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ARTICLE

Farming out judicial offices in the Ottoman Empire, c. 1750–1839

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Abstract

This article focuses on the widespread practice of appointing deputy judges, called *naib*s, in the Ottoman Empire from the mid-eighteenth to the early nineteenth centuries. Based on extensive archival research, it analyses how the judiciary turned into a system of allocating revenue sources. An increasing number of offices of *kadı* (judge) were assigned as a source of income to higher-ranking ulema, who, through intermediaries, in turn farmed out their judicial offices to *naib*s in return for a fixed sum of money. Importantly, the apportionment fees for taxes collected from local taxpayers constituted a significant part of *naib*s' incomes. The practice of deputizing in the Ottoman judiciary thus shows a close parallel with tax farming. Because the *naib*s transferred their revenues to the higher-ranking ulema, farming out judicial offices became a major economic basis for maintaining the Ottoman ulema hierarchy.

Keywords: Ottoman Empire; *kadı*; *naib*; judiciary; ulema; tax farming

Introduction

During the late fifteenth and sixteenth centuries, the Ottoman Empire established a centralized judicial institution by setting up a sharia court in every judicial-administrative unit or district (*kaza*) and by appointing a judge (*kadı*) from the centre. Importantly, the office of judge was hierarchically organized and linked to the hierarchy of professorships at *medrese*s (Islamic colleges), and appointments were made according to ranking. This hierarchical order of judgeships and professorships was called *ilmiye*, and the *Şeyhülislam*, or the chief *mufti* (jurisconsult) of the empire, was placed at its summit.[1]

[1] For the Ottoman *ilmiye* hierarchy in general, see İsmail Hakkı Uzunçarşılı, *Osmanlı Devletinin İlmiye Teşkilâtı* (Ankara: Türk Tarih Kurumu, 1965). For the earlier development of the *ilmiye*, see R.C. Repp, *The Müfti of Istanbul: A Study in the Development of the Ottoman Learned Hierarchy* (London: Ithaca Press, 1986); Abdurrahman Atçıl, "The route to the top in the Ottoman *ilmiye* hierarchy of the sixteenth century", *BSOAS* 72/3, 2009, 489–512; Abdurrahman Atçıl, *Scholars and Sultans in the Early Modern Ottoman Empire* (Cambridge: Cambridge University Press, 2018). For the seventeenth-century *ilmiye*, see Ali Uğur, *The Ottoman ʿUlemā in the Mid-17th Century: An Analysis of the Vaḳā'i'ü'l-fużalā of Meḥmed Şeyḫī Ef.* (Berlin: Klaus Schwarz Verlag, 1986), xxxvii–lxxiv; Halil İnalcık, "The *rūznāmče* registers of the *Kadıasker* of Rumeli as preserved in the Istanbul *Müftülük* Archives", *Turcica* 20, 1988, 251–75; Denise Klein, *Die osmanischen Ulema des 17. Jahrhunderts: eine geschlossene Gesellschaft?* (Berlin: Klaus Schwarz Verlag, 2007). For the eighteenth-century *ilmiye*, see Madeline C. Zilfi, "Elite circulation in the Ottoman Empire: Great mollas of the eighteenth century", *Journal of the Economic and*

Despite the existence of a well-organized hierarchy based on seniority, scholars have emphasized that the *ilmiye* institution favoured those originating from ulema families, who routinely occupied high-ranking positions,[2] although the system was relatively open to newcomers at the lower levels.[3] Madeline C. Zilfi noted the emergence of 11 grand ulema families who dominated the highest positions in the hierarchy during the eighteenth century. Concurrent with the culmination of the "ulema aristocracy",[4] progressively more offices of *kadı* began to be farmed out to *naib*s, or deputy judges. By the late eighteenth century, appointing *naib*s to *kadı*ships had been well established.[5]

Although the Ottoman judiciary institution has recently attracted renewed interest,[6] *naib*s have largely been overlooked. This is because most studies have used ulema biographies or appointment registers, which, despite all their meticulous attention to official ranks, only occasionally provide information on *naib*s, who were the ones actually administering justice at local courts. Moreover, the few relevant monographic articles have mostly dealt with those *naib*s who were assistants to judges or judges' agents dispatched to subdistricts (*nahiye*s) before the eighteenth century and have tended to focus on their abuses.[7] *Naib*s as assistant or subdistrict judges continued to exist in later centuries but differed from the deputies of absentee judges on whom this article focuses. Other studies have been concerned with the reorganization of the judiciary institution from the period of Sultan Selim III (r. 1789–1807) to the Tanzimat period (1839–76).[8] Our knowledge of

Social History of the Orient 26/3, 1983, 318–64; Madeline C. Zilfi, *The Politics of Piety: The Ottoman Ulema in the Postclassical Age (1600–1800)* (Minneapolis: Bibliotheca Islamica, 1988).

[2] See especially Baki Tezcan, "The Ottoman *mevali* as 'lords of the law'", *Journal of Islamic Studies* 20/3, 2009, 383–407; Zilfi, "Elite circulation".

