

# Limits of Tolerance: Legal Relations Between Early Ottoman Jews and Central Authorities (15<sup>th</sup>-18<sup>th</sup> Centuries)

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**Abstract:** Many years ago, before having been expelled from Europe, thousands of Jews who were subjected to oppression and persecution in many parts of the world as well as Jews who were living in Ottoman lands freely migrated in the 15th century to Turkish lands, where they could live in a more tolerant and prosperous environment, thereby obtaining a significant place within the non-Muslim population. The empire consisting of several communities tried to hold the empire together with the millet system. In other words, keeping the millet-i hakime (dominating nation) of Muslims separate from non-Muslims was the main objective. There were some regulations and rules that distinguished these communities from each other in the social sphere and daily life. Jews were also included in these restrictions. It is quite difficult to pinpoint the legal rights granted, and the level of tolerance shown to Jews, but this study based upon imperial council books (muhimme books) provides an opportunity to make a general evaluation on legal rights and freedoms of the subjects of Jewish origin. The most important regulation that draws attention in the books is about clothing. Yet, the central administration also regulated residential/religious settlements and cemeteries through imperial orders. It was observed in the books that the Jews were not allowed into certain administrative positions and were prevented from owning slaves. However, these regulations were not derogatory, nor part of an oppressive and persecutory settlement policy or any trade restrictions like those in Europe. Jewish people even played an active role in some economic activities. Based on the clauses (in Turkish hüküm) in the books, it can be said that the main goal of the central administration was to prevent the Jews from acting like Muslims, and this was not a situation specific to Jews only. This study attempts to discuss the legal relations between the Jews and the central government by analyzing the Ottoman attitude toward the Jews and making a comparison with Western countries, examining and exploring the underlying reasons behind the systematic and detailed practices, and draw attention to the question of why the state did not introduce formal restrictions and severe regulations until the 16th century. Finally, one of the discussions is to what extent the practices were Islamic, in other words, whether they were religious or customary.

**Keywords:** Jews, tolerance, legal and social regulations, imperial council books (muhimme books)

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# Toleransın Sınırları: Osmanlı'nın Erken Döneminde Yahudiler ve Merkezî Yönetim Arasındaki Hukuki İlişkiler (15-18. Yüzyıl)

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**Öz:** Avrupa'dan sürülmeden uzun yıllar önce, dünyanın birçok yerinde baskı ve zulme maruz kalan binlerce Yahudi ile Osmanlı topraklarında yaşayan Yahudiler, 15. yüzyılda daha hoşgörülü ve müreffeh bir çevrede özgürce yaşayabilecekleri Türk topraklarına göç etmişler ve bu sayede gayrimüslim nüfus içinde önemli bir yer kazanmışlardır. Çeşitli topluluklardan oluşan imparatorluk, millet sistemi ile imparatorluğu bir arada tutmaya çalışmıştır. Bir başka deyişle asıl amaç, millet-i hâkime olan Müslümanları gayrimüslimlerden ayrı tutmak olmuştur. Bu çerçevede, bu toplulukları sosyal alanda ve gündelik hayatta birbirinden ayıran bazı düzenlemeler ve kurallar boy göstermiştir. Yahudiler de bu kısıtlamaların bir parçasıydı. Yahudilere tanınan yasal hakları ve ne derece hoşgörü gösterildiğini kesin olarak belirlemek güç olmakla birlikte, mühimme defterlerinden yola çıkılarak yapılan bu çalışma, Yahudi tebaasının yasal hak ve özgürlükleri konusunda genel bir değerlendirme yapma imkânı sunmaktadır. Kitaplarda dikkat çeken en önemli düzenleme giyimle ilgilidir. Ancak merkezî yönetim, fermanlar yoluyla konut/dini yapılar ve mezarlıklar ilgili de düzenlemelerde bulunmuştur. Yahudilerin belirli idari kadrolara kabul edilmediği ve köle sahibi olmalarına izin verilmediği de defterlerde görülmüştür. Ancak, söz konusu düzenlemeler baskıcı ve zalim olmamakla birlikte, Avrupa'da olduğu gibi ticari bir kısıtlamanın parçası da değildir. Nitekim Yahudiler, çeşitli ekonomik faaliyetlerde aktif bir rol oynamışlardır. Defterlerdeki hükümlerden hareketle merkezî yönetimin asıl amacının, Yahudilerin Müslümanlar gibi davranmasını engellemek olduğu ve bunun sadece Yahudilere özgü bir durum olmadığı söylenebilir. Bu çalışma, Osmanlı'nın Yahudilere yönelik tutumunu analiz ederek Batılı ülkelerle karşılaştıracak, sistematik ve ayrıntılı uygulamaların altında yatan nedenleri irdeleyerek Yahudiler ve merkezî hükümet arasındaki hukuki ilişkileri ele alacaktır. Devletin neden 16. yüzyıla kadar yasal kısıtlamalar ve katı düzenlemeler getirmediği sorusuna dikkat çekecektir. Son olarak, tartışmalardan biri de uygulamaların ne ölçüde İslami olduğu, yani din mi yoksa örf ve âdet kuralları uyarınca mı olduğudur.

