Seeking Justice: Muslim and non-Muslim in the Kadi’s Court. A Case Study of Kayseri, 1610s-1690 (according to şer’iyye sicilleri of Kayseri)

Assoc. Prof. Süleyman DEMİRCİ
Erciyes Üniversitesi Fen-Edebiyat Fakültesi Tarih Bölümü Öğretim Üyesi
E-posta: sdemirci@erciyes.edu.tr

Özet
Kayseri şer’iyye sicilleri içerisindeki kayıtlardan hareketle kaleme alınmış olan bu çalışma arşiv belgeleri/bilgileri işığında yakından devlet anlayışını kısa bir şekilde irdelemekte ve Osmanlı toplumunda kadi/kadılık müessesinin fonksiyonları hakkında açıklıyordu bilgiler verdikten sonra çalışma konumuzun ilgilendiği kadanyla Osmanlı hukuk sistemi içerisinde şikayet konu olan mali hususların 17. Yüzyıl Kayserisi’nde nasıl ele alınıp incelendiği konusunu incelemektedir. Bu araştırmamız ile maksadımız Osmanlı sosyal hayatta içerisinde yaşamış insanların karşılaştığı sorunlar ile ilgili hak arama anlayışının nasıl olduğunu Müslüman/Gayr-i Müslüman çerçevesinde ortaya koymaktır.

Anahtar Kelimeler: Adalet, Şeriyye Sicilleri, Kayseri, Vergi, Osmanlı hukuku.

Abstract
This paper on seeking justice regarding avâriz –tax assessment and payment relies on the şer’iyye sicils of Kayseri. It begins by reviewing the traditional Near Eastern concept of State Justice in conjunction with the archival evidences. By examining the court cases and the imperial orders in these sicils it will be possible for us to assess how both Ottoman judicial system and central administration dealt with the complaints regarding the avâriz levies in the Ottoman sub-province of Kayseri, 1610s-1690. It will then be possible for us to see how common people, Muslim and non-Muslim alike, fought with rising problems in the avâriz tax-system, or how they sought justice, and to what decree they knew what was their legal right and what not by examining the sicils themselves.

Key Words: Justice, Court Records, Kayseri, Tax, Ottoman Law.
Introduction.

"To control the state requires a large army. To support the troops requires great wealth. To obtain this wealth the people must be prosperous. For the people to be prosperous the law must be just. If any one of these is neglected the state will collapse." Kutadgu Bilig (1069 AD)²

It is believed that in the Near Eastern concept of state, justice means the protection of subjects against any kind of abuse, oppression from the representatives of state authority and in particular, against illegal taxation and excessive tax demands. To maintain both justice and the good of the people and to avoid any wrong doing was the sovereign's primary duty. Therefore, in accordance with the Islamic tradition, the Ottoman sultans considered their subjects, Muslims and non-Muslims alike, as reaya, flock - to be guarded and protected - and they believed God had given them the reaya in trust.³ The provision of justice, protecting the weak from the strong, was a basic precept of Ottoman rule. The sultans were not only regularly available to receive petitions of complaint from subjects of no matter what ethnic origin, rank or of importance, they were, as it was also in the best interest of the government to see that grievances were known to be dealt with promptly and fairly.

By examining the entries in the şer‘iyye sicilleri of Kayseri for the period 1610s to 1690 we will be able to see how tax-related complaints were dealt with in Kayseri, how common people were able to raise problems and seek justice, and to what degree they were aware of their rights in examining the registers themselves. Although a more extensive study remains to be done, we will at least be able to see how the central administration and the local judicial system dealt with such complaints. First, however, I will give some basic information on complaint procedure and the kadi’s role in handling such problems.

