ve mi’e ve elf*⁸⁶.” The most striking aspect of the dates is that the appointments were made in the first day of the month in order to prevent any confusion. The Arabic word “gurre” can clearly be found in all of the books. This was to prevent any confusion likely to happen between the new and former judges.

⁸⁴ “In the name of the God”

⁸⁵ “He is the helper”

⁸⁶ The first day of Zi’lka’de 1157.

2.2.4 An Example of Judge Appointment in the Daybooks

An exemplar judge appointment in the rûznâmçe daybooks is as follows:

YENİŞEHİR-İ AYDIN WİTH BERÂT (DIPLOMA)

After the petition it was ordered: The governor of the Yenişehir-i Aydın will be removed after the end of the next month and in his place Mevlana es-Seyyid Yahya (who is known with his competency and capacity and who deserves the Sultan's favor and who needs his mercy to pray for him) will be promoted with an early departure of two months for two hundred akçes per day and from the province of Söğüt where he worked for one hundred akçe per day and was out of service twenty five months. By the beginning of the month Muhharrem he will be a governor for only fourteen months and he will complete the rest of his service in another district (kazâ)⁸⁷.

2.2.5 Judges with Imperial Diplomas (*Berâts*)

In the Ottoman state the appointment of the completely military class, dismissal, taking a share from revenue, the right to use any state property, a privilege, or an exemption is done according to the Sultan's verdict (*berât*). In that regard, the word *berâtlı* meant 'having permission or privilege' and the word *eli berâtlı* meant "authorized"⁸⁸. Because the judges, too, belonged to the military class, they were appointed through a *berât* (authorization) from the Sultan. A student who graduated from *medrese* had to serve as a

⁸⁷ AKR.Özel No,43, 8a: "Yenişehir-i Aydın mutasarrıfı Abdurrahman gâyet-i şehr-i atîiden ref", ve yeri yevmi yüzeli akçe ile Söğüt kazâsından iki ay kasr-ı mu'teberrinden mâ'adâ yirmi beş ay hakiki infisâli olub, müte'ayyen'ül-ehliyye v'el-istihân olmakla sezâ-vâr-ı 'inayet şehr-i yârî ve şâyeste-i re'fet cihândârî mevlânâ es-seyyid Yahya dâilerine bâ terakki yevmi ikiyüz akçe ile tevcih olunub sene-i atîye Muharremü'l-harâm guresinden ancak on dört ay mutasarrıf olub , bakiyye altı ay zamân, kazâ-i aharde tekml eylemek ricâsına ba'de'l-arz sadaka buyuruldu."

⁸⁸ Kütükoğlu, *Belgeleinin Dili*, 124.

kind of internship (*mülâzım*) with a reference of his professor in the office of a high-ranking scholar in Istanbul.

On the other hand, the judge candidates will be written in the *rûznâmçe* or *rûzname* daybooks that are kept by the Anatolian and Rumeli *kazâskerlik* and wait for their turn to come. The names of the judges that attained his turn were read by the *kazâsker* in the Imperial Council meeting and during their reception before the Sultan and were approved⁸⁹. The judge approved by the Sultan was given the *kazâsker*'s letter explaining the situation⁹⁰ and was asked to obtain a *berât* (authorization). After he received the authorization the appointment process is completed⁹¹. The phrase "*Bâ Berât*" frequently seen in the *rûznâmçe* daybooks means that the judge obtained an authorization from the Sultan and registered it in the *rûznâmçe*. In fact, there were many judges who received authorization but not registered in the *rûznâmçe* yet.

Whose names appeared in the *rûznâmçe* but did not have an authorization were presented to the Sultan belonged to judge candidates whose condition was presented to the Sultan but did not yet receive authorization despite their situation was told them with a letter. Those who practiced internship on law outside Istanbul were more likely to receive these letters late or they were the judges who received the letter but could not obtain an authorization. The judge with authorization register it in the *rûznâmçe* daybooks and goes to his district and start working officially after he register his authorization in the court-books named *şer'iye* or *sicil-i mahfûz*.

2.2.6 Name of Magistrate (*Kazâ*)

Judges worked in the judicial districts called *Kazâ* with definite boundaries. There is not a judicial location higher than a *kazâ* but there are judicial districts called *nâhiye* and

⁸⁹ Uzunçarşılı, *İlmiye Teşkilatı*, 87.

⁹⁰ On a sample of the *Kazâsker mektûbu* see, Ergenç, *Ankara ve Konya*, 192, footnote, 146.

⁹¹ Ergenç, *Ankara ve Konya*, 81.

ruled by a deputy judge. Deputies are appointed by the judge of the *kazâ* where the *nâhiye* is apart of a *kazâ*.

Districts (*kazâs*) are directly tied to the center and all kinds of official works are performed by the *kazâskerlik* in the center. During their appointment the names of judge is written very clearly. In case there are judges with the same name, an additional explanation is put by the name. In the example above, the appointment of a judge was appointed to the Yenişehir district but it was written *Yenişehir-i Aydın* because there were many districts named Yenişehir to avoid any confusion. This way the judge knows where exactly he is appointed and goes there.

2.2.7 Information about Judges on Duty

One of the most important elements of the *rûznâmçe* daybooks is the identity of the judge who is currently working in office. In the daybooks the name of the current judge and the duration of his services are written clearly. In the example above, it is said, “*Yenişehir-i Aydın mutasarrıfı*⁹² *Abdurrahman gayet-i şehri atiden ref*” (Abdurrahman, the governor (*sancak beyi*) of Yenişehir-i Aydın, will be removed by the end of the next month)” meaning that Abdurrahman was currently the governor of *Yenişehir-i Aydın* and his term will end by the end of the next month. ‘The next month’ is explained in the beginning of the daybook. With each month passing by, the name of the month is written in lunar calendar. The information about this appointment is taken from the daybook numbered AKR. Özel No, 43. It is clear that the next month is the month of *Zi’l-Hicce* because the date written as the first day of the honorable month of *Zi’lka’de* of the year 1757 (*Fî gurre-i zî’l-ka’dei’l-şerîfe, li sene seb’a ve hamseyn ve mi’e ve elf*). Therefore, there is no doubt that the judge’s term ends at the end of the month.

⁹² Erünsal, confused word of mutasarrıf with the instution of mutasarrıf, see Erünsal, *Bazı Kazâsker Rûznâmçeleri*, 4.

2.2.8 The Former Salary and Work Place of the Judge to be Appointed

Another important aspect of the information in the daybooks was that it provided full details about the judge to be appointed to the district. Among this information, the former salary of the judge is clearly stated and the name of the district the judge was serving. Both his salary and his workplace are clearly stated⁹³ ... “*from his location, the District of Söğüt, with a daily one hundred and fifty akçes...*”

2.2.9 Information about the Duration of Former Service of the Judge to be Appointed

Judges are appointed for a specific period. This time was called *müddet-i örfiye* and its duration was determined with laws (*kanûnnames*). This period was defined as twenty months in the provinces in general and twenty-four months in the remote provinces such Egypt and twelve months for the provinces with a daily stipend of five hundred *akçes* in the center of *sancâks*. If for any reason the period of a judge’s former service is cut short, this is clearly stated in the daybooks. Sometimes the reasons for this early departure are written in the books, as well.

The record dated 1145/1732 states that the Günyüzü’s judge El-Hâc Ali Efendi’s service was cut short for ten months and was fired due to complaints about him. However, the same judge demanded that the complaint be investigated. Ali Efendi of the *kazâskerlik* investigated the situation from local people and from the deputy of Seferihisar-ı Günyüzü and received positive responses about the judge; he wrote a petition to the Sultan to restore the judge’s shortened ten months of service⁹⁴.

⁹³ AKR.Özel No, 43, 8a: “...ve yeri yevmi yüzeli akçe ile Söğüt kazâsından...”

⁹⁴ NOK.Yeni Kayıt, 4569/35, 3a: “Sâhib-i arzuhâl el-Hâcc Ali Efendi dâ‘îleri bundan akdem Günyüzü kazâsı mutasarrıfı iken bu taraftan şikâyet gelmekle azl olunub müddet-i örfiyyesinden 10 ay zamanı kasr olmağla halâ mezbûr dâ‘îlerinin hakkında olan şikâyet hilâf-ı vâki‘ olub hüsn-i hâlini muhbir yedinde ahâlden muhzır ve civârında Sifrihisar Günyüzü nâibinden arz olmağın ber muktezâ-yı tarîk mahall-i merhamet-i dâ‘îleri olmağla kasr olunan ayları za‘fiyla i‘tibâr ve Âsitâne‘den add olunmak ricâsına istid‘â-yı inâyet eylediği huzûr-ı âlîlerine i‘lâm olundu fermân hazret-i men lehü‘l-emrindir fî 24 Ramazan sene 1145.”

Sometimes judges complete their service period in more than one district. For example, he may serve in a district for about ten month and in another district for the remaining ten months in order to complete his twenty-month service period. Sometimes a judge could not complete his term and this situation was called *infisâl* or separation in the 18th century⁹⁵. The duration of *infisâl* is the period of involuntary separation of a judge from his work and it was generally compensated in his next job. The duration of *infisâl* period was visibly stated in the *rûznâmçe* daybooks⁹⁶. The duration of *infisâl* was written together with the shortened period in a certain sequence in the book, “...iki ay kasr-ı mu'teberrinden mâ'adâ yirmi beş ay hakiki infisâli olub... (in addition to a period of two months of his orginal service he was out of service twenty five months”. It is learned from this record that the judge left his office two months earlier for some reason and that he remained out of judicial service for twenty-five months.

2.2.10 Emphasis on the Competence of a Judge to be Appointed

The judges played a very significant and had a high status in the Ottoman sate. Their main mission was to solve disputes among people. According to the Islamic law, the sultan who was the ruler of believers (*emirü 'l-mü 'minîn*) must perform this duty. However, after the expansion of the Islamic territories this judicial function began to be performed by judges. Similarly, a judge was a very important state official in the Ottoman Empire with its advanced institutions among the Islamic states. Judges not only take on the judicial functions but also fulfill the requirement of the Sultan's orders such as administrative, financial, military and municipal works⁹⁷.

To perform such important functions, a judge must have a high quality education and competence. The required qualifications of judges such as *istihkâk* (the right acquired by precedence) and knowledge (*ehliyet* or the ability and knowledge) were emphasized in

⁹⁵ The term *zaman-ı infisâl* have not been clearly explained in previous studies. See Uzunçarşılı, *İlmiye Teşkilatı*, 94.

⁹⁶ *Ibid.*, 95.

⁹⁷ Ergenç, *Ankara ve Konya*, 81.

the *rûznâmçe* daybooks in a patterned form to explain why a particular judge was qualified for this job and that he/she was appointed with the Sultan's own will. The same issue was emphasized in the *berâts* and firmans in the pattern of “*müte'ayyenü'l-ehliye ve'l-istihkâk*”⁹⁸. This pattern appeared in the daybooks of the eighteenth century as follows:

... müte'ayyin'ül-ehliyye v'el-istihsan olmakla sezâ-vâr-ı inayet
şehr-i yârî ve şâyeste-i re'fet cihandârî mevlanâ es-seyyid Şeyhî
dâilerine (Mevlana Seyyid Yahya who is known with his
competency and capacity, who deserves the Sultan's favor, and
who needs his mercy to pray for him)...

The way a nickname was given to the judge was also important. İnalçık who studied the seventeenth century daybooks showed that the judge who was appointed to the district of Siroz was mentioned with his father's name and his government service, and its place as the name of the judge appointed to the district of Siroz was Mevlânâ Halil and his father's name was *Bahaddin* was currently the judge of Siroz⁹⁹. However, it did not mention from which province or *sancâk* the judge came from.

The *rûznâmçe* daybooks of the eighteenth century are somewhat different because the names were clearly written but the name of his father or his origin was not mentioned. In this study, I did not find any information about the judge's father name or his profession

⁹⁸ NOK.Yeni Kayıt, 4569/34, 1a: “Sadr-ı Anadolu izzetlü faziletlü efendi hazretleri *Kuzât efendiler mansıblarımız cühelâ ve nâ-ehl olanlara ma'îşet ve arpalık olub bizlerin ahvâli diğer gün ve te'ayyüşe iktidârımız kalmadı deyü ref'-i ref'a itmeleriyle imdi bir tarikle ma'îşet olub mutasarrıf olanların ma'îşetleri muktezâ-yı tarikleri üzere matlaba alınub tashîh olduklarından sonra imtihân olub müte'ayyenü'l-ehliyye olub taklîd-i kazâya ehl olur ise kemâ kâne ibkâ idüb bu husûsa hasbeten li'l-llâhi te'âlâ ve taleben li-merzâtihî tekayyüd ve ihtimâm olunmak aksâ-yı murâd-ı hümayûn-ı cihandârî olmağla bu emr lâzımı'l-ihimâmâ ziyâde dikkat-i tâmm eyleyeler deyü, fî 18 R. Evvel 145”; NOK.Yeni Kayıt, 5193/34, 4a: It is clearly written “*müte'ayyenü'l-ehliye ve'l-istihkâk*” in the firman of Mevlânâ Nurullah Efendi; İnalçık, *Rûznâmçe Register*, 141.*

⁹⁹ İnalçık, *Rûznâmçe Register*, 136.

as we review about a thousand records of judge appointment. However, the situation is quite different in the *matlab* or *mülâzemet* records kept in the Anatolian and Rumeli *kazâskerliks* of the eighteenth century. These record-books showed the name of the judge candidate, his father's name and his place of origin as a title¹⁰⁰. In that regard, they are different from the *rûznâmçe* daybooks.

The records of *Mülâzemet* shows that judge candidates were put in order by the judge or müderris. These candidates practiced internship with the senior judges in Istanbul and waited for their time for appointment to a district¹⁰¹. Despite the fact that the books of *Mülâzemet* different from each other in form and content, they were registered by the *Istanbul Müftülük* under the title of *rûznâmçe* daybooks.

2.2.11 The Daily Wage of the Judge to be Appointed

In the Ottoman state, the whole country was divided into district territories as judicial units. These districts were grouped into five categories according to their estimated revenues in the eighteenth century: districts of 150, 200, 300, 400 and 499 *akçes* daily. In practice, they are the estimated taxes to be collected from the legal cases before the court. Judges used to take a share from these taxes as stipend, as determined by the law. Along with judges, other officials working in the court receive a share set by law. Due to the larger total of revenues, the daily stipends of the districts with larger population were naturally higher than the lower ones.

*Es-Seyyid Yahya dâilerine bâ terakki yevmi ikiyüz akçe ile tevcih
olunub sene-i atiye Muharremü 'l-haram guresinden ancak on dört
ay mutasarrıf olub, bakiye altı ay zaman kazâ-i ahardan tekmîl*

¹⁰⁰ RKR.Özel No, 115, 10a: “Mevlânâ Hüseyin bin İsmail el-İslâmbolî, Mezbûrûn talebemizden ve erbâb-ı isti'dâddan olmalarıyla işbu bin yüz yetmiş altı senesi şehr-i rabi'u'l-âhirinin dördüncü gününden 'avâtf-ı 'aliye-i hazret-i şehr-i yâriden bu fakîre inâyet ve ihsân buyurulan Sadâret-i Rumeli teşrifât-ı arba'asından tertîb-i mezkûre üzere ber-kânûn-ı kadîm bâ işaret-i 'aliyye mülâzemet kabûl buyurulmuşlardır.”

¹⁰¹ On *Mülâzemet* system, see Uzunçarşılı, *İlmiye Teşkilatı*, 46.

eylemek ricasına ba'de'l-arz sadaka buyuruldu (Mevlana es-Seyyid Yahya will be promoted with an early departure of two months for two hundred akçes per day and from the province of Söğüt where he worked for one hundred akçes per day and was out of service twenty five months)¹⁰².

The name of the judge and his daily stipend and the duration of his service and his starting date were written as day, month, and year to avoid any controversy or confusion. For example, above, Yahya Efendi was appointed to the district of *Yenişehir-i Aydın* for fourteen months. The regular duration of the service (*müddet-i örfiye*) was twelve month for large cities and 24 months for the small districts in the eighteenth century but it was generally practiced twenty-four months to prevent congestion¹⁰³. It is not stated where he would serve the rest of his term but it is noted that he will serve in another district.

An important aspect of judicial life is the issue of raise (*terakki*)". The term *terakki* refers to raising the revenues of the military class for any reason in the Ottoman state. These reasons could be a success in military, the inauguration of a new sultan or one's prominent success in his business, leading to his promotion to a higher status. Because the Kapıkulu soldiers receive salaries in cash from the state, their raise would be reflected to their salaries. Moreover, during the new sultan's inauguration they receive additional "*cülus bahşisi* (inauguration tips)". This kind of raise was also made to the cavaliers and other military personnel¹⁰⁴.

The judges in the learned class very frequently received raises for the reasons such as a favor from the *kazâsker*, the şeyhülislam or the sultan as well as the appreciation of the local people. The upper mobility of the learned class' judges or professors in the course

¹⁰² AKR.Özel No, 43, 8a.

¹⁰³ Tevkî'î Abdurrahman Paşa, "'Osmanlı Kânûn-nâmeleri"', *Millî Tetebbu'lar Mecmuası*, I/3 (İstanbul, 1331/1915), 541. "*Kuzât-ı mevleviyetin müddet-i 'örfiyeleri bir senedir, ve kuzât-ı kazâsabâtın iki senedir. Lakin fî zamanâ iki seneden dört ay kasr ederler.*"

¹⁰⁴ Sertoğlu, "Terakki", *Tarih Lügatı*, 332.

of their work is called *hareket*. After serving in a district for a certain period, the judges can submit requests to move upward to a district with higher stipends. However, not all judges receive a raise or promotion because the professional pyramid cannot meet the demand for promotion. Some judges promote while others work in the same place for years. It seems that such places¹⁰⁵ are called “*batak*”¹⁰⁶.” Yahya Efendi mentioned in the example above was promoted from a district with a salary of 150 *akçes* to a district, Yenişehir-i Aydın, with a daily salary of 200 *akçes*.

2.2.12 Judge Appointments to the Province of Egypt in the Daybooks

There were two different *kazâskerliks* in the Ottoman state: the Rumeli and Anatolian *Kazâskerliks* while the former had a higher status in protocol than the latter. The Rumeli *Kazâskerlik* covered the appointment, dismissal and other procedures of judges, professors and müftis in the Aegean islands and Gebze despite being located in the Anatolian side while the Anatolian *kazâskerlik* covered those in Anatolia, Egypt, Syria and the Arabian Peninsula.

As we explained above, the appointment of judges and professors in Egypt were recorded by the Anatolian *kazâskerlik*'s rûznâmçe daybooks because they were done by the Anatolian *kazâskerlik*. For this reason, the daybook numbered RKR. Özel No, 63's pages 29a-b and 30a-b were devoted to the appointments in the province of Egypt. These two pages contained appointment information about twenty judges. Five of the twenty judges seemed to receive *berât* from the Imperial Council and registered them into the rûznâmçe daybook. After the appointments were completed within the Anatolian territories in this rûznâmçe daybook, the *kazâsker*'s seal sealed the end of pages. The appointment of Egypt's judges followed the seal, showing that there was a separate Rûznâmçe office for Egypt to deal with the officials in Egypt. In fact, the firman dated 1128/1716 contained a phrase of “*Rumili ve Anadolu ve Mısır kalemleri* (the offices of

¹⁰⁵ Mehmet Zeki Pakalın, “İlmiye”, *Osmanlı Tarih Deyimleri ve Terimleri Sözlüğü*, II, (1993), 52.

¹⁰⁶ It is given as “yatak” in Uzunçarşılı. See Uzunçarşılı, *İlmiye Teşkilatı*, 265.

Rumeli, Anatolian and Egypt) ”, implying that three offices coordinate the proceedings related to the appointment of judges.

The book numbered RKR. Özel No, 63, 29a, used the following expression in appointing judges to Egypt.

To the petitioned posts of Egypt asked from the Honorable Post in the middle of the next month of Receb for the year 115... in the beginning of the holy month of Ramadan for this year (El-menâsibi 'l-Mısriyyetü 'l-ma'rufiyye 'alâ 'l-'atebeti 'l-nu'mâniyye fî muntasıf recebü 'l-ferd, li sene hamse 'aşere ve mi'ete ve elf. ... fî gurre-i şehr-i Ramazânü 'l-mubârek li 's-senei 'l-merkûme)¹⁰⁷.

In the beginning of this passage, judges were appointed to the posts in Egypt on the fifteenth of the month Receb and the first day of the month Ramadan. The name of the districts was written with red ink on the margin as in the other appointments. If there is any *berât*, the phrase “bâ berât or with Sultan’s authorization” is written above the name of the district with red ink. The appointment made for the districts in the Egypt province are the same as the other appointments without any visible difference. The example of Egypt’s Benî Suyûf district below shows a clear similarity with the earlier ones.

THE DISTRICT OF BENÎ SUYÛF

After the petition of becoming a governor was presented and was approved, that Es-Seyyid Abdülkâdir, the governor of Benî Suyûf, in the Egyptian territories would finish his current term in the beginning of the current month after spending his term would leave office and his place will be taken by Zeki Halîs who was from Egypt’s notable judges and was senior and experienced in the work and deserved the Sultan’s favor after the completion of the term
(*Diyâr-i Mısriyye 'de Benî Suyûf mutasarrıfı Es-Seyyid Abdülkâdir*

¹⁰⁷ RKR. Özel No, 63, 29a-b.

gâyet-i şehri mezbûrdan müddet-i 'örfiyesini tasarrufundan sonra ref' ve yeri eşrâf-ı kuzât-ı Mısriyye'den pir ve ihtiyâr ve kudemâi tarîkden olub sezâvâr-ı 'âtîfet-i şehriyârî olan Zekî Halîs dâîlerine te'bîd ve ba'de hulûlü'l-vakt mutasarrîf olmak ricâsına ba'de'l-'arz buyuruldu)¹⁰⁸.

2.2.13 The Appointment of Professors (*Müderri*s) in the Daybooks

The first *medreses* were first built around the Prophet Mohammed's house to teach the Quran and to learn and spread other religious knowledge. Later, a religious school called *Suffa* emerged as an educational institution. Afterwards, this education was performed by the mosques and especially small children were educated in these areas. During the Umayyad era, (632-651) mosques became unsuitable because children were causing pollution in these places and also caused disruption in prayers, the educational activities started to move from mosques to *medreses*. The institutions of adult education outside mosques were first founded during the Abbasid period. For example, the caliph Me'mûn (813-833) built the *Beytü'l-Hikme* in Baghdad in the year 832¹⁰⁹.

The word *medrese* was first used for the educational institution established by the Karahanid sultan Arslan Gazi Tafgaç (d.1035) in the city of *Merv* but scholars mostly think that medreses became common with the *Nizamiye medreses* constructed by the Seljuki Vizier *Nizâmü'l-Mülk*¹¹⁰. In the Ottoman, state higher education and teaching activities were performed by the *medreses* financed by the charitable foundations. They provided personnel to the state offices such as judiciary, administration, treasury and medicine. *Medreses* maintained their activities until the collapse of the Ottoman state.

Orhan bey (1324-1362) in İznik founded the first Ottoman medrese as a monastery was converted to a medrese and named Orhaniye Medresesi (1331). Later on, Murat I (1362-

¹⁰⁸ RKR. Özel No, 63, 29a-b.

¹⁰⁹ Cahit Baltacı, *XV-XVI. Asır Osmanlı Medreseleri*, (İstanbul: İrfan Matbaası, 1976), 1-4.

¹¹⁰ İbid., 5-6.

1389) also converted a monastery into a medrese in Bursa. Murat II (1421-1451) constructed a *medrese* by the three-*şerefe* mosque in Edirne¹¹¹. Mehmet II (1451-1481) built the first large medrese named *Sahn-ı Seman Medresesi* in İstanbul. Other Ottoman sultans followed his example along with the princes and other members of the palace such as mothers of sultans, viziers and other prominent public officials in various cities in the country.

In the early periods, the Ottoman sultans brought the teachers to these new *medreses* from Konya, Kayseri and Aksaray in Anatolia as well as from the other corners of the Islamic world such as Iran, Egypt, Syria and Turkistan. Many prominent scholars from these centers of knowledge were invited to teach in the Ottoman medreses for a great sum of money. For example, Mehmet the Conqueror brought Ali Kuşçu, a great scholar of Turkistan, for a daily stipend of two hundred *akçes*¹¹².

Along with the scholars brought from outside, the Ottoman, native scholars were sent to Egypt, Iran and Turkistan to receive education and came to teach in the Ottoman medreses later on. Mehmet Fenârî, Ali Fenârî and Şeyh Bedrettin were from such scholars¹¹³. Medreses' evolution can be divided into five stages. The first period was the founding era that started with the emergence of the Ottoman state until the era of Mehmet II. The second stage was the era of Mehmet II (1421-1481) where he built the *Sahn-ı Semân ve Tetimme medreses*. The third era was the period where Suleiman the Magnificent (1520-1566) constructed *Dârü'l-Hadîs Medreses*. The fourth period was the era of decline and disintegration during the seventeenth and eighteenth centuries. The fifth and last stage was the period of reform efforts on medreses and their closing down at the end¹¹⁴.

¹¹¹ H.A.R.Gibb and Harold Bowen, *Islamic Society and the West: A study of the Impact of Western Civilization on Moslem Culture in the Near East* (London: Oxford University Press, 1969), 139.

¹¹² Taşköprüzâde, *Osmanlı Bilginleri-Şakâiku'n-Nu'mâniyye fî Ulemâi'd-Devleti'l-Osmâniyye*, (İstanbul: İz yayıncılık, 2007), 153-155.

¹¹³ İnalcık, *Klasik Çağ*, 175.

¹¹⁴ Özergin, *İstanbul ve Rumeli Medreseleri*, 263-264.

The professors (*müderris*) used to teach in all of the Ottoman medreses. A *müderris* is a person that receives his diploma after successfully completing his education in the *medreses* and completing his internship to receive authorization to teach in one of the Ottoman medreses¹¹⁵. Like judge appointments, the appointment of a *müderris* is done by the office of the *kazâskerlik*. The appointment is completed with the *Müderris* candidate's application to the *matlâb* book and the petition of the related *kazâsker* and the sultan's authorization.

The same policies were intact during the eighteenth century as the appointment of a *müderris* appeared in the same record-book as the judges. The daybook numbered RKD. Özel No, 63 was such a book. The first part of the book was devoted to judge appointments and last part was on the *müderris* appointment both in Istanbul medreses and in the Anatolian medreses. Moreover, some *rûznâmçe* daybooks showed only the appointment of judges, *müderris* or *mülâzemet* records. For example, the daybook numbered RKD. 149 contained the allocation of *müderris*¹¹⁶, the daybook numbered NOK. Yeni Kayıt, 5193/12, only contained the appointment of judges¹¹⁷.

The first 38 pages of the daybook numbered RKD. Özel No, 63 were about judge appointment and the pages after 39a were particularly about the appointments to Istanbul medreses and Bursa medreses followed them. On top of the page, an Arabic sentence was written differently from the introductory sentences about earlier judges:

The *müderris* presented to the Sultan's will in the middle of the upcoming month of Receb for the year 1115 (*El müderrisü'l-ma'rûza-i 'alâ'l-'atabei'l-'aliyyei's-sultâniyye fî mutasannıf-i recebü'l-ferd, sene hamse 'aşere ve mi'e ve elf*¹¹⁸)

¹¹⁵ Baltacı, *Osmanlı Medreseleri*, 26.

¹¹⁶ Baltacı, *Rûznâmçe Defterleri*, 79.

¹¹⁷ Erünsal, *Kazâsker Rûznâmçeleri*, 5.

¹¹⁸ RKD. Özel No, 63, 39a: "1115 senesinin, Receb ayının 15. gününde, müderrislerin arzları sultanın yüce eşiğine sunuldu."

Right under it, the date of the appointment was given in day, month and year in Arabic as follows, “*Fî mutasannıf-i Recebü’l-ferdi’s-seneteti’l-mezbûre* (In the middle of the upcoming month of Receb in the current year)¹¹⁹” In the month of Receb only one judge appointment was processed and followed by the sentence “*fî gurre-i Şa’banü’l-mu’azzama, lis-seneti’l-mezbûre* (in the beginning of the great month of Sha’baan for the current year)¹²⁰” to show the appointments made in the month of Sha’baan.

In the daybook, the named of the medrese to which the appointment was made was written on the margin as “*medrese-i ...*” An example of a Müderris appointment is given below:

MERFÛ’A (CANCELLATION)

THE AHMED PAŞA MEDRESE

The service of Mehmed, the müderris of the Ahmed Paşa Medrese, in Üsküdar was cancelled and in his place the petitioning Mevlana İbrahim, who was separated from the Mehmet Paşa Medrese in Üsküdar where he worked for with thirty akçes and who deserves favor, was presented and approved (Üsküdar’da Ahmet Paşa müderrisi Mehmet ref’ ve yeri otuz akçe ile Üsküdar’da Mehmet Paşa medresesinden munfasıl ve mustahakk-ı ‘inâyet olan mevlânâ İbrahim dâ’ilerine yevmi kırk akçe ile ba’de’l-‘arz sadaka buyuruldu)¹²¹.

The expression of “*merfû’a, the Ahmet Paşa Medrese*” written in capital letters above appears on the margin of the daybook. The word “*merfû’a*” implies that the appointment was proposed to the Ahmed Paşa Medrese of Üsküdar but it was cancelled later on. The rûznâmçe daybook dated 1115/1703 contained forty-five müderris that were appointed to medreses but eleven of them were cancelled by a writing of “*merfû’a*” above the

¹¹⁹ RKD. Özel No, 63, 39a : “*Aynı senenin, Receb ayının 15. gününde ki [atamalar]*”

¹²⁰ RKD. Özel No, 63, 39a.