**Anahtar Kelimeler:** Yahudiler, Hoşgörü, Yasal ve Sosyal Düzenlemeler, Mühimme Defterleri

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# حدود التسامح: العلاقات القانونية بين اليهود العثمانيين الأوائل والسلطات المركزية (من القرن الخامس عشر إلى القرن الثامن عشر)

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## الملخص

منذ سنوات عديدة، وقبل طردهم من أوروبا، تعرض آلاف اليهود للقمع والاضطهاد في أجزاء كثيرة من العالم وهاجروا في القرن الخامس عشر إلى الأراضي التركية حيث يمكنهم العيش في بيئة أكثر تسامحًا وعلى مستوى رفاهية أعلى، كما اليهود الذين كانوا يعيشون في الأراضي العثمانية بحرية، ونتيجة لذلك حصلوا على مكانة مهمة بين السكان غير المسلمين. حاولت الإمبراطورية المكونة من عدة مجتمعات تحقيق سيادتها بنظام الملل. وبعبارة أخرى، إبقاء المسلمين منفصلين عن غير المسلمين كونهم كانوا الملة الحاكمة (الأمّة المسيطرة) قد تم تنبيه كمهمة أساسية. لذلك، كانت هناك بعض اللوائح والقواعد التي من شأنها أن تميزهم عن بعضهم البعض في المجال الاجتماعي والحياة اليومية. كما تم تضمين اليهود أيضًا في هذه القيود. من الصعب جدًا تمييز الحقوق القانونية الممنوحة، والتسامح الذي أظهر لليهود، لكن هذه الدراسة التي تستند إلى دفاتر الديوان الهمايوني (الدفاتر المهمة) وفرت فرصة لإجراء تقييم عام للحقوق والصلاحيات القانونية لموضوع الأمة اليهودية. أهم اللوائح التي تلفت الانتباه في الكتب كانت تتعلق بالملايس. إلى جانب ذلك، صدرت الأوامر الإمبراطورية بشأن المستوطنات السكنية-الدينية والمقابر من قبل الإدارة المركزية. وقد ورد في الكتب انخفاض اليهود من رتب إدارية معينة وكذلك منع اليهود من الاحتفاظ بالعبيد. ومع ذلك، لم تتضمن هذه اللوائح شارة انتفاص وسياسة تسوية قمعية واضطهادية ولا أي قيود تجارية كالتي تعرضوا لها في أوروبا. لم يتم تقسيمهم من قبل المجتمع وحتى أنهم لعبوا دورًا نشطًا في بعض الأنشطة الاقتصادية. بناءً على البنود (في الأحكام التركية) الواردة في الكتب، يمكن القول إن الهدف الرئيسي للإدارة المركزية كان منع اليهود من التنسبه بالمسلمين، ولم يكن هذا وضعًا خاصًا باليهود فقط. في هذه الدراسة تمت محاولة مناقشة العلاقات القانونية بين اليهود والحكومة المركزية؛ تحليل المواقف العثمانية تجاه اليهود ومقارنتها بالدول الغربية؛ دراسة واستكشاف الأسباب الحقيقية الكامنة وراء الممارسات المنهجية والمفصلة، ولفت الانتباه إلى سبب عدم فرض الدولة قيود رسمية وأنظمة صارمة حتى القرن السادس عشر. أخيرًا، كان أحد النقاشات هو إلى أي مدى كانت الممارسات إسلامية، وبعبارة أخرى، ما إذا كانت دينية أو عرفية.

الكلمات المفتاحية: اليهود، التسامح، اللوائح الاجتماعية والقانونية، دفاتر الديوان الهمايوني (الدفاتر المهمة)

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## Introduction

The history of Jews in the Ottoman Empire goes back a long way. In broad terms, the Ottoman Jews consisted of two main groups. First of these were the Jews living in the regions consisting of Muslim states in Anatolia, Balkans, and Eastern and Southeastern Mediterranean; the other were the Jews who had immigrated to the Empire from Western and Central Europe.<sup>1</sup> The most remarkable aspect of this migration wave was the fact that they had been expelled from Spain in 1492 and from Portugal in 1497 to seek refuge in the Ottoman Empire.<sup>2</sup>