1. Complaints procedure and the role of the kadi

The kadi, whose office maintained these sicils, was the major link connecting the central government with the mass of its citizens. All major imperial orders on any matter sent out to the provincial districts were addressed to the kadi, including those intended for local military-administrative authorities. All were copied into these registers. Any matter requiring official resolution, registration, verification, or adjudication was potentially the domain of the kadi. In the case of any dispute between the tax-paying population and government officials, or between groups of local
people, it was the kadi’s duty to resolve the problem, and then to record the case into the sicils. The sicils therefore give firsthand information on various problems, and contain highly valuable information on many aspects of daily life in Ottoman society, in particular the socio-economic conditions.4

Several avâriz-related petitions recorded in the sicils of Kayseri came from the tax-paying population of different villages and urban mahalles. In many cases it is clear that the previous entries in the sicils were examined by the kadi in order to find out the accuracy of the present complaints, and to make sure of the testimony of the current practices, and that their place within the system was correct in relation to such complaints. The kadi would have recorded the details of the current avâriz survey registers for the region into the sicils, according to the kanun. It was for this reason that the sicils were always considered as one of the main sources for settling legal disputes in addition to the provincial kanunname5 in use at the time.

In his role as the local supervisor of the collection of avâriz taxes, it was the kadi's job to ensure that his copy of the avâriz register was kept up to date and amended where necessary, according to the decisions recorded in previous sicils. The copies of the avâriz registers and the decisions recorded in previous sicils were regularly consulted by the kadi as a main source of precedent and analogy for settling current legal disputes.6 In that sense the registers constituted a collection of case law which could be referred to in addition to the statute law of the provincial kanunname. Many cases from the sicils of Kayseri used for this study show either the kadi or the people about whom such complaints were made, referring to previous registers in order to be able to establish the facts of the dispute.

Most local complaints were made to the kadi and settled by him as indicated above. In some instances, however, a petition for redress of grievances would be sent to the imperial divan in İstanbul, either directly from the complainants or via the kadi. In certain cases, the person demanding redress remained anonymous, and avoided appearing in person, making use of the kadi to present their complaints. In other cases, the petitioners perhaps did not regard it as sufficient enough to ask the kadi to forward their petitions or complaints, so they, themselves personally went directly to İstanbul.7

Upon arrival of such complaints, the imperial divan sent out orders to kadis regarding those petitions it deemed worthy of consideration. An order would be sent requiring that a certain case be heard by the court, in
accordance with the şer, if it had not already been heard, or that a matter could be re-opened or re-studied. However, it was never ordered that a specific decision would be taken, since the imperial divan could not easily investigate all sides to all the petitions it received from all over the Empire. This was as a result of the Ottoman central government’s policy of judicial non-interference. For this reason, legal procedures were left completely in the hands of the kâds in the districts.

The disputes brought before the kâd were of four main types: (1) complaints about the number of avârizhânes assessed in a given area, (2) complaints by local people against individuals who refused to pay their share of avâriz taxes on the grounds that they personally were exempt, (3) complaints regarding unjust tax demands by the tax collectors or other people involved during the avâriz collection, and (4) disputes between certain inhabitants of Kayseri over avâriz levies.

First, we need to define what an avârizhâne was in the Ottoman practice. The term avârizhâne denotes an administratively-defined 'tax household' or 'tax house unit'. In the fifteenth and early sixteenth century one avârizhâne comprised of just one hâne (real household) or nefer (adult male) but by the seventeenth century the system had changed to one of larger groupings, with one avârizhâne comprising several hânes or nefers.

2. Complaints about the number of avârizhânes

The sicils record a number of petitions from the tax-paying population requesting a reduction in the number of avârizhânes assessed for a particular area. Some of these entries relate to certain types of complaints that were made directly to the central government, which, as the documents show, responded to these petitions sympathetically. As far as Kayseri sicils are concerned, 9 cases have so far been identified, at different times and in different places within the liva between 1618 and 1690. We will present here 5 cases as an example as it appear in the sicils.

Case no. 1 Request for too much tax: villagers petition the divan (1618)

An imperial order recorded in the same sicil for Kayseri, deals with a slightly different problem of this kind. The village of Ułubürünüz in the kaza of Kayseri sent a petition directly to the Imperial divan complaining that they were being asked to pay for more than the four avârizhânes at
which the village was assessed. An imperial order was sent to the kadi instructing him to ensure that avârız collectors did not collect more than the four-avârizhâne amount assessed, and stating that the divan did not expect to receive the same complaint from this village again.¹⁰