¹²¹ RKR. Özel No, 63, 39a.

names. Because the reason for cancellation is not specified, when they were cancelled is not clear.

In the following section of the document, the service of Mevlânâ Mehmed was cancelled at that particular time in the Ahmed Paşa Medrese and in his place. Mevlana İbrahim, who was separated from the Mehmet Paşa Medrese in Üsküdar where he worked for with thirty akçes, was appointed for forty-*akçe* daily stipend. It was followed by the phrase “*sadaka buyuruldu*¹²²” to imply the appointment action was completed. Here the word “arz” meant the person who want to be a judge or müderris was registered to the petition book (*matlab defteri*) and the *kazâsker*'s presentation of this wish to the *Şeyhülislam* followed by the approval of appointment by the *Şeyhülislam* and its presentation to the Imperial Council with a technical writing called *işaret*” or “*işaret-i 'aliyye*”.

The same document shows that Mevlânâ İbrahim's stipend in the former medrese was thirty akçes daily and the Ahmed Paşa medrese as a medrese of forty akçe daily (*kırklı*). The expression “*sadaka buyuruldu*” at the end of the document shows that this post was given to him by the sultan and, therefore, his absolute authority was above everything and that he could take it back.

The last page of the daybook numbered RKR. Özel No, 63 of the Anatolian *Kazâskerlik* was sealed by the *kazâsker* on duty. In the same book, the müderris appointment is done in the month of Ramadan for the year 1115/1703-1704. The identity of the *kazâsker* cannot be read in the seal but it was supposed to belong to the Anatolian *kazâsker* Kara Ebûbekir Efendi who held the office at that period¹²³.

¹²² Mehmet İpşirli, “İlmiye”, *T.D.V.İ.A.*, vol.22, (İstanbul: T.D.V.), 141-144.

¹²³ Gökçay, *Anadolu ve Rumeli kazâskerleri*, 12.

CHAPTER 3 ILMIYE GROUP AND “KAZÂ” AUTHORITY 18TH CENTURY

3.1 Chief Justice (*Kazâskerlik*) and Judgeship (*Kadîlik*)

It is acknowledged that in history of Islam, Mohammad the Prophet acted as the first judge and handled the social cases. The same practice continued during the reign of the first four caliphs. Caliph Omar appointed *Ebu'd-Derda* as the judge of the army in *Yermuk* War (634). Thus originated the first term, army judge (*Kadiü'l-cünd*)¹²⁴. It was observed that during the period of *Emevis* (661–750) army judges were still appointed. Abbasids (750–1257) developed this practice even more; they introduced *Kadiü'l-Kudat* institution which meant *judge of all judges* and resembled to, in practice, chief justiceship institution of Ottoman Empire. It is evident that *Kadiü'l-Kudats* represented the highest authority on behalf of Caliph. Moreover *Kadiü'l-Kudats* presided the highest court *Dîvân-ı mezâlim*¹²⁵.

In history of Islam, governor of Egypt, Salih b. Ali (Ali's son Salih), appointed the first chief justice in 750. Salahadin Eyyubi (1138–1193) then named this position as Kadî-Leşker. It is known that the same institution existed under the same title during the reign of Anatolian Seljuk Empire as well¹²⁶. In Ottoman Empire, it is stated that the first chief justiceship institution was established during the reign of Murat I (1362–1389) Hüdavendigâr in Bursa, 1363. In Ottoman Empire, Chief Justiceship was the highest authority, which not only dealt with all the legal cases in army but also the official procedures like appointment or dismissal of the other *judges*. The first chief justice in Ottoman Empire was *Çandarlı Kara Halil Hayreddin Efendi* (title for ulema) who was in the beginning judge of Bilecik, then İznik and finally Bursa¹²⁷. In Ottoman Empire, there were two branches of chief justiceships: Rumelia and Anatolia and in protocol,

¹²⁴ Fahrettin Atar, *İslam Adliye Teşkilatı* (Ankara: Diyanet İşleri Başkanlığı Yayınları, 1991), 182.

¹²⁵ Mustafa Şentop, *Osmanlı Yargı Sistemi ve Kazâskerlik* (İstanbul: Kalasik, 2005), 14.

¹²⁶ Kaldy Nagy, “Kadi Aksar,” *Encyclopedia of Islam*, vol. 4, 2nd. ed., (1978): 373-374.

¹²⁷ İnalçık, *The Rûznâmçe Registers*, 151.

Rumelia chief justice preceded Anatolia chief justice. In reality, until the year 1480, there was only one chief justice in Ottoman Empire. Afterwards, a second judge was needed thus during the reign of Mehmet the Conqueror (1451–81) a new chief justiceship position was introduced. In that age, Muslihiddin-*i Kastalani*, the chief justice, was appointed as Rumelia chief justice while Istanbul judge *Hacı Hasanazade Mehmet b. Mustafa Efendi* was brought to Anatolia chief justice position that had recently been established¹²⁸. As Ottoman Empire extended its borders, establishment of a new chief justiceship position took place in agenda; thus in 1516, Selim I (1508–1520) founded the third chief justiceship position named *Arabian and Persian Chief Justiceship* and appointed *İdris-i Bitlisi* to this new chair. Following the seizure of Syria and Egypt, third chief justiceship was abolished and authority of this region was transferred to Anatolia chief justiceship. Following this date until 1914, there remained two chief justiceship positions in Ottoman Empire. In that year however, both of the two chief justiceship positions were united as one single chief justiceship position and remained so until the abolishment of Religious Courts on April 8, 1924¹²⁹.

Chief justices were the members of *Dîvân-ı Hümâyûn*, the Imperial Council in Ottoman Empire and in protocol, they preceded *Şeyhülislam* (Şeyhülislam). Although in Fatih's (1451-1481) code of secular laws of state, it was indicated that Şeyhülislam was the head of learned men of religious sciences, in state protocol he would come after chief justices and in particular, occasions, sultan's *hoca* (religious teacher) would proceed¹³⁰.

This practice changed during the reign of Sultan Süleyman the Magnificent (1520–1566) and Şeyhülislam position gained the highest authority in Ottoman religious institution. Chief Justices became the followers of Müfti Efendi or in other words, Şeyhülislam. Later Şeyhülislam too started to participate in *Dîvân* (Council) meetings and took a

¹²⁸ İnalçık. *The Rûznâmçe Registers*, 155, and Atsız, *Aşıkpaşaoğlu Tarihi*, (İstanbul: M.E. B. Press, 1992), 49.

¹²⁹ Seçil Karal Akgün, *Halifeliğin Kaldırılması ve Lâiklik*, (İstanbul: Temel, 2006); Ebül'ula Mardin, "Kadı", *İslam Ansiklopedisi*, vol., 6, (1967), 42-45.

¹³⁰ Ahmet Akgündüz, *Osmanlı Kânunnâmeleri ve Hukûkî Tahlilleri*, v. 1, (İstanbul: FEY Vakfı, 1990), 318.

position before chief justices. In the 17th century well-known Ottoman historian and scholar Hezarfen Hüseyin Efendi, in his prominent work, noted that “Grand Vizier is the head of state, Şeyhülislam is the head of religion and Sultan is the head of both”¹³¹ and continued that Rumelia chief justice had a lower degree of rank than müfti (Şeyhülislam) yet higher than Anatolia chief justice and *Nakib (Nakibü'l-Eşraf)*.

Anatolia chief justices were below Rumelia chief justices in terms of degree of rank and position. Rumelia chief justice handled cases in *Dîvân-ı Hümâyûn* (the Imperial Council) and *Sadr-ı Azam* (Grand Vizier) Council as well. Anatolia chief justice was only an attendant in court yet given that, the number of cases was high, it was only then could Anatolia chief justice handle the cases upon the request of Rumelia Chief Justice¹³².

It was noted that daily wages of chief justices were five hundred coins and in addition to these daily wages, there were also other incomes. It was also stated in sources that Anatolia chief justice had external revenue¹³³. Primary profit of chief justices was namely *kısmet-i kassam*. Accordingly, chief justices shared the heritage of a dead *askeri* (military person-tax exempted groups in the Ottoman Empire) person among his heirs and in return for this service, as stated in law; they used to receive fifteen percent of the whole heritage¹³⁴.

Another revenue source of chief justices was the money “müjde” (good news) they received from judges when they offered them *mansıp* (judge’s office), that is when they appointed them to their duty location, district¹³⁵. It is possible to find out the amount in the code of secular laws. According to that, a judge’s *cihet* (allowance) is calculated by

¹³¹ Hezarfen Hüseyin Efendi, *Telhisü'l- Beyan fî Kavanin-i Âl-i Osman*, Ed., Sevim İlgürel (Ankara: Türk tarih Kurumu, 1998), 197

¹³² İsmail Hakkı Uzunçarşılı, *Osmanlı Devletinin Merkez ve Bahriye Teşkilatı*, (Ankara: Turk Tarih Kurumu, 1988), 232.

¹³³ Uzunçarşılı, *Merkez ve Bahriye Teşkilatı*, 232.

¹³⁴ Kaldy Nagy, “Kadi Askar,” *Encyclopaedia of Islam*, vol. 4, 2nd. ed., (1978), 373-374.

¹³⁵ Hazerfen, *Telhisü'l- Beyan*, 202.

finding his daily wage, half of it is left as tax for the treasury office, and one fifth of remaining amount is left to chief justice as müjde money. *Rusum*, money that would be paid to other officials, were also included in money chief justice received¹³⁶.

Hazerfen Hüseyin Efendi in his same work ordered the duties of chief justice this way. Identifying the ranks of judge's offices within the limits of his authority. For these judge's offices recording the clerks in daybook. Appointing religious professors to Moslem religious schools with up to forty coins of daily wages and appointing judges to magistratures having less than one hundred fifty coins of daily wages. Dividing the heritage of military group existing within the limits of his territory. Following legal cases in the Imperial Court or Chief Justiceship¹³⁷.

3.1.1 Ottoman Courts

In Ottomans the court where religious or civil cases are handled was named *meclis-i şer'* (Religious Council). A court could have been established only if there had been a judge available appointed after Sultan's *berât* (diploma). In Ottoman courts, judges gave decisions in line with the code of laws designated by sultan and religion. Laws became effective only after their proclamation by the sultan. Code of laws did not cover religious topics, it only dealt with fields such as public law, state body, administration, tax, criminal law and *hisba*¹³⁸ (regulative control of state over art and trade)¹³⁹.

¹³⁶ Ahmet Akgündüz, *Osmanlı Kanûnnâmeleri*, vol. 4, (İstanbul: FEY Vakfı. 1992), 673-674: “*Sâbika Anadolu’da ve Rueli’nde kazâskerler Ma’rifetiyle bir kimesneye kadî’lık verilüb anun için berât yazılıb resm alınmalu olıcak, ol kadî’lığın yevmiyesi defterde her ne yazılırsa kalil ve kesir bir aylık ciheti hesab olunub nısfı hâssa benim için resm-i nişan alınub ve nısfı kazâsker için alına. Amma resm-i kitâbet ve resm-i muhızır ve muhızırbaşı ve devâtâdâr, ol alınan hisse-i âherde dâhil olub kazâskerler için ayru ve kâtib ve muhızırlar için ayru resm alınmaya deyü emr olunmuş idi. Sonra merhûm ve mağfûrun-leh kazâskerler alduğı rüsümü dahi hâssa-i humâyun-ı padişahî için zabt olunmak emr etdükdê şunun üzerine mukarrer olmuş ki; kazâskerler alduğı nısf hissесinin humsı ki, fi’l-hakîka bir aylık hâsların öşri olur, kazâskerler alalar. Şol şartla ki, rüsüm-ı kitâbet ve muhızırân anun içinde dahil ola.”*

¹³⁷ Hazerfen, *Telhisü’l- Beyan*, 202.

¹³⁸ Ergenç, *Ankara ve Konya*, 103. “state’s regulatory control over art and trade; executed by the official namely *muhtesip*”.

In courts judges applied codes assigned by both religion and state. Judges had codes of law journals and they recorded them to official registry books and showed the occurring changes on these books¹⁴⁰.

There are two different views concerning Ottoman law practice. This conflict arises from the dispute if in Ottoman law religious law or civil law, which had a secular character, was dominant¹⁴¹. According to Halil İnalçık the code of laws was “*On the whole, the judgment of Sultan which revealed legal points concerning a specific topic in Ottoman period*”¹⁴². “*Occasionally it is possible to come across with terms ‘act’ or ‘ban’ instead of law and ‘code of bans’ in place of code of laws*”¹⁴³.

As stated by Ömer Lütfî Barkan, in Ottoman Empire, next to religious law, there existed a secular law or *national, civil law* that emerged as codes of law, which did not take place in religious law codes in Islamic law books¹⁴⁴. Barkan notes that civil law took place against religious law yet in time, it lost its authority. Zeki Velidi Togan on the other hand states that the law practiced during the early years of Ottomans was civil law passed from İlhanlıs¹⁴⁵. According to Togan during the reign of Sultan Orhan, as a repetition of İlhanlı state tradition, law-bans tradition was practiced. Indeed, 1,152 grams silver coin released by Sultan Orhan was the replica of İlhanlı coin. Togan continues: “*State order and law practiced by Sultan Orhan was merely ‘tradition’ and ‘ban’*. So it was made clear that the essence of state was not religion but rather

¹³⁹ Halil İnalçık, “Kanûnnâme” *DİA*, 24, (İstanbul: DİA, 2001), 334.

¹⁴⁰ İnalçık, *The Classical Age*, 75.

¹⁴¹ For further information, see Ömer Lütfî Barkan, *XV. Ve XVI. Asırlarda Osmanlı İmparatorluğunda Zirai Ekonominin Hukuki ve Mali Esasları*, v., I, Kanûnlar, (İstanbul: İÜ, 1943); Ahmet Akgündüz, *Osmanlı Kanûnnâmeleri ve Hukuki Tahlilleri*, I-IX, (İstanbul: OSAV, 1991-1996); Halil İnalçık, “Osmanlı Hukukuna Giriş, Örfî-Sultanî Hukuk ve Fatihin Kanûnları,” *AÜSBFD*, v.XIII. i.,2 (1958); Uriel Heyd, *Studies in Old Criminal Ottoman Law*, (Oxford: The Clarendon Press, 1973);

¹⁴² İnalçık, *Osmanlı Hukukuna Giriş*, 320.

¹⁴³ Ömer Lütfî Barkan, “Kanûnnâme”, *İA*, v. 6, (İstanbul: MEB, 1988), 185.

¹⁴⁴ *Ibid.*, 186.

¹⁴⁵ Zeki Velidî Togan, *Umumi Türk Tarihine Giriş*, (İstanbul: Enderun Kitabevi, 1981), 339-340.

*tradition and bans.*¹⁴⁶ In Togan's view, since the land was not large during the rule of Sultan Orhan, he was not yet trapped into the influence of ambitious religious class. Thus, he faced no difficulty in exercising laws of military and civil administration¹⁴⁷. Halil İnalçık's views show parallelism with Barkan's opinions. According to İnalçık, Ottoman Empire cultivated a law order extending beyond religion. That was possible through *custom*, which gave the Sultan the right to legislate in issues, *which* did not have direct connection with religion. Custom authority enabled the Sultan to act directly in a way that was completely advantageous for state. This principle had existed in pre-Ottoman Muslim Turkish states as well and passed to Ottomans. Researchers such as Barthold, Becker, Gibb and Köprülü accept that with the establishment of Muslim-Turkish states, serious changes occurred in Islamic state approach and state law¹⁴⁸. State obtained an absolute and dominant authority in politics and execution during the rules of Turkish, Muslim and then Mongolian states. Civil law, which gave priority only the needs and profits of state, became prevalent in use. Early Ottoman Sultans asked council from Islamic canonist while enacting and for the very same objective, they founded the chair of Şeyhülislam.

In Ottoman Empire, the practice of civil law was common starting from the early years. Sultan Osman (ruled in 1324-1362) at first opposed to taxes in markets but later when he was reminded that this tax was said traditional, he agreed. Sultan Orhan (1324-1362) followed the custom and bans practiced by İlhanlıs since his estate was a frontier tribe that paid tax to İlhanlı Mongolian state in Iran. Beyazıt I (1389-1402) introduced new custom taxes to enrich central treasury and started book and registry methods. During the rule of Murat II, (1421-1451) civil law was incomplete in use. In 1431 dated Arvanid-city manorial book, military class and *reâyâ* (tax paying subjects as distinct from askeriye –military) status of civil taxes were clearly determined. The reign of Mehmet II (1451-1481) was a complete turning point for Ottoman law. Upon the seizure of İstanbul, Mehmet the Conqueror gained absolute authority and established the central,

¹⁴⁶ Togan, *Umumi Türk Tarihine Giriş*, 339-340.

¹⁴⁷ *Ibid.*, 341.

¹⁴⁸ İnalçık, *Osmanlı Hukukuna Giriş*, 321.

absolute empire on certain terms. He adopted the practice of enacting law in administrative issues¹⁴⁹. For that purpose, he raised civil law to a dominant level. Mehmet the Conqueror had two codes of law: the first one, just after the conquest of Istanbul, was related to tax paying subjects. It regulated criminal law that would be valid for all the tax paying subjects, taxes that would be taken from Muslim and Christian subjects and finally market taxes. The second code of law by Mehmet II was related to state body. It determined the authorities of statesmen, their promotions, degrees and salaries and also the protocol system that would be followed¹⁵⁰. Tradition of codes continued and developed after Mehmet the Conqueror. When needed, the Sultans enacted criminal laws or state laws.

Amongst the first Ottoman researchers, Uriel Heyd can be listed as well. Heyd's most significant work is *Studies in Old Ottoman Criminal Law*¹⁵¹. After his death, this unfinished work of Heyd was completed by V.L. Menage. The work was basically related to Ottoman criminal law. Heyd examined Mehmet II's criminal and fiscal law as well as Dulkadir criminal law and criminal laws in cities. The author stated, "*religion was rather ineffective in fiscal law, identified crimes were limited and many crimes were not mentioned at all and besides since evidence and proof bases were quite limited, a lot of crimes were not punished in full terms*"¹⁵². Therefore, he stated that during the first years of Islam, criminal law was practiced by jurisdiction authority of judges and later Islam administrators filled this gap with secular laws.

Another researcher on Ottoman law's final period is Ahmet Akgündüz. Akgündüz, in his nine-volume work namely *Osmanlı Kanûnnâmeleri ve Hukukî Tahlilleri* (Ottoman Codes of Law and Legal Analysis) compiled Ottoman Codes. In the first volume, there is a section under the title *Religious analysis of criminal law provisions of Ottoman*

¹⁴⁹ İnalçık, *Osmanlı Hukukuna Giriş*, 326.

¹⁵⁰ İnalçık, *The Classical Age*, 72-73.

¹⁵¹ Uriel Heyd, *Studies in Old Ottoman Criminal Law*, Ed., by, V.L. Menage (Oxford: The Clarendon Press, 1971)

¹⁵² Uriel Heyd, "Eski Osmanlı Ceza Hukukunda Kanûn ve Şeriat" *AÜİFD*, XXVI, (1983), 633.

codes of law. In this section, Akgündüz analyzes Ottoman law and denies the thesis, which asserts that Ottoman Codes of Law contain provisions conflicting with Islam. He continues that the origin of Ottoman criminal law is religion yet since sultan was authorized with *ta'zir* (discretionary) punishments, Ottoman Sultans filled this space with codes of law. Aside from brother murder for the sake of state, he states that all the provisions are compatible with Islamic law¹⁵³.

3.1.2 Ottoman Judges

In Ottoman Empire, society was classified into two groups namely *askerî* (military class) and *reâyâ* (tax paying subjects). Military class covered all the military groups, men of religion, civilian administrators, their families, relatives, subjects and slaves who were directly under the service of sultan. Non-Muslims who gained such status by sultan's diploma were also included in military class¹⁵⁴. Military men were exempt from all types of production and tax. Subjects on the other hand constituted the greater sect in society. They were Muslim and Non-Muslims who made all the production and thus paid taxes. Apart from them, there was another class namely *muaf* and *müsellem* (privileged and apodictic) who were, in return for their service to state, exempt from particular taxes¹⁵⁵.

Members of İlmiye (Ottoman religious institution) were also included into military class and they had duties in three different areas: teaching (*tedris*), fetva (*iftâ*) and judgment (*kazâ*). Teaching (*tedris*) was carried out by müderris (religious professors) in medrese (college of religious sciences) and they taught religious and rational sciences. Fetva (*iftâ*) duty was executed by müftis who reinterpreted social problems according to religion of Islam. Judgment (*kazâ*) meant solving the legal conflicts in society according

¹⁵³ For Akgündüz's view concerning this issue please see, Akgündüz, *Osmanlı Kanûnnâmeleri*, v. 1, 105-106.

¹⁵⁴ Halil İnalçık, *Klasik Çağ*, (Ankara: YKY, 2003), 75

¹⁵⁵ *Ibid.*, 245.

to religion and codes of law in court and judges who had successfully completed their training executed it¹⁵⁶.

In Ottoman Empire, legal cases were handled by *kadīs* (judges). The term as an adjective means executing, enforcing and performing person. As a noun, it means the person who judges public according to religious laws¹⁵⁷. Judge's decisions were absolute. Those who opposed to judge's decision could only complain about him to sultan, which meant *Dîvân* (the Council). Council, in a way, acted like a Court of Appeal. A case dissolved in Council would be transferred to the same judge and occasionally a different judge would be appointed for the same case¹⁵⁸. Next to their mission as decision givers, (judgment) judges had various administrative, financial and municipal duties. Within their own judgment borders, judges were not dependent on military and administrative positions such as head of police organization, governor of sanjak, governor. These authorities were only in charge of practicing the decisions of judge. Without judge's approval, none of the religious or civil laws could be enforced¹⁵⁹.

Under the administration of Anatolia or Rumelia Chief Justiceship, judges were commissioned in magistratures, their judgment boundaries. Formerly, magistratures were organized differently from political areas but in time, they became the principle of sanjaks' administrative division. Judges were directly under the authority of two chief justiceships in the center. One of them was in charge of judicial affairs in Anatolia and the other one was responsible for Rumelia. Appointment, dismissal, relocation and all the other personal procedures of judges and other men of religious institution were all together under the control of this office. Yet, chief justices too submitted these decisions to sultan and only after taking his approval could they enforce them. Up until the 16th century, chief justices represented the highest position in Ottoman religious institution.

¹⁵⁶ Ergenç, *Ankara ve Konya*, 80.

¹⁵⁷ Şemsettin Sami, *Kâmûs-ı Türkî*, (İstanbul: Çağrı Yayınları, 1989), 1029.

¹⁵⁸ Halil İnalçık, "Mahkeme", *İA*, v. 7, MEB, İstanbul, (1988), 149.

¹⁵⁹ *İbid.*, 149-150.

However, I Şeyhülislam Ebusuud Efendi and other Shaykhs al-Islam became members of council and preceded even chief justices.

3.1.3 Incomes of Judges

It is obvious that in the early periods of Ottoman Empire, judges did not receive salaries or any types of wage in return for their service but during the rule of Bayezid I as a result of Vizier Ali Pasha's intervention, they started to receive income. Aşıkpaşazade in his work narrates this incident dramatically¹⁶⁰. Income of judges came from the tribute they received from all types of court cases. Additionally they charged marriage agreement, heritage share and all kinds of contracts. The sum of all these charges constituted the income of judges¹⁶¹. Particularly in newly conquered places, judges were also given manor income considering that their income in these places could be insufficient¹⁶². This practice continued until the beginning of the 16th century. In the following years, judges were not paid manor income.

Ottoman land was divided into specific magistratures and these magistratures were also divided into sub-districts. Each magistrature was classified according to its daily income.

¹⁶⁰ Atsız, *Aşıkpaşaoğlu Tarihi*, 62-63.

¹⁶¹ Ergenç, *Ankara ve Konya*, 83.

¹⁶² Halil İnalçık, *Hicri 835 Tarihli Süret-i Dfeter-i Sancâk-ı Arvanid*, (Ankara: T.T.K., 1987): 13-19; Ömer Lütfü Barkan, "Osmanlı İmparatorluğunda Bir İskan ve Kolonizasyon Metodu Olarak Sürgünler," *İÜİFM*, c.XV, (1950), 590. "Fetihten 25 sene kadar birr zaman sonra, Trabzon livasında mevcut 207 kadar tîmârdan 5'i bu bölgeye mahsus hususiyetlerden biri olarak kadîların, ikisi de dervişlerin elindedir. Umumiyetle kadîların mahkeme harçları ile geçinmesilazım gelmekte isede, Arvanid ili sancağında olduğu gibi, Trabzon livasında da kadîların sipahiler gibi tîmâra sahip oldukları görülmektedir. Bu keyfiyeti, kesif Hirstiyan kalabalıkları arasında ve henüz harp ahası ve hudud bölgesi durumunda bulunan bir memlekette kadîlara daha sağlam bir gelir kaynağı sağlamak düşüncesi ile izah etmek mümkündür." (About 25 years after the conquest, of the 207 manors in Trabzon, 5 belong to the judges of the specific region while 2 of them are in the hands of dervishes. Although common practice asserts that judges are supposed to live on court tributes, just like Arvanid city sanjak, in Trabzon as well judges, possess manors like sultan's knights. This condition can only be explained in a way that this country, which is surrendered with Christian masses and simply a frontier yet wants to provide a better income source to its judges.)

In the 18th century, it was observed that at the bottom, magistrature with 150 coins daily income and at the top, 500 coin daily income magistrature ranked. Income of a magistrature center was arranged according to the system, which considered that in every thousand house within the borders, ten coins of revenue would be given¹⁶³. Accordingly, if daily wage of a chief justiceship was registered as one hundred fifty coins, it could be assumed that within the borders of particular magistrature, approximately fifteen thousand houses existed. Taking into account the fact that in the 18th century the lowest magistrature daily income was one hundred fifty coins, it is obvious that historically speaking a magistrature with the lowest daily wage would not have that number of house. Accordingly, daily wages of magistratures do not symbolize actual daily wages but rather the rank of particular magistrature. As stated by Özer Ergenç “*Daily wages of judges were nominal yields manifesting their ranks therefore the size and significance of the magistratures they were appointed to*”¹⁶⁴.

Each judge could be commissioned only within the borders of his own magistrature and demand charge from the procedures occurring in this location. Handling the cases outside his borders was against the law. The judges acting illegally were complained. For instance, judge of Konur complained about judge of Kırşehir who violated his own borders: “*bî-vech dahl idüb mahsül-i kazâma gadr ider*” (He treated my yield of *kaza* unjustly without any reason)¹⁶⁵.

The laws determined the amount judges could charge. The first code concerning this application is believed to be during the reign of Bayezid I, however there is not a copy available. The first written code that is available today belongs to Mehmet II. In his code, Mehmet the Conqueror regulated the position and incomes of religious class. Other sultans following Mehmet too rearranged judges’ incomes in codes when necessary. Information obtained from four different codes of law representing the charges judges and other court officials could demand are shown below in Table 1.

¹⁶³ Uzunçarşılı, *İlmiye Teşkilatı*, 91; İnalçık, *The Rûznâmçe registers*, 129; Ergenç, *Ankara ve Konya*, 82.

¹⁶⁴ Ergenç, *Ankara ve Konya*, 82.

¹⁶⁵ *İbid.*, 83.

Table 1. THE Table Showing the Charges of Judges (*Kadîs*) And Other Court Officials Could Demand, in akçe

		Marriage Arrangement		Itakname (liberation Paper)	Rhetoric (document, submission, correspondence, registration etc.)	Resm-i Kismet (heritage share)	From coins taken through proof
		Maiden	Widow				
FATİH CODE	Judge	20	Less than 20	30	15	0,020 %	0,020 %
	Court servant	-	-	2	2	-	-
CELALZA DE CODE	Judge	20	15	-	20	0,020 %	0,020 %
	Court servant	5	5	-	5	0,05 %	0,05 %
TEVKİ'İ ABDURRAHMAN PASHA CODE	Judge	20	-	50	20	0.015 %	
	Deputy judges			10			
	Court servant	5	-	6	5	5	
1137 DATED IMPERIAL DECREE	Judge	-	-		1 qurush	0,015 %	-
	Court servant	-	-	-	2,5 coins	5 coins	-
	İhzar-ı ¹⁶⁶ Hüddamiye (Arrester)	-	-	-	-	2,5 coins	

Source: Ahmet Akgündüz, *Osmanlı Kanûnnâmeleri* v.1, (İstanbul: FEY Foundation Publication, 1992); Tevki'î Abdurrahman Paşa. “Osmanlı Kânûn-nâmeleri.” *Milî Tetebbu'lar mecmû'ası*, 1/3 (1331/1915): 538-544; Celâl-zâde Mustafa Çelebi, *Celâl-zâde Kanûn-Nâmesinin Tetkik ve Tahlili*, İ.Ü.E.F., Masters' Thesis by, Nemci Öz, Nr.,877, (1966):53, quoted, Özer Ergenç, *Ankara-Konya*, 194; NOK.Yeni Kayıt, 4569/32, 3a-b.

¹⁶⁶ On ihzariye see Ergenç, *Ankara ve Konya*, 85: “öldürme, yaralama ve topluma zarar veren diğer hareketler gibi kamu suçlarının dışında, alacak-verecek gibi kişiler arası anlaşmazlıklarda, davahları mahkemeye celp ve kadî hüküm verdikten sonra davalının hakkını teslim eden kimsedir. Muhzırların gördüğü ve kanûnnâmelerde ihzariye denilen bu görev, padişah tarafından muhızırbaşına verilir, muhızırbaşı bu görevini bizzat veya vekilleri ve yeteri kadar muhızırlar ile birlikte yerine getirir.”