The Jews who were subjected to great persecutions and massacres in Europe since the end of the 14<sup>th</sup> century began to search for safe countries where they could take refuge. But where to go? Some of them migrated to Western and Central Europe. Others migrated to the lands of the Ottoman Empire, where they could enjoy religious freedom, communal autonomy, and tolerance. The migration to the Ottoman lands of skilled craftsmen and professionals such as doctors and bankers was welcome by the Empire and good relations flourished between the Jews and the Ottomans.<sup>3</sup> Jews who were oppressed in Europe supported the Ottoman conquests to avoid being belittled and enslaved by Christians. The empire also made great efforts to populate and rebuild the conquered cities. One of the practices to this end was to encourage the Jews living in Europe to resettle in these regions, as expressed by Sultan Mehmed II<sup>4</sup> in his address to all Jews: “*who among you of all my people that is with me, may his God be with him, let him ascend to İstanbul the site of my imperial throne. Let him dwell in the best of the land, each beneath his vine and beneath his fig tree, with silver and with gold, with wealth and with cattle. Let him dwell in the land, trade in it, and take possession of it.*”<sup>5</sup>

As a result of these calls and practices of the Conqueror, the Jews in Europe migrated to the empire and settled in places such as Thessaloniki, Sofia, Vidin, Plevna, Nicopolis, and particularly in Istanbul.<sup>6</sup> As conquests continued in

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- 1 Joseph R. Hacker, “Jewish Society and Culture in the Ottoman Empire (15th-18th Centuries)”, Julie Marthe Cohen, ed., *Jews under Islam: A Culture in Historical Perspective*, Amsterdam: Joods Historisch Museum, 1993, s. 95. Avigdor Levy, “Jewish Settlement in the Ottoman Empire”, *The Jews of Ottoman Empire*, ed. Avigdor Levy, Darwin Press, Princeton, New Jersey 1992, s. 1-12.
  - 2 Avram Galanti, *Türkler ve Yahudiler, Tarih, Siyasi Tetkik*, Istanbul Tan Matbaası, Istanbul 1947, s.16.
  - 3 Bernard Lewis- Benjamin Braude, *Christians and Jews in the Ottoman Empire, The Functioning of a Plural Society*, ed. Benjamin Braude and Bernard Lewis, Holmes& Meier Publishers, Nowyork- London 1982, s. 117.
  - 4 Stanford Shaw, *The Jews of the Ottoman Empire and the Turkish Republic*, Macmillan Press, London 1991, s.26- 29.
  - 5 Shaw, *The Jews of the Ottoman Empire*, s. 30.
  - 6 Shaw, *The Jews of the Ottoman Empire*, s. 33.

the 16<sup>th</sup> century, more Jews entered the Ottoman borders. The increasing population of Jews made them one of the non-Muslim communities within the empire and a part of *ta'ife cemaat*, or more commonly, *millet*. Non-Muslims within Ottoman borders were able to practice freely their religion as long as they paid a poll tax. However, not every non-Muslim was considered dhimmi as the status only included people believing in monotheistic religions.<sup>7</sup> The Jews had dhimmi status as well and they were among nations having religious freedoms. However, they were subjected to certain limitations in their daily lives provided by certain rules. The Jews recognized all practices imposed on them, and according to Minna Rozen, these rules were a unilateral agreement that put Jews in a different position than Muslims, and when a dhimmi broke the rules, he/she would be punished.<sup>8</sup>

### **Regulations on Clothing**

It is known that some of the regulations on clothing were not specific to the Ottoman Empire, and similar practices were observed in the period stretching from the Ottoman golden age (*asr-ı saadet*) to the time of predecessor states. Studies reveal that clothing bans were strictly applied by the first Muslim states, while the Seljuk Empire and Anatolian Principalities favored milder practices.<sup>9</sup> The clothing regulations were also retained by the Ottoman Empire. According to Ercan, non-Muslims within the borders of the empire had the right to clothing until the end of the 15<sup>th</sup> century. The reigns of Murad III and Selim II were periods when clothing restrictions were most severe in the Empire.<sup>10</sup> It would be useful to discuss the main reasons why the state did not introduce formal restrictions and severe regulations until the 16<sup>th</sup> century. Such inference may be done as there are no clauses in the archived documents on certain legal restrictions imposed on non-Muslims by the central government and whether they were severe. This may be because the administrators did not pay enough attention to the issue or were not interested.

Clothing regulations applied to all non-Muslims in the Empire also included Jews. It is difficult to provide a precise date when this was introduced in the

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7 Minna Rozen, *Istanbul Yahudi Cemaati'nin Tarihi (1453-1566)*, Translated by Serpil Çağlayan, Türkiye İş Bankası Kültür Yayınları, İstanbul 2013, s. 17-18. Please refer to: Bruce Masters, *Christians and Jews in the Ottoman Arab World, The Roots of Sectarianism*, Cambridge University Press, Cambridge 2001, s. 18-20.

8 Rozen, *Istanbul Yahudi Cemaati*, s. 18.

9 Ömer Faruk Bozkurt, "Osmanlı İmparatorluğu'nda Gayrimüslimlerin Kıyafet Düzenlemeleri (XVI-XVII Yüzyıllar)", Hacettepe University Master's Thesis, Ankara 2014, s. 16.