It appears from the imperial order that the tax-paying population of this village were paying their avârız taxes as 4 avârizhânes for the entire village, according to the avârız register. It is quite possible that they had been asked for more payment many times, and therefore they had applied for an imperial order from the central government to prevent future impositions. Given the expenses of sending a man to Istanbul, it is possible that the villagers had complained to the kadi previously without success. The significance of this case is that it deals with a village community in a relatively remote corner of the empire, showing that the villagers knew what was legal and what was not. This case itself is also evidence that the lowest level of Ottoman society was familiar enough with the means of seeking justice. The more important point is that these villagers believed that to apply to the sultan would rectify the wrong done to them. Seeing the result as recorded in the sicil we could now conclude that such faith was not misplaced and they were not let down by the centre, and that villagers did not waste both their time and money on a venture that would have no chance of success.¹¹

Case no.2 Over-assessment: villagers went to divan with a petition (1618)

Another imperial order, dated 1027/1618, recorded in the same sicil deals with a similar problem without giving the number of avârizhânes for the village. The inhabitants of the village of Canikli in the kaza of Kayseri went to the imperial divan with a petition complaining that the avârizhânes assessed for them were beyond what the village could bear and requested for the reduction of one avârizhâne on the grounds of impoverishment. An imperial order was then sent to the kadi of Kayseri confirming that one avârizhâne would be taken away from the village, and it also urged the kadi to act in accordance with this change, in order to ensure that the avârız collectors did not collect more money than the avârizhânes were assessed for. The changes in the number of avârizhânes was then recorded in the mevkufat defters, and a copy of the defter was given to the people of Canikli village.¹² Although the divan could not influence the kadi in judicial disputes, it is clear that the divan could ask him to make the changes in assessment on purely financial grounds. We do not know from the
information given in the document what the real avârizhâne figure was, or how many avârizhânes had been assessed for the village.

**Case no.3 Over-assessment: kadı petitions the divan on behalf of villagers (1625)**

The kadı of Kayseri sent a petition to the imperial divan complaining that the assessment of thirteen avârizhânes was beyond what the village of Mancusun could support and requested a reduction to 8 avârizhânes on the grounds of impoverishment. Although the people of the village of Mancusun used to pay their avâriz levy from 8 hânes, these people were being forced to pay the avâriz according to the new increased assessment as 13 avârizhânes. Thus, the kadı asked for an imperial permission (emr-i serif) in order to reduce the number of avârizhânes from 13 back to 8.13

The essence of this petition was a complaint about a recent increase in the number of avârizhânes assessed for the village. Upon the kadı's petition the imperial divan looked into the defters held in İstanbul, and found out that Mancusun indeed used to pay the avâriz for 8 hânes, and that 5 hânes had been recently, added, but were not found in the previous register. Following this, an imperial order was sent to the kadı of Kayseri confirming the assessment at just 8 avârizhânes. The kadı also applied on behalf of the villagers for, and was given, a copy of the avâriz defter. With that defter they were given an imperial decree (emr-i serif-i Mancusun) as confirmation. In that imperial decree the kadı was also reminded that no one should ask for more money from the people of the village of Mancusun. It was strongly emphasised that the avâriz would be collected in accordance with the imperial order given.

**Case no.4 Avârizhâne reduction: kadı petitions the divan (1658)**

The people of Huvand mahallesi in the kaza of Kayseri used to pay avâriz levies for 4.5 avârizhânes, but during the course of a recent survey one avârizhâne had been transferred from the neighbouring Hüseyin Fakih mahallesi and added to the avârizhânes of Huvand mahallesi. Therefore the kadı of Kayseri, Mevlâna Abdullah, sent a petition to the imperial divan in order to explain the 'oppressive' situation for these people, and to request the reduction of 1 avârizhâne from Huvand mahallesi. In response to the kadı's petition, an imperial order authorised the removal of one avârizhâne from Huvand mahallesi, and it was re-registered for Hüseyin Fakih mahallesi, where it had originally come from. In this imperial order, the kadı was also
urged not to allow anyone to undermine this new arrangement, or oppress the tax-paying population.14