(İhzariye: “aside from public crimes such as murder, injury or other violations of society, in cases like debtor-creditor disagreements, the person who summons defendants to court and upon hearing judge's decision, the person who submits defendant's right is called ihzariye. This duty is given to muhızırbaşı by sultan himself and he carries out his mission together with other muhızırs.)

3.1.4 Assistants of the Judges: Deputy Judges (*Naibs*)

In *Meclis-i Şer'* (religious courts) there were also *nâibs* (deputy judges) who co-worked with judges. Deputy Judges were assistants of judges and belonged to men of religion class. In some investigations, deputy judges personally worked in crime scene. Deputy Judges also handled the cases, which were brought to court at night thus Ottoman courts, could be on duty non-stop¹⁶⁷. The possibility of more than one deputy judges in a magistrature was related to the size of judge's duty territory and number of cases passing to court. According to their mission, deputy judges were named as *mevali naibs*, *bâb naibs*, *ayak naibs* and *arpalık naibs*.

Through *iltizam*¹⁶⁸ (a kind of state revenue), judges appointed magistrature judges from religious class to handle religious cases within the territory of their own sub-districts. In sub-districts, they were responsible for executing all judicial affairs¹⁶⁹. Up until the 18th century, judges sold sub-districts within their magistratures according to *iltizam* method and charged its cost as monthly wage (*şehriye*). Yet magistrature judges demanded even more from the local people. There were numerous complaint petitions about that malpractice. To give an example, in 1146/1733 dated petition submitted by Karahisar-ı Naibli people to Anatolia Chief Justiceship, İbrahim Effendi who resided in Beypazarı and was the administrative judge of Karahisar-ı Naibli magistrature, gave his location to three judges in line with taxation method. The people complained that their magistrature paid fifteen qurush for previous judges but now they demanded thirty-five qurush and that they all were fed up with the tyranny of judge and demanded his dismissal¹⁷⁰. Besides in order to quicken his dismissal they also stated that the said judge was a lunatic thus unfit to perform his judge duty any longer.

¹⁶⁷ Mehmet Akman, *Osmanlı Devleti'nde Ceza Yargılaması*, (İstanbul: Eren, 2004), 45.

¹⁶⁸ On *iltizam*, see Sertoğlu, *Osmanlı Tarih Lügatı*, 160: Starting from the 17th century, state sources which brought income started to be given to people in return for a fixed price. This practice was named *iltizam* and the receiver person was named *mültezim*.

¹⁶⁹ İ. H. Uzunçarşılı, *İlmiye Teşkilatı*, 117.

¹⁷⁰ NOK.Yeni Kayıt, 4569/36, 6a-b.

Another deputy judge class was *mevali*. Next to *Mevalis* (senior ulemas) there were *bâb naibs* assisting them. Moreover, there were also mobile low class deputy judges who were in charge of checking the tradesmen in magistrature. In the 18th century, *mevalis* did not go to their own magistrature territory but rather sold this duty through taxation method. The person who bought deputy judgeship this way would go to his territory after receiving the approval of chief justice.

Another type of deputy judge was religious income of a magistrature namely, *arpalık* (a living) paid to senior judges who were also called Şeyhülislam, chief justice and senior ulema upon their dismissal. They did not go to their magistratures either and through *iltizam* (taxation) they sent their deputy judges instead who were called *arpalık judges*¹⁷¹. Deputy Judges in turn would demand even more money from people to compensate for the money they paid and this inevitably caused disturbance amongst local people.

¹⁷¹ Uzunçarşılı, *İlmiye Teşkilatı*, 118.

3.2 Magistrature (*Kazâ*) Order

In this chapter, administration territories of judges will be analyzed. Once administration territory of magistratures, which were legal and administrative units in Ottoman Empire, is grasped, magistrature location organization (*mekan organizasyonu*) which aimed to validate sultan's authority in the whole country will also be understood¹⁷².

Mustafa Akdağ emphasized that the country was simply divided into hundreds of magistratures and sultan's authority was carried to these places through specific administrative- magistrature organizations¹⁷³. İnalçık, on the other hand, stated that country was separated into sanjaks, each sanjak was divided into many judgeships (*kazas*), and courts were established in cities and towns. Moreover, he explained that in the early phase, magistrature administration territory was the equivalent of *sü-başılık* territory¹⁷⁴. It is obvious that in Ottoman Empire the state was divided into sanjaks in terms of military, administration, and magistratures in terms of religious administration.

In Ottoman Empire, magistratures were separated into two main groups and then each group was divided into sub groups on its own. The first amongst them was *Büyük-Küçük Kazâ* (Big and Small Magistrature) Judgeships and the other one was *Sancâk-Eyalet Kadîlikleri* (Sanjak-Province Judgeships). İsmail Hakkı Uzunçarşılı notes that magistratures, which were judgment units in Ottoman era, turned into districts in Republic Period. *Kazâ kadîlikleri* (Magistrature chief justiceships); they were small magistratures and towns in Rumelia, Anatolia and Egypt and chief justices had the right to directly appoint judges to these places¹⁷⁵. The highest grade in magistrature judgeships was "*sitte kadîlikleri*." *Sancâk-Eyalet* magistratures on the other hand were

¹⁷² On Location (mekân) organization of the Ottoman Empire, see Hülya Taş, *Osmanlı Taşara Yönetiminde Bir Yetki Alanı: "Subaşılık Hüküm Bölgesi"* XI. Uluslararası Türkiye'nin Sosyal ve Ekenomik Tarihi Kongresi (17-22 Haziran 2008, Bilkent Üniversitesi, Ankara)

¹⁷³ Mustafa Akdağ, *Türkiye'nin İktisadî ve İçtimai Tarihi*, vol. 2., (İstanbul: Cem Yayınevi, 1995), 59.

¹⁷⁴ Halil İnalçık, *Mahkeme*, İA, vol. 7, (İstanbul: MEB, 1988), 149

¹⁷⁵ Uzunçarşılı, *İlmiye Teşkilatı*, 91.

grand magistratures that also meant mevleviyet magistratures and in the 18th century, appointments to this type of superior magistratures were made through the approvals of *Şeyhülislam* via Grand Vizier¹⁷⁶.

During the classical period of Ottoman Empire, taxes were collected as tax in-kind, not as cash, due to money shortage. Therefore, in return for particular services, the state would appoint military and administrative officials at the source of taxes. In that way sultan's authority would be carried to every corner of the country. Therefore, an official in charge would have the right to collect taxes from subjects while executing his administrative duty. This right would be given to him by Sultan's diploma, which clearly indicated his duty territory (location) and duty period¹⁷⁷.

In Chief Justice Daybooks, each judge's magistrature, starting period, daily wage, and work duration were directly indicated. Therefore, judge's administration territory would be clearly declared. Besides identity of appointed judge, his previous territory and additionally, information such as *infisâl* (out-of-office) period and *âsitâne* (capital city) and whether or not they took an exam, which all affected judges' appointment criteria, were also clearly noted in daybooks¹⁷⁸. Another issue was related to recording the diploma they received by judges. Information indicating recording the diploma of judge candidates would be stated at first as "*bâ berât*" (handed with imperial edict) to make it official.

Following the event that the judges were recorded in daybooks, for each judge whose turn and time came, a submission was offered to sultan; after receiving his approval this particular judge would be notified through a letter¹⁷⁹ and he would be asked to receive diploma. Once his diploma was available, then appointment procedure would be

¹⁷⁶ Uzunçarşılı, *İlmiye Teşkilatı*, 87.

¹⁷⁷ Taş, *Subaşılık Hüküm Bölgesi*, 2; On tîmârlı sipahi, see İnalçık, *Klasik Çağ*, 111-112.

¹⁷⁸ See, AKR. Özel No, 42; and AKR. Özel No, 43.

¹⁷⁹ On *kadî mektûbu*, see Ergenç, *Ankara Konya*, foot note 146, 192.

concluded¹⁸⁰. Without a diploma, a judge would not be able to go to magistrature territory; even if he went and this would be realized, all his decisions would be invalid. In chief justiceship daybooks, it is possible to come across the procedures concerning judges not having a diploma. It is recorded that Receb 1158/1745 Divle me'a Kiriş (*Konya-Ereğli-Ayrancı-Divlek-Kirişözü*) judge Ahmet was relieved of duty since he had no diploma and as opposed to the rule of imperial decree, he did not personally go to his duty magistrature and instead, sent a deputy¹⁸¹.

Judges were in charge of handling the cases within the limits of their administrative territory and cases that passed to courts within their borders. In their own territory they could look for bandits together with seniors (*ehli örf*) or in order to investigate cases like murder or debts that passed to court, they could together with experts (*ehl-i hibra*) get around within the limits of their administrative territory. İnalçık, by referring to 947/1540 dated justice book, notes that some judges and deputies would patrol, visit the houses of common people, collect free food for their men and animals, collect unfair taxes from subjects and receive bribe, execute heritage distribution by disregarding the will of heirs.¹⁸²

It is written in daybooks that in the 18th century as well, some judges and deputies would leave their territory without an approval and the complaints in these daybooks reveal that they were unfair to the tax paying subjects. Once the judges who left their territory without an approval were detected, their duty was terminated. In 1136/1724 dated petition written under the title Abdülmümin and other poor living in Silifke sanjak Ermenak magistrature; their judge Mustafa Efendi “*bilâ fermân mahkemesin terk idüb âher kazâda ehl-i örf tarafına varub..*” (without imperial edict, he abandoned his *kaza* and reached to the land of military governor) with the help of villains (*ehl-i garaz*) he

¹⁸⁰ İbid., 81.

¹⁸¹ NOK. Yeni Kayıt, 4569/43,33a-b: “*Divle me'a Kiriş mutasarrıfı Ahmed'in bî berât olduğundan ma'ada hilâf-ı hatt-ı hümayûn bi'n-nefs zabta rağbet etmeyüb nâib ile zabt ettiği muhakkak olmağla gâyet-i şehri-i mezburdan ref' ve yeri...*”

¹⁸² İnalçık, *Adâlatnâmeler*, s, 108.

caused deaths and losses in the magistrature and he attacked to petition owner Abdülmümin Efendi's house and plundered his goods. At the top of petition, there is an initial of Anatolian chief justiceship asking for an investigation on the mentioned judge. The chief justiceship initial writing at the end of petition indicates that said judge was relieved of his duty.¹⁸³

In 1146/1733 dated firman, Banaz magistrature dweller “*Yusuf bin İsa ve Mustafa bin İbrahim ve Receb bin Nasuh ve Mehmed Ağa bin Ebi Bekr nâm kimesneler*” informed the Capital city that their judge Seyit Mahmut left the magistrature and asked to cut his assignment period for five months and in place of him, appointed his *muvakkıt* (the person who was waiting his time to be appointed to a *kaza*) Mehmed Sâdık. In this *firman*, dismissal of mentioned judge was ordered.¹⁸⁴

3.2.1 *Arpalık* (Allowance for Ottoman Officials), *Maîşet* (Salary) and *Te'bid* (Life Long) Magistratures

Arpalık was the temporary mâzuliyet (separation) salary or pension allocated for *ma'zûl* (out of office) şeyhülislam, member of religious class, chief justice and *mevali* (senior judges)¹⁸⁵. *Arpalık* was given to other sects in military class as well. *Arpalık* was not paid as cash to related person but rather court fees of one or two magistratures were paid to that person. Receivers of *arpalık* would generally not go to that particular magistrature personally but instead they would send their deputy judges from religious class, occasionally there were *mevalis* who upon their own will would go to their magistrature but in some instances members of religious class would be dispatched to *arpalıklar* as a punishment¹⁸⁶.

¹⁸³ NOK. Yeni Kayıt, 4569/31-5a-b: “*İ'lâmı mücibince kâd-i mezbûr azl olunmak buyuruldu fî 3 R. Evvel 36*”.

¹⁸⁴ NOK. Yeni Kayıt, 4569/36-3a-b.

¹⁸⁵ Uzunçarşılı, *İlmiye Teşkilatı*, 118.

¹⁸⁶ Uzunçarşılı, *İlmiye Teşkilatı*, 119.

In the 18th century, magistratures were conferred as *arpalık*, *maîşet*, *te'bid* and *mansıp*. As stated above *arpalık* magistratures were allocated to seniors in religious class. *Mansıbs* (judge offices) on the other hand were given to judges who could handle judicial cases in provinces. *Maîşet* and *te'bid* magistratures will be discussed below.

In the 18th century there was, in addition to *arpalık* magistratures, another office type namely *maîşet* and *te'bid* of which originating date is not determined yet. Records in daybooks contain abundant information on the purpose and direction of *maîşet* and *te'bid* offices. In the first section of daybooks, many judges and religious professors explain their positions in the petitions written to chief justiceship and here they ask to be given some magistratures as offices. It is possible to understand the people who received *maîşet* and *te'bid* magistratures by referring to the information in Imperial Decree, Firman and Petitions. *Maîşet* as a term means salary. In the 18th century, offices were not given life-long but rather they were given to religious class members for a certain period of time. As a term, *Te'bid* means forever and eternal and *te'bid* magistratures were life-long offices given to religious class members. As the documents are examined carefully, it becomes evident that *te'bid* offices were mostly given to *pîr and 'alil* (aged and sick) judges. *Maîşet* and *te'bid* magistratures too could only be given after receiving sultan's firman or diploma¹⁸⁷.

In the light of the official documents below are indicated the people who, in the 18th century, were bestowed with *maîşet* and *te'bid* magistratures:

1. Ulema: It is recorded in daybooks that religious class members like professors or müftis would generally receive *maîşet* magistratures. For instance in 1206/1791, professor Yusuf zade Şeyh Yusuf wrote a petition to state that since he had no salary he desired to receive Sahil magistrature as *maîşet* and therefore it was given to him for a period of 16 months¹⁸⁸. There are incidents that prove that *Maîşets* were not only given to professors from İstanbul but to the ones in places

¹⁸⁷ For examples of Firmans, see *Rûznâmçes* books.

¹⁸⁸ AKR. Özel No, 51, 1a-b.

like Bursa and Cezayir-i Garb as well¹⁸⁹. In 1206/1791, Bicurova (Kastamonu-Tosya) magistrature was given as *maîşet* to Professor Giresunlu Hasan Efendi from Bursa¹⁹⁰.

2. *Ulemazades* (Son of ulemas): In 1136/1724 firman it was declared that Karıpazarı (Çankırı-Orta) magistrature was given to Mehmet Emin Efendi as *ma'îşet* and the said ulema were *evlâd-ı kibâr-ı ulemâ*¹⁹¹.
3. Members of religious class who had financial problems: In 1146/1733, Mehmet Efendi who asked to be given Karahisar Na'İlî? Magistrature as *maîşet* portrayed his miserable financial condition *ahvâlim perişan olmağla* (my situation is terrible) and demanded the mentioned magistrature due to his poor condition¹⁹².
4. State officials: Aside from exceptions, in 1136/1724 *ma'îşetler hakkında sâdır olan hatt-ı hümayûn* (firman on *ma'îşets*) it is forbidden to give the magistratures which were previously *maîşet* and te'bid to anyone once they are free. The foremost exception was *ba'zı devlet-i aliyyem hizmetinde sarf-ı evkât iden* (someone who wastes his time on the service of my state)¹⁹³.
5. Religious class member children of *Cezâyir-i Garb* (Tunisia and Algeria) marine veterans: In 1143-1145/1730-1732 İbrahim Efendi who demanded Cezâyir-i Garb magistrature as *maîşet* emphasized that *kadîmden berü guzât-ı muvahhidîn*

¹⁸⁹ Ibid.

¹⁹⁰ Ibid.

¹⁹¹ NOK. Yeni kayıt, 4569/31,2a-b.

¹⁹² NOK. Yeni Kayıt, 4569/36, 4a-b. “*Meremmetlü kerâmetlü veliyyü'n-ni'am efendim sultânım hazretlerinin Hak sübhânehû ve te'âlâ hazretleri vücûd-ı şerîflerini mekderet-i evherden masûn eyleye âmin arzuhâl-i bendelerinin mutasarrıf olduğum ma'îşet ref' olduğundan ahvâlim perişan olmağla merhameten kazâ-i Karahisar Na'İlî (?) kazâsın ihsân buyurmak bâbında işâret-i aliyyeleri niyâzıyla arzuhale cesaret olundu lütf'u kerem veliyyü'n-ni'am efendim sultânım hazretlerininindir. Bende Seyyid Mehmed*”

¹⁹³ NOK. Yeni Kayıt, 4569/31,4a-b.

(I am son of sea combatant from old times). In the cover letter of petition, it was stated that this magistrature was given to him as *maîşet*¹⁹⁴.

6. Old and sick religious class members (*pir and 'alil*): In 1206/1791 Bergama district was given to *pîr* and *'alîl* Mevlana Hüseyin Efendi as *te'bid* (*ber vechi te'bid*). In the firman, assistant chief justices who were called *ser levhai yemîn ü yesâr*¹⁹⁵ and senior judges (*eşraf-ı kuzât*) were supportive, incomes of Bergama district was accorded to Hüseyin Efendi life-long.

In the 18th century, *maîşet* and *te'bid* magistratures showed periodical changes.

Abundance of *Arpalık* and *te'bid* magistratures caused difficulties for judges who looked for offices and this was mentioned as a complaint in petitions. In 1123/1711 the judges in their petition stated that since almost all of sixth grade (*sadise*) magistratures were given to senior judges as *arpalık* they were devastated, for about six years they had been waiting for office and asked for an Imperial firman to change this adverse condition¹⁹⁶.

It is evident that this petition was accepted in Imperial Court because in 1128/1716 dated *fermân-ı 'ali* (imperial edict) it was ordered that once the magistratures in Rumelia and Anatolia which were previously given as *maîşet* and now empty for whatever reason would never ever be given as *maîşet* and *te'bid*, if they were in a position to be an independent magistrature then they would be given as judge offices, if they were not fit to be independent then they would be united with the nearby magistrature and so given as offices. In the same firman, it was stated that only after the submission of chief justice

¹⁹⁴ NOK.4569-35-2: “Devletlü sa'âdetlü sultânım hazretleri sağ olsun bu dâ'ileri Cezâyir-i Garb tarafına kadîmden berü guzât-ı muvahhidîn kulları du'â-yı devlet-i hazret-i pâdişâhî edâsına iştigâl iden dâ'ileri olmağla avâtıf-ı aliye-i devletlerinden mercûdur ki bu kullarına medâr-ı ma'âş olmak üzere Cezâyir-i Garb kazâsı ber vech-i ma'îşet ihsân ve inâyet bâbında fermân sultânımındır. Ed-dâ'i li-devleti'l-aliyye İbrahim Müfti-i yeni beled bi-Cezâyiri Garb...”

¹⁹⁵ *Tahtabaşıs* were senior assistants of Chief Justices and were chosen from upper position of *kadis*. On *Tahtabaşıs*, see İlhami Yurdakul, *Osmanlı İlmiye Merkez Teşkilât'ında Reform (1826-1876)*, (İstanbul: İletişim Yayınları, 2008), 107-108.

¹⁹⁶ NOK. Yeni Kayıt, 4569/24, 1a.

and approval of şeyhülislam and *fermân-ı âlişan*, *te'bid* or *maîşet* magistratures would be given to *alil ve pir* judges who gave service for years but now were unable to personally go to magistrature territory¹⁹⁷.

In Rûznâmçe, daybooks in the light of above-mentioned firman there are records concerning the allocation of *maîşet* and *te'bid* magistratures to judges. In 1115/1703 dated RKR.Özel No, 63 *rûznâmçe* Akçay, Fenaris, Terme and Alaçam magistratures in Canik sanjak, which were previously given as *maîşet*, were recorded to be given to judges as offices¹⁹⁸.

The following daybooks make it clear that regulations made by 1128/1716 dated firman did not have affirmative results. 1136/1724 dated Imperial decree was an official document that aimed to rearrange *maîşet* and *te'bid* magistratures. This document stated that the orders in 1128/1716 dated firman were not followed and since *kazâya mahsûs olan manâsib dahî nice nâ müstahaklara ma'îşet olmak üzere*, judges could not receive offices thus became even more indebted (*duyûn-ı kesîreye*) and devastated so there emerged a necessity to pass a new regulation to ease the position of judges and after that statement the firman made following arrangements concerning *maîşet and te'bid* magistratures: First of all it ordered the annulment of offices belonging to people from non-religious class (*ecânib*) but somehow managed to gain office. In the next part of *Hatt-ı hümayûn* (Imperial Decree) classes who were previously given *maîşet* and *te'bid* magistratures were listed and it was ordered that when these places became free then they would not be re-given to the same class as *maîşet* and *te'bid*. According to this document, classes who could previously be granted with *maîşet* and *te'bid* magistrature were such: two assistant chief justices in both chief justiceships, sick and old ones, the

¹⁹⁷ NOK. Yeni Kayıt, 4569/26, 1a.

¹⁹⁸ RKR. Özel No, 63, 13a: “*Canik sancağında ma'îşet ve arpalık olan kazâlar mansıb olmak üzere kuzâta tevcih olunmak babında fermân-ı 'alî sâdır olmağın Sancağı mezburda Akçay kazâsını ber vevchi ma'îşet mutasarrıf olan tabîb es-seyyid Ahmed gurre-i şehri mezburdan ref*”, ve yeri yüz elli akçe ile Pertek kazâsından altmış ay infisâli ve 'atabe-i 'ulyada on beş ay mülâzemeti olub müte'ayyen 'ül-ehliye olan mevlana Mehmet da'ilerine misliyle ancak on altı ay tevcih olunub mutasarrıf olmak ricasına ba'de'l-'arz buyuruldu.”

ones who were unable to go to magistrature personally due to various causes, some state officials, *ulemâ*, and *ulemâzâde*. Once *Hatt-ı hümayûn* banned the allocation of *maîşet* and *te'bid* magistratures again with the same status, it ordered that all the free *maîşet* and *te'bid* offices which were suitable to be independent magistratures would be given to judges, however the ones who were not fit to be independent would be united with nearby magistratures¹⁹⁹.

Judges were always discontent with being given *maîşet* and *te'bid* magistratures as offices because in the 18th century while there were approximately 5.000-6.000 judge volunteers but there used to be only maximum 1.000 free magistratures²⁰⁰. Complaints coming from judges make it clear that the orders stated above concerning the unjust

¹⁹⁹ NOK. Yeni kayıt, 4569/31-4a-b; “*Ma ‘işetler hakkında sâdır olan hatt-ı hümayûn-ı şevket-makrûndur Benim vezîrim Rumili ve Anadolu’da ma ‘işet ve te’bid olan kazâlar bir tarîk ile mahlûl oldukda ma ‘işet ve te’bid olmak üzere âhere virilmeyüb müstakilen kazâ olmağla tahammülü var ise kuzâtdan müstahakına yoğise civârında olan kazâyâ ilhâk oluna farazâ pîr olmağla bi-nefsihî kazâ zabtına adem-i iktidârî nümâyân olmak vechi ile te’bid veyâhud ma ‘işet virilmek lâzım gelür ise kazâsker arz ve işâret-i şeyhülislâmî sudûrundan sonra tevcihîyle fermân-ı âlî sâdır olmadıkca te’bid ve ma ‘işet virilmek için mukaddemâ emr-i şerîfim sâdır olmuşiken şurût-ı emr-i şerîfime mürâ ‘ât olunmadığından mâ ‘adâ kazâyâ mahsûs olan manâsıb dahî nice nâ müstahaklara ma ‘işet olmak üzere virilüb fukarâ-yı kuzât bir mansıba nâil olunca nice sene mürûr idüb duyûn-ı kesîreye müstağrak olmalarıyla perîşân-ı hâllerine merhameten zamân-ı adâlet iktirân-ı saltanat-ı seniyyemde tarîk-i kuzâta ifâza-i hüsn-i nizâm ile te’emmül-i rızâ-yı Rabbü’l-enâm olmak aksâ-yı merâm-ı hayr-encâm-ı pâdişâhânem olmağın evlâ ve ulmeâ ve tarîk-i ulemâda alâkası olmayub ecânibden ba ‘zı nâ müstahaklar üzerinde olanlar ref’ olunub kadîmden ma ‘işet virilmesi lâzım gelen iki nefer tahtabaşılara ve kudemâ-yı tarîkden pîr ve ihtiyâr ve kazâ zabtına adem-i iktidârî bedidâr olanlara ve ba ‘zı devlet-i aliyem hidmetinde sarf-ı evkât iden müstahakkına ve ulemâ ve ulemâzâdelere işâret-i şeyhülislâmî ve fermân-ı âlî ile virilüb bundan böyle yeri mahlûl oldukda min ba ‘d ma ‘işet olmak üzere virilmeyüb müstakil kazâ olmağla tahammülü olan kuzâtdan bedelleriyle müstahak olanlara tevcîhe tahammülü olmayanı civârında olan kazâyâ ilhâk ve kuzâtdan bir ferd nâib göndermeyüb bi’n-nefs kendüleri zabt eylemek üzere nizâmı virilmek murâd-ı hümayûnum olmağla efendi dâ ‘imiz ile söyleşüb kendü defterlerine ve kazâsker efendilerin rûznâmçelerine kayd ve mûcibince amel ve hareket oluna. Kad vasale’l-beyân 2 Ramazan 136.”*

²⁰⁰ BOA. HH.3708; quoted, Jun Akiba, *From Kadî to Nâib: Reorganization of the Ottoman Sharia Judiciary in the Tanzimat Period*, ed. Colin Imber, *Frontiers of Ottoman Studies: State, Province, and the West*, vol. 1, (London: I.B. TAURIS, 2005), 45.

allotment of *maîşet* and *te'bid* magistratures could not be stopped. In 1145/1732 a *hatt-ı hümayûn* written by judges to Anatolian chief justice, it was declared that offices were allocated to ignorant and incompetent (*cühelâ ve nâ-ehl*) people as *maîşet* and *arpalık* and for that reason judges had great financial difficulties, they demanded that after recording these *maîşet* magistrature owners to *matlap* book they be tested and only the successful ones were to be commissioned²⁰¹.

3.2.2 Sending Deputies to Office

Since judges were not able to handle all judicial cases within their territory by themselves, they employed sufficient numbers of deputies. As if all the other judges' deputies too belonged to religious class and generally, they were selected amongst the professors in this location. Deputies were in charge of judicial affairs in their region and dwelt in districts of these magistratures. However, in case of need they could also be commissioned in magistrature center as well²⁰².

Each magistrature region was divided into certain numbers of districts. For instance, Galata chief justiceship was composed of three hundred villages and it had forty-four districts and all the appointment to these locations were arranged by Galata judge. Deputies performed the duties of a judge in his territory. His primary duties were to handle religious cases in districts and to go for investigation when needed.

²⁰¹ NOK. Yeni kayıt, 4569/35, 1a-b. “*Sadr-ı Anadolu izzetlü fazîletlü efendi hazretleri Liyâkat ve istihkâkı olmayanlara kazâ ve niyâbet taklîd olunmayub ve kuzât ve nüvvâb mu'ayyen olan rüsûmlarına kanâ'at ve ziyâde talebiyle ibâdullâhî rencîde eylememeleriçün bi't-tahsîs sa'âdetlü semâhatlü Şeyhülislâm Efendi hazretlerine hitâben hatt-ı hümayûn-ı şevket-makrûn sâdır olmağla fîmâ ba'd nâ ehl ve nâ müstahak olanlara kazâ ve niyâbet virilmeyüb kuzât ve nüvvâb ahvâlinde ziyâde taharrî ve dikkat ve kazâ ve niyâbet virilen kimesneler kânûn üzere âid olan rüsûmâtına kanâ'at idüb ziyâde talebiyle ashâb-ı de'âvî ve erbâb-ı mesâlihi rencîde eylememeleri üzere cümleye tenbîh ve te'kid ve işâ'at ve hilâfına hareket idenlerin sıran ve alâniyyeten tefahhus ile ahvâlleri ma'lûm oldukda yalnız azlleriyle iktifâ olunmayub suâl ve itâba giriftâr olacaklarını kendülere ifâde ve tefhîm eyleyeler deyü. Fî 13 Safer 145.”*

²⁰² Ergenç, *Ankara ve Konya*, 85.

İnalçık states that 947/1540 dated code of law clearly banned investigation mission of deputies yet in some special instances, they were allowed to leave their places. These were such:

1. *A firman is sent for Imperial services, if actual judge is unavailable or has an alibi for not being; able to go personally then the judge can go instead of him.*
2. *Tax paying subjects can call the deputy if they want to solve their problem during his presence. If the heirs of a dead person are juveniles, the deputy may attend heritage distribution to protect the rights of these orphans or adult heirs can themselves call the deputy.*
3. *Once in three months when judges need to go for investigation together with viceroy judge may send a deputy in place of him. However, deputy will only conduct searches in the district under the command of his deputyship and later attend the court.*²⁰³

It is observed that in the 18th century judges did not personally go to their duty magistratures but instead sold the magistrature to deputies in return for money. It is known that selling the magistratures to deputies with taxation method was practiced in the 16th century was well and this was banned by codes of justice²⁰⁴. 1137/1724 dated *hatt-ı hümayûn* stated that since some judges were too busy with other deeds in İstanbul they sent deputies to their duty magistratures and the same decree ordered that aside from the ones who had some special conditions, all the other judges would personally go to their duty magistrature. This was stated such in the document “... *ve kuzâtdan bir ferd nâib göndermeyüb bi'n-nefs kendüleri zabt eylemek üzere nizâmı verilmek murad-ı hümayûnum olmakla...*”²⁰⁵. It was banned even more strictly in 1145/1732 dated *hatt-ı hümayûn*. According to the decree, unattended magistratures would be taken from judges and their offices would be given to “*mütedeyyin ve müteşerri' kadîlara*”.

