The Şikayet Defteris

Changes in the Jurisdictional Role of the Ottoman Imperial Council in the Seventeenth Century in the Light of the Outgoing Orders

Theses of PhD Dissertation

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**Subject matter and the main objectives of the research**

The historical background of the research is the critical period of the Ottoman Empire in the second half of the seventeenth century. The state had been stricken by financial difficulties which had been getting more severe since the end of the sixteenth century. As a consequence governmental measures had been introduced. The resource I chose as for the topic of my study shows both the social consequences of this process and the effects of these tendencies on the state system. Despite of the fact that this historical period of the Ottoman Empire has always been a very popular area of historical research the resource group I chose has barely been exploited.

The registers of complaints (şikayet defteri) had been introduced as a sub-type of register books since the middle of the seventeenth century containing the decisions of the imperial council about the complaints and petitions of the people. In main purposes of the dissertation were not only the definition, and description of the complaint-registers but also the exploration about the way they had been introduced, and an analysis of how this source group had affected the society and the governmental system.

The corpus contains the variants of the registered orders issued by the imperial council (divan-i hümâyûn) functioning partly as the highest jurisdictional authority in the Ottoman Empire which was led by the grand vizier. These orders were given as response to different complaints and addressed to local authorities, mostly kadıs. The appearance of this source group during the first years of the reign of Mehmed IV (1648–1687) reflects a significant change in the practice of central administration. Until now we do not have a written source directly about the chancellery or the reorganizing of the chancellery explaining why or why in the end of the 1640s was diversified the registration of the decrees according to their topics. All we know is that this transformation is a symptom of dramatic social changes and closely linked to the financial and social crisis in the Ottoman Empire which was emerging from the second half of the sixteenth century and culminated exactly the same time when these registers appeared.

One aspect of my research is aiming at the description of the genre of defter type. On one hand I was looking for the so far unclarified reasons of the introduction of defter type, namely I was focusing on the changes inside the central chancellery and also exploring the social and institutional incidents behind them. On the other hand I have made an attempt at giving a precise description of the genre şikayet defteri thus I have tried to reveal those
processes which made the central bureaucracy differentiate their registering practice. This latter meant to distinguish between şikayet-type and mühimme defteris (registers of important affairs) used for registering general cases.

Defters being the products of registering at the chancellery of the imperial council provide evidence of the strict formality of bureaucratic practice. The copies of the orders are generally uniform and rigid thus they are easy to describe for having schematic structural characteristics giving valuable data not only about the participants but also the circumstances of the complaint and the decision making process. These conditions induced me to examine the diplomatic and structural characteristics of şikayet registers and the process of making a complaint paralelly.

The orders preserved in defters give huge and invaluable socio-historical data through the communication of the Ottoman central government and the provincial members of the executive. Not only do şikayet defteris shed light on the judicial mechanism of the government but they also reveal the various conflicts of the different social groups living on the territory of the Ottoman Empire. Based on the 250 entries from five defters accessible from the given period of time I aimed at recognizing certain types among the complaint cases.

The issued orders given in connection with the complaints significantly show the divergence in competence as well as the regional differences in the relations of the central and local jurisdictional authorities. They also reveal the diversity of protocol in making a complaint from territory to territory. As they make visible the central peripheral relations through functioning, the orders give valuable contribution to the historical discourse dealing with the comparison of the vassals of the Empire. On the pages of defters the Moldavian and Wallachian voivodes appear regularly; their role was exceptional among the non-Muslim vassals, and in some respects, was similar to the role of Ottoman officials. This similarity made me examine these registries more thoroughly to see how these systems functioned and how they were institutionally related to the Ottoman administration. Ottoman Hungary was a region integrated in the Empire but still as a peripheral territory it had an exceptional status concerning central complaints thus it seemed to be an area enticing with rich historical analysis.