**Case no.5 Avâriz exemption lifted: kadi petitions the divan (1689)**

6 and 1 rub' avârizhânes had been assessed for Şarkiyan mahallesi in 1092/1682. The kadi of Kayseri at that time had sent a petition to the imperial divan in order to have the people of Şarkiyan mahallesi made exempt from the avâriz levies because of their poor economic condition.15 An imperial order found in this sicil confirms that 6 and 1 rub' avârizhânes of Şarkiyan mahallesi were accordingly kept exempt from the avâriz levies for the year 1092/1682. They then enjoyed their exemption from avâriz levies for 6 years from 1092/1682 to 1099/1688 until another imperial order was sent out an order, informing the kadi of Kayseri that their exemption should be removed. They were then expected to pay their avâriz for 6 and 1 rub' avârizhânes. On receipt of this order, the kadi had sent another petition to the imperial divan in order to explain the economic situation of people living in Şarkiyan mahallesi. In his petition he mentioned that people of the Şarkiyan mahallesi were in a poor economic position, and they were not able to pay such levies. He added that, 'If the avâriz levies are collected, the people of the mahalle would be 'dispersed'. The imperial order that was issued in response to the kadi's petition, confirmed that Şarkiyan mahallesi was again made exempt from the avâriz levies.16

3. Complaints about illegal tax demands upon the reaya

In 1055/1645 a group of six separate court cases appear in the Kayseri sicil, recording complaints made by the tax collector Durmuş Ali Ağa against tax-payers in the area. Durmuş Ali Ağa had been sent to the region by the central government with instructions to inspect claims to exemption from avâriz levies on the grounds of certain status. Durmuş Ali Ağa brought these unresolved cases before the kadi of Kayseri for his adjudication. We will not present here all these 6 cases but only 2 as an example as it appear in the sicil.

**Case no. 1 Durmuş Ali Ağa's complaint against Siyavuş b. Abdullah (1645)**

Siyavuş bin Abdullah, a resident in Depecik mahallesi in Kayseri, refused to pay the 120 akçe tax payment as stated on the imperial order held
in Durmuş Ali Ağa's hand. The kadi of Kayseri asked Siyavuş for sufficient evidence to prove that he should not pay. From Siyavuş's detailed evidence to the court, it appeared that he was registered in Karakürkçü mahallesi avâriz defteri during the course of a survey and, therefore, he paid his share of taxes with the people in that mahalle. He also brought a copy of the register and presented it to the court as part of his evidence. Having examined this, and seen for himself Siyavuş b Abdullah's name on the register in Karakürkçü mahallesi, the kadi rejected Durmuş Ali Ağa's case against Siyavuş.\textsuperscript{17} Although an officially appointed tax inspector such as Durmuş Ali Ağa could apply to the court where payments in dispute, as seen above, he would not necessarily win his case.

\textbf{Case no. 2 Durmuş Ali Ağa's complaint against Dilaver b. Abdullah (1645)}

Durmuş Ali Ağa complained about a certain Dilaver b. Abdullah in the kaza of Kayseri for not paying the 120 akçe as rüşum (taxes).\textsuperscript{18} Dilaver b. Abdullah claimed that he had been registered in the avâriz defter of Gebe Ilyas mahallesi during the course of the survey, and therefore he paid his avâriz with the people in that mahalle.

In order to clear himself from the accusation made by Dilaver b. Abdullah had to present a copy of the avâriz defter to the court. It appeared from this defter that his name was, indeed, written in that defter with Gebe Ilyas mahallesi, and therefore the kadi decided, in the light of this evidence that there was no need for him to pay the amount of money being demanded by Durmuş Ali Ağa. The kadi closed the case on behalf of Dilaver b. Abdullah, and dismissed the claim against him.\textsuperscript{19}

\textbf{4. Disputes between taxpayers over avâriz levies}

Eleven cases were found in the Kayseri sicils where a dispute arose among villagers or the inhabitants of a particular mahalle (town quarters) concerning the liability of certain residents to pay their contribution to avâriz levies in that place. Both Muslims and non-Muslims brought such disputes before the kadi.
Case no.1 Dispute in the village of Çukurkişa in the kaza of Kayseri (1624/25)