²⁰³ İnalçık, *Adâlatnâmeler*, 109.

²⁰⁴ İbid.

²⁰⁵ NOK. Yeni Kayıt, 4569/31-5a-b.

The ones who were given permission to send deputy in their places and stay in İstanbul were explained such in two different dated decrees:

Table 2. The Ones Who Were Allowed To Send Deputies in Their Places

SITUATION	1137/1724 ²⁰⁶	1145/1732 ²⁰⁷
Assistant Chief Justice ²⁰⁸	2+2 people	2+2 people
Old and sick	All	-
State officials	All	-
Employed under Şeyhülislam	-	All
Employed under İstanbul judge	-	1 person
Employed under former İstanbul judges	-	1 person

Source: NOK. Yeni Kayıt, 4569/31-5a-b; NOK. Yeni Kayıt, 4569/35-4a-b.

In 1146/1733 dated *emr-i hümayûn* it was stated that since Çerkeş judge was paralyzed for two years he himself could not go to his own magistrature and the investigation proved that his claim was true. Although it was clearly banned by 1145/1732 dated *hatt-ı hümayûn* due to the serious condition of Çerkeş judge Mevlana Hüseyin, in place of him a deputy was sent “*âhere sirâyet itmek şartıyla*” (not for others)²⁰⁹.

Occasionally deputies misconducted and judge himself at times punished this malpractice or central government would order the annulment of deputy’s mission²¹⁰. Following the 16th century when judges established a deputy court in a particular location, they had the right to sell their taxes income in return for cash to deputies. This was a form of taxation. Again, in the same century in order to attain more income judges started to form exceeding numbers of deputyships without receiving sultan’s approval. İnalçık notes that these practices were banned by sultan’s codes of law. For

²⁰⁶ NOK. Yeni Kayıt, 4569/31-5a-b.

²⁰⁷ NOK. Yeni Kayıt, 4569/35-4a-b.

²⁰⁸ They were chief assistants in the bureau of Anatolian and Rumelian *Kazâskerliks*, and were care of appointments of kadıs. On *Tahta Başı* see, Yurdakul, *İlmiye Merkez Teşkilatı’nda Reform*, 107.

²⁰⁹ NOK. Yeni Kayıt, 4569/35-4a-b.

²¹⁰ Ortaylı, *Kadı*, 31.

instance, in 947/1540 dated code, appointment of deputy to places that already had deputies was banned and it was stated that deputies would be selected amongst competent ones and no deputy would patrol around the magistrature without a reason²¹¹.

Another issue in the 18th century was related to the sale of magistratures to deputies through taxation method. In 1146/1733 dated petition Karahisar-ı Na‘illü dwellers complained that their official judge İbrahim Efendi sold the magistrature every month to three deputies through taxation method. According to this complaint actual value of their magistrature was 15 qurush, judge sold it for 35 qurush to three deputies and deputies tortured the poor ones (tax paying subjects) in order to compensate for their financial loss. The subjects asked the Council to fix this situation²¹².

1146/1733 dated firman is also related to a similar complaint. *Yörügân-ı Taraklı Borlu* magistrature’s judicial affairs (*umûr-ı şer‘iyyeleri*) used to be handled by Taraklı Borlu judge, but a merchant named Ömer found a way to take over the magistrature rule and sent a judge every two or three months. These judges oppressed the subjects and in each village (*karye*), they gathered courts for no reason. In the firman, it was ordered that *Yörügân-ı Taraklı Borlu* magistratures together with its extraordinary taxes be united to *Taraklı Borlu* magistrature²¹³.

In the 18th century the fraud judges and deputies were into were related to actual value. Judges and deputies demanded more money from the limits given to them by laws. In 1137/1724 dated decree, this malpractice was noted. Accordingly, judges and deputies demanded fifty coins per thousand instead of fifteen coins per thousand and this was against the law. The same decree reminded the actual values.²¹⁴

²¹¹ İnalçık, *Adâlatnâmeler*, 107.

²¹² NOK. Yeni Kayıt, 4569/36-4a-b.

²¹³ NOK. Yeni Kayıt, 4569/36-5a-b.

²¹⁴ NOK. Yeni Kayıt, 4569/32-1a-b.

Another common fraud in 18th century was that judges and deputies took possession of state taxes unfairly. Ruha dwellers' 1137/1724 dated petition addressed to Council noted that, Ruha judge and deputy by saying “*sizlere İmdad-ı seferiye virdirmem*” reserved for themselves 200 qurush from 150 bags of coins. Moreover Daskan? Dwellers' 850 *kuruş* that was collected for İmdad-ı seferiye was also taken away in the same manner. The note in the daybook reveals that the judge was dismissed²¹⁵.

²¹⁵ NOK. Yeni Kayıt, 4569/32-1a-b.

3.3 Ranking The Organization of Magistratures in the Ottoman Empire

In Rumelia, Anatolia and Egypt, magistratures were sub-divided into grades. Magistratures in Rumelia were split into nine grades, Anatolian magistratures were into ten, and Egyptian magistratures were split into six grades. Provinces in Rumelia ranked from the bottom to the top this way: *Çinad*²¹⁶, *Çelebi*, *Eğri*, *İnebahtı*, *Sâlise*, *Sâniye*, *Karib-i ûlâ*, *Rûtbe-i ûlâ*, *Sitte-i Rumeli*. Provinces in Anatolia on the other hand ranked starting from the bottom such: *İbtidâ*, *Tâsia*, *Sâmine*, *Sâbia*, *Sâdise*, *Hâmise*, *Râbia*, *Sâlise* and *Sâniye Sitte-i Anadolu*. Egyptian provinces in the same manner ranked from the bottom to the top: *Sâdise*, *Hâmise*, *Râbia*, *Sâlise*, *Musul* and *Sitte-i Mısır*²¹⁷.

Grades of magistratures indicated the population density. Therefore, since incomes of judges were constituted of taxes they received, population density directly increased their revenues. Judges, through the petitions they submitted to the center, asked to be given compensation for the injustice they faced due to the grades of their magistratures. This “grade of magistratures” topic will be discussed under the title “movement of judges within silk (career)”.

Sanjak-City judgeships were only assigned to *mevali* (*senior ulema*) who came first in Ottoman religious class, namely *eşrâf-ı kudât*. Sanjaks, cities, large and important judgeships were locations with *mevleviyet* status. Only judges who managed to rise to highest degrees in religious class or medrese (college of religious sciences) with *altmışlı* (sixty grade) could apply for these positions.

Mevleviyets had two degrees in classical period of the Ottoman Empire: with three hundred grades and five hundred grades. Three hundred-grade *mevleviyets* were sanjak judgeships and judgeships of some cities. In the 17th century Sivas and Silistre cities were three-hundred grade *mevleviyet* magistratures. On the other hand, Tokat sanjak

²¹⁶ Çinad ve Eğri had been two *kazas*, which lost but their status preserved imaginarily, see Hakkı Uzunçarşılı, *İlmiye Teşkilatı*, 92.

²¹⁷ İlber Ortaylı, “Kadı,” *DİA*, 24 (İstanbul: DİA, 2001): 70.

was a mevleviyet with five hundred grade but in the 18th century almost all of the mevleviyet magistratures became 499 grade magistratures and no 300 grade mevleviyet magistratures were left²¹⁸.

The number of large judgeships which had mevleviyet status could increase or decrease depending on the period. In the 15th century *İstanbul, Edirne, Bursa, Filibe, Sofya, Selânik* judgeships obtained mevleviyet status while later in the 16th and 17th centuries *Şam, Halep, Mısır, Diyarbakır, Bağdad* and *Budin* magistratures were included in them. Again in the 16th century *Konya, Kudüs, Bosna, Kütahya, Üsküdar, Tırhala Yenişehir, Belgarad, Bursa, Ankara, Tokad, Kayseri, and Erzurum* and in the 17th century *Trabzon* were recognized as mevleviyet magistratures²¹⁹.

3.3.1 Judge's Office (*Mansıb*) and Rank (*Paye*)

In civil-service post system of Ottoman Empire the physically reserved position was called *mansıb* (*judge's office*) and rank of this position was named *paye* (rank). Judge's offices and ranks were graded according to length of service and prior to taking an official duty; it was a necessity to have received the rank of particular position²²⁰. There were grades such as *İstanbul* judgeship rank or Anatolian judgeship *paye* (rank). The highest rank was *Şeyhülislam* (*Şeyhülislam*) rank and it went down. For instance, the person applying for *İstanbul* judgeship position had to take his *paye* (rank). More than one person could take *İstanbul* judge rank but only one of them was suitable to hold this position (office) physically. The actual position was called *mansıb* (*judge's office*). In appointments, priority was given to the top senior official. The one with top seniority was called *baş eski* (first senior). The ones coming after him were named second senior, third and fourth seniors. Everyone had to follow this order, which was known as *silsile* (chain execution).

²¹⁸ AKR. Özel No, 14,15,16,42, 43; and RKR. Özel No, 63, 115.

²¹⁹ Uzunçarşılı, *İlmiye Teşkilatı*, 96.

²²⁰ See Fahri Unan, "Osmanlı İlmiye Tarfesinde Paye'li Tayinler Yahut Devlette Kazânç Kapısı," *Belleten*, 233/Nisan (1998): 41-57; Uzunçarşılı, *İlmiye Teşkilatı*, 264-265.

Not every mevleviyet had a rank. Rank could only be offered by sultan himself and its requirements were stated in the code of law. In Code of Tevki'i Abdurrahman Pasha, *mevleviyets* with ranks were ordered. Accordingly: *Rumelia (Chief Justiceship), Anatolia (Chief Justiceship), Mekke-i mükerreme, Edirne, Mısır, Medine-i münevvere, Şâm-ı şerif, Kudüs-i şerif, Haleb* were the highest ranked mevleviyets. *Selânik, Galata, Yenişehir, Filibe, Havass-ı Kostantiniyye (Eyüp), Üsküdar, İzmir, Bağdad, Diyarbekir, Mağnisa, Sofya, Belgrad, Ankara, Gelibolu, Mihaliç, Bosna, Sakız, Trablus, Kayseri, Maraş, Tire, Birgi, Balıkesir, Menemen, Erzurum, Tokad, Sinob, Mudurnu, Boyabad, Lefkoşa, Kandiye and Kamaniçe* were despite being offices with ranks, they constituted a lower rank group²²¹.

In line with that, mevali (senior ulema) who applied for judge positions in the aforementioned districts would first of all receive his rank and then only when it was his turn could he actively work as a judge. Judges themselves could move to ranked mevleviyets or occasionally send their deputies in place of them.

3.3.2 Establishment (*İhdâs*) and Abolishment (*Ilga*) of Magistratures in the 18th Century

Establishment or relocation of a court or annulment of a magistrature status could only be possible through the diploma of sultan. Similarly, establishment of a new magistrature through split due to population increase was also possible only through the diploma of sultan himself²²².

In the 18th century's chief justice daybooks, we can find diplomas exemplifying establishment or abolishment of magistratures. For example, 1158/1754 dated diploma concerning new magistrature status of Nevşehir and annulment of Ürgüp's status is the best illustration of this practice. As it is evident from the diploma, the village of which former name was *Müşkara*, was changed as Nevşehir by ex-grand vizier, the late

²²¹ Tevki'i Abdurrahman Paşa, 'Osmanlı Kânûn-Nâmeleri, 539.

²²² İnalçık, *Mahkama*, EI,

İbrahim Pasha who turned it into an independent magistrature. Besides he commanded that twice a week, a market would be set to handle the cases in there. Moreover it was also stated in diploma that as indicated [11]39/1726 dated imperial decree, from then on no court or market would be set in Ürgüp, *nakibuleşraf* kaimakam, *kethüda yeri* (chief steward) and *yeniçeri serdarı* (Janissary Commander) stationed in Ürgüp would from then on settle in Nevşehir. In *te'kid* part of diploma, the command was to turn Nevşehir, which was formerly a village, into magistrature, to gather a court and market twice a week and additionally to annul magistrature status of Ürgüp and relocate the officials in Nevşehir. The diploma reconfirmed this new regulation made on [11]39/1726²²³. This diploma is a clear example of establishment of a new magistrature (*ihdas*) and status loss, abolishment (*ilga*) of a former magistrature.

In Ottoman Empire, judges in religious courts handled every type of legal affairs. Judges were not merely in charge of legal affairs, they were also responsible for municipality procedures, notary actions, powers of attorney, purchase-sale regulations, registering all official documents such as firman, diploma sent from central government concerning local affairs to sicil-i mahfûz (registration) book and following its execution in his area of jurisdiction²²⁴.

3.3.3 Unifying (*İlhâk*) and Dividing (*İfrâz*) the Magistratures (*Kazâs*) in the 18th Century

A judge's revenue came from the taxes he received in return for his service in the area of jurisdiction. The more the population of a magistrature, the more income he received. As stated earlier, judges' revenues were calculated as ten coins for each one thousand houses in the area of jurisdiction. Once the population of a magistrature increased, then Ottoman administration divided that magistrature into two and appointed a new judge to the new magistrature. This procedure was named *ifrâz* (*dividing*). Occasionally since revenues of two magistratures were not adequate for judges, they were unified as one

²²³ NOK. Yeni Kayıt, 4569/43, 1a-b.

²²⁴ Uzunçarşılı, *İlmiye Teşkilatı*, 83.

magistrature that was called *ilhâk* (*unifying*). Consequently, of this procedure, one judge would be left inactive and this would cause many disputes among judges. Both procedures (*ifrâz* and *ilhâk*) could only be accomplished through the personal firman of sultan.

In 18th century chief justice's daybooks, there are many petition samples looking for solutions to the disputes among judges and also firman samples ordering *ifrâz* and *ilhâk*. In an 1146/1733 dated firman written to Anatolian chief justice, Pazarcık magistrature was incorporated into Yarhisâr-ı Bursa magistrature and given to *mevâlî* (senior ulema) as *arpalık* (living). Later it was separated from Yarhisâr-ı Bursa magistrature, added to the revenue of Demirci judge who used to work with *Şeyhülislam* and started to be governed by *niyâbet* (regency). However when Pazarcık people protested, it was ordered that Pazarcık magistrature would be appointed to Mehmet Efendi who was ex-judge of Dânişmendli magistrature to be governed as an independent magistrature and this procedure was termed as *ifraz*. As it is obvious from the firman, a magistrature could be, by command of sultan, be joined with another magistrature or even unified with a magistrature not stationed in the same geography²²⁵.

Another imperial decree dated 1143/1730 is related to separating Akçebad and Yomra magistratures from Trabzon. As Imperial Decree clearly indicated, Akçebad and Yomra were incorporated into more than one Trabzon magistrature; however, within the territory of Trabzon magistrature, some villages belonging to Hatuniye medrese were kept within the area of jurisdiction of Akçebad and Yomra sub districts. Trabzon judge appointed deputy judges to these two sub districts to execute legal affairs. On the other hand, trustees of Hatuniye medrese started to torture tax paying subjects since deputy judges who were appointed to govern the villages belonging to foundation started to lose revenue²²⁶. Upon the complaint of sub district people to Council, it was decided that

²²⁵ NOK. Yeni Kayıt, 4569/36, 2a-b.

²²⁶ NOK. Yeni Kayıt, 4569/35, 2a-b. “..Trabzon kadısı tarafından nâibler ta‘yîn ve husûsen Hatuniye mütevellîleri dahi nâhiyeteyn-i merkûmeteynde ikâmet eyledikleri cihetden gelen nüvvâb fukarâ-yı ra‘iyyete cevır ve te‘addî itmeleriyle...”

“zıkr olunan nâhiyeler Trabzon kazâsından ifrâz ve yine re’sen ve müstakilen bir kazâ” (mentioned sub districts would be separated from Trabzon magistrature and remain ex-officio and independent magistrature again)²²⁷.

In the same Imperial Decree, there is information on how to execute dividing procedure in central offices. According to 1143/1730 dated Imperial Decree a magistrature was separated from another one for these reasons²²⁸.

1. Emerging of administrative dispute due to the co-existence of two magistratures or sub districts and its reflection over tax paying subjects. Complaint of subjects to the Council (*Divan*).
2. Council decision on “re’sen ve müstakilen bir kazâ.” For that purpose “arz ve i’lâm” (verdict) of a third magistrature judge. In the example above Görele judge Mevlana Mehmet was presented²²⁹.
3. Head of provincial treasury would, by examining *mevkûfât* book in *Hazîne-i Âmire*, detect *avâriz hâneleri* (*extraordinary tax*) which would be separated, by dividing the magistrature from its ex-union registering it as a *re’sen and müstakilen* magistrature in the same book and after sealing it sending a copy of *mevkûfât* book to the Council.
4. Announcing *fırman* (*emr-i şerîf*) to parties for the acknowledgement of divided magistrature as a *re’sen ve müstakilen bir kazâ i’tibâr* and registering its copy to related chief justiceship book.

As a requirement of *fırman*, magistratures that were divided were registered in daybooks kept by chief justiceship. For instance in 1115/1703 dated Anatolian chief justiceship daybook in Kastamonu sanjak Öñüz magistrature was separated from Küre-i Nühas

²²⁷ NOK. Yeni Kayıt, 4569/35, 2a-b

²²⁸ Ibid.

²²⁹ Ibid., “zıkr olunan nâhiyeler Trabzon kazâsından ifrâz ve yine re’sen ve müstakilen bir kazâ i’tibâr olunmak üzere Görele kadısı Mevlânâ Mehmed zîde fazlühû arz ve i’lâm eylediği ecilden...”

magistrature to be a müstalik (independent) magistrature and was given to Tosya müfti Mevlana Mustafa²³⁰.

İlhâk (unifying) procedure like *ifrâz* (dividing) could be accomplished only after receiving sultan's diploma. 1146/1733 dated unification of Gökâbâd (Gökova) magistrature with Ula magistrature was accomplished after a firman. As it is evident from firman; Gökâbâd magistrature subjects sent a petition to Council via Ula judge, they stated that Gökâbâd magistrature had no desire of being a *müstakil* magistrature thus demanded a coalition with Ula magistrature. When the seven people whose names were written were questioned, it became clear that mentioned magistrature did not bear being a müstakil magistrature so it was unified with Ula magistrature nearby, Gökâbâd subjects' religious cases would be handled by Ula judge. Similar to dividing procedure, the Council took account of residents' complaint when taking unification decision²³¹. The phrase “*does not bear being a müstakil magistrature*” in the firman meant that since cases that passed to court were limited in number, court taxes were not sufficient enough for the wages of judge who would come to the magistrature.

According to firmans related to the causes of unifying, a magistrature with another one can be lined this way:

1. Within the territory of magistrature emerging income loss due to relocating sub districts or villages to another jurisdiction area of magistrature; consequently decreasing tax revenue of judge who had less magistrature revenues. This condition was documented such; magistrature “*bî-hâsıl ve harc-ı mahkemeye 'adem-i vefâsı olduğundan... (have no revenues and in no position to manage to pay for court taxes)*.”²³² As magistrature judge notified the Council, the

²³⁰ RKR. Özel No, 63, 5a-b: “*Önüz kazâsı Küre-i Nühas (Kürretü'n-Nühas) kazâsına ilhâkiyetten ifrâz ve şehr-i mezbûr gâyetinden Tosya'da me'zûn bi'l-iftâ olub müstahak-ı inâyet olan Mevlânâ Mustafa dâ'ilerine ber vechi te'bid tevcîh olunub vech-i muharrer üzere mutasarrıf olmak ricasına ba'de'l-'arz sadaka buyuruldu.*”

²³¹ NOK. Yeni Kayıt, 4569/35, 5a-b

²³² NOK. Yeni Kayıt, 4569/31, 1a-b

magistrature with lessening income was unified with the other magistrature. That was the cause of 1136/1724 dated firman. Villages namely Mescidlü, Uzundepe, Manastır, İlit, Kızılca, Farisan, Baklalı, Dereli, Göğderesi, Şeyhköyü, Gökkişi, Davla, Koçak, Eğrikavak, Akçe and Bey me‘a Tekyeli which were previously within the territory of Köşk magistrature were unified with İzmir magistrature, Köşk magistrature’s area of jurisdiction now merely consisted of two villages; Köşk and Yavlı. Magistrature judge demanded that these two villages would also be incorporated into İzmir.

2. Tax paying subjects of magistrature notified the Council that they did not have any income to support a judge (*magistrature-i mezbûrun müstakil magistrature ve te’bîd olmağa tahammülü olmamağla*) (aforementioned magistrature is in no position to be *müstakil* and *te’bid*). Aforementioned incident concerning the incorporation of Gökâbâd magistrature with 1146/1733 dated firman is of this type.²³³
3. Incorporation of a magistrature to another one due to complaints that reached to Council about judge or deputy. 1131/1719 dated firman is related to the incorporation of Sivasili magistrature to Sivas magistrature. Many complaints about deputy of Sivasili reached to the Council through Sivas sanjak officer Mehmet Pasha’s notification, with the firman submitted to Council, Sivasili magistrature was incorporated into Sivas²³⁴. Dismissal and incorporation firman sent from Council would be registered in daybook. It is recorded in daybook that in 1115/1703 the judge of this magistrature was dismissed and it was incorporated into the other magistrature nearby²³⁵.

When a magistrature was incorporated into another magistrature, or in other words *ilhâk* (unified) with another magistrature, judge of unified magistrature would naturally be

²³³ NOK. Yeni Kayıt, 4569/35, 5a-b

²³⁴ NOK. Yeni Kayıt, 4569/28, 1a-b

²³⁵ R.K.R./63-19. “*Ayvancık me’â Hisarcık mutasarrıfı Mehmed’in ‘azli fermânı olunmakla gayet-i şehri mezburdan ref’ ve yeri Ökse mutasarrıfı Ali dâilerine ber vechi ilhâk tevcih olunub gayet-i mezburdan on ay tamamına değin mutasarrıf olmak ricasına ba’de’l-‘arz buyuruldu.*”

jobless which was named in documents as judge's *sıfrü'l-yed* (vacant position) . In chief justice daybooks there are records exemplifying judge's *sıfrü'l-yed* position. Generally, chief justiceship would show intimacy to judges who lost their position and revenue²³⁶. Judges who became *Sıfrü'l-yed* would inform chief justice about their condition and ask him to compensate for their loss. For instance in 1115/1703 dated Anatolian chief justiceship daybook there are records indicating that many judges who lost their position because of incorporation were appointed to other magistratures²³⁷.

3.3.4 Magistratures (Kazâs) and their Revenues Provinces

As indicated in the previous sections, judges used to receive income from certain amounts of taxes that were in return for their judiciary service. Each judge, according to his rank, would be dispatched to magistratures of which daily income was determined. Grades and daily wage status of magistratures differed in every period. Mehmet II (1451-1481) classified magistratures into two groups: the ones with less than 300 coins of daily wage and higher than 300 coins of daily wage²³⁸. In the 18th century, magistratures were listed under five groups. The table below illustrates magistrature organization in Ottoman Empire.

With the coming of 18th century, magistrature judgeships in Anatolia started to be listed under five groups according to their daily wages. At the top, there were magistratures with 499 coins of daily income and from the top to the bottom 400, 300, 200 and at the bottom, 150 –coin daily wage magistratures took place. Judges could be appointed to this type of magistratures within the specified laws stated in code.

Tevkî'i Abdurrahman Pasha Code arranges ranks of religious teachers. Accordingly Süleymaniye teachers preceded *mûsıla-i süleymaniye* teachers; *mûsıla-i süleymaniye* teachers preceded *altmışlı* (sixty grade) teachers; sixty-grade teachers preceded sahn

²³⁶ İnalçık, *Rûznâmçe registers*, 139.

²³⁷ RKR. Özel No, 63,6a, 7a.

²³⁸ Repp, *The Müfti of İstanbul*, 32.

teachers; *musıla-i sahn* teachers preceded internal professors(*dahil müderris*); and internal professors preceded external professors (*hariç müderris*). Also according to the law, external professors would be higher than town judges would and the law required that when the ranks were equal, qualifications such as knowledge, understanding, character and seniority would be considered. Therefore, when the ranks are equal, their knowledge and seniority in profession are taken into account²³⁹. In the law there is such a provision “...*hâric müderrisleri kuzât-ı kasabâta tasaddur ider*”²⁴⁰(*External professors are higher than town judges*)”. Since external medreses are, medreses with fifty grade (*ellili*)²⁴¹ they can only precede the ones lower than them. As stated by this provision, the highest of town judges equaled to teachers with forty grade (*kırklı*).

Once we examine the appointments made in 18th century, it can be seen that in chief justice daybooks only the teachers with forty coins of daily wages were without exception, transferred to town judgeships with one hundred fifty coins of daily wages. In the documents, no magistrature with less than one hundred fifty coins of daily wage was found out. It is obvious that the lowest daily wage magistratures were the ones with one hundred fifty coins. It is demonstrated that teachers who demanded to be transferred from medreses to magistrature body could only pass to the lowest grade magistratures, which meant the magistratures with one hundred fifty coins of daily wage. However, it is known that prior to 18th century, there had been magistratures with less daily wage such as one hundred coins. While in the 18th century, medreses with forty coins of daily wage could be transferred to only the magistratures with one hundred fifty coins, in the 17th century in 1057/1647 it was possible to pass to three types of magistratures from *kırklı* (forty grade) medreses. These were respectively one hundred, one hundred thirty and one hundred fifty grade magistratures. In the same year, as the examples illustrate, appointments were made from *ellili* (fifty) grade medrese to *yüzlü* (hundred) one hundred grade magistratures²⁴². Taken these examples into consideration, it becomes

²³⁹ Tevkî’i Abdurrahman Paşa, *Kanunname*, 539: “ve *hâric müderrisleri kuzât-ı kasabâta tasaddur ider.*”

²⁴⁰ Ibid.

²⁴¹ İlber Ortaylı, *Kadî*, 76.

²⁴² İnalçık, *The Rûznâmçe Registers*, 148.

evident that in 18th century in not only transferences from medreses to magistratures but also in inter-magistrature appointments the rules were strictly followed.

For that reason in 18th century, no information could be attained about the method of transferences from higher-grade medreses and the names of magistratures. However, it is known that transfer to judgeships from external medreses and higher-grade medreses was always possible. For instance in appointments made in 1057/1647 there were transfers from both forty (*kirklı*) grade and fifty (*ellili*) grade medreses to magistrature body²⁴³.

Books openly demonstrate that there always used to be an order in appointments of judges from one magistrature to another one. Accordingly, transfers among magistratures were performed as either between magistratures with same grade or from a lower grade magistrature to a higher one. This was already in line with the rules of *tarik* (profession). Appointments between same graded magistratures were documented as *misliyle* (the same compensation) term; appointments to a higher-grade magistrature were termed *terakki* (promotion). If a judge, on accounts of different causes, was dismissed from his duty this was termed as '*azl or ref*' in books. '*Azl or ref*' judge (dismissed judge) was named as *ma'zûl* judge in books.

3.3.5 With 499 *Akçe* Daily Revenue Magistratures (*Kazâs*)

Table 3. 499 *Akçe* Grade Magistratures (*Kazâs*)

The name of the Magistratures	The Place (18 th Century)	The Place (Today)	Administrative Situation
Alaşehir	Aydın-Saruhan	Manisa-Alaşehir	K
Amasya	Sivas-Amasya	Amasya	SM
Antalya	Konya-Teke	Antalya	SM
Dimyat	Mısır	Mısır-Dimyat	?
Ezine-i Kaz Dağı	Karesi	Çanakkale-Biga	MS
İznikmid	Kastamonu-İzmit	Kocaeli-İzmit	SM

²⁴³ İnalçık, *The Rûznâmçe Registers*, 148.

Kastamonu	Kastamonu	Kastamonu	VM
Ketsel	Aydın	Aydın-Nazilli	K
Kilis	Haleb	Kilis	K
Larende	Konya	Karaman	K
Musul	Musul	Irak-Musul	VM
Niğde	Niğde	Niğde	SM
Ruha	Haleb	Urfa	SM
Sinob	Kastamonu	Sinop	SM
Sivas	Sivas	Sivas	VM
Trabzon	Trabzon	Trabzon	VM
Yeni ili Mea Türkmân-ı Halep	Haleb	Suriye	?