10 Yavuz Ercan, "Osmanlı İmparatorluğu'nda Gayrimüslimlerin Giyim, Mesken ve Davranış Hukuku", *Ankara University Osmanlı Tarihi Araştırma ve Uygulama Merkezi Dergisi*, Issue No. 1, (1990), s. 117-119.

Ottoman Empire, but some sources indicate that the oldest document on the clothes of non-Muslims dates back to 1556.<sup>11</sup> The clause regarding clothing regulations in the imperial council books belonged to the book numbered 7 and dated H.976/C.E.1568-1569, which also addressed to the Jews.<sup>12</sup> In the relevant clauses of the imperial council books, the color, shape, and material of the clothes that Jews could wear were described in detail. For example, white cheesecloth wraps worn specifically by Muslims were banned from non-Muslim-use, and according to the decree sent to the kadi of Manisa, officials were asked to implement this ban as the non-Muslims could not be distinguished from the Muslims.<sup>13</sup>

Although it is difficult to talk about certain colors for Jews, the clauses require them to dress darker than Muslims. For example, in a decree issued to the Agha of Janissaries during the reign of Mehmed the Conqueror, the Jews were asked to wear red hats instead of a turban<sup>14</sup> and a black pashmak and black reticulated dress without covering their throats.<sup>15</sup> They were frequently warned to wear plain clothes instead of colorful ones. However, records show that Jews sometimes broke the law by wearing green instead of red hats, abayas, and shoes.<sup>16</sup> As is known, green is a color that is considered sacred in the Islamic tradition and it has been associated with Muslims. Thus, non-Muslims may have been prohibited from dressing in this color.

The clothing bans imposed on the Jews were not limited to color. They were also prohibited to ride a horse and wear sable and ostentatious clothes. The most striking regulations among these bans were the prevention of clothes made of silk (*kemha and atlas*).<sup>17</sup> In the rest of the clause, an interesting restriction can be observed which prohibits Jews from ironing their clothes.<sup>18</sup> Yet another striking clause in the books is about a complaint presented to the central administration involving Jews who neglect the clothing restrictions,

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11 Namık Sinan, "16. Yüzyıldan 19. Yüzyıl Sonuna Dek Osmanlı Devleti'nde Gayrı Müslimlerin Kılık Kıyafetlerine Dair Düzenlemeler", *Ankara University Faculty of Political Sciences Journal*, Issue No 4, Volume No. 60, (2005), s. 246.

12 The earliest clause containing the restrictions imposed on Jews was concerning the slaves and it is given in the imperial council book no.3.

13 Mhm d. 35, s. 382, h. 973. I note that there were transcript of some muhimme books but I did not investigate them. In this studies, I have scanned digital format of muhimme registers through Ottoman archive site.

14 Mhm d. 39, s. 273, h. 525.

15 Mhm d. 39, s. 290 h. 556. Also; s. 292 h. 561.

16 Mhm d. 52, s. 30, h. 67.

17 Mhm d. 7, s. 726 h. 1989. Denizli fabric is one of the aforesaid fabrics mentioned in the clauses for non-Muslims. (E.g.: d. 7, s. 726, h. 1989).

18 Mhm d. 7, s. 726 h. 1989.

refuse to step down on the pavement when encountered with Muslims and dress more ostentatiously than Muslims.<sup>19</sup>

The complaints were not specific to the Jews in Istanbul. Similar complaints were made against the Jews living in the towns of Thessaloniki, Siroz, Yenişehir-i Fener, and Mizistre.<sup>20</sup> Those who did not follow the rules would be punished and politicized.<sup>21</sup> As is known, political punishment was one of the severest types of punishment imposed across the empire, and the fact that they were politically punished only for wearing clothes resembling those of Muslims reveals the severity of the offense in the eyes of the government, who attached a great deal of importance to the issue.

Despite complaints about the Jews violating the rules, sometimes there were cases where they were unjustly accused. Although the Jews in Manisa and Izmir districts were dressing according to their traditions, it was claimed that some cavalymen extorted money from the Jews and persecuted them, saying “*you are wearing a çuka vü fabric.*”<sup>22</sup>

What draws attention upon examination of the clauses in the imperial council books is the fact that the main goal of the central government was to prevent the Jews from resembling Muslims in terms of clothing. However, these restrictions imposed on the Jewish community were not demanded only by the Empire. The rabbis and congregants or community members also opposed wearing ostentatious and luxurious clothes as they wanted to distinguish themselves from Christians and did not want to create jealousy among them.<sup>23</sup>

Social, political, and economic concerns were among the main reasons why Jews were not allowed to dress like Muslims. A decree was sent to the kadi of Istanbul in this regard. As some Jews dressed like Muslims, the prices of certain clothes increased and they became unavailable. Thus, it was ordered not to allow the Jews to wear clothes, fabrics, and shoes worn by Muslims.<sup>24</sup> In some documents, it was emphasized that the value of the Jewish clothes was around 30-40 gurus when the prices increased. However, it is difficult to say whether the clothing ban was imposed only due to economic or provisioning concerns based on the document covering the complaint against non-Muslims walking on the pavement.