People from Çukurkişa village in the kaza of Kayseri namely Haci Saban b. Mustafa, Musa, Hasan, Seferi oğlu, Haci Isa and Haci Ali, and others went to court and set forth a claim (takrir-i da'va idub) in the presence of Haci Hasan b. Durak saying 'He is from our village although he has lived in the city for a few years. We demand taxes (tekalif sakka and sair tekalif) which he has not paid". Haci Hasan replied that my father Durak became a resident of Depecik mahallesi over thirty years ago, and was registered there. Now he pays avâriz and other taxes to Sultan Hamami mahallesi, where he is a resident. We no longer have any property in the village. My father is in the defter-i cedid for Depecik mahallesi. I have a page of the defter (suret-i defter hakani), an emr-i serif, and a fetva. Let them be examined. The plaintiffs must be restrained'.20

During the course of the trial, Hasan was asked for such proof. Osman Çelebi b. el-Hac Sahin and Haci Burak b. Sefer testified that Durak had lived in the Sultan Hamami mahallesi for over thirty years and that Hasan then lived in Sultan Hamam mahallesi, where he paid avâriz and other taxes, with the people of the mahalle. Hasan was born in the city. The fetva presents the case exactly as it was stated, and concludes that taxes cannot be required of Hasan by the villagers. The people of the village wanted Hasan to take an oath that he no longer had any property at the villages, as the fetva specifies, and Hasan took the oath. So, in accordance with the fetva, the people of the village were restrained. The following two fetvas here were, copied into the sicil as proof of the record of this case.

Fetva; "Zeyd's father moved from a village and lived more than thirty years in a town. Does he owe any taxes there? No. There is an emr that if he has no property at the former village and if he pays taxes with the people of his mahalle, he owes no taxes to the village. Seyyid Inayetullah."21

Fetva; "Zeyd lived in town for twenty years and paid taxes like the people of the mahalle. He renounced all property in his village. Now the people of the village have demanded taxes from him. Can this be? No. Inayetullah."22

Case no.2 Dispute in Oduncu mahalle, kaza of Kayseri (1645)

The zimmis from Oduncu mahallesi namely Vartan veled-i (son of) Markar, Vagya veled-i Tatir and Cafir veled-i Yuvan in the kaza of Kayseri
went to court and set forth a claim. Ohan veled-i Sehrik was registered in the avâriz and cizye defters of Oduncu mahallesi by the surveyor during the course of the new survey (tahrir-i cedid). He lives in our mahalle and has property there. We demanded avâriz taxes which he refused to pay.

Ohan was questioned by the kadi as to whether or not the accusation made was correct. He replied that he was indeed registered in the avâriz and cizye defters of Oduncu mahallesi, and he used to have properties in that mahalle for which avâriz payment was necessary. Having said that, however, he no longer had the property there, since he sold it to someone called Sam Hatun on 1054/1644, and he moved to live somewhere else. He was asked to provide somebody who could testify for him in court, in his favour. The court then asked Ahmed Bey b. Mustafa Bey and Mustafa Beşeb Abdullah for their testimony on the matter. They told the court that Ohan veled-i Sehrik sold his property to Sam Hatun in their presence, on the given date. He then paid the avâriz and other taxes where he lived. The kadi accepted their testimony and made his final decision, stating that, since he had no property in the mentioned mahalle and paid the avâriz taxes in another place, therefore, according to the imperial order (ber mucəb-i emr-i şerif) the claim made by the people of Oduncu mahallesi was dismissed. Here we see that the kadi did not rule against the accused Ohan veled-i Sehrik without some sound and reliable evidence.

Case no.3 Dispute in Harput mahallesi, kaza of Kayseri (1645)

This case deals with a dispute over the avâriz and cizye levies between the non-Muslim people in Harput mahallesi in the city of Kayseri.

The people from Harput mahallesi namely Kanber veled-i Miran, Agob veled-i Zeki and Hatar veled-i Sefer and the others in the city of Kayseri went to court and set forth a claim saying that Yuri Bali veled-i Nekfur has property in Harput mahallesi, and he was registered in the avâriz and cizye defters of the mahalle by the surveyor during the course of the survey. We demanded avâriz and cizye taxes which he refused to pay.