Source: RKR.Özel No, 63; RKR.Özel No, 64; AKR.Özel No, 42; AKR.Özel No, 43; AKR.Özel No, 51

3.3.6 With 400 Akçe Daily Revenue Magistratures (*Kazâs*)

Table 4. 400 Akçe Grade Magistratures (*Kazâs*)

The name of the Magistratures	The Place (18 th Century)	The Place (Today)	Administrative Situation
Alaşehir	Aydın-Saruhan	Manisa-Alaşehir	K
Bozdoğan	Aydın Sancağı	Aydın-Bozdoğan	K
Demirci	Aydın-Saruhan	Manisa-Demirci	K
Denizli	Aydın	Denizli	SM
Ezine	Ezine	Çanakkale-İlçe	MS
Hama	Hama	Suriye-Hama	SM
İnegöl-i Bursa	Hüdavendigâr	Bursa-İnegöl	K
Karahisar-ı Şarki	Erzurum	Giresun-Şebinkarahisar	S
Karahisar-ı Teke	Teke	Antalya-Serik	K
Kilis	Haleb	Kilis	K
Larende	Larende	Karaman	K
Meğri	Aydın	Muğla-Fethiye	K
Niğde	Konya	Niğde	S
Simav	Hüdavendigâr	Kütahya-Simav	K

Tuzala	Adana	Adana-Karataş	K
Uşak	Hüdavendigâr	Uşak	K
Yabanabad	Ankara	Ankara-Kızılcahamam	K

Source: RKR.Özel No, 63; RKR.Özel No, 64; AKR.Özel No, 42; AKR.Özel No, 43; AKR.Özel No, 51

3.3.7 With 300 *Akçe* Daily Revenue Magistratures (*Kazâs*)

Table 5. 300 *Akçe* Grade Magistratures (*Kazâs*)

The name of the Magistratures	The Place (18 th Century)	The Place (Today)	Administrative Situation
Akçeşehir	Aydın	Aydın-Söke	K
Akhisar-ı Saruhan	Aydın- Saruhan	Manisa-Akhisar	K
Akşehir	Konya	Konya-Akşehir	K
Ayaş	Ankara	Ankara-Ayaş	K
Benî Suyuf	Mısır	Mısır-Benî Suyuf	K
Beyşehir	Konya	Konya-Beyşehir	SM
Çorum	Ankara-Yozgad	Çorum	SM
Denizli	Aydın- Ladikiye	Denizli	K
Develü	Ankara-Kayseri	Kayseri-Develi	K
Elmalı	Konya-Teke	Antalya-Elmalı	K
Erihâ	Kudüs-	Kudüs-Jericho	K
Erzincan	Ezurum-Erzincan	Erzincan	SM
Eskiil	Konya-Sultanhanı	Aksaray-Eskil	N
Gerede	Kastamonu-Bolu	Bolu-Gerede	K
Gördüs	Aydın-Saruhan	Manisa-Gördes	K
Göynük	Kastamonu-Bolu	Bolu-Göynük	K
Harnabad	Bağdad-Harnabad	Irak	N
Hârim	Haleb	Suriye	K
Isparta	Konya-Hamîdâbad	Isparta	SM
Kengiri	Kastamonu	Çankırı	S
Karaağaç-ı Yalvaç	Konya-Hamit	Isparta-Şarkıkaraağaç	N
Karahisar-ı Şarkî	Erzurum-Sivas	Giresun- Şebinkarahisar	S
Kedagra	Sivas-Amasya	Samsun-Vezirköprü	N
Kudüs	Kudüs-i Şerif	Kudüs	SM

Küre-i Nuhas	Kastamonu-İnebolu	Kastamonu-Küre	K
Larende	Konya	Karaman	K
Malatya	Ma'muretü'l Aziz- Malatya	Malatya	SM
Musul	Musul	Musul	VM
Nif	Aydın-İzmir	İzmir-Kemalpaşa	K
Niğde	Konya-Niğde	Niğde	S
Sandıklı	Hüdavendigâr-Karahisar-ı Sahib	Afyon-Sandıklı	K
Sayda	Suriye-Beyrut	Lübnan-Sayda	K
Seferihisar-ı Çeşme	Aydın-İzmir	İzmir-Seferihisar	K
Seydişehir	Konya	Konya-Seydişehir	K
Sürmene	Trabzon	Trabzon-Sürmene	K
Şeyhli	Sivas-Amasya-Ladik	Samsun-Ladik-Şeyhli	K
Taraklıborlu	Kastamonu-Zağferanbolu	Karabük-Safranbolu	K
Tavas	Aydın-denizli-Tavas	Denizli-Tavas	K
Tosya	Kastamonu-Tosya	Kastamonu-Tosya	K
Tuzla	Adana-Naşıdiye	Adana-Karataş	K
Yabanabat	Ankara-Yabanova	Ankara-Kızılcahamam	K
Yeniil Mea Türkamı Halep	Halep	Suriye	K

Source: RKR.Özel No, 63; RKR.Özel No, 64; AKR.Özel No, 42; AKR.Özel No, 43; AKR.Özel No, 51

3.3.8 With 200 Akçe Daily Revenue Magistratures (*Kazâs*)

Table 6. 200 Akçe Grade Magistratures (*Kazâs*)

The name of the Magistratures	The Place (18 th Century)	The Place (Today)	Administrative Situation
Akçeabat Me'a Yomra	Trabzon	Trabzon	K
Akçey	Hüdavendigâr-Karesi	Balıkesir- Edremit	K
Akdağ	Ankara-Yozgat	Yozgat-Akmağdeni	N
Akhisar-ı Geyve	İzmid-Akhisar	Sakarya-Pamukova	N
Akhisar-ı Saruhan	Aydın- Saruhan	Manisa-Saruhan	K
Aksaray	Konya-Niğde	Aksaray	K

Akşehir-i Aydın	Aydın	Aydın	-
Alaiye	Konya-Teke	Antalya-Alanya	K
Arabsun	Konya-Niğde	Nevşehir-Gülşehir	K
Artıkabat	Sivas-Tokad	Tokat-Artova	N
Baalbek	Suriye-Şam		K
Basra	Bağdad	Irak-Basra	SM
Bayburd	Erzurum	Bayburt	K
Bergama	Aydın-İzmir	İzmir-Bergama	K
Beypazarı	Ankara	Ankara-Beypazarı	K
Beyşehir-i Aydın	Aydın	-	-
Bor	Konya-Niğde	Niğde-Bor	K
Bozdoğan	Aydın	Aydın-Bozdoğan	K
Burdur	Konya-Burdur	Burdur	SM
Çarşamba-i Ladik	Trabzon-Canik	Samsun-İlçe	K
Çine	Aydın-Hamîdâbâd	Aydın-Çine	K
Çorum	Ankara-Yozgad	Çorum	K
Devrek	Kastamonu-Bolu	Zonguldak-Devrek	N
Divriği	Sivas	Sivas-Divriği	K
Eğîn	Ma'muretü'l-aziz	Erzincan-Kemaliye	K
Eğrigöz	Kütahya-Simav	Kütahya-Emed	K
Ereğli-i Karaman	Konya	Konya-Ereğli	K
Eriha	Küdüs	İsrail-Jericho	N
Eskiil	Konya	Aksaray-Eskil	N
Ezine-i Lazkiye	Aydın-Denizli-Saray	Denizli-Sarayköy	N
Gediz	Hüdavendigâr-Kütahya	Kütahya-Gediz	N
Gerede	Kastamonu-Bolu	Bolu-Gerede	K
Göhlisar-ı Hamid	Konya-Burdur-Tefenni	Burdur-Göhlisar	N
Gölpazar-ı Bursa	Hüdavendigâr-Bursa	Bilecik-Gölpazarı	N
Gönen-i Karesi	Hüdavendigâr -Karesi	Gönen	K
Gördek	Aydın-Saruhan		K
Hama	Suriye-Hama	Suriye	SM
Harput	Harput	Elazığ-Harput	EM
Hısn	Beyrut-Trablusşam		K
Hısnımansur	Harput	Adıyaman	K
Ilgın	Konya	Konya-Ilgın	K

Table 6. Continued			
Isparta	Hamîdâbâd	Isparta	SM
İnegöl-i Burasa	Hüdavendigâr-Bursa	Bursa-İnegöl	K
İskilib	Ankara-Çorum	Çorum-İskilip	K
Kalecik	Kastamonu-Kengırı	Ankara-Kalecik	K
Karaabalı	-	-	-
Karaağaç-1 Gölhisar	Konya-Hamid	Isparta-Şarkıkaraağaç	N
Karaisalı	Adana	Adana-Karaisalı	K
Kars-1 Erzurum	Erzurum	Kars	K
Kars-1 Zulkadriye	Haleb-Maraş	Osmaniye	K
Kaş	Konya-Teke-	Antalya-Kaş	K
Kayacık	Aydın-Saruhan	Manisa-Gördes-Kayaköy	N
Kazâbâd	Sivas-Tokat	Tokat-?	N
Kerkük	Musul	Irak-Musul	S
Kırşehir	Ankara	Kırşehir	SM
Köyceğiz	Aydın-Menteşe	Muğla-Köyceğiz	K
Kula	Aydın-Saruhan	Manisa-Kula	K
Kürtün	Trabzon-Gümüşhane	Gümüşhane-Kürtün	N
Ladik	Sivas-Amasya	Samsun-Ladik	K
Merzifon	Sivas-Amasya-Merzifon	Amasya-Merzifon	K
Mihalıççık	Ankara-Kuyucak	Eskişehir-Mihalıççık	K
Minye	Mısır-Suyut	Mısır-Minye	K
Nevaih-i Alaiye	Konya-Teke	Antalya-Alanya	K
Nevşehir me'a Ürgüp	Konya-Ürgüp	Nevşehir-Ürgüp	K
Nif	Aydın-İzmir	İzmir-Kemalpaşa	N
Niksar	Sivas-Tokad	Tokad-İlçe	K
Of	Trabzon-Of	Trabzon-Of	K
Onikidîvân	Kastamonu-Bolu- Onikidîvân	Bartın	K
Ortapare	Kastamonu-Kengırı- Karıpazarı	Çankırı-Orta	N
Pasin	Erzurum-Pasin-i ulya	Erzurum-Pasinler	K
Payas	Adana-Cebel-i Bereket- Dörtyol	Hatay-Dörtyol-Yakacık	N
Sayda	Suriye-Beyrut	Lünan-Beyrut	K
Sefer-i Hisar-1 Günyüzü	Ankara-Sivrihsar	Ekişehir-Günyüzü	K

Sermeyn (Sermin)	Haleb-İdlib	Suriye-İdlib	N
Serulus	Kastamonu-Za'feranbolu- Uluslu	Bartın-Ulus	N
Silifke	Adana-İçel	İçel-Silifke	K
Sincanlı	Karahisar-1 sahib	Afyonkarahisar-Sinanpaşa	N
Sobuca	Aydın	Aydın-Koçarlı	N
Söğüd	Hüdavendigâr-Ertuğrul	Bilecik-Söğüt	N
Şorba	Ankara-Yabanâbâd	Ankara-Kızılcahamam- Pazar	N
Şuhud	Hüdavendigâr-Karahisar- 1 Sâhib	Afyon-Şuhut	N
Tarsus	Adana-Mersin	İçel-Tarsus	K
Taşköprü	Kastamonu	Kastamonu-Taşköprü	N
Tavas	Aydı-Meneşe	Denizli-Tavas	K
Turgut	Menteşe	Muğla-Yatağan-Turgut	N
Van	Van	Van	VM
Yalvaç	Konya-Isparta	Isparta-Yalvaç	K
Yenişehir-i Aydın	Aydın	İzmir-Tire- Gökçenköy	N
Yüreğir	Adana	Adana-Yüreğir	N

Source: RKR.Özel No, 63; RKR.Özel No, 64; AKR.Özel No, 42; AKR.Özel No, 43; AKR.Özel No, 51

3.3.9 With 150 Akçe Daily Revenue Magistratures (*Kazâs*)

Table 7. 150 Akçe Grade Magistratures (*Kazâs*)

The name of the Magistratures	The Place (18 th Century)	The Place (Today)	Administrative Situation
Adala			
Afşar	Sivas-Karahisar-1 Şarkî-	Sivas-Suşehri	N
Ağlasun Mea İncir Pazarı	Konya-Burdur	Burdur-Ağlasun Burdur-İncirli	N
Ağros	Konya-Burdur-Eğridir	Isparta-Atabey	N
Ahışa		Çıldır	N
Akçey	Trabzon-Canik		N
Alaçam	Trabzon-Canik-Bafra	Samsun-Bafra	N

Table 7. Continued			
Akköy	Hüdavendigâr-Ertuğrul-Söğüt-Akköy	Eskişehir-Mihalgazi-ilçe	N
Akyörük Me'a Hacı Hamza	Sivas-Amasya-Osmancık	Çorum-Kargı-Hacıhamza	N
Aladağ	Konya-Hâdim	Konya-Hâdim	N
Anduğu	Konya-Niğde-Bor	Niğde-Altunhisar	N
Arabgir	Ma'muretü'l-aziz-Arabgir	Malatya-Arapkir	N
Araç	Kastamnu-Araç	Kastamnu-Araç	K
Arhavi	Trabzon-Lazistan-Hopa	Artvin-Arhavi	N
Arpaz	Aydın	Aydın-Nazilli-Esenköy	N
Artkabat	Sivas-Tokad	Tokat-Artova	N
Atina	Trabzon-Lazistan	Rize-Pazar	K
Avine	Diyarbakır-Mardin	Mardin-Savur-Sürgücü	K
Avniye	Girid-Laşid-İstiye	Girid-Laşid-İstiye	KM
Ayasluğ	Aydın-Tire	İzmir-Selçuk	N
Ayaş Me'a Misis	Adana-İçel-Lemyos	İçel-Lemyos	N
Azdavay	Kastamonu-Azdavay	Kastamonu-Daday	N
Bağdadçık	-	-	-
Bakras	Haleb	Suriye-Haleb	N
Balyanbolu	Aydın-İzmir-Ödemiş	İzmir-Beydağ	N
Başgelembe	Aydın-Saruhan-Kırkağaç	Manisa- Kırkağaç-Gelenbe	N
Bayburt	Erzurum-Bayburt	Bayburt	N
Bâyezid	Erzurum-Kal'a-i Bâyezid	Ağrı-Doğubeyazıt	S
Bayramlı	Trabzon-Ordu	Ordu-Kabadüz-Köy	N
Behisni	Diyarbakır-Ma'muretü'l-aziz	Adıyaman-Besni	K
Belviran	Konya-Bozkır	Konya-Bozkır-Belören	N
Belviran	Ma'muretü'l-aziz-Malatya-Besni	Adıyaman-Gölbaşı-Belören	N
Beyrut	Suriye-Beyrut	Lübnan-Beyrut	VM
Bezirgan			-
Bozdoğan	Adana	Adana-Sis- Bozdoğan	N
Bozok-ı Sorgun	Ankara-Yozgat	Yozgat-Sorgun	N
Bozulus	Ankara-Yozgat		N

Bozüyük-i Bursa	Hüdavendigâr-Ertuğrul-Söğüt	Bilecik-Bozüyük	N
Bozüyük-i Menteşe	Aydın-Menteşe-Muğla		N
Canik	Van-Tîmâr	Van-Merkez-Gedikbulak	NM
Cebel-i Aclun	Suriye-Havram	Suriye	K
Cide	Kastamonu-Cum'a	Kastamonu-Cide	K
Çarşamba-i Lazkiye	Aydın	Denizli-Buldan	KM
Çemişkezek	Dersim-Hozat	Tunceli-Çemişgezek	K
Çerkeş	Kastamonu-Kengırı	Çankırı-Çerkeş	K
Çubukâbâd	Ankara	Ankara-Çubuk	N
Dârende	Sivas	Malatya-Darende	K
Derkuş	Halep	Suriye-Halep	N
Develü	Ankara-Kayseri	Kayseri-Develi	N
Devrekâni	Kastamonu	Kastamonu-Devrek	N
Divle	Konya-Ereğli	Konya-Ereğli-Ayrancı-Divlekköy	N
Döğer Mea Ağros	D:Aydın-Menteşe A:Konya-Isparta-Eğridir	D:Muğla-FethiyeKemer-Düğer A:Isparta-Atabey	N-N
Dönseâbâd			
Ebu'l-hayr	Trabzon	Trabzon-Giresun	N
Ebutiç	Mısır-Suyût-Abotis	Mısır	K
Edeyüzü			
Eflanibolu	Kastamonu-Safranbolu-Eflani	Zonguldak-Eflani	N
Eğri/Eğer			
Eğridir	Konya-Isparta	Isparta-Eğridir	K
Ergani	Diyarbakır-Erganimadeni	Diyarbakır-Ergani	K
Ermenak	Adanai-İçel-Ermenak	Karaman-Ermenek	K
Eşen	Aydın-Menteşe-Meğri	Uşak-Eşen	N
Ezine-i Ayasluğ	Aydın-İzmir-İneâbâd	Aydın-Germencik	N
Finike	Konya-Teke-Kaş	Antalya-Finike	N
Gedikçik	Sivas-?		N
Gerger	Diyarbakır-Malatya-Besni	Adıyaman-Gerger	N
Ginolu (Abana)	Kastamonu-Sinop-İstefan	Kastamonu-Abana	N

Table 7. Continued			
Gireği	Hüdavendigâr-Kütahya	Kütahya-Aslanapa	N
Giresun	Trabzon- Giresun	Giresun	K
Gönye Me'a Batum	Trabzon-Lazistan-Batum	Gürcistan	S
Gümüş	Hüdavendigâr-Kütahya	Kütahya-Köprüören	N
Hacıbektaş Me'a Mucur	Ankara-Kırşehir-Mucur	Nevşehir-Hacıbektaş	N
Hamîdâbâd	Aydın-Çine	Aydın-Çine	K
Hanyunus	Kudüs-Gazze	Filistin-Gazze	N
Hasankeyf	Diyarbakır	Batman-Hasankeyf	N
Havza	Sivas-Amasya	Samsun-Havza	N
Hemşin	Trabzon-Lazistan-Atina	Rize-Hemşin	N
Hısnu'l-Ekrad		Suriye-Trablusşam	K
Homa	Hüdavendigâr-Karahisar	Denizli-Çivril-Gümüşsu	N
Hoşalay	Kastamonu-Cide-Fakaz	Kastamonu-Cide-Derebağ	N
Iğdır	Erzurum	Iğdır	N
Ilıca-ı Saruhan	Aydın-Saruhan-Turgutlu-Ilıca	Manisa-Tugutlu-Ahmetli	N
İbradi	Konya-Teke-Akseki	Antalta-Akseki-İbradi	N
İncirpazarı	Konya-Burdur	Konya-İncirli	N
İnegöl- i Aydın	Aydın-Saruhan-Alaşehir	Manisa-Sarıgöl	N
Kafkas			
Kal'a-i Merkab		Suriye-Lazkiye	K
Kalecik-i Keskin	Ankara	Kırıkkale-İlçe	K
Kalkanlu	Konya-Teke-Kaş	Antalya-Kaş-Kalkan	N
Karaağac-ı Yalvaç	Konya-Hamid- Karaağac-ı Yalvaç	Isparta-Şarkıkaraağaç	N
Karahisâr-ı Karaman			N
Karahisar-ı Teke	Konya-Teke-Antalya	Antalya-Serik	N
Karahisar-ı Temre			
Kargı	Katamnu-Tosya- Kargı-	Çorum-Osmancık	N
Kaşıklı			
Katasaray	Sivas-Amasya-Kata	Amasya-Kata	N
Kavak (?)	Sivas-Kangal-Kavak / Sivas-Tokad-Zile / Trabzon-Canik-Samsun- Kavak		N

Table 7. Continued			
Keçiborlu	Konya-Isparta	Isparta-Keçiborlu	N
Kemâh	Erzurum-Erzincan	Erzincan-Kemah	N
Kemer-i Hamid	Konya-Burdur	Burdur-Kemer	N
Keşâb	Trabzon-Giresun-Keşâb	Giresun-Keşap	N
Kırili	Konya-Beyşehir-Kırili	Konya-Hüyük	N
Kızılhisar (?)	Aydın-İzmir-Torbali / Haleb-Ayntab-Oğuzeli		N
Koçhisar-ı Gerede	Kastamonu	Bolu-Gerede	N
Koçhisar-ı Karaman			
Koğans	Erzincan-İspir	Erzurum-Tortum-Koğans	N
Konya Mea Mudun			
Koyulhisar	Sivas-Karahisâr-i Şarkî	Sivas-Koyluhisar	K
Köşk	Aydın	Aydın-Köşk	N
Köyceğiz	Aydın-Menteşe	Muğla-Köyceğiz	K
Kuruçay	Erzurum-Erzincan	Erzincan-İliç	K
Kuşaklı	Konya	Konya-Kuşaklı	N
Ladik	1- Sivas-Amasya	1- Samsun-Ladik	K
	2- Sivas-Tokad-Niksar	2- Tokat-Niksar-Gökçeli	N
	3- Konya-İmranlı-Ladik	3- Konya-Kadınhanı	N
Livane	Trabzon-Batum-Livane	Artvin	N
Maaretu'l Numan	Haleb-Ma'arra		K
Ma'muriye	Adana-İçel-Ma'muriye	Anamur	K
Manavgat	Konya-Teke-Alaiye	Antalya-Manavgat	N
Mandalyat	Menteşe-Milas-Selimiye	Muğla-Milas-Selimiye	N
Marmaracık	Aydın-Saruhan-Akhisar- Gölmarmara	Manisa-Akhisar- Gölmarmara	N
Mazun	Aydın		N
Mengen	Kastamonu-Bolu-Gerede- Mengen	Bolu-Mengen	N
Milan	Kastamonu		N
Misis Mea Ayas-ı Direndi	Adana	Adana-Belen-Yakapınar	N
Necib	Sivas-Tokad	Tokad-Turhal-Dçkmetepe- Necip (Köy)	N
Odayüzü			

Table 7. Continued			
Ortakçı	-	-	-
Osmancık	Ankara-Çorum-Osmancık	Çorum-Osmancık	K
Ovayüzü	Kastamonu-Bolu	Bartın	N
Pirnâz	Aydın-Menteşe-Pirnâz	Muğla-Dalaman	N
Rize	Trabzon-Lazistan	Rize	SM
Rumkale	Haleb-Ayntab	Gaziantep-Halfeti	K
Safed		Lübnan-Akka	K
Ovacık		1- Erzurum-Ovacık-Üçköşe	K
		2- Dersim-Hozat-Ovacık	K
		3- İçel-Gülнар-Ovacık	N
Peçin	Aydın-Menteşe-Beçin-Milas	Muğla-Milas-Merkez-Mutluca (Köy)	K
Pertek	Ma'muretü'l-aziz-Dersim-Hozat	Tunceli-Pertek	N
Samako	Kastamonu-Bolu-Samakocuk		N
Samantı			
Sarayçam			
Sarıçam	Adana	Adana-Merkez-Köy	N
Saz	Sivas-Amasya-Saz	Sivas-Amasya-Sazköy	N
Selendi	1- Adana-İçel-Anamur	1- Antalya-Gazipaşa-Selenti	N
	2- Aydın-Saruhan-Eşme	2- Manisa-Selendi	N
Sence (Zor)	Trabzon-Laziztan-Livane	Artvin-Yusufeli-Esenkaya (Köy)	N
Seydan	Diyarbakır-Mardin	Mardin-Midyat	N
Seydigâzi	Hüdavendigâr-Kütahya-Eskişehir	Eskişehir-Seyitgazi	N
Sıçanlı	Hüdavendigâr-Karahisar-Sâhib		N
Sis Mea Ayas	Adana	1-Sis: Adana-Kozan	N
		Ayas: Adana-Yumurtalık	N
Sivasili	Sivas-Sivasili	Sivas-Koçgiri	N
Siverek	Diyarbakır-Erganimadeni-Siverek	Şanlıurfa-Siverek	K
Sorgun	Ankara-Yozgat-Sorkun	Yozgat-Sorgun	N

Soğancık	Aydın-Saruhan- Soğanderesi	Manisa-Alaşehir-Soğanlı (Köy)	N
Sonisa	Sivas-Tokad-Erbaa- Sonisa	Amasya-Taşova-Uluköy	N
Suruc	Haleb-Urfa-Suruc	Şanlıurfa-Suruç	K
Şavşad	Trabzon-	Artvin-Şavşat	N
Şuur			
Taşâbâd	Sivas- Taşâbâd	Amasya-Taşova	N
Tarhala	Aydın-Saruhan-Soma	Manisa-Soma-Merkez-Darkale- Altınlı (Köy)	N
Temre	Trabzon-Canik	Samsun-Temre	K
Toht	Kastamonu-Kengiri-Tuht	Çankırı-Yapraklı	N
Ula	Aydın-Menteşe-Uğla	Muğla-Gökova-Ula (Köy)	N
Ulak			
Uluborlu	Konya-Isparta-Uluborlu	Isparta-Uluborlu	K
Ünye	Trabzon-Canik-Ünye	Ordu-Ünye	K
Üzümlü	Aydın-Menteşe-Meğri	Muğla-Fethiye-Üzümlü	N
Viranşehir	1- Diyarbakır-Siverek 2- Kastamonu-Bolu-Gerde- Virancık 3- Sivas-Aziziye (Pazarsu)	1- Şanlıurfa-Viranşehir 2- Bolu-Gerede-Örencik 3- Kayseri-Pınarbaşı-Örenşehir (Bucak)	K N N
Ya'kubbey	Trabzon-Canik-Ordu	Ordu-Perşembe	N
Yarhisar	Hüdavendigâr-Ertuğrul- (İlyasbey)	Bilecik-Yarhisar (Bucak)	N
Yavabolu	Trabzon	Trabzon-Yavabolu	N
Yenice-i Eflani	Kastamonu-Bolu-Yenice-i Eflani	Karabük-Yenice	N
Yenişehir-i Aydın	Aydın-İzmir	İzmir-Tire-Gökçenköy	N
Yılanlıca	Kastamonu-Bolu- Hamidiye-Yılanlıca	Zonguldak-Devrek-Yılanlıca	N
Yörükân-ı Ankara			
Yüzdepare	Sivas	Sivas-?	N
Zamantı	Kayseri	Kayseri-Bünyan-Elbaşı-Zamantı	N

Source: RKR.Özel No, 63; RKR.Özel No, 64; AKR.Özel No, 42; AKR.Özel No, 43; AKR.Özel No, 51

3.4 Judges Transfers from Medreses to Town Judgeships

In Ottoman religious institution *tedris* (teaching) and *kazâ* (administration of the law, magistrature) are two incorporated branches completing one another. Judges to be commissioned in magistratures were educated in medrese²⁴⁴.

In Ottoman medreses, which were public institutions, religious sciences were dominant subjects. These medreses were common in Ottoman geography, they existed even in villages. They were basically established to graduate judges, müderris (religious professors) and müftis. They were financially supported by foundations.

The first medrese in Ottoman Empire was the building, which was, before the conquest of İznik, used as an abbey. In the following years, many medreses were opened in significant cities like Bursa, Edirne and İstanbul. In the early periods, Ottoman Sultans offered great sums of money to the scholars from Anatolian cities of culture such as Konya, Kayseri and Aksaray to teach in these medreses. Moreover, they invited famous scholars in important Islamic cities like Syria, Egypt, Iran and Turkistan²⁴⁵.

Ottoman medreses, colleges of religious studies, were classified under two basic groups as *Hâriç* and *Dâhil* (External and Internal). External medreses were the sub-group, in these institutions “basic knowledge,” which covered Arabic, and survey courses to religious sciences were taught. In Internal medreses “*’ulûm-i âliye*” (religious sciences) were taught²⁴⁶.

²⁴⁴ On Ottoman *medreses*, see Uzunçarşılı, *İlmiye Teşkilatı*, (Ankara: TTK, 1998); Cahit Baltacı, XV-XVI. Asırlarda Osmanlı Medreseleri, (İstanbul: İrfan Matbaası, 1976); İnalçık, *The Classical Age*, (New York: Praeger, 1973); Murat Akgündüz, *Osmanlı Medreseleri*, (İstanbul: Beyan, 2004); Kenan Yakuboğlu, *Osmanlı Medrese Eğitimi ve Felsefesi*, (İstanbul: Gökkuşbu, 2006); Repp, *The Müfti of İstanbul*, (London: Ithaca Press London for the Board of the Faculty of Oriental Studies Oxford University, 1986.)

²⁴⁵ İnalçık, *The Classical Age*, 175.

²⁴⁶ *Ibid.*, 176.

3.4.1 External (*Hariç*) Medreses

- 1) İbtidâ-yı Hâriç (Hâşiy-i Tecrid) Medreses: Since their religious professors earned twenty coins, they were also named “*twenty grade medrese*.” Training lasted one or two years and the courses were Arabic grammar, logic, speech, Astronomy and geometry.
- 2) Thirty grade (Miftâh) Medreses: Since these medreses had “*Şerh-i Miftâh*” as main book, they were also called miftâh medreses. Religious professors received thirty coins of daily wage. Training lasted three months to two years.
- 3) Forty grade Medreses: Since their professors earned forty coins they were called this way. While in the 16th century, training period was three years in the 17th century it was three months²⁴⁷.
- 4) Fifty grade Medreses: Since their professors earned fifty coins they were called fifty grade medreses. Formerly, training lasted one year yet at the end of 16th century it was decided to be at least five months²⁴⁸. This type of medreses were founded by sultan’s sons, dynasty women or viziers in significant cities primarily İstanbul, Bursa and Edirne. In these medreses, advanced *fıkıh* (Islamic jurisprudence) was taught²⁴⁹.

3.4.2 Internal (*Dahil*) Medreses

- 1) İbtidâ-yı Dâhil Medreses: Sultan’s daughters, sons and grand viziers founded this type of medreses and their professors’ daily wage was fifty coins. The courses were advanced *fıkıh* and Koran interpretation.
- 2) Mûsile-yi Sahn Medreses: The professors received fifty coins of daily wage and training lasted approximately one year. Courses were *Fıkıh*, Hadîs (Prophet Mohammed’s sayings), and Koran interpretation.

²⁴⁷ Baltacı, *Medreseler*, 38.

²⁴⁸ Ibid, 40.

²⁴⁹ İnalçık, *Klasik Çağ*, 177.

- 3) Sixty Grade (Semâniye) Medreses: They were the highest ranked medreses as the name reveals their professors earned sixty coins of daily wage. Sultan founded them. Trainees received specialization training²⁵⁰.

Not every graduate of medreses within the territory of Ottomans could enter magistrature body, laws regulated transfers. For instance in 1006/1598 dated code of law there were regulations for transfers. According to the law, it was forbidden to transfer a sub hierarchy professorship from lower medreses, which was stated in the code this way: “kenar medreseden mülâzım alınmaya, meğer kadîmden olagelmiş ola”²⁵¹.

Professors administered Ottoman medreses and foundations financially supported medreses. Financial sources were totally used by professor for all the needs of medrese and trainee selection was also conducted by professor himself. Professors could be appointed to medreses only through the diploma of sultan²⁵².