[3] For the openness of the *ilmiye*, see Yasemin Beyazıt, *Osmanlı İlmiyye Mesleğinde İstihdam (XVI.Yüzyıl)* (Ankara: Türk Tarih Kurumu, 2014), 97–105; Klein, *Die osmanischen Ulema*; Baki Tezcan, "The law school of Mehmed II in the last quarter of the sixteenth century: a glass ceiling for the less connected Ottoman ulema", in Frank Castiglione, Ethan Menchinger and Veysel Şimşek (eds), *Ottoman War and Peace: Studies in Honor of Virginia H. Aksan* (Leiden: Brill, 2020), 237–82.

[4] Zilfi, "Elite circulation", 343, 363.

[5] Yücel Özkaya, *XVIII. Yüzyılda Osmanlı Kurumları ve Osmanlı Toplum Yaşantısı* (Ankara: Kültür ve Türizm Bakanlığı, 1985), 211; Yavuz Aykan and Boğaç Ergene, "Shari'a courts in the Ottoman Empire before the Tanzimat", *The Medieval History Journal* 22/2, 2019, 218.

[6] For the eighteenth-century judiciary institution, see İsmail Gündoğdu, "The Ottoman ulema group and state of practicing 'kaza' authority during the 18th century", PhD thesis, Middle East Technical University, 2009; Levent Kuru, *Osmanlı İlmiye Tevcihâtı (1693–1725)* (Çanakkale: Paradigma Akademi, 2020); Levent Kuru, *Kazasker Rûznâmçelerine Göre Osmanlı İlmiye Teşkilatında Rumeli Kazaları ve Kadıları (XVIII. Yüzyılın İlk Yarısı)* (Çanakkale: Paradigma Akademi, 2022). For the judiciary during earlier centuries, see the studies of Ercan Alan, Abdurrahman Atçıl, Yasemin Beyazıt, Cihan Kılıç and Levent Kuru, among others.

[7] Gilles Veinstein, "Sur les *nâ'ib* ottomans (XVème–XVIème siècles)", *Jerusalem Studies in Arabic and Islam* 25, 2001, 247–67; Aydoğan Demir, "Osmanlı devleti'nde naiplik: Bayburt Ulu Camii'nde bir Osmanlı ferman kitabesi", *Tarih ve Toplum* 132, 1994, 41–58; Betül Kayar, "Osmanlı yargı teşkilatında naib", *Yıldırım Beyazıt Hukuk Dergisi* 5/1, 2020, 189–234. For the *naib*s' abuses, see also Halil İnalcık, "Adâletnâmeler", *Belgeler* 2/3–4, 1965, 76–7. For studies on *naib*s of particular localities, especially on their roles, see Nicolas Vatin, "Les *nâ'ib* du *ḳaẓâ* de Cos au XVI^{e}–XVII^{e} siècle à la lumière du fonds ottoman des archives du monastère de Saint-Jean à Patmos", *Turcica* 51, 2020, 319–48; Elias Kolovos, "*Müvella*s and *naib*s on the islands of Andros and Syros, sixteenth to eighteenth centuries", *Turcica* 51, 2020, 349–64; Michael Ursinus, "Mustafa: a *naib* in action in the *kaza* of Cos in the first half of the eighteenth century", *Turcica* 51, 2020, 365–83; Mehmet Demiryürek, "XIX. yüzyıl başlarında Kıbrıs'ta bir naib: Lefkoşa naibi Ebubekir Necib Efendi", *History Studies: International Journal of History* 8/4, 2016, 57–71. The latter two deal with deputy judges of absentee *kadı*s.

[8] İlhami Yurdakul, *Osmanlı İlmiye Merkez Teşkilâtı'nda Reform (1826–1876)* (Istanbul: İletişim Yayınları, 2008); İlhami Yurdakul, "III. Selim'in ilmiye ıslahatı programı ve tatbikatı", in Seyfi Kenan (ed.), *III. Selim ve Dönemi: Nizâm-ı Kādîm'den Nizâm-ı Cedîd'e* (Istanbul: İslâm Araştırmaları Merkezi, 2010), 105–27; Hamiyet Sezer Feyzioğlu and Selda Kılıç, "Tanzimat arifesinde kadılık-naiplik kurumu", *Tarih Araştırmaları Dergisi* 24/38, 2005, 31–53; Hamiyet Sezer-Feyzioğlu, *Tanzimat Döneminde Kadılık Kurumu ve Şer'i Mahkemelerde Yapılan Düzenlemeler*,

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eighteenth-century *naib*s has hitherto been largely based on information obtained from imperial decrees concerning the *ilmiye* institution and various orders prohibiting *naib*s' wrongdoings.[9] Regarding *naib*s in general, İsmail Hakkı Uzunçarşılı's classic book on the *ilmiye* institution remains a reference work, which, in turn, relies heavily on Mouradgea d'Ohsson's late eighteenth-century description of *naib*s.[10]

In this article, which is based on extensive archival sources, I investigate the proliferation of *naib* appointments from the mid-eighteenth century to the period just before the beginning of the Tanzimat reforms, not as a symptom of deterioration or corruption of the Ottoman ulema but as a result of the transformation of the *ilmiye* institution into a system of allocating sources of revenue. I begin with a brief overview of the Ottoman judiciary institution, followed by a description and analysis of the proliferation of deputization. I then discuss the financial aspect of appointing *naib*s, which bears a remarkable similarity to the practice of tax farming, and examine the *naib*s' sources of revenue, focusing on the fees for tax apportionment. Finally, I argue that the proliferation of deputization led to the integration of the judiciary into the Ottoman system of tax farming and that the fee revenues collected by *naib*s constituted the financial basis that supported the domination of the established ulema families in the *ilmiye* hierarchy.