Yuri Bali veled-i Nekfur was then questioned by the kadi, to discover whether or not the accusation that had been made was correct. He replied that he was, indeed, registered in the avâriz and cizye defters of Harput mahallesi. He had sold his properties to someone else and had moved to Eslem Paşa mahallesi. There he paid avâriz taxes with the people of the mahalle, whereas he paid his cizye with the people of Harput mahallesi, in
accordance with the cizye defter of the mahalle. To support his position, he also presented a fetva as evidence to the court. According to the fetva:

"Zeyd lives in a mahalle and pays the tekalif with the people in his mahalle, while he pays for his cizye commitment with the people of Harput mahalle where he used to live. Does he have to pay for his properties? No. If he pays for his properties with the people where he lives, and if he pays cizye taxes with the people of his former mahalle, he owes no taxes to the village for the properties he has in his present mahalle." 25 Considering the evidence provided to the court the final decision was to dismiss the case of the people of Harput mahallesi's claim.

Case no.4 Dispute in the village of Süksün, kaza of Kayseri (1645)

This case deals with another false claim over avâriz in the kaza of Kayseri.

Mustafa b. Minnet from Süksün village in the city of Kayseri went to court and set forth a claim saying that Dede b. İlyas from Süksün village in the kaza of Kayseri was registered in the avâriz defter of the village by the surveyor during the course of survey. He demanded avâriz taxes which Dede b. İlyas refused to pay.

The zimmi Dede was then questioned by the kadı as to whether or not Mustafa b. Minnet's claim was correct. He replied that he was registered in the avâriz defter of Gebe İlyas mahallesi in the kaza of Kayseri during the survey, and stated that he paid the avâriz with the people in that mahalle. Then he presented the copy of the avâriz defter for Gebe İlyas mahallesi to the court. The evidence was examined, and his name was found in the defter. After seeing his name on the defter, the kadı made his final decision stating that, since his name was written in the register, and he paid the avâriz taxes with the people of Gebe İlyas mahallesi, then, according to the defter, Mustafa b. Minnet's claim was overruled.26

Case no.5 Dispute in Selaldi mahallesi, kaza of Kayseri (1645)

This case deals with a conflict between the zimmis over the avâriz taxes. The zimmis from Selaldi mahallesi namely Sefer veled-i Kanber, Manas veled-i Yagub and Murad veled-i Migirdic in the kaza of Kayseri, went to court and set forth a claim. Babuk veled-i Arizman was registered in the avâriz defters of Selaldi mahallesi by the surveyor during the course of the
new survey (tahrir-i cedid). He lives in Selaldi mahallesi and has property there. We demanded avâriz taxes, and he refused to pay.

He was then questioned by the kadi as to whether or not the accusation made was correct. Babuk explained his situation in more detail, before the kadi declared that he was originally required to pay the taxes with the people in that mahalle, and had been registered in its avâriz defter of the mahalle. However, during the course of the new survey (tahrir-i cedid) he was omitted from (haric-i defter olmak) the defter. After that, he went to İstan- bul, and explained his economic situation. As a result, he was made exempt from the avâriz taxes, and his name was registered in Gebe İlyas mahallesi as merammetci (a construction worker/a repairer/ restorer of damaged or derelict buildings) on the condition that he would look after the public fountain (çeşme) built by el-hac Ahmed Çelebi. The kadi then asked him to prove whether or not there was any written document showing that what he had said was correct. Babuk had obtained a fetva from the Seyhulislam and gave it to the kadi as his evidence. After examining his documents, the people of Selaldi mahallesi were restrained, and that as long as Babuk remained as a merammetci in Gebe İlyas mahallesi Sefer, Menas and Murad's claim would be overruled by the court.27

Conclusion

The sicils are the records of Ottoman legal courts which enable us to examine all aspects of the daily life as well as the responses to the people's complaints from the ruler against any wrongs done to them by various individuals. Such complaints, relating to avâriz levies, that were examined during the course of this paper in these series of registers, show that the centre did uphold the concept of social justice against unlawful treatment that was undertaken by the hand of state officials or otherwise. Although an officially appointed tax inspector such as Durmuş Ali Ağa could apply to the court where payments were in dispute, as seen above, he would not necessarily win his case. As far as the avâriz levies in Kayseri during the 17th century are concerned, on the whole the relationship between the centre and periphery displays a very positive picture and was far from being based on compulsion by the state, but rather on the force of the law. As far as the sicils are concerned there is no evidence for corruption in the avâriz system in Kayseri during the 17th century. The important point to make is the determination displayed by ordinary people in challenging Ottoman officials at the court. The very fact that tax officials complained to the court against ordinary people but did not always win shows that the notion that the court
would automatically back the state official against ordinary people is false. In some cases however, certain people tried to avoid paying the avâriz impositions, by claiming false exemption status. The distinct feature of centre-periphery relations is the fact that there was the highest consideration given by the Ottoman court, as well as by the centre itself, to every humble complaint, so it would be dealt with accordingly. As far as avâriz levies in Kayseri are concerned, we can therefore conclude from the cases presented here that the judicial system was, on the whole, fair and capable of coping with problems so long as the complaint was made in the court.