19 Mhm d. 85, s. 87, h. 206.

20 Mhm d. 85, s. 229, h. 559

21 Mhm d. 31, s. 220, h. 487

22 Mhm d. 85, s. 162. h. 385.

23 Shaw, *The Jews of the Ottoman Empire*, s. 81.

24 Mhm. d. 31 s. 314 h. 698/ d.7 s. 716 h. 1966.

According to the study of Donald Quataert on the lifting of clothing bans during the reign of Mahmut II, clothing regulations in Europe, America, and the Ottoman Empire continued to be a sign of status in the society. However, it became difficult over time to maintain the dress codes in Europe and America as a result of the social and economic changes, and the governments abandoned such attitudes toward the 1800s. The Ottoman Empire also sought homogeneity and unity instead of amending the clothing regulations.<sup>25</sup>

### Regulations on Residences/Religious Settlements

Another area where the Jews residing within the imperial borders were faced with restrictions was related to their residences. According to Yavuz Ercan, while “under the Islamic law, non-Muslims could not build larger and higher houses than Muslims, there was no such ban in the Ottoman Empire in any period”.<sup>26</sup> However, many clauses were found in the imperial council books containing rules regarding the height of Jewish houses and synagogues and how to repair them. Examples of such regulations can be seen in a decree addressed to the kadi of Istanbul, which states that oriels should be 18 fingers. Also, the height of the houses to be built by Muslims should be 12 ziras while the ones to be built by Jews should be 10 ziras, and it was requested to comply with these measures in the residences to be built in Istanbul.<sup>27</sup> In addition to the height, no license was granted to the buildings without brick eaves for non-Muslims, probably due to the risk of fire.<sup>28</sup>

A great majority of the complaints made to the central administration concerning residential restrictions imposed on Jews involve Jews residing in the vicinity of places considered sacred to Muslims, such as mosques and shrines. Some Jewish haves bought the places around the mosque and kept the Muslims away. Such was the case in a complaint about the haves near the Ortaköy mosque. The houses in question were bought back from the Jews and Muslims were asked to move in.<sup>29</sup> In a similar complaint made to the central administration, it was reported that the Jews in Aleppo had bought houses of the Muslims at high prices, causing the prayer rooms to remain empty.<sup>30</sup> In addition, Jews bought and moved into houses in Muslim neighborhoods by offering Muslims high amounts of money. Some neighborhoods also saw

25 Donald Quataert, “Clothing, Laws, State, And Society in the Ottoman Empire, 1720-1829”, *International Journal Middle East Studies*, 29 (1997), s. 419-421.

26 Ercan, “Osmanlı İmparatorluğu’nda Gayrimüslimler”, s.123.

27 Mhm d. 121, s. 355, h. 1395.

28 Mhm d. 132, h. 1211.

29 C. Bld. 129/6440.

30 Mhm d. 61, s. 59, h. 158.



sharp declines in their Muslim population following disasters such as fires.<sup>31</sup>

The building of new synagogues was prohibited in the early days of the Ottoman Empire, but this rule was only applied by Bayezid II. Other sultans followed a more tolerant and flexible policy in this regard. However, in some special cases, these sultans also did not approve the requests to build or repair synagogues or churches.<sup>32</sup> For example, the Jews were not allowed to open synagogues in places close to prayer rooms such as mosques, which were considered sacred to Muslims. As is known, religious rites and practices of other non-Muslims such as Jews were not interfered with since the reign of Mehmed the Conqueror.<sup>33</sup> However, some documents state that synagogues near mosques shall not be repaired.<sup>34</sup> According to Minna Rozen, Jews were also not allowed to build synagogues and live around mosques.<sup>35</sup>

In Muslim neighborhoods, people were disturbed by non-Muslims who were engaging in ravish activities. Muslims complained that they opened taverns and committed sins (*fisk-ü fücür*)<sup>36</sup>. A similar complaint was made to the naib of Üsküdar district. It was stated that there were Jewish houses and taverns in the Muslim districts and that the Muslims were uncomfortable and disturbed by the situation. Thus, the Muslims asked them to be removed from the neighborhood.<sup>37</sup> It should be underlined that this rule only covered places close to mosques and prayer rooms and not Jewish settlements far away from mosques.<sup>38</sup>

Another reason why Jews were prohibited from residing in the neighborhoods densely populated by Muslims, was that mosques and prayer rooms were getting closed due to the lack of people in congregations. Complaints about the removal of Jews from mosques and its surroundings, and the resettlement of Muslims came from all over the empire since the mosques in the areas, where the Jews were concentrated, remained empty. In the books, the complaints sent to the central administration by the Muslims in

31 Mhm d. 46, s. 152, h. 316.

32 Belkıs Konan, "Gayrimüslim Osmanlı Vatandaşların Hukuki Durumuna İlişkin Bir Değerlendirme", AUHFD, 64(1) 2015, s. 171-193.