Proliferation of *naib*s

The ilmiye *hierarchy*

The hierarchical organization of the *ilmiye* had been established by the mid-sixteenth century and underwent further elaboration in the following centuries. Here, I draw an outline of the *kadı*ship institution, focusing on the situation during the eighteenth century.[11] *Kadı*ships in the Ottoman Empire were divided into *mevleviyet kadı*ships, or judgeships of major cities, and town *kadı*ships (*kasabat kadılıkları*). The divide between these two categories was determined by their respective estimated daily revenues: the former had a daily revenue of 500 akçe, and the latter, a daily revenue of less than 500 akçe. These sums should not be confused with salaries. *Kadı*s generally did not receive a salary; instead, their income was based on fees that they collected in return for their judicial, notarial and administrative services.[12]

The offices of *mevleviyet* were reserved for those who attained the high-ranking professorships of *medreses* in Istanbul – initially those with the professorial rank of *Sahn* and, during the eighteenth century, those who attained the rank of *Musıla-i Süleymaniye* or higher. By the eighteenth century, the offices of *mevleviyet* were arranged into four

2nd ed. (Ankara: Hel Yayınları, 2014); Jun Akiba, "From *kadı* to *naib*: reorganization of the Ottoman sharia judiciary in the Tanzimat period", in Colin Imber and Keiko Kiyotaki (eds), *Frontiers of Ottoman Studies* (London: I.B. Tauris, 2005), 1: 43–60; Jun Akiba, "Kadılık teşkilâtında Tanzimat'ın uygulanması: 1840 tarihli ta'lîmnâme-i hükkâm", *Osmanlı Araştırmaları* 29, 2007, 9–40.

[9] Uzunçarşılı, *İlmiye Teşkilâtı*, 255–9; Yurdakul, "III. Selim'in ilmiye ıslahatı programı".

[10] Uzunçarşılı, *İlmiye Teşkilâtı*, especially 117–21; M. de M. D'Ohsson, *Tableau général de l'Empire othoman*, 2nd ed. (Paris: L'Imprimerie de Monsieur, 1791), 4/2, 573–6. See also C[avid] B[aysun], "Naip", in *İslâm Ansiklopedisi* (Istanbul: Millî Eğitim Basımevi, 1964), 9: 50–2.

[11] The description in this section is largely based on my study of various *ruznamçe* registers of the *Kazasker*s of Rumeli and Anadolu and other primary sources, as well as secondary sources, such as Uzunçarşılı, *İlmiye Teşkilâtı*; Gündoğdu, "The Ottoman ulema group"; Kuru, *Rumeli Kazaları ve Kadıları*.

[12] For the nominal daily revenue, see Uzunçarşılı, *İlmiye Teşkilâtı*, 91; Özer Ergenç, *XVI. Yızyılda Ankara ve Konya: Osmanlı Klasik Dönemi Kent Tarihçiliğine Katkı* (Ankara: Ankara Enstitüsü Vakfı, 1995), 82–3, 194–5 n. 164; Kuru, *Rumeli Kazaları ve Kadıları*, 67; Atçıl, *Scholars and Sultans*, 162–4. For the fees, see Halil İnalcık, "Maḥkama, 2. The Ottoman Empire, i. The earlier centuries", in *Encyclopaedia of Islam*, 2nd ed. (Leiden: Brill, 1979–2002), 6: 3–5; Aykan and Ergene, "Shari'a courts in the Ottoman Empire", 215–8.

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ranks: in descending order, Istanbul, Haremeyn, Erbaa and Mahrec. A *mevleviyet kadı* was called *molla* (*mevlâ*). The word's plural form, *mevali*, was more frequently used to signify his status, which was guaranteed even when he no longer held the office, as he remained a rank (*paye*) holder. In principle, one had to move through every rank, beginning with Mahrec, to reach the *kadı*ship of Istanbul. The *kadı* of Istanbul could be promoted to the office of *Kazasker* of Anadolu, or supreme judge of the Asian provinces, then to that of Rumeli (the European provinces) and, finally, to that of *Şeyhülislam*. This career line from professorships to *mevleviyet*s to the office of *Şeyhülislam* was called the professorship hierarchy (*tarik-i tedris*).

