

HIST 613: READINGS IN OTTOMAN LEGAL CULTURE

This course aims to introduce main issues of Ottoman legal culture in the pre-modern period. We will start with a discussion on power, authority and law in the Ottoman society and then will explore into concepts, institutions and actors in the Ottoman legal culture.

REQUIREMENTS

Attendance and participation: Students are expected to read and reflect on all the assignments of each week before the class meeting to be able to participate in the discussions of primary and secondary texts.

Students should not miss classes unless they have a real emergency, as it is most crucial to read and discuss the texts together.

Primary Readings: All students are expected to read, understand and reflect on the assigned primary readings. They should check unfamiliar words in the source from the dictionaries and make research for the terms from the encyclopedias and other sources in order to understand the whole and parts of the text at hand. They should also reflect on the literary, bureaucratic and social conditions that played a role in the formation of the document.

Presentations: Fully-registered and auditing students will be assigned duties of presentation every week or every two weeks. They are expected to introduce a book, an article or a primary source and throw some questions about it to be discussed in the class.

Short Essays: Fully-registered and auditing students will write two short essays (max. 1500 words) on the readings of two weeks of their own choosing. The essays are due in one week after the readings are discussed in the class.

Final Paper: Fully-registered students will write a final paper (about thirty pages) based on research on primary sources. By the end of the sixth week, they must have decided about their topic and sources; they are required to submit an abstract and an annotated bibliography.

GRADING

Attendance and Participation: 30 %

Presentations: 20 %

Short essays: 20 % (10% each)

Final paper: 30 %

Covid-19 Pandemic-Related Arrangements: Like the situation in many other courses at Sabancı University, the classes will be held online via Zoom and will be synchronous. Students can make appointments to meet the instructor during the office hours (14:00-16:00) on Mondays.

1. Introduction

2. Early Modern Ottomans and Law

JOTSA issue on “Chasing the Ottoman Early Modern.”

Karen Barkey, *Empire of Difference*, 67-108.

Engin Akarlı, “The Ruler and Law Making.”

Primary Source

Kınalızade, *Ahlâk-i Alâî*.

3. *Kanun* and *Sharia*

Mohammed Fadel, “State and Sharia.”

Bardakoğlu, “Osmanlı Hukukunun Şer’îliği Üzerine.”

Boğaç A. Ergene, “Qanun and Sharia.”

Samy Ayoub, *Law*, “ ‘The Sulṭān Says’: State Authority in the Late Ḥanafî Tradition.”

Primary Source

“*Kitabü'l-Vakf*,” *Maruzat*.

4. *Adalet*, *Nizam-ı Alem* and *Maslahat*

Gottfried Hagen, “Legitimacy and World Order.”

Boğaç Ergene, “On Ottoman Justice: Interpretations in Conflict (16th-18th Century)” *Islamic Law and Society*, 8:1 (2001), 52-87.

Engin Akarlı, “*Maslaha* From ‘Common Good’ to ‘Raison D’etat’ in the Experience of Istanbul Artisans, 1730-1840.”

Tahsin Görgün, “Osmanlı’da Nizâm-ı Alem Fikri ve Kaynakları Üzerine Bazı Notlar.”

Primary Source

“967/1560 Tarihli Semendire Sancağı Adaletnamesi.”

5. Juristic Interpretation (*Ifta*)

Yavuz Aykan, “A Legal Concept in Motion: The ‘Spreader of Corruption’ (sā’ī bi’l-fesād) from Qarakhanid to Ottoman Jurisprudence.”

Jon Mandaville, “Usurious Piety.”

Joshua White, “Fetva Diplomacy: The Ottoman Şeyhülislam as Trans-Imperial Intermediary.”

Primary Source

“İbn Kemal’in Para Vakıflarına Dair Risalesi.”

6. Courts, Judges, Deputies and Court Registers

Boğaç Ergene, “Pursuing Justice in an Islamic Context; Dispute Resolution in Ottoman Courts of Law,” *Political and Legal Anthropology Review*, 27:1 (2004), 51-71.

Ronald Jennings, “Kadi, Court, and Legal System.”

Dror Ze’evi, “The Use of Ottoman Shari’a Court Records as a Source for Middle Eastern History: A Reappraisal.”

Primary Source

Rumeli Sadareti Mahkemesi, “Kıyas Davası”

Adalar Mahkemesi, “Zimmilerin Şikayeti.”

7. Common People, Petitions and Resistance

Suraiya Faroqhi, *Coping with the State*.

James Baldwin, *Islamic Law and Empire in Ottoman Cairo*.

Primary Source

Selections from *mühimme* registers

8. Non-Muslims and Law

Eugenia Kermeli, “The right to Choice: Ottoman. Ecclesiastical and communal justice in Ottoman Greece.”

Minna Rozen, “The Ottoman State and the Jews of Istanbul.” *A History of the Jewish Community in Istanbul The Formative Years, 1453-1566*.

Hasan Çolak, “The Nature and Limits of Toleration in the Early Modern Ottoman Empire.”

Primary Source

Selections from the *berats* of the patriarchs

9. Craftsmen, Merchants and the Law

Suraiya Faroqhi and Gilles Veinstein, *Merchants in the Ottoman Empire*

Eunjeong Yi, *Guild Dynamics in Seventeenth Century Istanbul*.

Primary Source

Selections from *mühimme* registers and court records

10. Nomads and the Law

Reşat Kasaba, *A Moveable Empire: Ottoman Nomads, Migrants, and Refugees*

Elena Marushiakova, *Gypsies in the Ottoman Empire*.

Primary Source

“Çingane Sancağı Kanunnamesi.”

11. Presentations, Primary Source Readings and Discussions

12. Presentations, Primary Source Readings and Discussions

13. Presentations, Primary Source Readings and Discussions

14. Presentations, Primary Source Readings and Discussions