33 Mhm d. 104, s. 173, h. 694.

34 Mhm d. 110, s. 410, h. 1803.

35 Rozen, *Istanbul Yahudi Cemaati*, s. 20.

36 Mhm d. 53, s. 158, h. 465.

37 Mhm d. 120, s. 152- 153, h. 586. There were many complaints in the imperial council books about the Jews who settled around mosques and disturbed the congregation. A similar complaint can be observed in the records which show that in the Kırk Church district, Jews opened a tavern near the mosque and disturbed the peace and comfort of the people. (Mhm d. 121, s. 120, h. 461). Another example is the complaint of Jews who settled around the Çoban Bey mosque after the invasion of Vidin. (Mhm d. 80, s. 322, h. 788).

38 Mhm d. 51, s. 8, h. 25.

Aleppo draw attention.<sup>39</sup> The number of complaints about the lack of people in congregations and about the inability to perform prayers in the mosques was high, as houses around some mosques were bought by Jews. Ordinances were issued ordering that houses bought by the Jews be resold to the Muslims at their real values.<sup>40</sup> Despite these orders, it was reported that Muslims were able to purchase only one or two of the houses around the prayer rooms and that the prayer rooms were still empty.<sup>41</sup> Not only the houses but also Jewish-owned shops in the bazaar close to the mosque were evacuated.<sup>42</sup>

The Jews were also prohibited from building houses in places that were considered sacred to Muslims, such as tombs and visiting places. In a decree sent to the governor of Egypt, following the reports that some Jews had built houses and toilets in the visiting place called the place of martyrs in Alexandria, and that they were delivering improper sermons, it was decided that the buildings would be demolished and the Jews would be removed from the place.<sup>43</sup> A similar example concerning the prohibition of Jews from residing near the graves of companions and sheiks was the petition sent from Alexandria. In response to the complaint by the Muslims about the Jews who had started to build buildings and perform rituals near the graves of the companions and sheiks, the buildings were requested to be demolished.<sup>44</sup>

Some disagreements between Jews and Muslims involved cemeteries. According to a complaint included in the imperial council books, the window of a Jewish-owned house was overlooking a Muslim cemetery. However, upon examination, it was established that the house of the Jewish person in question did not harm anyone, and thus no intervention was made to settle the issue.<sup>45</sup>

The most striking example of the cemetery problem between the Jews and Muslims was the complaint about a cemetery in the Kasımpaşa district of Galata. The Jews had built houses in the places designated by Mehmed the Conqueror as a cemetery and the Jews reported to the central administration that they were attacked by the Muslims. Authorities were tasked with investigating the complaint. It was established that the Muslims attacked the Jewish cemetery and that muggers were hiding at night behind the large stones used by the Jews. The Muslims were asking the stones to be removed by claiming that they could not walk in the street at night due to the muggers

39 E.g. Mhm d. 73, s. 103.

40 Mhm d. 5, s. 505, h. 1376; d. 26, s. 209, h. 584.

41 Mhm d. 5, s. 105, h. 242.

42 Mhm d. 24, s. 10, h. 24.

43 Mhm d. 35, s. 256, h. 648.

44 Mhm d. 35, s. 119, h. 306; d. 28, s. 149, h. 348.

45 C. Adl. 24/ 1437.

hiding behind the large stones in the Jewish cemetery. It was decided that under Islamic Law, the Muslims had wrongfully attacked the Jewish cemetery and likewise, it was unacceptable to destroy the gravestones belonging to the Jews.<sup>46</sup> According to Rozen, the underlying reason why the Muslims attacked the cemetery under the pretext of the size of the gravestones and the thieves who were hiding behind them, was that the tombstones were too stupendous for non-Muslims, i.e. people of a lower class. In other words, according to Rozen, since the Jews were legally inferior to Muslims, they were attacked by the Muslims who saw this as a breach of the norm and who wanted to retain the difference. The state did not make a serious intervention as it considered the situation not so serious.<sup>47</sup>

Toward the end of the 16<sup>th</sup> century, changes started to be made in the policies regarding the settlements of Jews. Fires, epidemics, and natural disasters as well as the complaints of the society and the decrees of the government accelerated the process. Such events forced more Jews to abandon their homes and move into new settlements.<sup>48</sup>

## **Regulations on Slavery**

Another restriction imposed on Jews concerned slavery. Like all non-Muslims, the Jews were also prohibited from keeping a Muslim as a slave. The Jews could not even hire a Muslim as a servant,<sup>49</sup> yet, they could keep a non-Muslim as a slave with certain restrictions. For example, an ordinance (hüküm) was sent to the governor of Kefere, as the captives held there were being bought by Jews and Christians. Yet, only Muslims were allowed to hold these captives as slaves since they were war booty.<sup>50</sup> In another ordinance, the Jews and Christians were requested to sell the captives to Muslims due to the complaints that the Jews were forcing their slaves to convert to Judaism.<sup>51</sup>

According to the imperial order issued during the reign of Sultan Suleiman, Jews were prohibited from using servants and odalisques, but despite this order, some Jews continued to have odalisques at their services. They bought servants and odalisques at an early age, probably thinking it would be easier to convert them into Judaism when they are young. When their transgressions

46 Mhm d. 58, s. 111, h. 303.

47 Rozen, *Istanbul Yahudi Cemaati*, s. 22-23.

48 Joseph R. Hacker "Jews in the Ottoman Empire (1580-1839)", *The Cambridge History of Judaism*, ed. Jonathan Karp- Adam Sutcliffe, Cambridge University Press 2017, s. 839-840.