The cases presented above show that the central government did not allow anyone to exploit the tax-paying population, either for the sake of the government's income or the individual collector's own wishes, in any possible way. The evidence of this is found in number of imperial orders addressing to the kadıs in the sicils of Kayseri. The cases presented in this paper also show that the complaints ranged from the lowest level to the highest reaches of the society, from the urban areas to the villages in rural areas. Although the cases presented indicate that wrongs were done, it is clear, however, that these people fought back with such determination and apparent lack of fear, no matter what social level or ethnic group, or faith they came from. Not a single case could be found in the sicils used in this study, in which the central government itself had acted unjustly or tolerated injustices to its subjects.

References

A Unpublished Thesis Containing Primary Material


**C. Studies**


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Dipnotlar

1 This paper read at "Antropology, archaeology and heritage in the Balkans and Anatolia: The Life and times of F.W Hasluck (1878-1920), an international conference held on 3rd-6th November 2001 at the University of Walse Lampeter, in the United Kingdom. The author would like to thank Dr. Christine Woodhead of Durham University for her encouraging comments and suggestions on various points throughout the process of this paper.


3 İnalcık, The Ottoman Empire, pp. 65-69; cf. also his "State and Ideology under Sultan Süleyman I" in his, The Middle East and the Balkans, pp. 70-94.


5 "Kanunname" in Ottoman usage the term generally referred to a decree of the Sultan containing legal clauses on a particular topic. In the 15th century the term yasakname had the same meaning, and during the Arab caliphate kavain had the sense of “a code of laws”. In the Ottoman Empire Kanunname was occasionally extended to refer to regulations which viziers and pashas had enacted laws which a competent authority had formulated. However, a kanunname was like any normal kanun in that only a Sultan’s decree could give its official authority. As it is known, the Ottoman kanunnames are the collection of statutes (kanuns) which were originally in most cases short summaries of firmans and other decrees of the Sultan, each dealing with a particular case, the details referring to individual persons, places, and events having been eliminated. The compilation of general kanunnames, i.e those valid for the whole Empire, was usually within the authority of the Nisancı.” Quoted from İnalcık, "Kanunname" in E², pp. 562-66.


7 For a discussion on this see Sureyya Faroqhi, "Political Initiatives ‘From the Bottom Up’ in the Sixteenth-and Seventeenth-Century Ottoman Empire: Some Evidence for
12 Süslü, 20 Nolu Kayseri Şer’iyye Sicili, p.259.
15 Kayseri received a considerable number of migrants from the war-torn provinces of eastern Anatolia at the end of the sixteenth century due to frequent warfare on the Iranian front and the Celâli terror in Anadolu which constituted the reason for the continuing immigration. The 'easterners' had given their name to a new quarter of town as şarkıyan mahallesi. See Sureyya Faroqhi, Men of modest substance: House owners and house property in seventeenth-century Ankara and Kayseri, (Cambridge University Press, Cambridge, 1987), pp. 43-47.
18 The documents do not specify which taxes are meant by rüşum. As the defendant bases his successful evidence on an avâriz register, it is assumed that some part, if not all, of this rüşum includes avâriz and nüzul payments. However, this remains to be proven.
19 Yılmaz, 55 Numaralı Kayseri Şer’iyye Sicili, p. 193.
23 Yılmaz, 55 Numarali Kayseri Şer’iyye Sicili, p. 112-113.
24 Yılmaz, 55 Numarali Kayseri Şer’iyye Sicili, p. 182-183.
25 Yılmaz, 55 Numarali Kayseri Şer’iyye Sicili, p. 182-183.
26 Yılmaz, 55 Numarali Kayseri Şer’iyye Sicili, p. 207.