The recent material of the şikayet defteris accessible in archives

Due to the huge size of the corpus, the framework of this study has been limited according to chronological, thematic and territorial aspects. Concerning Ottoman-Hungarian relations it
seemed to be obvious to focus the research on the seventeenth century şikayet material. From this period nearly 31 defters out of the acknowledged 33 are kept in the Office of the Prime Minister Ottoman Archives (Başbakanlık Osmanlı Arşivi, BOA). The copy of another defter in Dresden is accessible on a photocopy in the Hungarian National Archives (Magyar Országos Levéltár) and in the Department of Turkish Studies, Eötvös Loránd University. Apart from these the National Library of Vienna (Österreichischer Nationalbibliothek Wien, Cod. Mixt. 689) also possesses a defter which can be read in a facsimile.

The şikayet entries provide huge amount of data mainly for socio-historical research. They also have significant values concerning historical research of institutions and the judicial system. Their importance is even more enhanced by the fact that the original copies of these decrees have mostly been lost. These registers contain multitudes of lawsuits which were untreatable on their regional level. By reading these documents one can see what types of conflicts the subjects had in the Ottoman Empire how these cases varied from region to region, how they were influenced by certain social background matters, and how they changed through the course of time. Through this within the given half century (1649-1700) this corpus is a highly representative resource of the crisis of the Empire.

In theory, petitioning was the right of every Ottoman subject regardless of ethnic origin, religion, rank, or social status. Among petitioners were Christian reaya or vizier ranked governors, vassal prince, Muslim or Jewish tradesmen, Ortodox patriarchs or members of Gipsy or Kurdish communities. From the text of the entries one can get some information about the addressee of the order and besides that the name and rank of the complainant, the way of dispatching the complaint, sometimes its place, the reason for the complaint, its antecedents, the issued order’s content and the date of issuing.

Still this corpus let us see only one phase of the jurisdiction process between the central and the regional participants. In most cases the participants became untraceable as soon as the order is given out and the outcome of those cases submitted to the divan also remain questionable. Rarely does it happen that an order gives light to the detailed background, circumstances, and antecedents of a case. I have also aspired to give a clearer image of the petitioning process by referring to Ottoman chronicles and memoranda.
History and principal problems of the research

In the sixteenth and seventeenth century mühimme defteris have been widely used by the scholars as resource whereas the entries of şikayet defteris have hardly ever been referred to. Socio-historical, micro-historical aspects were primarily researched on the base of the local sources of the administration. Among them, local registers of the kadi offices (şeriye sicilleri) are one of the most exploited resource types. Though the huge corpus of şikayet defteris shows the jurisdiction process from the perspective of both the imperial centre and the individual it has got disproportionately little attention in historical studies.

Defter type attracted the attention of Ottoman research to some extent when Hans Georg Majer published the facsimile of the defter taken from the Ottomans besieging Vienna in 1683. This particular document contains the orders from 1675 and it was published in 1984 including a study and with a few printed transliterations of order entries. Concerning this resource group there are a few questions with no answers: the relation between this defter type and mühimme defteris used for general orders is not clear. We do not know the reasons why the central bureaucracy introduced registers of complaints either.

Those researchers who paid attention to this matter (Nejat Göyünç, Feridun Emecen) have only tried to identify the register type according to external characteristics of the entries which follow strict terminological terms.

Although the catalogues of BOA containing most defters identify the corpus as an identical group of defters it has been clear (due to the research of Géza Dávid and Feridun Emecen) that the corpus is not the same: the order of the defters has changed compared to the original and even within the defters themselves inconsistency and confusion has occurred.

Uncertainty has been raised through the centuries as from time to time when fragments came apart and were put together again wrong markings were written and fixed (e.g. the labeling of defters subsequently in the nineteenth century which has also remained in the catalogues of the BOA).

The main results and conclusions of the research

1. Questions related to the identification of the şikayet defteri. I have undertaken to specify the şikayet material of the seventeenth century by reconsidering the archives’ records which had several flaws and also scrutinizing the defter entries. Meanwhile I have made
attempts to respond the other open-ended question by specifying those characteristics which identify şikayet type from the mühimme on the base of the entries.