49 Mhm d. 27, s. 260, h. 610.

50 Mhm d.9, s. 5, h. 14.

51 Mhm d. 27, s. 179, h. 409.

were found out, they were ordered to sell their current captives to Muslims.<sup>52</sup> Other complaints in the books mention slaves, owned by the Jews, that were forced to convert. For example, based on a complaint submitted to the central government, it was claimed that a Jew near Kuruçeşme beat to death his odalisque who said “*I would become a Muslim*”.<sup>53</sup> Despite all the warnings such as “*if they don't obey the bans and whoever has a servant and an odalisque who has become a Muslim, vanquish them evilly to make a warning and don't delay in following my order a dull moment*”<sup>54</sup>, especially the Jews in the Salonika region continued to buy Muslim and non-Muslim slaves at high prices.<sup>55</sup>

The complaints recorded that, the fact that Jews continued to buy and own Muslim slaves and convert them to Judaism despite all ordinances was *betrayal to the religion* (ihanet-i din) and *persecution*.<sup>56</sup> In another document, claims go as far as suggesting that Jews used female Muslim captives to insult the religion of Islam.<sup>57</sup> According to Rozen, the main reason for prohibiting Jews and other non-Muslims from owning slaves was that this would place Jews at a superior status to Muslims, or enable them to convert Muslims to Judaism, both of which were unacceptable situations. According to the author, the actual reason behind what meets the eye at first was “the discontentment of the Ottomans with the non-Muslims with such status symbols and the economic factor”. She mentions that the palace was the biggest buyer in the slave market and the removal of Jews from this area is a natural consequence of the desire to reduce the slave demand as much as possible to keep the prices low.<sup>58</sup>

## Other Regulations

The Jews were also subjected to restrictions other than clothing, housing, and slave-owning. For example, they were not allowed in certain administrative positions. The Jewish communities called Samiri knew how to write books and keep records as they knew Arabic and siy-aqat. Therefore, officers such as soubashis and emins employed them as clerks at their disposal. However, these Jews abused their positions and persecuted Muslims by taking their properties

52 Mhm d. 120, s. 68, h. 259. Mhm d. 3, s. 744, h. 684.

53 Mhm d. 31, s. 90, h. 222.

54 Mhm d. 66, s. 129, h. 270.

55 Mhm d. 71, s. 23, h. 46.

56 Mhm d. 75, s. 33, h. 40.

57 Mhm d. 85, s. 175, h. 421.

58 Rozen, *Istanbul Yahudi Cemaati*, s. 24.

away. Following a complaint to the central administration regarding the issue, the Jews were prohibited from being employed in such positions.<sup>59</sup>

Similarly, several prohibitions were imposed on Jews in the Turkish baths. In the decree addressed to the governor of Diyarbakir and the Kadi of the Amid, it was stated that the Jews in the Turkish baths could not be distinguished due to their clothing and thus, they were asked to wear “mottled loincloths” (*alaca peştemal*) in the Turkish baths.<sup>60</sup> The Jews were also prohibited from selling wine to Muslims.<sup>61</sup>

Irrespective of religion, no subject of Devlet-i Aliyye (the Ottoman Empire), could be at the service of a foreigner. However, despite this ban, some Ottomans of Jewish, Armenian, and Greek origin living in islands and coasts in the Mediterranean were reportedly serving on foreign ships, some even as captains.<sup>62</sup>

## Conclusion and Evaluation

The article aims to analyze the Ottoman attitudes toward Jews and make a comparison with Western countries with the aid of the *muhimme* registers. If one is to examine the imperial council books of the 15<sup>th</sup> and 18<sup>th</sup> centuries, it is obvious that Jews were subjected to certain rules together with other non-Muslim communities, but these regulations were not policies encouraging inhumane treatment or expulsion as those implemented in Europe at the time. It is a known fact that before migrating to the Ottoman lands, the Jews in Europe were othered and associated with stereotypes such as immorality, witchcraft, bad luck, and wickedness.<sup>63</sup> The Jews who were subjected to inhumane treatment in Europe with acts of aggression such as blood libel and insults were even blamed for the Black Plague and were massacred. They were forced to accept Christianity by listening to the sermons of European Christians. The Jews in Spain and France were forced to bear the “*stamp of shame*”. In England, they were required to dress in yellow taffeta. While they had to attach yellow patches on clothes in Italy, they were forced to wear hats with yellow spots in Germany. Similarly, the Jews in Prague had to wear a yellow band over their coats in the 18<sup>th</sup> century. The Roman administration went as far as burning their Torah. They were confined to special parts of