External medrese professors and graduates of Semâniye medrese could be appointed as town judges and receive one hundred and fifty coins of daily wage so it was assumed that court taxes would reach to this amount. İnalçık stated that in Ottoman, religious class there was a strict hierarchy amongst professors, judges and müftis and he demonstrated this hierarchical system in a table²⁵³. The information in İnalçık’s table was valid in 18th century in a more orderly way. As follows, İnalçık reported that 20-50 coins earning professors could be transferred to 20-150 grade magistratures²⁵⁴. As it can be deduced from the list below none of the professors with 20 or 30 coins of income could be dispatched for a magistrature duty; only professors with 40 coins of daily wage could work in 150 grade magistratures, which were, in the 18th century, the lowest ones.

²⁵⁰ Ibid.

²⁵¹ Baltacı, *Medreseler*, 630.

²⁵² İnalçık, *Klasik Çağ*, 178.

²⁵³ Ibid., 174.

²⁵⁴ İnalçık, *Klasik Çağ*, 174.

3.4.3 Professor (Müderris) Appointments to Medreses in 18th Century

Trainees who graduated successfully from medrese would receive a diploma *icâzetnâme*. A graduate would have the right to be appointed as a professor or judge but before taking up duty, they had to complete an approximately two-year internship period that was named *mülâzemet*. Candidates could not apply for themselves. Only their instructors, İstanbul müfti, chief justices and *Şeyhülislam* had the right to submit their candidacy for judgeship positions.

The table below illustrates appointments of novices who had successfully completed their novitiate period. As it is demonstrated of all the four professors appointed, two were appointed to 25 grade and the other two were appointed to 20 grade medreses. Professors namely *Mevlana El-Hac Salih bin Yusuf* and *Mevlana Süleyman bin İbrahim* who were appointed to 25 grade medreses were recommended as candidates by Anatolian chief justice *La 'lî-zâde Şeyh Mehmet Efendi*. The other two people appointed to 20 grade medreses were, since their teacher Ömer Efendi died during his commission in Bursa Emir Sultan medrese as a *Musila-i Sahn* professor, recommended by *Şeyhülislam*.

In religious class, professors, judges and müftis had the right to work alternately. It was possible for a professor, upon fulfilling the requirements, to become a judge, müfti or vice versa. A professor could leave the medrese, become a judge, and afterwards go back to medrese. As it is evident in the table below, a professor who used to work in a 25 grade medrese became *ma 'zûl* (rotated out of office or dismissed) and when he went back to his teaching position he was given a 30 grade medrese.

Theoretically, members of religious class had the right to ascend to highest position but in practice that was not always possible because there was a constant elimination while ascending from the bottom to the top. In 18th century, 150 grade magistratures were the highest ones in number. As daily wage increased, the number of magistratures decreased and religion pyramid were pushed until the two chief justiceships at the top.

A similar incident was present in medreses, medreses with high daily wages were available only in İstanbul and they were scarce. A professor who was successful in a lower grade medrese could get *terakki* (promotion) and transfer to a higher-grade medrese. Everyone was obliged to follow the existing rules and accordingly no professor could ascend more than one-step. The tables below also demonstrate that professors were appointed in line with this rule.

CHAPTER 4 MOBILITY IN THE İLMIYE GROUP

4.1 Spatial Movement of Judges

In Ottoman religious institution hierarchical line the movement was accomplished through *müteselsil promotion*, which meant that, the steps would be followed starting from the bottom until the top²⁵⁵. In order to be a judge in Ottoman Empire, one had to pass specific steps successfully. First and foremost, one had to finish medrese training and receive diploma. A medrese graduate could advance to an upper medrese or after teaching a while, he could be appointed as a judge, in proportion to his professor rank, to a magistrature, sanjak or any city.

If a trainee, after receiving diploma, decided to be a judge then he would have to apply to one of the two chief justiceship positions. The candidates who wanted to be judges in Rumelia part of Ottoman Empire would apply to Rumelia Chief Justiceship and the ones who wanted to stay within the territory of Anatolian state would apply to Anatolian chief justiceship and register in candidacy books. The people who registered in these books that were known as Rûznâmçe, Akdiye, and Tarîk were then official judge candidates. The candidates were waiting in line for judgeship position and at the same time they were attending classes in chief justice office as an intern to practice the details of profession. Judge nominees registered in novitiate book were called *mülâzım*. While waiting for their turn, *mülâzıms* would start working in one of the lowest grade magistratures namely *silk* (career)²⁵⁶.

Registration to novitiate books was also regulated by laws. Not every graduate, of his won accord, could be registered in these books. They could be registered only if people specified by law gave recommendation. These people specified by law could

²⁵⁵ Unan, *Osmanlı İlmîye Tarîkinde Paye*, 46-47

²⁵⁶ Uzunçarşılı, *İlmîye Teşkilatı*, 91-95.

recommend the number of graduates within the limits set for them. This issue will be analyzed more elaborately in the section below: Movements of judges within (silk) career.

4.1.1 Transfer of Judges from one Chief Justiceships' Area of Jurisdiction to Another in the 18th Century

İsmail Hakkı Uzunçarşılı in his acclaimed work reports that judges had to work under Rumelia and Anatolian chief justiceship and even if judges wanted, they were not licensed to transfer between chief justiceships²⁵⁷. On the other hand, Halil İnalçık claims that after receiving the approval of sultan, it was possible to transfer between chief justiceships and he proves his claim by presenting a document in rûznâmçe daybook²⁵⁸.

The researches in rûznâmçe daybooks exemplified the transfer of judges between chief justiceships. In a 1206/1791 dated register, İnegöl-i Bursa *muvaqqit* Judge Ahmet Aziz after taking firman was transferred from Anatolia office to another magistrature in Rumelia office²⁵⁹. In another incident in the same year Sayda magistrature *muvaqqit* (next candidate), Mehmet was sent to another magistrature in Rumelia office²⁶⁰.

4.1.2 Movement of Judges between Equal and Different Daily Wages Magistratures

In this section whether or not there was an order in appointments of an Ottoman judge between magistratures and even if there was a rule, then the form of this order will be analyzed. According to chief justice rûznâmçe daybooks, a system was accomplished in Ottoman magistrature daily wages in the 18th century. Accordingly, in 18th century as

²⁵⁷ Uzunçarşılı, *İlmiye Teşkilatı*, 91.

²⁵⁸ İnalçık, *The Rûznâmçe Register*, 140-141.

²⁵⁹ AKR. Özel No, 51, 14a: "...ve muvaqqıtı Ahmet 'Aziz bâ fermân-ı 'alî Rumili kaleminde aher kazâyâ nakl olunmağla yeri.."

²⁶⁰ AKR. Özel No, 51, 27a: "...es-seyyid mehmet Rumili kaleminde aher kazâyâ nakl olunmağla yeri..."

indicated above, magistratures were classified under five different daily wages that were in sequence 150, 200, 300, 400, 499 grade magistratures²⁶¹.

When Anatolian chief justiceship rûznâmçe daybooks are examined elaborately, it becomes obvious that in judge appointments there was an order. Hence, in transfers from medrese to magistratures, only forty (40 grade) medrese professors were allowed. A century earlier twenty-five and higher-grade professors could also be transferred to magistrature body.

It is obvious that in 18th century judges were appointed to either same grade magistratures or a higher-grade one. Therefore, the judge of 150 grade magistrature could only be appointed to another 150 grade magistrature or after getting *terakki* (promotion) he could be assigned to 200 grade magistrature. Researches in Rûznâmçe daybooks confirmed this practice.

Getting *Terakki* (promotion) meant an increase in daily wage of judge. Terakki (promotion) of judges or in other words increase in their salaries were occasionally indicated in rûznâmçe daybooks. For instance in 1115/1703, Mevlana Abdürrezzak Efendi who became judge of Peçin (Muğla-Milas-Mutluca) magistrature with 200 coins of daily wage was appointed to Karaağaç-ı Yalvaç magistrature with 300 coins. Although there was a visible increase of 100 coins in his salary, this was not registered in books²⁶². On the other hand it was also registered that Mevlana Mustafa Efendi, former professor in İstanbul *Emir Ganem Medrese* with 40 coins of daily wage was appointed to Bayramlı magistrature with a daily wage of 150 coins after receiving his “*bâ terakki*” (promotion)²⁶³.

²⁶¹ See, RKR. Özel No, 63; RKR. Özel No, 115; AKR. Özel No, 14; AKR.Özel No, 15; AKR. Özel No, 16; AKR. Özel No, 42; AKR. Özel No, 43; AKR. Özel No, 51; NOK. Yeni Kayıt, 4569/32; NOK. Yeni Kayıt, 4569/36; NOK. Yeni Kayıt, 4569/42; NOK. Yeni Kayıt, 4569/43.

²⁶² RKD. Özel No, 63, 6a-b.

²⁶³ RKD. Özel No, 63, 20a-b: “...ve yeri İstanbul’da kırk akçe ile Emir Ganem medresesinde elli altı ay infisâli ‘atabe-i ‘aliye de dokuz ay mülâzemeti olub, müte’ayyenü’l-ehliye olan, mevlânâ Mustafa dâ’ilerine *bâ terakki* yevmi yüz elli akçe ile mutasarrıf olmak ricasına ba’de’l-‘arz sadaka buyuruldu.”

When the daybooks are analyzed to detect whether or not there was a pattern in appointments between magistratures, it is hard to mention the existence of a specific rule. In some cases, a judge was, soon after his end of service, appointed to a magistrature nearby or in other examples, it was seen that a judge could be appointed to a far-away magistrature.

For instance in 1115/1703, Mustafa Efendi who was, with 200 coins of daily wage, appointed to *Adala* (Manisa, Salihli, Karataş) magistrature used to be the judge of same grade Bergama magistrature close to that region²⁶⁴. On the same date Abdülhalim Efendi who was the judge of 150 grade *Üzümlü* (Muğla -Fethiye) was transferred, with the same grade, from a nearby magistrature *Siroz* (Burdur-Tefenni). Similar incidents are recorded in daybooks²⁶⁵.

However, along with these practices, in chief justice daybooks it is easy to come across movements between magistratures that are quite at a distance. To give an example in 1158/1745, Mevlana Mustafa who was the judge of 499 grade *Yeniili Me'a Türkmân-ı Halep* was transferred to a remote magistrature, Amasya that had the same grade. Likewise, in the same year after completing his twelve-months of *müddet-i örfiye* Abdullah Efendi, the judge of 499 grade *Demirci* (Denizli-Çal) magistrature was appointed to Kilis magistrature that had the same grade²⁶⁶.

As the research went on, it became apparent that for the magistratures with different grades a similar table was valid as well. Accordingly, while some judges were appointed from a lower grade magistrature to a higher one, a particular system was followed. When a judge was reappointed to a magistrature, his last assignment location could be close or away from the previous one. To give an example in 1115/1703 Mevlana Ahmet who was appointed to *Demirci* (Aydın-Denizli-Çal) magistrature with 400 coins of daily wage used to be the judge of Elmalı magistrature nearby which gave 300 coins of daily

²⁶⁴ RKD. Özel No, 63/6a-b

²⁶⁵ Ibid.

²⁶⁶ AKD. Özel No, 43, 10a-b.

wage²⁶⁷. According to another example Mevlana Hüseyin, ex-judge of 400 grade Alaşehir (Manisa-Alaşehir) was appointed to a remote location, Sivas judgeship with 499 coins in 1158/1745²⁶⁸. As the researches indicate while judges were appointed to magistratures, vacant offices were considered foremost rather than the distance between two magistratures.

²⁶⁷ RKD. Özel No, 63, 21a-b.

²⁶⁸ AKD. Özel No, 43, 10a-b.

4.2 Movement of Judges within Career

4.2.1 Candidateship in İstanbul (*Asitâne*)

Mülâzemet²⁶⁹ as a term meant attending and giving service in an office without any salary until obtaining civil-service post²⁷⁰. In religious professions, this period was the internship term when the candidate, who successfully completed his medrese training to become a professor, gained experience to obtain judgeship position and waited his turn. For that purpose one should first of all had to decide under which chief justiceship he would work and then after going to this particular chief justiceship he had to register in books namely *tarîk*, *matlab*, *rûznâmçe* however not every medrese graduate could, with his free will, go and register in these books. As a rule, only the highest ones within religious silk (career) who had, by law, the right to offer candidacy for judgeship could officially recommend their candidacy²⁷¹.

According to the tradition, when Ottoman Sultans ascended the throne, or in their first military expedition or victory, when sons' were born they would recommend candidates for judgeship amongst the trainees of ulema²⁷². In addition to that, şeyhülislams, chief justices, so-called chief justices, judges appointed in big cities of Ottoman Empire, professors in notable *selatin* (sultans) medreses and müftis in İstanbul, Bursa, Edirne would recommend candidates from their own students within the limits of rights bestowed on them²⁷³.

²⁶⁹ See; Uzunçarşılı, *İlmiye Teşkilatı*, 45-48; İpşirli, *Osmanlı Devletinde Kazâskerlik*, 642-660; İpşirli, "Osmanlı İlmiye Teşkilatında Mülâzemet Sisteminin Önemi ve Rumeli Kazâskeri Mehmet Efendi Zamanına Ait Mülâzemet Kayıtları", *İ.Ü.E.F. Güney Doğu Avrupa Araştırmaları Dergisi*, X-XI/ (İstanbul: 1983): 221-231.

²⁷⁰ Şemsettin Sami, "Mülâzemet", *Kâmûs-ı Türkî*, vol. 2, (İstanbul: Çağrı Yayınları, 1989), 1399.

²⁷¹ İpşirli, *Osmanlı Devletinde Kazâskerlik*, 642-646.

²⁷² Uzunçarşılı, *İlmiye Teşkilatı*, 46.

²⁷³ İpşirli, *Osmanlı İlmiye Teşkilatında Mülâzemet*, 223-231.

The names of candidates in book would be written clearly. Unlike rûznâmçe daybook, in these books father name and hometown of candidate were also indicated. This information was written in the first line like “*Mevlânâ Mehmed bin Abdurrahman el-İslâmbôli*”²⁷⁴. If the candidate’s family belonged to religious class, this was also reported in the book because children of religious class always had priority. For instance in Rumelia chief justiceship Rûznâmçe daybook that contained 1117/1763 dated candidacy registries, there is a phrase for *Mehmed bin Abbas el-İslâmbôli* “*evlâd-ı ulemâdan olmakla*” (belonging to ulema family)²⁷⁵. After stating the candidate’s identity openly, the name of the person who recommended his candidacy was also stated. To give an example the candidate *Mevlânâ el-Hâc Ahmed bin İbrahim Rodos* was recommended by the şeyhülislam of that period. This incident was stated such: “*Mevlânâyı mezbur erbâb-ı isti’dâd’dan olmağla hala şeyhülislâm ‘izzetlü Dürriâde Mustafa Efendi hazretlerinin işâret-i ‘aliyyeleriyle müstakilen kabül şüd*”²⁷⁶. As it is apparent from the phrase as well, aforementioned candidate was *müstakilen* recommended by şeyhülislam to the mülâzemet (attendance). In addition to mülâzemet müstakilen recommendation, there were other methods as well: nevbet, *teşrif* (due to the death of candidate’s professor) *mevtâdan* (after death), *i’adeden* (returning), *tezkire* (office service) service and *fetva* (fatwa) trust²⁷⁷.

Since the candidacy for judgeship position (mülâzemet system) is out of the scope of this study, it will be briefly mentioned and then information in 18th century rûznâmçe daybooks concerning mülâzemet system will be analyzed.

4.2.2 Mülâzemet-i Müstemirre

Candidate for judgeship who completed his first internship period successfully would be, when his turn came, appointed to a magistrature as a judge. The judges who

²⁷⁴ RKD. Özel No, 115, 9a-b.

²⁷⁵ RKD. Özel No, 115, 13a-b.

²⁷⁶ RKD. Özl No, 115, 2a-b.

²⁷⁷ See further information, İpşirli, *İlmiye Teşkilatında Mülâzemet*, 223-224.

completed their *Müddeti örfiye* would go back to İstanbul and they were called *mâzul* (out of office) judges. It was stated by law that *mâzul* judges would attend the chief justiceship office they belonged to in İstanbul every Wednesday. This second internship term of judges was called *mülâzemet-i müstemirre*. İsmail Hakkı Uzunçarşılı notes that this period was approximately two years and the waiting period was called *zaman-ı infisâli* ²⁷⁸.

Müstemir as a term meant *permanent, long, and continuous* and in religious system, it elucidated the practice of a judge's permanent attendance to chief justiceship office in İstanbul upon completing his judgeship period. 1146/1733 dated "***İstimrâr-ı ref'-i infisâle i'tibâr olunmak bâbında sâdır olan hükm-i hümayûn***"²⁷⁹ (sultan's order in canceling *istimrar* and considering *infisâl*) document explains clearly the meanings of steps such as *mülâzemet-i müstemirre* and *zaman-ı infisâl* which take place in personnel matters of judges and the date of their first implementation in 18th century because earlier studies could not clarify this issue in the fullest serve. The information related to this issue was misleading and inadequate to explain this practice in religious institutions. In that respect, the imperial decree below is of great significance.

As the documents indicate, the judges whose magistrature duty ended would register in an office named *tezkirehane* when they arrived in İstanbul, and every Wednesday of the week, they would attend chief justiceship they were attached. When the judges were reappointed to magistrature office, their *mülâzemet-i müstemirre* period in İstanbul would be taken into account. Candidacy following in chief justiceship was made by *tezkirehane* officials and start date of this period was not based on departure date of judges from magistrature but their registry date in İstanbul. This practice caused turmoil, fights, and complaints amongst judges particularly the ones coming from remote magistratures would object to that practice even more and insisted on writing date of separation from magistrature (*infisâl*) on the candidacy for judgeship.

²⁷⁸ Uzunçarşılı, *İlmiye Teşkilatı*, 104.

²⁷⁹ NOK. Yeni Kayıt, 4569/36, 1a-b.

According to the information obtained from 1146/1733 dated imperial decree, during the reign of Şeyhülislam İsmail Efendi (*Ebu İshak Kara İsmail Naim Efendi, 1128-1130/1716-1718*)²⁸⁰ the judges frequently applied to *tezkirehane* in chief justiceship and demanded a recalculation (*tashih*) of their *mülâzemet-i müstemirre* periods. These requests caused trouble amongst other judges who wanted to obtain magistrature duty; it went so far that some of them would present perjurers to add a few more months to their candidacy period. When this negative incident reached to the ears of şeyhülislam, he showed mercy to the judges and asked for an imperial decree, which would consider, in reappointments, not the *mülâzemet-i müstemirre* period but *infisâl* length²⁸¹. Indeed the firman written to Anatolian Chief Justice in 1128/1716 proved that Şeyhülislam İsmail Efendi's proposal was put into practice. In this firman addressed to Anatolian Chief Justice Abdullah Efendi, it was stated that from then on, the judges whose terms of service in Rumelia, Anatolian and Egyptian offices terminated would base the date of their candidacy period not on their arrival date in Istanbul but rather the date their magistrature duty ended²⁸².

It is obvious that 1128/1716 dated firman was not properly followed because successor of Şeyhülislam İsmail Efendi, Abdullah Efendi also (*Yenişehirli Abdullah Efendi, 1130-1143/1718-1730*)²⁸³ asked for an imperial decree from the Council to implement the very same proposal and he received an approval. 1146/1733 dated imperial decree stated *...zümre-i kuzât 15 sene mikdarı nizâ' u cidâlden halâs olub âsûde hâl ve muntazamu 'l-*

²⁸⁰ İsmail Hami Danişmend, *İzahlı Osmanlı Tarihi Kronolojisi*, vol. 5. (İstanbul: Türkiye Yayınevi, 1971), 137.

²⁸¹ NOK. Yeni Kayıt, 4569/36, 1a-b: "...merhûm İsmail Efendi zamân-ı fetvâlarında kuzâtın tezkirehânedeki mülâzemet tashîhi için beynlerinde vâki' olan nizâ' u cidâl ve ba'zıları birkaç ay mülâzemetlerin ziyâde tashih ettirmek için irtikâb-ı kezb ile kendülerini ve istihâd eyledikleri kimesneleri ma'siyet-i zevi'l-celâle îsâl ettiklerine tahsîl-i vukûf ve ittulâ' etmeleriyle hallerine merhameten infisâllerine i'tibâr olunmak kâ'idesini re'y ve istisvâb idüb..."

²⁸² NOK. Yeni Kayıt, 4569/26a-b: "... Rumili ve Anadolu ve Mısır kalemlerinde vâki' kazâlara mutasarrıf olan kuzât tâifesi ma'zûl olduklarında atebe-i aliyeye mülâzemetleri Âsitâne-i Sa'âdet'ime geldikleri tarihle i'tibâr olunmayub ba'de'l-yevm ma'zûl oldukları tarihten i'tibâr olunub..."

²⁸³ Danişmend, *İzahlı Osmanlı Tarihi*, vol. 5. 137.

*ahvâl*²⁸⁴ ...” to demonstrate that the first consequence of Decree had been affirmative however it is obvious that old practice remained in use since 1115/1703.

As stated by 1146/1733 dated imperial decree Şeyhülislam Dâmadzâde (*Dâmadzâde Ebu'l-Hayr Ahmet Efendi, 1144-1146/1732-1733*), *manâsıb yine kuzâta virilsün deyü sâdır olan hatt-ı hümâyûn-ı şevket-makrûnun hilâfına ekser mansıblar dahi arpalık* (unlike the firman, which was declared to give the offices again to judges...) to higher rank judges and ulema (*mevâli*) thus the old practice was livened. As it is indicated in the document, this incident brought with itself some problems. First of all since offices were given as arpalık (living) to judges, the number of magistratures they could receive decreased. It was already hard to practice *müstemirran mülâzemet* in İstanbul and in addition to these hardships, judges needed revenues to lead their lives in İstanbul. Since they had no official revenue, they had to spend their savings remaining from pervious magistrature duty. There are no official documents to prove that judges during their *mülâzemet-i müstemirre* (internship) period in chief justice office received a salary but some researchers claim that in order to lead their lives they received some revenues. Mehmet İpşirli explains that during this period some foundations received charge from extra income (*zeva'id-i evkaf*)²⁸⁵. Similarly, Mehmet Zeki Pakalın agrees with him: “*Bab-ı Meşihatta ve bazı cevamide Buharihanlık yani kitabı kendilerine okumak gibi bir takım paralı vazifeler*” paid jobs like teaching hadith books in şeyhülislam office and some mosques²⁸⁶.

In the following part, 1146/1733 dated firman indicated the troubles that were caused due to judges' gathering in İstanbul. They were: The artificial increase in judge population of İstanbul (*zihâm-ı kuzâta*) and decrease in the amount of goods which led to an increase in their prices (*kaht ü galâya*), the fights of judges who, coming to *tezkirehane* to complain about each other (*tezkirehânelerde bâ'is-i gavga ve şikâk ve*

²⁸⁴ NOK. Yeni Kayıt, 4569/36, 1a-b.

²⁸⁵ İpşirli, *Osmanlı Devletinde Kazâskerlik*, 668.

²⁸⁶ Pakalın, “İlmiyye.” *Tarih Deyimleri ve Terimleri Sözlüğü*, vol. 2, (1993): 52-57

nifâk olmağın), and the difficulties encountered in the profession disappointed young generations²⁸⁷.

The problems were not confined to these difficulties. The fights and disagreements experienced in *Tezkirehane* earlier started once again. The officials in charge of book registry started to take bribes (*irtikâb*) as they did earlier “*istediklerini himâye ve [mülâzemet süresini] tashîh*” (to protect and correct the faults of the ones they loved). The judges who kinless and poor (*bîkes-i derdmendâne*) were the ones who were affected most, even though they deserved, they could not get promotion and they received unjust treatment even more than before²⁸⁸. Finally as the complaints and objections reached to peak, upon the sign of şeyhülislam Mevlânâ İshak (*Ebu İshakzâde İshak Efendi, 1146-1147/1733-1734*) Efendi and Grand Vizier Ali Pasha’s (*Hekimoğlu Ali Paşa, 1144-1148/1732-1735*) arz and *telhis* (demand), as practiced in former periods, when the judges received magistrature duty not *mülâzemet-i müstemirre* length would be considered. Their separation date would be taken into account as the particular imperial decree (*1146/1733 dated*) ordered the chief justices to follow²⁸⁹.

Table 8. İstimrar Period in 1115/1703 Year

	Minimum (Month)	Maximum (Month)	Average (Month)
1115/1703	9	54	29,97

Source: RKR. Özel No, 63.

²⁸⁷ NOK. Yeni Kayıt, 4569/36-1a: “...Âsitâne’de müstemirran mülâzemet müşkil-i hâl olduğundan gayri bu hâlet-i kaht u galâya ve zihâm-ı kuzâta ve inkisâr-ı evlâd u iyâle sebeb...”

²⁸⁸ NOK. Yeni Kayıt, 4569/36, 1a-b.

²⁸⁹ NOK. Yeni Kayıt, 4569/36, 1a-b: “...buyurdum ki bu bâbda hatt-ı hümâyûn-ı inâyet-makrûnumla vech-i meşrûh üzere şeref-yâfte-i sudûr olan fermân-ı vâcibü’l-ittibâ’ ve lâzımı’l-ımtisâlimin mazmûn-ı itâ’at-makrûnuyla âmil olub hilâfından gâyetü’l-gâye tehâşî eyleyesin şöyle bilesin alâmet-i şerîfe i’timâd kılasın tahrîren fî evâsıtı cemâziye’l-ûlâ sene sitte ve erba’în ve mie ve elf...”

As the complaints make clear, abolition of *mülâzemet-i müstemirre* practice and enacting *infisâl* did not satisfy judges either. Soon after the change, in 1149/1736 Anatolian Chief Justice Ahmet Efendi²⁹⁰ listed the problems that were brought about by the new implementation and wrote a petition to the Council to demand the practice of former tradition²⁹¹. Ahmet Efendi stated that abolition of *mülâzemet* method caused the judges (*kuzâtın*) to face unjust treatments and additionally the new practice initiated great deals of conflicts and fights among judges and most importantly it gave way for the non-judges (non Muslims) to find a way and enter this profession. He demanded that previous registry method in the book in *Âsitâne*, or in other words *mülâzemet* method would be put into practice again and *infisâl* period should be ignored by an imperial decree²⁹².

In year 1774, however *istimrâr* period once again came into force in a six-month reduced form. Consequently, judges who demanded a new mission would be appointed only after personally attending *tezkirehane* for six months. However, the problems that were caused by this practice earlier reemerged. Judges whose terms of service terminated started to flow into İstanbul, some of them were able to find deputy judge positions, but most of them were ruined in old office buildings. In 1206/1791 Anatolian *Rûznâmçe* daybooks there are records, which prove that in judge appointments *infisâl* periods, were still taken into account²⁹³. As the forerunners of profession (*kudema-i tarîk*) frequently informed Council about this condition in year 1221/1806 *istimrar müddeti* practice was abolished and rank started to be counted on. Therefore, when

²⁹⁰ Mirazâzâde Ahmed Neyli Efendi'dir, See, Gülsen, Gökçay, XVIII. Asrın ilk Yarısında Anadolu Ve Rumeli Kazâskerleri, İstanbul: İstanbul Üniversitesi Edebiyat Fakültesi Tarih Bölümü, Mezuniyet Tezi, 1964., sayfa 100.

²⁹¹ NOK.4569/35-1.

²⁹² NOK.4569/35-1: “...*fîmâ ba'd ke'l-evvel kânûn-ı kadîm üzere amel ve âsitâne defterine mu'tâd üzere mürâ'ât olunub hilâfindan ihtirâz olunmak bâbında fermân-ı hümayûnları sudûru kuzât fukarâsının nizâmına evfak ve evlâ idiği der devlet-i şevket-masîrlerine i'lâm olundu ol bâbda emr ü fermân men lehü'l-emr ve'l-ihsân hazretlerininindir.*”

²⁹³ AKR. Özel No, 51.

judges were reappointed their *infisâl* periods would be taken into consideration and the termination date of their previous mission would be the base²⁹⁴.

There is not a common point of view among researchers considering the length of *infisâl* period in 18th century. According to İsmail Hakkı Uzunçarşılı²⁹⁵, it was two years but Mehmet İpşirli²⁹⁶ stated that it lasted an indefinite period. Actually, the codes did not specify the length of *infisâl* period either.

It is possible to obtain the most accurate information on the length of *infisâl* from *rûznâmçe* daybooks. These books clearly show the *infisâl* periods of judges coming and leaving. The daybooks reveal that this period was minimum three, maximum two hundred months and average fifty months.

In year 1115/1703, Hüseyin Efendi who was appointed to Ladik magistrature²⁹⁷ had seventeen months of *infisâl* but in the same year, Mustafa Efendi²⁹⁸ who was appointed to Ula (Muğla-Gökova-Ula) magistrature had one hundred twenty *infisâl* and eighteen months of *mülâzemet*. In 1158/1745, El-Hâcî Mustafa Efendi who was appointed to Niğde magistrature had ten months²⁹⁹, while Şeyhzâde Mehmet Salih Efendi the new judge of Ağros (Isparta-Atabey) magistrature had fifteen years of (one hundred eighty months) *infisâl*³⁰⁰. In year 1206/1791, Seyyid Hasan Efendi who was appointed to

²⁹⁴ Yurdakul, *İlmiye Merkez Teşkilât'ında Reform*, 144-145.

²⁹⁵ Uzunçarşılı, *İlmiye Teşkilatı*, 104.

²⁹⁶ İpşirli, *Osmanlı Devletinde Kazâskerlik*, 666.