Through the comparison of the entries from the first registers of complaints and the accessible mühimme defteris, it is visible that the practice of registration has been simplified and the chancellery procedure has been reorganized in a bureaucratic and deliberate way.

There was no increase in the number of decrees according to the mühimme defteris from the second half of the sixteenth and the first half of the seventeenth century but the proportion of cases in connection with complaints among the orders given out drastically grew. One can draw the conclusion that the outgoing orders were selected thematically not for the growth of workload of the divan administration, but for the great differences among the cases waiting for judgment: the subjects made huge amount of complaints for grievance which forced out this categorization of cases. According to the data in remained defters, among the submitted cases, the number of those cases in connection with complaints dramatically increased since the beginning of the seventeenth century. Basically this result proves the 1.) decline and effectiveness of the local jurisdiction and 2.) the increase of social tensions, which was found even more grounded as a result of the examination of the entries’ content. When the central government introduced the şikayet series they gave a rather late administrative response to the challenges of social changes and the degradation of the bureaucratic administration.

There are some overlaps among the entries of the two defter types concerning their meaning. The reason for these is not the inconsistency of registering – it would question the sense behind categorizing orders – but that the categorization of outgoing orders did not only happen accordingly whether a definitive instruction was made as an answer to a complaint or not.

Not through formal and diplomatic examination of the entries could one find the reason for the overlaps between the two defter groups but thorough content-based understanding. The scientists working on differentiating between the two types of registers were confused by certain identical features (orders reflecting to complaints appeared both in şikayet defteris and mühimme registers; similarities in their structures, particularly present in the first şikayet defteris and mühimmes). Besides these similarities I found the real difference between the two in the quality of the order, which is in the hükm part of the orders, containing the actual instruction within the entry. The characterization did not depend on whether the order was belonged to the “complainant” or “the rest”. The execution of certain introduced requests was often sent back to the local authority with a general instruction. These instructions were distinguished from the affairs of state which were considered to be particularly important
In this regard, the adjective “şikayet” referring to defters can be explained as an euphemistic expression, meaning those cases that had second rate importance from the centre’s point of view and for that reason were pushed back to local authorities without definitive decisions. The adjectives of defters show that after considering several aspects the central administration divided the multiplied number of complaints into two groups: cases of mainly individual complainants to be settled by local authorities and highly important state cases where decrees voiced clear instructions. With individual complainants the local kadıs or other officials were ordered to investigate and settle the case which must have often been impossible to execute regarding to the circumstances.

Apparently, the introduction of the new defter type and the growing importance of the jurisdiction of divan implies that the central government’s role in lawsuits became more influential, and jurisdiction became more centralized. Still nearly all the entries testify that the imperial council did not actually exercise its jurisdiction in those cases registered in defters but only gave general decrees to ensure legal security, and by doing so they entrusted local officials with settling the case. There were a lot of cases assigned or assigned back to impotent or corrupt kadi officials with general orders out of which the most finally could not have received appropriate remedy for sure. One can conclude to this from the huge number of repeatedly issued decrees. At the same time, because of objective reasons the imperial council were not allowed to give actual instructions to local kadıs either (e.g. in the absence of the defendant and thus lacking enough knowledge about the circumstances).

Considering all of these, the change in the chancellery’s management, namely categorizing outgoing instructions according to their importance was a very conscious arrangement. Administration registered outgoing orders following a logical scheme that is also proven by occasional misnotations among the entries, however, which were corrected later by lining through and writing into an other defter. These corrected entries and certain inconsistencies particularly in the first şikayet defteris, reveal that this change did not happen abruptly but it lasted during the Köprülü period and it meant a transition for years.

2. Structural description of defters and entries. These orders were written in accordance with stable principles. Though they are very concise following certain protocol they also contain some details about the way of the request and the reasons, as well as the antecedents of the complaint. For instance the simple expression “...gelüb” “...came” in the expositio section of the entries often tells us that the complainant made a huge financial risk
and in spite of all kinds of unimaginable danger he set off for his journey which took hundreds of kilometers to introduce his grievance to the council.