Some *mevleviyet* posts not included in the abovementioned four ranks, such as the *kadı*ships of Belgrad, Bosna, Filibe, Kütahya, Konya, Kayseri and Amid (Diyarbekir), were designated as *devriye mevleviyetleri*. Professors below the rank of *Musıla-i Süleymaniye* and, from the early nineteenth century onwards, professors at *medreses* in Bursa and Edirne[13] could be transferred to these judgeships but could not, in principle, be promoted to regular *mevleviyet*s. They would simply rotate through offices of the same rank – hence the term "*devriye*" (rotation). The creation of these lower *mevleviyet* posts was probably meant to provide those stuck in the professorial ranks with an alternative means of promotion.[14]

The town *kadı*ships, or simply *mansıb*s, belonged to three geographical groups – namely, Rumeli, Anadolu and Mısır (Egypt) – with each group organized hierarchically according to estimated daily revenue. In principle, professors (*müderris*es) of the rank of 40 akçe were eligible for the lowest rank of these *kadı*ships, and the hierarchy started from the *kadı*ship of 150 akçe per day.[15] Although this figure represented only a nominal value, it signified that a higher income could be expected from the *kadı*ship offices than from the lower professorships. However, once a junior professor started a town *kadı*ship career, he could not return to mainstream professorships or be promoted to *mevleviyet kadı*ships. The career line of town *kadı*s was thus separate from the major career line of professorships that led to the highest positions in the *ilmiye* hierarchy. Although the latter career path was highly promising and prestigious, promotions took many years to achieve and the stipends were modest. The former was more lucrative in the short term, but the career prospects were poorer.

Town *kadı*s were appointed for a fixed term of office (20 months in Rumeli and Anadolu and 24 months in Egypt)[16] and usually had to stay out of office for several years between appointments because of the inflated number of candidates.[17] Out-of-office *kadı*s were still considered members of the *kadı*ship hierarchy and were collectively called "*kuzat*" (plural for "*kadı*").

[13] Istanbul Mufti's Office, Meşihat Archives (İstanbul Müftülüğü Meşihat Arşivi, hereafter İMMA), Defter I/14, Tarik Defteri, no. 2. In all likelihood, their professorships were nominal positions, and they did not teach in those cities.

[14] Repp, *Müfti of Istanbul*, 47–8. Repp argues that from the late sixteenth century onwards, the elaboration of the *ilmiye* hierarchy resulted from "an attempt to provide jobs and honours for an ever-increasing number of those seeking both". Repp, *Müfti of Istanbul*, 49.

[15] Kuru, *Rumeli Kazaları ve Kadıları*, 68, 175; Gündoğdu, "The Ottoman ulema group", 82, 99.

[16] Kuru, *Rumeli Kazaları ve Kadıları*, 122; Gündoğdu, "The Ottoman ulema group", 34; "Osmanlı kanunnameleri", *Millî Tettebular Mecmuası* 1/3, 1331 [1915], 541. Although the standard term did not change in principle, during the eighteenth and early nineteenth centuries, an increasing number of *kadı*s were appointed for considerably shorter periods (such as 12, eight or six months), and the rest of the term was carried over to the next appointment.

[17] According to Kuru, during the first half of the eighteenth century, the average waiting period between *kadı*ships in the Rumeli hierarchy was 42 months. Kuru, *Rumeli Kazaları ve Kadıları*, 150. For the congestion of the town *kadı*ship hierarchy, see İnalcık, "*Rūznāmče* registers", 257–60; Akiba, "From *kadı* to *naib*", 45.

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Judgeships as revenue sources

Regarding the *mevleviyet kadı*s, who also had to wait a long time for promotion, the state took care to guarantee their sources of income when they were out of office. Out-of-office *mevali*, as well as ex-*Kazasker*s and ex-*Şeyhülislam*s, were assigned nominal judgeships called *arpalık*,[18] the most important measure of an "unemployment benefit".[19] The recipients of *arpalık* did not go to the places of their appointment, except as a punishment. Instead, they farmed out their duties to deputies, or *naib*s, and received incomes from the fees collected by the latter. *Arpalık*s were originally given to retired *Şeyhülislam*s and *Kazasker*s as pensions and began to be widely applied during the seventeenth century. Many *kadı*ships in the central towns of Anatolia and the Balkans – even *kadı*ships of sub-province (*sancak*) centres, such as Ankara, Balıkesir, Gelibolu and Yanya – had already been turned into revenue sources for sinecurists before the eighteenth century. In a new development in the late eighteenth century, some of the lower (*devriye*) *mevleviyet* positions, such as those in Amid, Kayseri, Konya, Kütahya, Manisa, Sakız (Chios) and Trablusşam (Tripoli), were also converted to *arpalık*s. During the early nineteenth century, more than 70 *kadı*ships were regularly reserved as *arpalık*s.[20]

The tenure of professorships was not predetermined, and professors could be promoted from one *medrese* to another with no intervals. However, because professors' stipends were relatively small[21] and promotion to the *mevleviyet* ranks took a long time due to the congestion in the professorial ranks, high-ranking professors, and sometimes those from lower ranks, were also assigned nominal judgeships called *maişet*[22] to supplement their incomes. Surprisingly, according to a register prepared during the reign of Selim III, as many as 216 *kadı*ships in the Asian provinces were reserved as *maişet*s, whereas the number of town *kadı*ships (*mansıb*s) available to *kuzat* members in the same provinces was 265.[23] About 60 per cent of the *maişet*s were granted to professors, whereas 28 per cent were awarded to sons of ulema or prominent families without a *müderris* rank.[24] Some *maişet*s were shared by brothers, while others were taken over by the sons of the former holders.[25] In the Balkans, another register prepared in the late

[18] Uzunçarşılı, *İlmiye Teşkilâtı*, 118–19; İbnülemin Mahmud Kemal [İnal], "Arpalık", *Türk Tarih Encümeni Mecmuası* 16/17(94), 1926, 276–83; Zilfi, "Elite circulation", 353–4; Uğur, *The Ottoman ʿUlemā*, lxv–lxvi.