²⁹⁷ RKR. Özel No, 63, 33: "... ve yeri yüz elli akçe ile Gaferyad kazâsından on yedi ay *infisâli* ve kezalik Asitâne müstemirresi olmakla layık-ı ikrâm ve sezâvar-ı ihsan olan Mevlana Hüseyin dâilerine iki yüz akçe ile tevcih olunub..."

²⁹⁸ RKR. Özel No, 63, 33: "...ve yeri kırk akçe ile Pirî Paşa medresesinde on sene *infisâl* ve on sekiz ay *mülâzemeti* müstemirresi olub müte'ayyenül ehliye ve istihkâk olmakla sezâver-i 'atifet şehriyâr-i olan Mustafa sâilerine yüzeli akçe ile..."

²⁹⁹ AKR. Özel No, 43, 16a: "... ve yeri yevmi üç yüz akçe ile Malatya kazâsından hakiki ve itibari on ay *infisâli* olub..."

³⁰⁰ AKR. Özel No, 43,16a: "... ve yeri kırk akçe ile İstanbul'da Haydarpaşa medresesinde on beş sene *infisâli* olub..."

Alaiye (Alanya) magistrature had six months³⁰¹, and Mevlana Hüseyin Efendi who was sent to Pasin magistrature had two hundred months of infisâl. These examples illustrate the minimum and maximum infisâl lengths in two extremes. As the table shows, annual average indicated fifty months for every three years. This value is more than twice of the two-year infisâl length stated by aforementioned researchers.

As indicated above in 18th century, Ottoman religious institution attempted to find solution to the existing problems. It was hoped that after many trials better results would be achieved. That is why from 1703 until the midst of 19th century testing method was followed.

Table 9. *İnfisal* Length in 18th Century

	MINIMUM (MONTH)	MAXIMUM(MONTH)	ANNUAL AVERAGE(MONTH)
1115/1703	17	120	48,26
1158/1745	10	180	55,77
1206/1791	6	200	50,56
TOLL AVERAGE	11	166,66	51,21

Sources: RKR.Özel No, 63; AKR.Özel No, 42; AKR.Özel No, 43; AKR.Özel No, 51.

4.2.3 Testing the Judges of Their Knowledge

Rûznâmçe registries reveal that the judges took a test before transferring from a magistrature to a higher-grade one or passing from professorship to judgeship. In Rûznâmçe daybooks, the method or contents of test were not specified; only the judges who took the test were indicated by a phrase “*lede ’l-ımtihân*” in daybooks³⁰². The

³⁰¹ AKR. Özel No, 51.6a. “... ve yeri yüz elli akçe ile ... kazâsından altı ay hakiki infisâli olan ve sezâvar-ı ‘inayet şehri-yâri Mevlana duacı Es-seyyid Hasan...”

³⁰² RKR. Özel No, 63, 13a: “*Akhisar-ı Geyve mutasarrıfı İbrahim’in fevti muhakkak olmakla müddet-i mahlulesi mülâzimin ‘atabe-i ‘aliyeden, yüzeli akçe ile Sivaslı kazâsından yetmiş ay infisâl ve otuz altı ay mülâzemeti olub, lede’l-ımtihân istihkakı nümâyân olan mevlâna Mehmed dâ’ilerine gayet-i şehri-i mezburdan ancak on iki ay...*”

records make it clear that at the start of 18th century the number of tested judges was higher. In 1115/1703, of the two hundred forty judges whose appointment was made only forty-five, 18, 75% took the test³⁰³. However, in 1158/1745 it changed tremendously, according to the list, of the three hundred twenty five candidates who were appointed only three took the test³⁰⁴. In addition, this meant 0, 92%. In 1206/1791, amongst three hundred eight judge candidates who were recommended for appointment to şeyhülislam position, not even one of them took a test³⁰⁵.

The fact that in 1791 there were no records does not necessarily mean that judges were not tested then because in almost every period it was essential that judges have taken tests. In 1048/1638, Murat IV demanded a separation between the tested and non-tested judges in religious class (*tarik*) and asked the judge applicants to take an exam in his presence. He approved the appointments of successful candidates and reproved the failing ones severely. Historian Naîmâ, the source of this information, also enlightens us about the test method of Edirne candidates. After the exam from the five candidates Ethemzâde passed and was appointed as Edirne judge³⁰⁶.

In the 18th century, judges were asked to take the test. The successful candidates would start their profession and the others would retake the exam after some preparation. 1115/1703 dated imperial decree is related to the obligation of judge candidates to take an exam. The document addressed to Şeyhülislam stated that many tax paying subjects of magistratures in Ottoman territory came to the Council and complained about the tortures of their judges. According to this decree, the judges whose misdeed was confirmed would under no circumstances be given an office by *Rumelia and Anatolian Chief Justices*, from then on judge candidates, as it was practiced by earlier sultans,

³⁰³ RKR. Özel No, 63a.

³⁰⁴ AKR. Özel No, 42a.

³⁰⁵ AKR. Özel No, 51a-b.

³⁰⁶ Naîmâ Mustafa Efendi, *Ravzat-el Hüsyen fi Hulâsat Ahbar el- Hâfikayn*, vol. 3, ed. Zuhuri Danişman (İstanbul: Zuhuri Danişman Yayınevi, 1968), 1377.

would always take an exam each month (*her ay ve ekmelden imtihân olunup*), the ones who failed would not be offered magistrature (*şefâ'at ve himayet*)³⁰⁷.

Table 10. The Judges (Kadîs) Who Took the Test

THE JUDGES WHO TOOK THE TEST			
	1115/1703	1158/1745	1206/1791
RECOMMENDED JUDGES (NUMBER OF PEOPLE)	240	325	308
TAKING THE TEST (NUMBER OF PEOPLE)	45	3	0
NOT TAKING THE TEST	195	322	308

Sources: RKR.Özel No, 63; AKR.Özel No,42; AKR.Özel No,43; AKR.Özel No,51.

1128/1716 firman which brought with itself some changes in personnel matters of judges ordered that while reappointing judges to magistratures, they were to be tested and only the successful ones would be registered in *rûznâmçe* daybooks by chief justices and presented to *şeyhülislam*, that *şeyhülislam* would receive firman for the successful candidates and from then on in all judge appointments these rules would be strictly followed by chief justices³⁰⁸.

³⁰⁷ RKR. Özel No, 63, 2a-b.

³⁰⁸ NOK. Yeni Kayıt, 4569/26, 1a-b: "...A'lemü'l-ulemâ'i'l-mütebahhirîn efdalu'l-fuzalâi'l-müteverri'in yenbû'u'l-fazli ve'l-yakîn keşşâfu'l-müşkilâti'd-dîniyye hallâlü'l-mufassalâti'l-yakîniyye mißtâhu künûzi'l-hakâyik misbâhu rumûzi'd-dekâyik el-mahfûfu bi-sınûfi avâtifi'l-meliki'l-a'lâ Anadolu kadiaskeri Mevlânâ Abdullah edâmallâhu te'âlâ fezâiluhû tevkî'-i refî'-i hümayûn vâsil olıcak ma'lûm ola ki Rumili ve Anadolu ve Mısır kalemlerinde vâki' kazâlara mutasarrıf olan kuzât tâifesi ma'zûl olduklarında atebe-i aliyyeye mülâzemetleri Âsitâne-i Sa'âdet'ime geldikleri tarihle i'tibâ olunmayub ba'de'l-yevm ma'zûl oldukları tarihten i'tibâr olunub ve mülâzemetinden bir kimesneye ibtidâen taklîd-i kazâ olunmak lâzım gelüb lede'l-ımtihân istihkâki zâhir oldukda kadiaskerler şeyhülislâma arz, anlar dahî arzlarına işâret itdiklerinde işâretleri mücibince fermân-ı cihân-mutâ' sâdir olmadıkca tevcih olunmayub fîmâ ba'd bu şurût düsturu'l-amel olub kadiasker rûznâmçelerine kayd ve vech-i meşrûh üzere amel ve hareket olunmak üzere emr-i şerîfim virilmek bâbında a'lemü'l-ulemâ'i'l-mütebahhirîn efdalu'l-fuzalâi'l-müteverri'in bi'l-fi'il şeyhülislâm ve müftilenâm olan Mevlânâ Abdurrahim edâma'l-llâhu te'âlâ fezâiluhû işâret itmeleriyle Mevlânâ-yı müşârun ileyhî işâretleri mücibince sen ki Mevlânâ-yı müşârun ileyhîsin fîmâ ba'd bu şurût ve nizâm düsturu'l-amel tutulmak üzere Anadolu rûznâmçesine kayd eylemen bâbında fermân-ı âlişânım

As it can be inferred from a *buyuruldu* (command) addressed to Anatolian chief justice in 18 R. 1145/ judges complained to the Council that since *mansıps* (judge's offices) were given to ignorant and incompetent judges as *aralık* and *geçimlik* (*ma'îşet*-salary) their conditions deteriorated day by day and they had no tolerance to bear this situation any longer. Therefore, Sultan ordered that offices, which were *ma'îşet* (salary) and *aralık*, would be registered in *matlab* (register of request) book and these people would be tested. Successful ones would remain in their position but incompetent ones would leave their magistrature and from then on judge candidates who desired to have magistrature duty would, by all means, take a test³⁰⁹.

It is known that in 1167/1754 the candidates who graduated from medrese and applied for professorship or judgeship had to take a serious exam and so as to pass, they needed to prepare for long years. In his memoir Sıdkı Mustafa Efendi who also got prepared for the exam many years and first became a professor and then a judge indicated that of the ninety-eight candidates who took the test, only seven were successful³¹⁰.

Success of judges in test had been, in almost every period, a prerequisite. In *İlmiye, Sınıfına Dair Ceza Kanûnu* published at the start of 19th century the law stated that judge candidates, without fail, had to take a test in şeyhülislam office³¹¹.

sâdır olmuşdur buyurdum ki hükm-i şerîfimle vusûl buldukda bu bâbda vech-i meşrûh üzere şeref-yâfte-i sudûr olan fermân-ı vâcibü'l-ittibâ' ve lâzımı'l-intisâlimin mazmûn-ı itâ'at-makrûnu ile âmil olub hilâfından be-gâyet ihtirâz ve ictinâb eylesin şöyle bilesin alâmet-i şerîfe i'timâd kulasın tahrîren fi evâhiri şehri Rebû'l-âhir sene 1128. ...”

³⁰⁹ NOK. Yeni Kayıt, 4569/35, 1a-b.

³¹⁰ Madeline C. Zilfi, “*The Diary of a Müderris: A New Source for Ottoman Biography*”, *Journal of Turkish Studies*, I (1977), 157-174; for Turkish version see; Selim Karahasanoğlu, “*Bir Müderrisin Günlüğü: Osmanlı Biyografi Çalışmaları İçin Yeni Bir Kaynak*”, *Doğu Batı*, 20 (2004): 185-194.

³¹¹ Musa Çadircı, “*Tanzimat'ın İlanı Sırasında Osmanlı İmparatorluğunda Kadılık Kurumu ve 1838 Tarihli “Tarik-i İlmiye'ye Dâir Ceza Kânunnamesi*”, *DTCF Tarih Araştırmaları Dergisi* XIV, 25 (1982): 144-145.

As the information above also indicates, in Ottoman Empire the judges were obliged to be knowledgeable enough to fulfill their jurisdiction duty successfully. For that reason, it was a state policy to test the judges so as to prevent injustice and enable a fair distribution between limited number of offices and huge numbers of candidates

CHAPTER 5 CONCLUSION

In the Ottoman state the judicial power of the Sultan was legally monopolized by the learned class that served in the acquisition, and transfer, of the formal education. In that sense, this class was different from other classes. While other classes were open to outside participants under certain conditions, the only way to enter the learned class was to acquire authorization (diploma) from the *medrese*. All the learned class members (*ulema*) were constituted from graduates of *medreses*. This study can be summarized in two respects.

1. In other group such as *örfiyye*, in the absence of the officer performing a duty a deputy (*naib*) could be appointed. However, in the ulema class this was not possible because only someone else from the ulema group could be appointed as a deputy (*naib*). The congestion therefore in groups such as *örfiye* was caused by the inclusion of individuals from outside this group such as the (*naibs*) deputies. The reason of the congestion in the ulema lass was not caused by the inclusion of deputies from outside the *ulema*, but rather because of the decrease in the number of *kazâs* as a result of territorial loss in the 18th century and the increase of individuals entering the *ulema*. One of the major aims of the dissertation has been to determine the causes of this congestion and its consequences. To determine this, the main method has been to examine the kadi profession. In particular, the appointment to the kadi profession in the Anatolian *Kazâskerliği* has been studied. As a result of this study, the results pertaining to the 18th century are as follows.

a) In the earlier periods, the nominal total amount of taxes taken from the cases submitted to court was explained in greater detail as it was in the *tîmâr* system that determined the rate of tax according to the cases submitted. The districts assigned to the judges with a nominal value of five hundred *akçes* were generally considered a rank of “*mevleviyet*.” The judges under this level were ranked from twenty to three hundred *akçes* per day. What was important for this job was the area of authority for a judge. The

area of authority called *subaşı* was parallel to the total tax of customary area of authority based on deputation. Sometimes this area of authority for the *subaşı* office would be parallel to one area of authority as sometimes more than one areas of authority would be parallel to more than one area of authority. From the late sixteenth century on, the *dirliks* or administrative units went through significant changes that naturally affected the area of *subaşı* authority. The areas of judicial authority were continuously re-arranged until the eighteenth century. The major finding of this research was that, as a result of continuous rearrangements, judicial areas of authority called *kazâ* were standardized in the ‘the protected territories’ during the eighteenth century. As a new policy during this century, news judgeships of one hundred fifty-, two hundred-, and three hundred- and four hundred-*akçe* districts were established under the authority of the judges working for a daily five hundred *akçes* with a *mevleviyet* rank. This spatial rearrangement was also a basis for ranking judges and mobility in career worked in this order. The transition from *medrese* to judicial work was tied to the condition of becoming a *müderris* working for a daily forty *akçe* stipend in *medreses*.

b) As a result of the congestion in the *ilmiye* class and the necessity of a certain *kadi* to stay in one *kazâ* only for a limited time, when time for his next posting came it was not always possible to appoint the same *kadi* to a *kazâ* worth a superior *akçe*. As an effort of solution to the above mentioned congestion the state shortened the *de factor müddet-i örfiye*, in other words, the time period a *kadi* occupied a certain *kazâ* before he was moved elsewhere. Before a *kadi* could be appointed to a different *kazâ*, there was the need for an interim period where he remained without office. This practice was called *infisâl* period. The initial period of *infisâl* was at times taken as the day a *kadi*’s office ended and at times the time he reached İstanbul from his *kazâ* and got registration in the *infisâl* books. The time between the days his office ended and he reached İstanbul remained naturally a matter of dispute.

c) One of the significant phenomena during the eighteenth century was the duration of judges’ traveling due to frequent separations from work (called *ma’zûliyyet*) or due to transfers to another district. Most of the *kadis* demanded to be posted to a new

kazâ as close to his old *kazâ* as possible. This sheds light on the relationship between new appointments and the changing communication methods in the 18th century.

d) As the standardization of *kazâs* occurred such as 150, 200, 300, 400, 499 akçe *kazâs*, there were invented other sort of nominal *kazâs* for senior ulema whose knowledge was indispensable. One of these was called “*ber vech-i te’bid*” *kazâs*. This appointment was given to the senior and disabled members of the ulema. The other one was called “*ber vech- i maişet*” *kazâs*. This was given to the most senior members of the ulema and their children. Another was called *Arpalık kazâs* reserved to the senior ulema in pension. This practice witnessed in the 17th century is also in the 18th century.

e) In the 18th century, the *İltizam* system present in other classes was started to be seen also in İlmiye group. A kadi appointed to a *kazâ*, started not to be present in his posted *kazâ* but sold his *kazâ* as *İltizam* and a *naib* used to be present in the *kazâ*. He instead performed a second job elsewhere.

2. One of the most important results of this the dissertation was that this thesis clarified some of the terms, vocabulary and notions related to the learned class’ bureaucracy records. In the current literature, there are many publications of empirical data based on primary sources. However, these data involved some difficulties in converting them into historical knowledge. One of these difficulties it was not very clear what practice these terms explained. For example, the terms and expressions such as *mülâzemet-i müstemirre* (continuing candidacy), *ber vechi te’bid* (by way of expelling), *ber vechi maişet* (as a way of subsistence), and *zaman-ı infisâl* (separation period) were not clearly defined and are used as it is in the current sources, preventing us from determining its nature and dimensions. All of the data extracted from the rûznâmçe daybooks and prosopographical approach helped us to understand them, as I explained them in due places.

In conclusion, this thesis contributed to the current body of knowledge in respect to the history of the learned class in the Ottoman state in two aspects that mentioned above.

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TURKISH SUMMARY

Kadılık, ilk İslam devletlerinde ortaya çıkan ve daha sonraki devletlerde de görülen bir adli ve idari bir görevdir. Bu kurum İslam dini ile beraber ortaya çıkıp değişik coğrafya ve farklı devletlerde az da olsa bazı farklı özellikler göstermiştir. Yaklaşık altı yüz yıl çok geniş ve farklı coğrafyalarda varlığını sürdürmüş olan Osmanlı devleti de bu kurumu baştan beri siyasi bünyesinde barındırmıştır. Osmanlı devletinde kadı'lık kurumu beylikler döneminden itibaren 9 Nisan 1340 (1924) tarihine kadar çeşitli evereler geçirerek varlığını sürdürmüştür. Osmanlı devletinde kadı'lık kurumu özellikle hiyerarşi, eğitim ve terfi bakımından diğer İslam ve Türk devletlerinden daha farklı gelişme göstermiştir. Konunun öneminden dolayı birçok araştırmacı Osmanlı ve Osmanlı öncesi *kazâ* teşkilatı üzerine çeşitli çalışmalar yapmışlardır. Osmanlı ilmiye teşkilatı üzerine yapılan çalışmalar her geçen gün artmakla beraber hala aydınlatılması gereken çok konu bulunmaktadır.

Bu çalışmada, bir Osmanlı kadısının *kazâ* teşkilatına ilk girişinden sonra, *kazâ* silki içindeki ve *kazâ* mekânındaki hareketliliği incelenmeye çalışılacaktır. Konunun genişliği göz önüne alındığında, zaman ve mekân sınırlandırılması gerekli görülmüş ve zaman olarak 18. yüzyıl, mekân ise Anadolu kazaskerliği yetki alanındaki *kazâ*lar olarak seçilmiştir. Yaklaşık altı yüz yıl gibi uzun bir sürenin incelemesi çok zor olduğundan klasik sonrası ve modernleşme öncesi geçiş dönemi olan 1700–1800 yılları arası yani 18. yüzyıl zaman dilimi araştırmaya esas alınmıştır.

Çünkü 18. yüzyıl adeta Osmanlı devleti tüm klasik kurumlarının değişime daha fazla direnemediği zaman dilimidir. Bu yüzyıldaki askeri, idari mali değişimlerin boyutunun incelenmesi ayrı bir incelenmenin konusu olabilir. Diğer taraftan, mekânın Anadolu kazaskerliği ile sınırlandırılması teknik ve yöntem açısından gereklidir. Ayrıca, Anadolu Kazaskerliği sınırları İstanbul'un Anadolu yakasından Yemen'e, İran sınırından Cezayir'e kadar oldukça geniş alandır. Bu kadar geniş yetki alanını detaylı incelemenin zorlukları göz önüne alınarak araştırmada Anadolu coğrafyası daha yoğun incelenmeye

tutulmuştur. Ancak hemen belirtilmelidir ki, zaman ve mekân sınırlandırılmasından sonra kaynak kullanımında da sınırlandırmaya gidilmiştir. Arşiv malzemelerinin önemli kısmını oluşturan Kazasker Rûznâmçe defterleri 18. yüzyılda sayı olarak oldukça kabarıktır ve bu çalışmada tamamının incelenemeyeceği için, adı geçen kaynaklar 18. yüzyıl Anadolu eyaleti için bazı yıllar seçilerek alınmıştır. Bu yıllar, 1115/1703–1704, 1158/1746, 1177/1763–1764 ve 1206/1791–1792 yıllarına ait rûznâmçe defterleri verileri esas alınmıştır. Bahsi geçen defterler esas alınmakla beraber diğer defterler de incelenmiş, gerekli olan bilgiler çalışmada kullanılmaya özen gösterilmiştir.

Prof. Dr. Özer Ergenç bu tez için Prosopografik (grup biyografisi) yöntemini tavsiye etmiştir. Bu yöntem, tarihte bir gruba ait şahsiyetlerin hayat hikâyelerini inceleyerek karakteristik ortak geçmişlerini ortaya çıkarmadır. Prosopography tarihte üç temel problemi açıklamak için yaygın olarak kullanılır; birincisi, siyasi hareketlerin köklerini anlamak, ikinci, sosyal yapıyı ve sosyal hareketleri anlamak, üçüncüsü ise, entelektüel veya dini hareketlerin mücadelelerindeki sosyal, siyasi, coğrafi veya diğer faktörleri ortaya çıkarmaktır. Prosopografinin amacı ise, siyasi hareketleri anlamak, ideolojik veya kültürel değişimi anlamaya yardım etmek, sosyal gerçekliliği keşfetmek ve toplum yapısını ve sosyal hareketlerin doğasını ortaya koymaktır. Müderris, Mevâli, kazâsker ve şeyhülislam gibi ‘ulema için *Şakâikü’-n-nu’-mânîye* ve zeyilleri *‘Atâ’î*, *‘Uşakîzâde* ve *Şeyhî* ve sadece şeyhülislam için *Devhatü’l-maşâyih*, vezirler için *Hadikatü’l-vüzerâ* adlı biyografi eserleri vardır. Dikkatli incelendiğinde bu eserlerde ilmiye kesiminin en üst noktasına çıkmış ve meşhur olmuş veya devletin değişik kademelerinde yükselmiş şahısların biyografilerinin incelendiği, öte taraftan taşrada görev yapan ve oldukça kalabalık kesimi temsil eden kadılar hakkında bilgi bulunmadığı görülmüştür. Böylece prosopography metodu sadece biyografik eserlerdeki bilgiler kullanılarak taşara kadılarına uygulanamayacağı anlaşılmıştır. Çünkü tam bir grup biyografisinden bahsedebilmek için yukarıda bahsi geçen eserlerin dışında kalan ve grubun çoğunluğunu oluşturanlar hakkında bilgilere sahip olmak gerekmektedir. Bununla beraber *Rûznâmçe* defterlerinde ki sınırlı bilgiler ışığında Anadolu taşara kadılıkları hakkında bilgilere ulaşılmaya çalışılacaktır. Kısaca bu çalışmada ilmiye sınıfının Osmanlı siyasi sistemindeki yeri ve rolünü belirledikten sonra 18. yüzyılda Anadolu kazâskerliği

sınırları içerisinde ki kadılık sistemi ele alınarak yüz yıl içinde ne tür değişimler geçirdiği incelenmeye çalışılmıştır.

Osmanlı devleti tarihi ile ilgili son yıllarda akademik çalışmaların sayısı artmaktadır. Halil İncalcık Osmanlı devleti tarihi üzerine çok değerli çalışmalar yapmış birçok konuyu aydınlatmıştır. Kendisinin yazmış olduğu *The Ottoman Empire- The Classical Age (1300-1600)* adlı kitap Osmanlı Klasik dönem (1300-1600) kurumları üzerine önemli giriş kitabı olmuştur. Kitapta Osmanlı ilmiye sınıfıyla ilgili Osmanlı hukuku, öğrenimi ve ilmi çalışmalar adları altında ayrı bölümler vardır. Bu bölümde Osmanlı hukuk sistemi genel hatlarıyla ele alınmıştır. Fakat Halil İncalcığın bir diğer çalışması olan *Rûznâmçe Registers of The Kadıasker of Rumeni as Preserved in the İstanbul Müftülük Archives* çalışması bu araştırmaya daha çok ışık tutmaktadır. Halil İncalcık makalesinde, bu çalışmanın da ana kaynaklarını oluşturan İstanbul Müftülüğü Arşivinde ki Kazâskerlik *Rûznâmçe* defterlerini kullanmış ve ilmiye sınıfının 17. yüzyıldaki durumunu *Rûznâmçe*'lerin sağladığı verilere dayanarak ortaya koymuştur. Ayrıca, kadıların görev durumlarıyla ilgili olarak geçen *müddet-i örfiye, infisâl, asitane*, gibi kavramları açıklayarak 17. yüzyılda aldığı anlamları ve değişiklikleri ortaya koymuştur. Bununla beraber makalede 18. yüzyıla ilgili durum hakkında yeterli veri bulunmamaktadır. Bir diğer önemli eser ise Osmanlı imparatorluğu siyasi ve teşkilat tarihleriyle ilgili çok değerli çalışmalar yapmış olan İsmail Hakkı Uzunçarşılı'ya aittir. Bu çalışmayı ilgilendiren ilk ve değerli çalışma da Uzunçarşılı tarafından yapılmıştır. *Osmanlı Devletinin İlmiye Teşkilatı* adlı çalışma Osmanlı devletinin ilmiye teşkilatı için her zaman akla gelen ilk başvuru kitabı olmuştur. Kitap, Medrese, Kadılık, Kazâskerlik ve Nakibü'l-Eşraflık (*Chief of the Descendants of the Prophet Muhammed*) kurumları hakkında genel bilgiler vermekle beraber bu çalışma için yetersizdir, çünkü adı geçen eser daha çok Kalsik Çağ (1300-1600) ile ilgili olup sonraki dönemler hakkında az bilgi vermektedir. Diğer bir araştırmacı, İlber Ortaylı Osmanlı ilmiye sınıfı üzerine değerli çalışmalar yapmıştır. *Hukuk ve İdare Adamı Olarak Osmanlı Devletinde Kadı* adlı eser Osmanlı kadısının daha çok idari görevi üzerinedir. Aslında, Ortaylı bu eserinde 1058/1648 tarihli kazâsker *Rûznâmçe* defterini tarihi çalışmada kaynak olarak kullanmıştır. Fakat Ortaylının diğer çalışması “*18. yüzyılda İlmiye Sınıfının Toplumsal*

Durumu Üzerine Bazı Notlar” adlı makalesi bu araştırmının konusuna daha yakındır. Ancak yazar sadece *Devhatü’l-maşâyih* adlı eserde geçen şeyhülislamın biyografilerini inceleyerek ilmiye sınıfının kendi içine kapalı olduğu sonucuna varmıştır. Fakat makale metot olarak bu çalışmaya kaynaklık etse de sadece şeyhülislamın incelenmiş olduğu için bu araştırmada incelemek istenen taşara kadılikları üzerinde herhangi bilgi yoktur. Suraiya Faroghi, “*Social Mobility Among the Ottoman ‘Ulemâ in the Late Sixteenth Century*” adlı makalesinde ulema biyografisi içeren eserlerden yararlanarak 16. yüzyılın son döneminde ulema sınıfı içindeki sosyal hareketliliği incelemiştir. Faroghi, makalesinde *Şakâikü’n-nu’ mânîye* adlı eseri ve zeyillerini kaleme alan ‘*Atâ’î* ve ‘*Uşakîzâde*’nin eserlerinden yararlanmış fakat Rûznâmçe defterlerini kullanmamıştır. Anlaşıldığı kadarıyla Faroghi’nin makalesi kendinden sonra yazılan bu tür çalışmalara ilham kaynağı olmuştur. Ancak makalenin adından da anlaşılacağı gibi yazar 16. yüzyılın son dönemini incelemekle yetinmiştir. Suraiya Faroghi kaleme aldığı *Civilian Society and Political Power in the Ottoman Empire: A Report on Research in Collective Biography (1480-1830)* makalesinde Osmanlı bürokrasisine hâkim aileler, ulema ailelerini ve Osmanlı sultanlarına yakın aileleri incelemiştir. Bu araştırma adından da anlaşılacağı gibi genel hatlar vermektedir.

Kazâskerlik Rûznâmçe defterleri 1980 yılında araştırmacıların dikkatini çekmeye başlamıştır. 1980 yılında Mübahat Kütükoğlu yönetiminde bitirme tezi olarak çalışılmaya başlanmıştır. Bunlardan bir tanesi 951-959 (1544-1556) tarihli Rumeli Kadıaskeri Ruznamesi adıyla bitirme tezi olarak yapılmıştır. Tezde defterde geçen bazı kavramlar açıklanmaya çalışıldıktan sonra defter tamamen transkribe edilmiştir. Bu bitirme tezine benzeyen genellikle transkripsiyon ağırlıklı çalışmalar vardır. Bunlardan başka çalışmalar tezle kısmen ilgili oldukları için yeri geldikçe değinilecektir.

Bilindiği gibi Osmanlı devlet yönetiminin kademelerinde istihdam edilen ve genel olarak ve genel olarak “askeri” diye adlandırılan görevliler, aidiyetleri itibariyle üç guruba ayrılırlar: örfiye (*seyfiye*), şer’i ye (*ilmiye*) ve kalemiye. Bu guruplardan örfiye padişahın yaptırım gücünü, ilmiye *kaza* yetkisini, kalemiye de bürokratik örgütlenme fonksiyonunu üstlenmiş ve yerine getirmiştir. Osmanlı klasik döneminde bu üç zümreye

dayanarak Osmanlı padişahı merkezi mutlak yönetim modeline işlerlik kazandırmıştır. Bu modelin en önemli hedefi “memâlik-i mahrûse” denen Osmanlı ülkesinde yaşayan bireylerin tümü üzerinde padişah otoritesini geçerli kılmaktır.