Among the clichés referring to the procedure one can set a high value on the following euphemistic compound words: “to my threshold of felicity” (südde-i saadetüme); “to my sublime court” (dergah-i muallama); “to my imperial stirrup” (rikab-i hümayunuma); “to my imperial camp” (ordu-i hümayunuma). These words are not always present but often occur and tell us about the place where the given petition was received. Our research has proved that these terms are not synonym attributes of Porte in general but refer to the councils which became separate for the occasions of military expedition. These divans were lead by the kaimakams (deputy of the grand vizier) of Istanbul and Edirne, and another by the grand vizier who was on military expeditions then. Chronological similarities and contradictions in the seventeenth century defter fragments were successfully cleared on the basis of the previous statement.

Although the previously mentioned archives catalogue also reflects defter sub-groups registered in different divans, through my research it has become certain that the markings based on the registers’ superficial survey are almost nowhere relevant. Thus while I was reconstructing the corpus of seventeenth century defters I have also specified and divided into subcategories. In connection with this I have compared three parallelly written defters’ entries according to the geographical data related to the outgoing orders’ addressees. These three parallel part of defters were written in the period between May 1696 and September 1696. The analysis showed close relation between the willingness of complaining and geographical distance. The decrees also reveal the primacy of the grand vizieral divan over the other two governors in Edirne and Istanbul.

3. Contextual analysis of the decrees. Among several possible approaches I chose to investigate the decrees thematically. This method provides opportunities to systematize legal conflicts in the society through which one can evaluate the legal challenges of Ottoman subjects. So far only Halil İnalcık has attempted to make a thematical system for categorizing şikayet entries. He made four groups on the basis of the data from the defter of Vienna. In the dissertation, fifteen different categories of case types were established according to the content of the selected entries. They provide manifold pictures and wide horizon of the conflicts among Ottoman subjects and necessarily show the dark sides of the everyday life of the communities living in the Empire. According to the sample the following cases were distinguished:
By reading these decrees one can see the corruption of local authorities, the inefficiency of the local jurisdiction and public administration, and as a consequence how defenseless the subjects were in the whole Empire. Most violations of law came from the class of military officials (askeri) and were at the expense of civilians (reaya) who often complained about defying the law, taxations under certain made up pretexts, or being forced to pay tribute without any reason. Besides this main source of conflict in several cases all kinds of social disagreements provided grounds for complaints such as shocking family dramas, greed, violence, defenseless complainants, unprotected orphans. Not only did widows have to fight against their neighbours, relatives, or enemies who were tormenting them but also in the “labyrinths” of the inscrutable bureaucratic system.

4. Territorial differences in the mechanism of complaints. I also used another possible aspect of examining şikayet entries which is their regional approach following the addressees of the decrees to gain some data about socio-historical issues, and the way the centre and regions could cooperate with one another during judicial procedures. In theory, all the subjects had the right to submit petitions to the divan still there are striking variances influenced by the social rank of the petitioner, the regions, and also regarding the relationship between the centre and the periphery, particularly in the case of vassal states outside the direct Ottoman rule. This variety is closely linked to the cultural background and protocol of petitioning which was not the same in all territories. Such differences shed a light on the diverse attitudes of the subjects belonging to certain regions and the various ideas about the judicial role of the imperial council and that of local Ottoman authorities. I aimed at pointing out these features by focusing on defter copies dealing with two special regions: the
Principality of Moldova and Wallachia, and the imperial periphery of the occupied Hungary whose way of progress was therefore quite unique within the Ottoman lands.