59 Mhm d. 7, s. 5442, h. 1537. Also refer to: Mhm d. 9, s. 47, h. 127.

60 Mhm d. 36, s. 42, h. 129.

61 Mhm d. 5, s. 264, h. 675.

62 C. Dh. 96/4757.

63 Shaw, *The Jews of the Ottoman Empire*, s. 4.

the city called ghettos and were prohibited from serving in the food and medical sectors. In brief, the Jews who were exposed to acts of violence and ill-treatment such as exile, massacre, and confiscation of property starting from the 14-15<sup>th</sup> centuries, migrated to the lands where they could live in a more tolerant and prosperous environment, specifically the Ottoman lands.<sup>64</sup> As Gerber indicates, the Jews living within the borders of the Empire were not discriminated against by society even played an active role in some economic activities, while they did not have such opportunities in Europe.<sup>65</sup> Outside the borders of the Empire, the Ottoman Jews were even considered equal to Muslim subjects. Although they were second-class citizens in the imperial lands, the Ottoman Jews continued to be subjects of the Sultan abroad unlike the Christian states. For example, the rights and interests of Ottoman Jews traveling to Venice were maintained and respected as those of Muslims.<sup>66</sup> Briefly, when we look at the clauses in the imperial council books, it is almost impossible to say that the Jews, who were given the status of dhimmis within the borders of the Ottoman Empire, were exposed to serious oppression in various social areas such as clothing/residence. It is seen that the government intervened in the issues related to complaints of people in line with sharia, as observed also by Minna Rozen.

Another main purpose of the article was to examine and explore the underlying reasons behind the regulations. In other words, what was the main purpose of the state for introducing systematic and detailed practices? Looking at the clauses in the books, it can be said that the main goal of the central administration was to prevent non-Muslim dhimmis from resembling Muslims. Since the Muslims were the dominating nation, *millet-i hakime*, keeping them separate from the non-Muslims was adopted as the main objective. To this end, the regulations and restrictions were aimed at retaining the differences. The fact that the state maintained such an attitude, also points to the importance attached to the laws concerning dhimmis, specifically those concerning Jews.

For some, these regulations led non-Muslims to be humiliated by society, made them feel like minorities, and forced them to become Muslims. For others, maintaining everyone's status in society was the main goal. İpşirli approaches the issue from the perspective of clothing regulations. According to him, clothing regulations imposed by the empire through fatwas, imperial orders, decrees, and ordinances still exist in today's world, and no practice

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64 Shaw, *The Jews of the Ottoman Empire*, s. 5-9.

65 Haim Gerber, *Crossing Borders, Jews and Muslims in Ottoman Law, Economy and Society*, The Isis Press, Istanbul 2008, s. 35-60.

66 Rozen, *Istanbul Yahudi Cemaati*, s. 34-37.

contradicts the beliefs and principles of neither the Muslims nor non-Muslims and their holy books.<sup>67</sup> As emphasized by İpşirli, such regulations protected the identity of the dhimmis, and some leaders of non-Muslim communities approved such regulations. According to mühimme registers, Jewish religious leaders also criticized their communities for dressing similarly to Muslims or other dhimmi communities, and for wearing ostentatious clothes, as Jewish communities also wished to differentiate their nations from others.

Preventing dhimmis from resembling the Muslims and protecting their identities may be the main motivations behind the regulations. Economic concerns may also be listed among the reasons for these practices. However, it is difficult to rely solely on economic and provisioning concerns when looking at the complaint against non-Muslims walking on the pavement. Similarly, the actual reason why the Muslims attacked the cemetery under the pretext of the size of the gravestones behind which muggers were hiding, was that the tombstones were too stupendous for non-Muslims, i.e. people of a lower class. Thus, as one can see, it is impossible to explain the event with a single reason.

In addition, it would also be useful to discuss why the state did not introduce formal restrictions and severe regulations until the 16<sup>th</sup> century. There seems to be no clause in the archived documents indicating whether the legal restrictions on non-Muslims were severe. The study attempted to explore the real reasons behind this and established that maybe the administrators did not pay enough attention to the issue or were not interested.

Finally, another aspect to the subject is to what extent the practices were Islamic. In other words, whether they were religious or customary. The most remarkable and overemphasized area of regulation in the book was clothing. Specifications such as the shape, color, fabric, pattern, and model of the clothes were meticulously laid out by the Empire on legal grounds. Such regulations also became the subject of some discussions. While various documents demonstrate that these were Islamic in nature, Byzantine and even Sassanid traditions also appear to have influenced such practices.<sup>68</sup>

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