Bu model, sözü edilen dönemin teknolojik sınırlamalarının yaratacağı sorunları aşmada ve böylelikle hedefine ulaşmak zorundaydı. 19. yüzyıla gelinceye kadar dünyanın her tarafında üretim, ulaşım ve iletişim büyük ölçüde insan ve hayvan gücünün kullanıldığı bir teknolojiye dayanıyordu. Klasik bir İslam *monarchy*sı olarak yükselen Osmanlılar, sözü edilen sınırlamaların sorunlarını aşmak için temel bir takım sistemler yerleştirdiler. Bu sistemler Osmanlılardan öncede var olan ve Osmanlıların çağdaşı diğer kültür alanlarında da benzerleri görülen örgütlenme modelleriydi.

Bu sistemlerden biri *tımar* sistemi, diğeri de *kul* sistemidir. Devlet yönetiminin bütün örgütleri, sosyal ve ekonomik hayatın gereklerini yerine getirmek için yerleştirilmiş olan uygulamaların tümü bu sistemlerin bir parçası niteliğini kazanmıştı. Bu sistemler uygulanırken Osmanlı padişahının gücünü ülkede yaşayanların tümünün üzerinde hissettirebilmek için sistemler içindeki kurumlarda istihdam edilen görevliler fonksiyonel olarak yukarıda sözü edilen üç guruba ayrılmıştır. Bu üç grup padişah otoritesinin geçerliliği açısından birbirinden görece bağımsız, fakat birbirini denetleyen her biri doğrudan padişaha tabi üç ayrı kol oluşturuyordu. Bu üç kolda en üst görevlileri merkezde *Dîvân-ı Hümayûn*ün üyesi olarak görülen ve taşranın en ücra köşelerine kadar hiyerarşik bir düzen içinde, içlerinde kademeleşerek uzayan bir zincir görünümündeydiler. Padişah bu üç kol üzerinde kademeleşen görevlilerin tümüne yetkilerinin bir bölümünü tevcih ediyordu. Kendi yetkilerini kullanan bu görevliler aracılığıyla “*teb’aya*” götürülen her hizmetin karşılığı olarak alınması ön görülen *resimler* merkezi bir hazineye aktarılmadan görevlerinin karşılığı olarak bu yetkilendirilmiş padişah hizmetlilerine bırakılıyordu.

Böyle bir uygulama içinde temel sorun bu padişah yetkilerini kullananların hem padişaha karşı hem de *teb’aya* karşı gerçek fonksiyonlarını icra eder bir durumda tutulmalarıydı. Osmanlı düzeninin batı Avrupa feodalizminden en önemli farkı budur.

Her biri padişah memuru olan görevlilerin ancak gerçek fonksiyonları sağlanabilir ve sürdürülebilirse, merkezi mutlak yönetim modeli işlerlik kazanabilirdi. Bunun için iki durum gerekliydi. Üç kol içerisinde istihdam edilenler hem diğer kollara, hem de kendi içlerindeki kademeye tabi olmalıydılar. Onun için Osmanlı düzeninde *örfiye* padişahın yaptırım gücünü üstlenirken, bu gücü denetim için padişahın yargı gücü *ilmiye* gücüne bırakılmıştı. İlmiye sınıfının birinci fonksiyonu buydu. Osmanlı kanunnameleri “*bey kadı hükmü olmadan icra’atta bulunamaz, kadı da kendi hükmünü kendisi icra edemez*” şeklinde formüle edilmişti. Böylelikle Osmanlı ilmiye mensuplarının birinci asli görevi olan padişahın *kazâi* yetkisini uygulamak anlamca zenginleşmiş oluyordu. Yani Osmanlı klasik döneminde kadı hem İslam fikhını hem de padişahın örfi kurallarını uygulayan ve bireyler arasında anlaşmazlıkları çözen bir yargıç hem de idari yargı yetkisini kullanan ve bu yolla yönetime katılan bir görevliydi.

Ancak ilmiye mensuplarının *kazâi* yetki ve görevleri yanında *tadrîs* ve *iftâ*’ gibi iki önemli görevleri daha vardı. Bunlardan birincisi ders verme ikincisi ise dünyevi meseleler hakkında padişah da dâhil olmak üzere bütün Müslümanlara dini açıdan “*mütâla’a*” açıklamaktı. İlmiyenin sözü edilen bu iki görevi doğrudan doğruya Osmanlı döneminin “bilgi anlayışı” na dayanıyordu. Ontolojik ve epistemolojik olarak yani bir Müslümanın var oluş nedenini ve bu var oluş nedenini açıklayan bilginin yorumlanması açısından “bilgi” İslami bir temele dayanıyordu. Yani eski yunan filozoflarından da esinlenerek Müslümanlar var oluşlarını Allah’a ve bu varlığı açıklayan bilgiyi de bundan kaynaklanan bir bilme aracı olarak açıklamışlardır. Bu bilgiyi edinen yorumlayan kuşaktan kuşağa aktaran zümre ilmiye zümresi idi. Bu yüzden ilmiye zümresi, Osmanlı devletinde ve toplumunda formel eğitim gören yani medrese denen bir kurumda muayyen bir ders sistematığına göre bilgi edinen ve bu bilgiyi kullanan tek guruptu. Örfiye zümresinde hukuken alınan yetkiler bu hukuk temeline aykırı uygulamada bulunmama koşuluyla o yetkinin hukuki sahibi tarafından zincirleme bir şekilde başkalarına devredilebilirdi, devir işlemi sırasında tek koşul hukuki yetkinin ve buna dayalı hizmetin eksiksiz yerine getirilmesiydi. Bu ön koşula bağlı olarak yetkiler hukuki sahibi tarafından devredilirken kişilerin aidiyeti çok önem taşııyordu o yüzden her hangi bir görevin *hukuki sahibinin* yetkilendirdiği “*fiili sahipler*” *reâyâda* dâhil olmak

üzere çeşitli guruplardan olabilirdi. Bunu bir örnekle açıklamak gerekirse, örneğin bir sancak beyi, gerektiğinde vekili ve *kâim makâmı* olarak ayan ve eşraftan birini yerine bırakabiliyordu. Bunun böyle olmadığı tek gurup ulema zümresidir. Bir kadı, müderris veya müftü yetkilerini “niyâbeten” ancak bir ilmiye mensubuna devredebilirdi.

Bu uzun açıklamaların yapılmasının nedeni tezin teorik çerçevesinin nasıl oluştuğunu açıklamak içindir. Bu tezde ilmiye sınıfı üç açıdan ele alınacaktır e yukarıdaki açıklamalar bağlamında bir takım analizler yapılacaktır.

4. İlmiye zümresi diğer zümreler gibi padişah otoritesini ülkede geçerli ve hâkim kılma fonksiyonunu üstlenmiş bir guruptur. Bu fonksiyonu üstlenen görevlilerde aranan iki temel özellikten biricisi, üstlenilen görevin gerektirdiği bilgi ve deneyime sahip olmak, ikincisi de padişahın mutlak güvenine mahzar olmaktır. Bu iki özelliğe sahip olan görevliler için oluşturulan zincirde gerekli bir seçim “*elimination*” söz konusuydu yani ancak en yetenekli, en bilgili ve en güvenilir olanların en üste çıkabileceği bir eleme sistemi geçerliydi.
5. Merkezde *kapıkulu* sistemi içinde görevlendirilenler dışında, diğer zümrelerde olduğu gibi ulema zümresi de başta kadılar olmak üzere diğer hizmet sahipleri devlet hazinesinden bir maaş almıyorlardı. Onlar gelirlerini yaptıkları hizmet karşılığında “padişah kanunnamelerinde nispet ve miktarları belirlenmiş” “resimler” oluşturuyordu. Bu resimlere dayalı gelir miktarının hem reel bir anlamı vardı hem de ilmiye mensuplarının birbirleri arasında derecelendirmeyi gösteren bir sembol niteliği vardı.
6. Bilgiyi tanımlayan ve yorumlayan bu zümre aynı zamanda bilgi anlayışındaki gelişim ve değişimi açısından önem taşıyordu.

Bu tezin kuramsal çerçevesi bu üç nokta ile sınırlanmıştır. İlk olarak, İlmiye sınıfının tümünün, bu sınıfa dâhil olduktan itibaren tekaütlük zamanına kadar geçen bütün faaliyetleri kazaskerler tarafından tespit ve tayin edilmiştir. Kazaskerler bu belirlemelerin sonuçlarını kazasker ruznamçesi denen defterlere kayıt etmişlerdir. Bu defterlerde yer alan isimler Prosopografik bir değerlendirmeye tabi tutularak tezin

zaman sınırlarını belirleyen tarihler arasında ve mekân olarak Anadolu tarafı olarak belirlenmiştir. Bu sınırlar içinde mekânda hareketlilik ve *silk* içinde hareketlilik izlenmeye çalışılarak ve yapılan tespitler analiz edilecektir.

İkincisi, kadı, müderris ve müftü yevmiyeleri hangi gerçeğin göstergesidir, bu resmedilecektir.

Üçüncü olarak, ilmiye sınıfı zaman içinde nasıl değiştiğinin hız ve frekansı tespit edilmesi amaçlanmıştır.

Bu teorik çerçeve dâhilinde tezin hipotezi şu şekilde belirlenmiştir. İlmiye sınıfı tabiatı gereği kendi dışındaki guruplardan geçişlere kapalı bir guruptur. Bu gurup zamanın getirdiği değişikliklere daha dirençli durumdadır. Ancak bu dirençli gurubun tek açılım yapabilecek yanı kaza yetkisini kullanan kadı ve naiplerin yönetime örf mensuplarıyla birlikte katılmış olmalarıdır. Örfiye deki değişiklikler doğal olarak ilmiyede yargı ve yönetim yetkisini kullanırken bu yolla bir değişime uğramıştır. Bu durumun tezin ileriki sayfalarında belirtildiği gibi en önemli göstergesi *silk* içinde mülazemet sistemi, tevkit ve infisal uygulamalarında bize değişmez görünen gurubun değiştiğini, ikinci olarak, zaman içinde özellikle sancaklarda niyabetin zaman ve mekânda gerektiğinde kullanılan bir usul iken bunun kalıcı ve sürekli bir değişim içinde olduğunu göstermektedir. Tezin ileriki sayfalarında açıklanacağı gibi niyabetin kalıcı olmaması için çok fazla çaba sarf edilecektir.

Bu aşamada tez için kullanılan malzemenin tanıtımının yapılması, konunun daha iyi anlaşılması için gerekli olduğu düşünülmektedir. Bu araştırmada, Osmanlı devleti Kazâskerlik makamlarında tutulan *Rûznâmçe defterleri* ağırlıklı olarak kullanıldığı için haklarında bilgi verilecektir.

Osmanlı devletinde hukuk işlerini *kadılar* görürdü. Kadı, sıfat olarak îfa ve icra eden, eda eden anlamındadır. İsim olarak kamuyu şer'i kurallara göre yargılayan kimseye denir. Kadılar Anadolu Kazâskerliği veya Rumeli Kazâskerliğine bağlı olarak kazâ

(*subdivision of a province*) adı verilen yargı alanlarında görev yaparlardı. Bu yargı alanları siyasi alanlardan farklı olarak örgütlenmiştir. Buna göre Anadolu, Mısır, Hicaz ve Garb Ocakları (*Tunus ve Cezayir*) Anadolu kazâskerliğine bağlı olarak kazâlara ve kazâ nahiyelerine(*a subdivision ia kazâ*) bölünmüştür. Rumeli eyaleti ise Rumeli Kazâskerliğinin yetki alanı altında aynı düzenlemeye tabi tutulmuştur. Her kazâ bir kadının kazâî (*administration of the law*) yetkisi altındadır. Kazâ nahiyelerine bazen kadı'lar kendi *Naibini* (*a deputy of a judge*) gönderir bazen de buralara merkezden Kazâsker tarafından *naib* ataması yapılırdı.

Kadılar maaşlarını merkezi hazineden değil yargı işlemini yaparlarken yaptıkları işe karşılık vergi şeklinde alırlardı. Bunun için Osmanlı ülkesi belirli kazâ merkezlerine bölünmüştü. Bir kazâ merkezinin geliri kazâ sınırları içindeki her bin hanede on akçe gelir bırakacağı hesabına göre düzenlenmiştir. Buna göre bir kadı'lığın yevmiyesi eğer yüz elli akçe olarak defterde kayıtlı ise, o kazâ sınırları dâhilinde yaklaşık on beş bin hanenin olması gerekir. Bunun uygulama da pek de böyle olmadığı kolaylıkla anlaşılabilir. Çünkü *kadı'ların gündelikleri, onların rütbelerini, dolayısıyla atandıkları kazâların büyüklük ve önem derecelerini gösteren itibari bir meblağ idi.*

Bir bölümde bu çalışmanın ana kaynağı olan, Osmanlı devletindeki Rumeli ve Anadolu kazâskerliklerinde tutulan *Rûznâmçe defterleri* hakkında bilgi verilmiştir. Osmanlı devleti ilmiye kurumu ve bu kurumun işleyişi hakkında bilgi veren (primary) kaynakların başında *Kazâsker Rûznâmçe Defterleri* gelir. *Rûz*, farsça gün, *nâmçe* ise defter anlamında olup *rûzname* bir çeşit günlük olarak adlandırılabilir. *Rûznâmçe* türü yevmiye defterlerinin Osmanlı devleti öncesi devlet teşkilatlarında kullanıldığına dair istinsah edilmiş örnekleri vardır. Hicri sekizinci yüzyıla ait *Risâle Felekiyye der İlmi-i Siyâkat* adlı eser bu tür bir eser olup Tebriz arşivindeki belgelerden yararlanılarak hazırlanmıştır. Söz konusu belgeler H. 741, H.751, H.834, H.841 ve H.871 yılına aittir. Belgelerden anlaşıldığına göre İlhanlı, Akkoyunlu ve Timur devletlerinde kullanılan yazışma sisteminin Osmanlı devleti bürolarında da kullanılmaktaydı.

Osmanlı bürokrasisinde günlük işlemlerin tutulduğu *Rûznâme* veya *Rûznâmçe* adında birçok defter çeşidi vardır. Bu defterler tutulduğu bürolara göre adlandırılırlar. Tımar *Rûznâmçe* Defterleri, Hazine *Rûznâmçesi* ve Kazâskerlik *Rûznâmçe* Defterleri bu gibi defterlerdendir. Örneğin, *Hazine Rûznâmçesi* adıyla anılan ve Osmanlı Defterdarlığı'nda tutulan defterlerde, Osmanlı hazinesinin günlük harcamalarının ve yine günlük olarak hazineye giren çıkan gelir ve giderlerin kayıtları tutulurdu. Bu tür defterlerin tutulduğu bürolar *Büyük Rûznâmçe Kalemi* ve *Küçük Rûznâmçe Kalemi* olarak ikiye ayrılmaktadır.

Aynı şekilde *Tımar Rûznâmçe Defterleri* de Osmanlı Devletinin dirlik adı verilen vergi kaynaklarını tevcih ederken tuttuğu defterlerdir. Tımar uygulaması Osmanlı devletinin klasik çağ olarak adlandırılan 1300–1600 döneminde bir toprak parçasını fethedilmesinden sonra o bölgenin vergi kaynaklarının tespitine yönelik yapılan bir düzenlemedir. Bu uygulama ile tahrir edilen bölge üst, orta ve alt gelir gruplarına ayrılır. En üst gelir grubundaki topraklar başta Padişah ve en üst devlet adamlarına, orta gelir gurubu ise *zaim* denilen orta gelir grubuna, tımar denilen en alt gelir grubundaki dirlikler ise tımarlı sipahilere verilirdi. Yapılan tüm bu işlemler Tımar *Rûznâmçe* adlı defterlerde tutulurdu.

Daha önce de belirtildiği gibi İlmiye mensuplarının atama, terfi, azil, yer değiştirme ve diğer özlük işleri merkezdeki iki adet *kazâskerlik* makamına bağlı “*Rûznâmçe kalemi*” tarafından yapılır ve *Rûznâme* ve *rûznâmçe* olarak adlandırılan defterlere yazılırdı. XV. yüzyılda *Rûznâme* olarak adlandırılan bu defterler XVI. yüzyıldan itibaren *Rûznâmçe*, Tanzimat döneminden sonra ise *Yevmiye* defterleri olarak adlandırılmıştır. Değişik kaynaklarda *İlmiye* sınıfına ait defterler için aynı anlama gelen farklı isimler kullanılmıştır. Bunlar arasında; *Rûznâmçe-i Hümayûn*, *Tarik Defeteri*, *Matlab Defteri*, *Vezaif Defteri*, *Danişmend Defteri*, *Akdiye Defteri*, *Müderrislik defteri*, *Defter-i Kuzat*, *Me'murini İlmiye Defyteri* gibi çeşitli adlara rastlanılmıştır.

Bu defterlerin tam olarak hangi tarihte tutulmaya başladığı kesin değildir. Ancak 16. yüzyılın başlarından itibaren düzenli olarak tutulmaya başlandığı anlaşılmaktadır. Bu

çağın başında sadece *mülâzemet* kayıtlarını gösteren defter vardır. Kazâsker *Rûznâmçe* Defterleri 1979 yılından sonra akademik çalışmalarda kaynak olarak kullanılmaya başlamıştır. Adı geçen defterlerin somut örneği bulunamadığı için bu tarihe kadar araştırmacılar yararlanamamışlardır. Var olması gerektiğine inanılan bu defterlerin sadece yapılan çalışmalarında Osmanlı arşivlerinde olması gerektiğine temas edilmiştir. Kazâsker *Rûznâmçe* defterlerini ilk defa bilim dünyasına Dr. Cahit Baltacı *İstanbul Müftülüğü Şer'îye Sicili Arşivi* 'nde yaptığı araştırmalar sonunda tanıtmıştır. Dr. Baltacı defterlerin hemen tamamına yakınının *İstanbul Müftülüğü Şer'îye Sicili Arşivinde* bulunduğunu tespit etmiş ve defterlerin tarihi ve kültürel önemini açıklayan bir girişle beraber defterlerin açıklamalı katalogunu yayınlamıştır. Yaklaşık olarak 377 adet defter İstanbul Müftülüğü Şer'iyye Sicilleri Arşivinde bulunmaktadır. Defterlerin 250 adedi Rumeli Kazâskerliği'ne ait olup arta kalan 120 adedi ise Anadolu Kazâskerliği'ne aittir. Rumeli Kazâskerliği defterleriyle karşılaştırıldığında Anadolu kazâskerliğine ait defterlerin eksik olduğu anlaşılmıştır. Dr. Baltacının yayınladığı katalogda Anadolu Kazâskerliğine ait defterlerde büyük boşluklar olduğu ve bazı yıllara ait müderris, mülâzım ve *kadı* atamalarının olmadığı görülmüştür. Bu durum da bazı yıllara ait defterlerin kayıp veya başka yerde olduğunu ortaya koymaktadır. Bu boşluğu bir başka araştırmacı, Dr. İsmail Erünsal doldurmuştur. Erünsal, İstanbul *Nuriosmanyne Kütüphanesi* 'nde yaptığı araştırmada çoğu Anadolu kazâskerliğine ve birkaç tanesi de Rumeli Kazâskerliğine ait olmak üzere toplam elli iki adet *Rûznâmçe* Defteri bulmuş ve bu defterleri kısaca tanıtmıştır. Sonuç olarak Anadolu Kazâskerliği *Rûznâmçe* Defterleri sayısı 120'den 170'e yükselmiştir. Fakat Rumeli kazâskerliği defterlerinin 250 adet olduğu göz önüne alındığında bu sayının da eksik olabileceği sonucuna varılabilir.

Kazâsker bürolarının tuttuğu *kadı* ve müderrislerin tayin, terfi, azil, yer değiştirme, kadro durumu, kazâların kurulması, iptali veya birleştirilmesi, kazâların dereceleri, *kadı* ve müderrislerin yevmiye (maaş) bilgileri ve *cihet* hizmeti denen imam, müezzin ve vaiz gibi camii görevlilerinin tevcih işlemleri gibi tüm kayıtlar *Rûznâmçe* defterlerinde bulunmaktadır. Osmanlı kazâ ve medrese sistemlerinin işleyişini anlamak bakımından bu defterler çok önemlidir. Her iki kazâskerlik makamlarında yukarıda sayılan resmi işleri yapan ve *kalem* adı verilen büroların faaliyet gösterdiği belgelerden

anlaşılmaktadır. M. Kemal Özergin, bu kalemin iki kazâskerliğe bağlı müderrislik ve kadılıkların kadro işlerini takip eden “*Rûznâmçe Kalemi*” olduğunu belirtmektedir.

Bütün bu çalışmaların sonunda aşağıdaki sonuçlara ulaşılmıştır. Osmanlı Devletinde aslında padişaha ait olan yargı görevi ulema zümresinin tekelinde idi. Bu bakımdan ulema zümresi aynı zamanda formel bilgi edinimi ve aktarılmasını gerçekleştiren tek zümre idi. Bu bakımdan Osmanlı yönetiminde etkin olan diğer zümrelerden daha değişik özelliklere sahipti. Diğer zümrelere herhangi bir sebeple katılım, eğer şartlar oluşmuş ise mümkün iken, ilmiye sınıfına katılabilmenin tek ve en önemli koşulu medreseden icazet almaktı. Bu sebepten ulema zümresi tümü medrese eğitimi görmüş bireylerden oluşuyordu. Bu özellikleri taşıyan bu çalışmanın sonuçları iki noktada toplanabilir.

1. Diğer zümreler gibi Osmanlı devletinin uzun siyasal tarihinde dönemlerin konjokturel koşullarından ulema sınıfı da etkilenmiştir. Bu etkilenme sonucu ortaya çıkan uygulamalar bir yönüyle diğer zümrelerinkine benzerlik gösterir. Örneğin 18. yüzyıla gelindiğinde diğer bütün silklere olduğu gibi ulema silkindede dikkatleri çekecek ölçüde bir kalabalıklaşma olmuştur. Bu kalabalıklaşmanın biçimi yeni gelenlerin kimliği ve kökenleri diğerlerinden değişiktir. Diğerlerinde hizmetler hukuki niteliğine sadık kalınmak şartıyla zümrelere bir havale ile devredilirken genellikle silke dışarıdan katılmalar mümkün olabilmiştir. Oysa ulema silki için bu yol kolaylıkla kullanılamamış kalabalıklaşma belirli bir iç düzeninin değişimiyle ortaya çıkmıştır. Tezin önemli bir amacı bu kalabalıklaşmayı ve kalabalıklaşmanın yarattığı sorunların çözümü için verilen çabaları incelemek olmuştur. Bunu yaparken ulema zümresinin en önemli görevlerinden birisi olmuştur kadılar esas alınmış ve kadılar üzerinden tespitler yapılma yoluna gidilmiştir. Bunun içinde aralarında uygulama yönünden bir fark bulunmadığından dolayı sadece Anadolu canibi veya Anadolu kalemi diye adlandırılan ve Anadolu kazaskerinin riyasetindeki bürolarca düzenlenen silk içi hareketlilik incelenmiştir. Bu incelemenin sayesinde 18. Yüzyıla ilişkin belirlemeler şöyle sıralanabilir.

a) Daha önceki dönemlerde aynen tımar sistemindeki dirliklerde olduğu gibi “*mahsûl-i kazâ*”ya göre yani bir kadının hüküm bölgesinde mahkemeye intikal etmiş olayların ilgililerinden alınacak resimlerin itibari tutarına göre kadılıklar daha ayrıntılı zikredilmekteydi. Genellikle itibari beş yüz akçelik yevmiye ile gösterilen kadılara tercih edilen kazalar “*mevleviyet*” payeli addedilmekteydi. Bunların altındaki kadılıklar yirmi akçeden üç yüz, üç yüz elli akçeye kadar sıralanmaktaydı. Burada esas olan mekanda oluşturulmuş olan kadılık yetki alanları idi. Tüm bu “*rûsûm-ı kazâyânın*” örf açısından paraleli niyabet rûsumu esas alınarak oluşturulan “subaşılık” yetki alanı idi. Bazen bir subaşılık yetki alanına tekabül eden bir kaza yetki alanı ortaya çıkarılırken, bazen iki veya daha fazla subaşılık yetki alanına müteakabil bir kaza oluşturulabiliyordu. 16. Yüzyılın sonlarından itibaren dirlikler büyük değişime uğradı bu doğal olarak subaşılık yetki alanlarında etkiledi. Bunun için 18. yüzyıla gelinceye kadar kaza yetki alanlarında da sürekli düzenlemeler yapıldığı gözlenmiştir. İşte tezin önemli tespitlerinden birisi süregelen düzenlemelerin sonucunda 18. yüzyılda *memâlik-i mahrûsede* kaza denilen şer’i yetki alanlarını standardize etme yoluna gidilmiş olmasıdır. 18. yüzyılda görülen odur ki, beş yüz akçe yevmiyeli mevleviyet payeli kadınların yönetimindeki kazaların altında yüz elli, iki yüz, üç yüz, dört yüz akçeli kadılıkların oluşturulmasıdır. Mekandaki bu düzenleme kadınlar içinde bir derecelendirmenin temelini oluşturmuştur. Silk içinde hareketlilik bu düzen içinde gerçekleşmiştir. Medreseden kazaya geçişlerde de kadı olabilmenin ön koşulu medresede kırk akçe yevmiyeli müderris olabilme şartı esas alınmıştır.

b) Kazalar böyle standardize edildikten sonra mekanda hareketlilik gözleendiğinde kalabalıklaşmanın bir takım etkilerinin varlığı anlaşılmaktadır. Kendisinden en çok “*müddet-i örfide*” hissettirmektedir. Müddet-i örfi bir kadının atandığı kazada geçireceği süredir. 18. yüzyılda bir çok kadı için *müddet-i örfi* daha önceki dönemlere göre ya fiilen kısaltılmış yada kadınlar bu süreleri tamamlamadan *ma’zûliyete* alınmışlar veya bir başka kazada gönderilmişlerdir. Bunun sonunda daha önceki dönemlerde görülen fakat 18. Yüzyıl ölçeğine ulaşmamış olan infisal denilen yeni bir durum ağırlık kazanmıştır. Bu dönemde hemen kadınların tümü *müddet-i örfilerini* tamamlama fırsatı bulamamışlardır. İlmiye bürokrasisi açısından bu yeni dönem yeni bir bürokratik işlemi

zorunlu kılmıştır buda infisâl sürelerinin hesaplanması ve silk mensupları arasında adaletli bir uygulamanın sağlanması görevidir.

c) 18. Yüzyılda önemli olaylardan birisi yaygınlaşan infisallerden dolayı *ma'zûliyyete* ayrılan, veya bir başka kazaya nakledilen kadıların yer değiştirilmeleri sırasında yolculuk müddetleridir. İnfisal önem kazanınca atanma işlemlerinin kendisine tebellüğü, tebellüğ ettikten sonra kendisinin yeni mansıbına varması veya varıncaya kadar naip göndermesi, kadılar açısından sorun yarattığı için, hemen her kadının birbirine yakın kazalar arasında nakledilmeyi arzu ettikleri görülmüştür. Buda mekanda hareketliğe yeni bir boyut kazandıracaktır. Ayrıca bu husus 18. Yüzyılda artan hareketlilik ile değişen iletişim ve ulaşım olanaklarının rasyonel bir uyumdan hala daha uzak olduğudur.

d) Diğer zümrelerde olduğu gibi, ilmiye silkinde de kazalar standartlaştırılırken birde ulema sınıfının içinde bilgi fonksiyonlarıyla vazgeçilemeyecek olan bir takım ulemadan kişiler için yeni bir takım uygulamaların gündeme gelmesidir. Bu daha çok kendisini tekaüt aşamasına gelmiş ulemanın zaruret içerisine düşmemesi için bazı kazaların “*ber vechi te'bid*” ve “*ber vechi maişet*” şeklinde o kişilere tahsis edilmesidir. Bu uygulamada kaza yetkisinin niyabeten kullanılmasına süreklilik ve kalıcılık yolunu açacaktır. Zira bu yeni uygulamanın görüldüğü dönemde 17. yüzyıldan itibaren var olan yüksek ulema için kullanılmakta olan arpalık yolunda işlemektedir. Her ne kadar bu yeni uygulamaların “fiili” yetki kullanımını niyabete dönüştürülmemesi için yasaklamalar getirilmek istenmişse de sonuçta bunun yasaklarla önlenemediğini 19. yüzyılda ki uygulamalar göstermiştir.

2. Bu tezin önemli sonuçlarından bir diğeri de ilmiye bürokrasisinin kayıtlarında geçen bir takım kavram, terim ve sözcüklerin anlamlarına açıklık kazandırılmış olmasıdır. Bu güne kadarki mevcut literatürde, birincil kaynaklara dayanılarak çok önemli ampirik veriler yayınlanmıştır. Ancak bu veriler bir tarih anlatısına dönüştürülebilmesi bazı zorluklar içeriyordu. Bu zorlukların başında belgelerde geçen terimlerin hangi uygulamayı açıkladığı anlaşılamıyordu. Örneğin, *mülazemet-i*

müstemirre, ber vechi te'bid, ber vechi maişet, zaman-ı infisal gibi terimlerin tam açıklanamadığı için aynen kullanıldığından uygulamanın niteliği ve boyutlarını tespit etmek mümkün olmuyordu. Ruznamçe defterlerinin tümünden çıkarılan veriler ve prosopografik yaklaşım ilgili bölümlerde de belirtildiği gibi bunları anlayabilmemize yardımcı olmuştur.

Sonuç olarak, bu tez iki açıdan Osmanlı devletinde ulema zümresinin tarihine ilişkin mevcut bilgilerimize katkıda bulunmuştur.

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1. Gündoğdu, İsmail. “*The Yalta Conference*”, *Mahmut Pehlivan Armağani*, (Sakarya: Sakarya Üniversitesi Rektörlüğü, 2000), pp. 341-350.

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HOBBIES

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