[19] Atçıl, *Scholars and Sultans*, 137.

[20] Turkish Presidency Directorate of State Archives, Ottoman Archives (hereafter BOA), A.DVNS.NŞT.d 36, Tahvil Defteri, pp. 3–44 (79 different *arpalık*s during 1801–10); İMMA, Defter I/13, Tarik Defteri, no. 1 (75 different *arpalık*s during *c.* 1828–36); Defter I/14, Tarik Defteri, no. 2, pp. 314–5, list of *arpalık*s (87 *arpalık*s), *c.* 1840. Seventy-two different *arpalık kaza*s are mentioned in Taylesanizade's chronicle for the years 1785–89. Taylesanizâde Hâfız Abdullah Efendi, *İstanbul'un Uzun Dört Yılı (1785–1789): Taylesanizâde Hâfız Abdullah Efendi Tarihi*, (ed.) Feridun M. Emecen (Istanbul: Tarih ve Tabiat Vakfı, 2003), passim. It seems that the status of *kadı*ships was not stable during the earlier period, as more than 170 *kadı*ships became *arpalık*s at least once between 1693 and 1725. See Kuru, *Osmanlı İlmiye Tevcihâtı*, 133–210.

[21] Harun Küçük argues that the purchasing power of professors' salaries fell significantly during the seventeenth century because of inflation. See Harun Küçük, *Science without Leisure: Practical Naturalism in Istanbul, 1660–1732* (Pittsburgh: Pittsburgh University Press, 2020).

[22] Yurdakul, *Osmanlı İlmiye Merkez Teşkilâtı'nda*, 137; D'Ohsson, *Tableau général*, 4/2: 491, 612. For *maişet*s given to ulema of various ranks in the first half of the eighteenth century, see Kuru, *Rumeli Kazaları ve Kadıları*, 95–8.

[23] *Kuzat Esami Defteri*, Millet Library, Ali Emiri Müteferrik 69, fols. 1b–36a, 61b–75a. Earlier, during the four years from June/July 1767 to June/July 1771, 64 different *kadı*ships in the Asian provinces were granted as *maişet*s. See İMMA, Defter I/476, Anadolu Kazaskerliği Ruznamçesi (hereafter AKR), no. 41; I/477, AKR, no. 42; I/478, AKR, no. 43; I/479, AKR, no. 44.

[24] Here sons of ulema or prominent families are those who had family names with the suffix "*-zade*" or were described as sons or grandsons of certain individuals. Among the *maişet* holders, there are also many sons of ulema or prominent families with a *müderris* rank (19 per cent of the total).

[25] *Kuzat Esami Defteri*, Millet Library, Ali Emiri Müteferrik 69, fols. 62a, 66b, 67a, 69b, 71a, 71b.

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1800s shows that there were 39 *maişet* positions and 247 *mansıbs*.[26] Offices reserved as *maişet*s were mostly *kadı*ships of minor districts, although they also included a few well-known localities, such as Amasra, Muğla, Hasankeyf, Vize and Arnabud Belgradı (Berat).

It is striking that more than 300 *kadı*ship positions were earmarked as *arpalık*s and *maişet*s to provide *mevali*, professors and sons of ulema with sources of income. The *maişet* literally provided a livelihood (the original meaning of "*maişet*") to *ilmiye* members. The nineteenth-century historian Ahmed Cevdet Paşa noted the state's priority: "Since providing a livelihood to the holders of higher ranks was a duty entrusted to the government (*ashab-ı meratibin idaresi müterettib-i zimmet-i hükumet olduğundan*), it became necessary to assign a *kaza* [*kadı*ship] to *müderris*es and *mevali* in the name of *maişet* and *arpalık*."[27] Because *arpalık*s and *maişet*s were also distributed among the ulema families of Istanbul, they served to financially support the *ilmiye* institution as a status group. They were sometimes granted as a kind of orphan's pension, as in the case of Nurullah and his brother Mehmed Reşid, who petitioned in 1770 for the *maişet kadı*ship of Ayvalık, previously held by their father, who had died without leaving them an inheritance. The *Şeyhülislam* approved their petition, whereby the brothers jointly (*ale'l-iştirak*) obtained the *maişet*.[28]

While *maişet kadı*ships could be given to high-ranking *kuzat* members, nominal *kadı*ships, specifically called *te'bid*, were routinely granted on a permanent basis (*ber-vech-i te'bid*) to *kuzat* members who were allegedly "aged and sick" (*pir ü alil*).[29] Thus, *te'bid*s served as a kind of retirement pension. For example, Ahmed, the holder of the Timurcu *kadı*ship, who renounced his office and career (*mansıbını ve tarikini rızasıyla terk*), obtained the *kadı*ship of Bafra-maa-Samsun as a *te'bid*.[30] In the abovementioned *kadı*ship registers, eight and six *kadı*ships were assigned as *te'bid*s in the Asian and Balkan provinces, respectively.[31] The number of *kadı*ships granted as *te'bid*s had been larger during the early eighteenth century,[32] but it appears that many of them were later switched to *maişet*s, which thus greatly increased in number by the end of the century.