In the case of the former, the Ottoman centre seemed to restrain the inner autonomy of principalities in a strong manner and regularly interfered with their matters. This phenomena is in connection with the fact that the Wallachian population which was turning towards Constantinople due to Byzantine-Orthodox traditions, showed considerable inclination to apply to the Ottoman centre for remedy. The orders addressed to voivodes were answers mainly to petitions of Muslim and partly Christian persons. The voivodes from Moldova and Wallachia sometimes appear as addressees other times defendants or petitioners among Ottoman officials and subjects. Decrees show that there was a special practice in the Principality of Wallachia which depended on Ottoman Empire, but at the same time had autonomy in public administration. In most of the decrees addressed to the Wallachian voivode, the kadi from Giurgiu (Yergöği); in the cases of Moldavian rulers the kadi of Braila (İbrail) provided forum for appeal. In matters which Muslims were affected, the voivodes could not make a decision on their own, they only had to find the subjects involved and arrest them. If there was a Muslim subject involved he had to be summoned to the Muslim judge if at all the voivode was sent to the kadi to be questioned against his Muslim accuser.

This attitude did not exist at all in the case of the Transylvanian Principality. During this period of time not even one complaint linked to the Principality could be found which can be due to both a much better developed judicial institutional system and the socio-cultural orientation which differentiated it from the others.

Ottoman Hungary provides a different picture from the imperial system in the light of decrees in several aspects. Here, the well-known term “condominium” was relevant to the sphere of jurisdiction, and as such it was also extensively in operation in the nature of petitioning. Compared to the scattered documents from archives deriving from kadi the copies of decrees which survived in şikayet defteris provide rich material about how the imperial council managed the system of central petitioning. The fact that the religious identity and the topic of the cases submitted by members of different social groups in Ottoman Hungary have significance differentiates it from the other Ottoman provinces. The number of non-Muslim petitioners is much higher than the imperial average in all the examined samples and Muslim petitioners are mainly of the members of the military who clearly outnumber all the other petitioners. On one hand these findings reflect the constitutional and cultural characteristics of the Ottoman system in Hungary. On the other hand as for the content of the petitions addressed to the Porte by local inhabitants they were extremely limited compared to the
average in the whole Empire: they only turned to the imperial council if the occupiers threatened them or in cases of defying the law. We can explain these phenomena by the negative judgement of the cooperation with the invaders and the jurisdiction of the Hungarian nobility whose functioning became dominant especially in the seventeenth century. It is also typical that unlike in other regions of the Empire, Hungarian petitioners sent exclusively collective applications to the imperial council. Individual petitions were only handed in by Muslims and one cannot read such requests that are about Christian residents’ inner conflicts. In general, the further people lived from the imperial centre the less willing they were to write a petition. This is the reason why there were fewer decrees applying to the territory of parts in Hungary under Ottoman rule.

The most important finding with the territorial approach is that how different was the way as central regions, and then vilayets of Buda, Kanizsa or Eger – which belonged to the imperial periphery – and Christian vassals were integrated in the system of central and regional jurisdiction. Out of them Transylvania for example was totally left out of this system of remedy whereas the Danubian Principalities were integrated in it by forcing them to cooperate with kadi officials as their voivodes had only restricted scope of duties.

The analysis of the regionally changing pattern of petitioning gave another important finding that the fact how strong the institutional tie between local communities, vassal states and the Porte was depended not on the initiative of the Porte but the attitude of petitioners. Although the court of the sultan was open to all its subjects in theory, according to the entries, Transylvanian subjects did not take the sultan’s court as their judge whereas Ottoman voivodes, bojars, and peasants often turned to the Porte to settle their inner arguments with decrees.

In this work I revealed the reasons behind the appearance of şikayet defteris which is undoubtedly the richest socio-historical group of source of the seventeenth century Ottoman history. Besides that I outlined a concept about the way how the Ottoman imperial council differentiated the outgoing decrees, namely what their aim was when they introduced this defter type. By analyzing the content of the entries one could see the Ottoman Empire in times of crisis: the corruption of its regional administration and jurisdiction, its decline, and several examples social conflicts. My research shows the practical functioning of one segment of the Ottoman public administration and by doing so revealed important knowledge about the legal status of the Porte’s vassals. They show huge differences in the way and depth how those subordinate states compared to imperial regions took part in the central mechanism of petitioning.
Major publications on the subject