These developments naturally led to the erosion of *kadı*ship posts in the town *kadı*ship hierarchy, giving rise to discontent among the less privileged *kadı*s.[33] In the early eighteenth century, the government tried to revoke some *maişet*s and *te'bid*s. A *ferman* (imperial decree) dated 1724 mentioned that many *kadı*ships had been granted to undeserving men (*na-müstahaklara*) as *maişet*s, bringing misery to town *kadı*s, who had to wait many years to obtain a post. Orders had been issued since 1716 to the effect that the *maişet* and *te'bid kadı*ships should either be returned to the regular *kadı*ship hierarchy after they became

[26] *Kuzat Esami Defteri*, Millet Library, Ali Emiri Müteferrik 70, fols. 2b–42a. In a register dated 1837, there were 31 *maişet kadı*ships in the Balkans. See *Ahval-i Menasıb*, Süleymaniye Library, Esad Efendi 2066; Yasemin Beyazıt, "Rumeli kadılıkları ve rütbelerine dair 1253/1837 tarihli bir yazma", *Belgeler* 28/32, 2007, 11–56.

[27] Ahmed Cevdet Paşa, *Tarih-i Cevdet: Tertib-i Cedid*, 2nd ed. (Istanbul: Matbaa-i Osmaniye, 1309), 1: 114. Throughout the article, translations of the sources are mine unless otherwise noted.

[28] İMMA, Defter I/478, AKR, no. 43, fol. 2b, 68a. For a similar case, see İMMA, Defter I/479, AKR, no. 44, fol. 3b, 69b, Rebiülevvel 1185 (June–July 1771).

[29] For *te'bid*, see Kuru, *Rumeli Kazaları ve Kadıları*, 89–95; Gündoğdu, "The Ottoman ulema group", 64–9; Ercan Alan, "Kadıasker ruznamçelerine göre XVII. yüzyılda Rumeli'de kadılık müessesesi", PhD thesis, Marmara University, 2015, 101–4.

[30] İMMA, Defter I/478, AKR, no. 43, fols. 60a–60b, April–May 1770.

[31] *Kuzat Esami Defteri*, Millet Library, Ali Emiri Müteferrik 69 and 70.

[32] For example, 21 *kadı*ships were granted as *te'bid*s during the 11 months from July/August 1732 to May/June 1733. See Nuruosmaniye Library, 5193/35, AKR, fols. 29b–48a.

[33] For *kadı*s' complaints, see Nuruosmaniye Library, 5193/24, AKR, fol. 1a, report of the *Kazasker* of Anadolu, *c.* 1123 (1711/12); 5193/36, AKR, fol. 2b, *ferman*, evasıt Cemaziyelevvel 1146 (October 1733); İsmail E. Erünsal, *Osmanlı Kültür Tarihinin Bilinmeyenleri: Şahıslardan Eserlere, Kurumlardan Kimliklere*, 2nd ed. (Istanbul: Timaş Yayınları, 2019), 573–4. See also İnalcık, "*Rūznāmče* registers", 262; Zilfi, "Elite circulation", 355.

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vacant or attached to adjacent *kaza*s if the revenue obtained was too small to sustain the appointees.[34] However, aged and sick *kadı*s were permitted to receive *te'bid*s or *maişet*s with the approval of the *Kazasker*, the *Şeyhülislam* and the sultan. In 1742, only further conversions of *kadı*ships to *maişet*s or *te'bid*s were prohibited,[35] and it is doubtful that this prohibition was strictly observed, as suggested by the large number of *maişet*s during the reign of Selim III.

The proliferation of nominal *kadı*ships – *arpalık*s, *maişet*s and *te'bid*s – meant that the judicial offices had come to be treated as income-generating sources that could be distributed to the ulema, especially those of privileged status.[36] Because the state increasingly saw the *kadı*ships as units of revenue rather than judicial-administrative units, they could be divided into halves or even into twelfths. One *müderris* was given one-third of the *maişet kadı*ship of Tripoliçe (in Morea), while another requested half of one-sixth of the İmroz *kadı*ship as a *maişet*.[37] In such cases, it is most likely that *maişet* shareholders received their shares through intermediaries, without being involved in the appointment of *naib*s.

Naibs *everywhere*

As progressively more *kadı*ships were assigned as sources of revenue for sinecurist ulema and farmed out to *naib*s, even town *kadı*s began to delegate their duties to *naib*s, while, in principle, *mevleviyet kadı*s occupied their offices themselves until the Tanzimat. By the early nineteenth century, major town *kadı*ships – for example, Silistre, Vidin, Manastır (Bitola), Sivas, Kastamonu, Denizli, Adana and Trabzon[38] – were normally contracted out to *naib*s. The diminishing availability of *kadı*ship positions compelled *kuzat* members

[34] Nuruosmaniye Library, 5193/26, AKR, fol. 1b, *ferman*, evail Cemaziyelevvel 1128 (April 1716); 5193/31, AKR, 4b, *hatt-ı hümayun*, Ramazan 1136 (May–June 1724); 5193/34, AKR, fol. 2b, Şeyhülislam's order and *hatt-ı hümayun*, n.d. [1143/1730–31]; Mehmed Raşid, *Tarih-i Raşid* (Istanbul: Matbaa-i Amire, 1282), 4: 192; Erünsal, *Osmanlı Kültür Tarihinin Bilinmeyenleri*, 577–8, 582–3; Kuru, *Rumeli Kazaları ve Kadıları*, 233–4, 236–7.

[35] Nuruosmaniye Library, 5193/41, AKR, fol. 3b, *ferman*, 11 Cemaziyelahir 1155 (12 August 1742); Erünsal, *Osmanlı Kültür Tarihinin Bilinmeyenleri*, 586–7; Kuru, *Rumeli Kazaları ve Kadıları*, 248–9.

[36] Another way of providing a *kadı* with extra income was "annexation" (*ilhak*), which was the granting of a *kadı*ship in combination with another (usually smaller and adjacent) *kadı*ship, to which the *kadı* appointed a *naib*. Some *mevleviyet kadı*ships were accompanied by *kadı*ships at *sancak* level, such as Mardin attached to the Amid *kadı*ship and Nablus attached to the Jerusalem *kadı*ship. For Mardin, see Yavuz Aykan, *Rendre la justice à Amid: procédures, acteurs et doctrines dans le contexte ottoman du XVIIIème siècle* (Leiden: Brill, 2016), 50–1. For Nablus, see Beshara Doumani, *Rediscovering Palestine: Merchants and Peasants in Jabal Nablus, 1700–1900* (Berkeley and Los Angeles: University of California Press, 1995), 249–50. For the sixteenth-century practice, see Repp, *The Müfti of Istanbul*, 47; Atçıl, *Scholars and Sultans*, 197. For the annexation practice in the town *kadı*ship hierarchy, see Gündoğdu, "The Ottoman ulema group", 79–80; Kuru, *Rumeli Kazaları ve Kadıları*, 104–5.

[37] İMMA, Defter I/350, Rumeli Kazaskerliği Ruznamçesi (hereafter RKR), no. 173, fols. 1b, 1b (repeated) (*c.* 1802). In 1807, İmroz was shared by six individuals (1/4 + 1/4 + 1/6 + 1/6 + 1/12 + 1/12). *Kuzat Esami Defteri*, Millet Library, Ali Emiri Müteferrik 70, fol. 38b. See also Yurdakul, *Osmanlı İlmiye Merkez Teşkilâtı'nda*, 137.

[38] BOA, C.DH 29/1712, report of the *naib* of Silistre, 19 Şevval 1239 (17 June 1824); C.DH 129/6412, report of the *naib* of Silistre, 10 Zilkade 1243 (24 May 1828); National Library of Bulgaria, Sijil Collection, S84, Vidin court register, pp. 18, 46, 68, 102 (December 1825–January 1827); Michael Ursinus, *Regionale Reformen im Osmanischen Reich am Vorabend der Tanzimat: Reformen der rumelischen Provinzialgouverneure im Gerichtssprengel von Manastir (Bitola) zur Zeit der Herrschaft Sultan Mahmuds II. (1808–1839)* (Berlin: Klaus Schwartz Verlag, 1982), 268–73; Mehmet Ali Karamanoğlu, "17 numaralı Sivas şer'iye sicili'nin transkripsiyonu (1250–1251/1835–1836)", Master's thesis, Cumhuriyet University, 2016, 25, 146, 185, 290, 393, 495; Abdulkerim Abdulkadiroğlu, İ. Hakkı Aksoyak and Necip Fazıl Duru (eds), *Kastamonu Jurnal Defteri (1252–1253/1836–1837): Metin ve Tıpkıbasım* (Ankara: T.C. Başbakanlık Devlet Arşivleri Genel Müdürlüğü, 1998), 214–5; Sevgi Nur Sabancı, "674 numaralı (H. 1243–1248/M. 1828–1832) şer'iye siciline göre Denizli'nin sosyal ve iktisadi yapısı", Master's thesis, Süleyman Demirel University, 2019, 199, 231–2, 326; BOA, MŞH.ŞSC.d 72, Adana court register, no. 72, pp. 4, 33, 60, 81 (August 1828–January 1829); Abdullah Saydam, "Trabzon'un idarî yapısı ve yenileşme zarureti (1793–1851)", *OTAM* 18, 2005, 300–1.

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to seek alternative sources of income during the waiting period, and as long as their side (or perhaps principal) jobs yielded a regular income, it would have been more profitable for them to farm out the *kadı*ship offices and receive two incomes when they were appointed.

In fact, it was not uncommon for *kuzat* members to serve as court scribes or stewards (*kethüda*) of ulema dignitaries while out of office.[39] Although town *kadı*s had been repeatedly ordered to fill their posts themselves, those working for ulema dignitaries were allowed to appoint deputies. While a 1733 order made an exception for the *kadı*s serving under the *Kazasker*s and the *kadı*s of Istanbul,[40] an 1802 decree demanded that town *kadı*s, except for those among the retinues (*zümre-i etbaʿ*) of high-ranking ulema and in state service (*hidemat-ı devlet-i aliyemde müstahdem olanlar*), administer their offices themselves.[41] Most of these *kuzat* members probably did not work for ulema dignitaries by chance; rather, followers of the high-ranking ulema were enrolled in the *kadı*ship hierarchy through their patrons' intercession. The historian Cevdet Paşa stated that the ulema dignitaries had their followers appointed to *kadı*ship positions and that the latter, because they were not judicial experts, had to administer their offices through *naib*s.[42] There was also an order prohibiting the appointment of "servants and ignorant and unqualified sorts" (*hizmetkâr ve cehele ve na-ehil makulesi*) to *kadı*ships,[43] which suggests that such appointments were, in fact, not unknown. Tatarcık Abdullah, one of the reformist ulema during the reign of Selim III, strongly criticized the enrolment in the *kadı*ship hierarchy of "a group of servants and subordinates in the offices of ulema" (*ulema dairesinde hademe ve etbaʿ güruhu*) who were allegedly incompetent and ignorant.[44]

The orders commanding town *kadı*s to go to their posts in person also allowed "sick and aged" *kadı*s to send deputies.[45] This signifies the official recognition of *kuzat* members who were incapable of serving as judges and therefore had to be substituted for by *naib*s. Tatarcık Abdullah even mentioned an encroachment of people from guilds and markets (*esnaf ve suk makuleleri*).[46] Later, in his reform treatise written during the reign of Mahmud II, İzzet Molla argued that the *kadı*ship ranks peopled by guild members should be annulled.[47] Their accusations were not entirely groundless; we find booksellers, public

[39] For example, Istanbul Mufti's Office Sharia Court Registers Archives (İstanbul Müftülüğü Şer'iyye Sicilleri Arşivi, hereafter İŞSA), Kısmet-i Askeriye, 5/426, fol. 23a, 13 Zilhicce 1191 (12 January 1778), 69a, 19 Zilhicce 1191 (18 January 1778); 5/458, fol. 43a, 9 Zilhicce 1193 (18 December 1779), 50b, 20 Zilkade 1193 (29 November 1779). See also Ahmed Cevdet Paşa, *Tarih-i Cevdet: Tertib-i Cedid*, 10: 236.

[40] Nuruosmaniye Library, 5193/35, AKR, fol. 5a, *ferman*, 14 Zilhicce 1145 (28 May 1733); Erünsal, *Osmanlı Kültür Tarihinin Bilinmeyenleri*, 584; Kuru, *Rumeli Kazaları ve Kadıları*, 244–5.

[41] BOA, C.ADL 106/6366, *ferman* to the *Kazasker* of Rumeli, evahir Safer 1217 (June 1802).

[42] Ahmed Cevdet Paşa, *Tarih-i Cevdet: Tertib-i Cedid*, 1: 114. See also Sezer Feyzioğlu and Kılıç, "Tanzimat arifesinde kadılık-naiplik kurumu", 35; Sezer-Feyzioğlu, *Tanzimat Döneminde Kadılık Kurumu*, 35.

[43] BOA, C.ADL 11/717, *ferman* to the *Kazasker* of Rumeli, evahir Ramazan 1203 (June 1789); İMMA, Defter I/333, RKR, no. 156, fol. 2a, *ferman*, evasıt Ramazan 1203 (June 1789). See also Yurdakul, *Osmanlı İlmiye Merkez Teşkilâtı'nda*, 302; Uzunçarşılı, *İlmiye Teşkilâtı*, 256.

[44] [Tatarcık Abdullah], "Sultan Selim-i Salis devrinde nizam-ı devlet hakkında mütalaât", [part 2], *Tarih-i Osmani Encümeni Mecmuası* 7/41, 1916, 276.

[45] See n. 43 for the *ferman* dated 1789. See also BOA, HAT 90/3708, *ferman* to the *Şeyhülislam*, evasıt Receb 1213 (December 1798); BOA, C.ADL 80/4815, *Şeyhülislam*'s report to the Sultan, n.d.; İMMA, Defter I/347, RKR, no. 170, 1b–1a (repeated), *ferman* to the *Kazasker* of Rumeli, evasıt Receb 1213 (December 1798); Aziz Berker, "Teşrifatî Naim Efendi tarihi", *Tarih Vesikaları* 3/14, 1944, 155; Ahmed Cevdet Paşa, *Tarih-i Cevdet: Tertib-i Cedid*, 4: 292.

[46] Tatarcık Abdullah, "Sultan Selim-i Salis devrinde", [part 2], 274.

[47] İzzet Molla, *Lâyiha-i İzzet Molla*, Topkapı Sarayı Museum Library, Y.355, fol. 28b; Atatürk Kitaplığı, MC Yz K.337, fol. 58a. In the early nineteenth century, Mehmed Emin İseviç mentioned a variety of people, such as Egyptian peasants, Anatolian nomads (*Anadolu Türkleri*), Bosnian villagers, pashas' servants, coffeehouse story tellers and Istanbul artisans, who blended with the *kadı*ship hierarchy. Mehmed Emin İseviç, *Ahvâl-i Bosna*, Istanbul University Rare Books Library, T6647, fol. 8a–b; Ahmed S. Aličić, "Manuscript *Ahval-i Bosna* by

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bath operators (*hamamcı*) and a rice seller (*pirinççi*) among the *kuzat* members.[48] We cannot be certain whether they were *kadı*s-turned-tradesmen or tradesmen-turned-*kadı*s; both patterns are probable.[49]

There were also what we might call "*kuzat* notables" who were based in provinces where they had economic and political influence. They occasionally served as *kadı*s/*naib*s in different places or farmed out their *kadı*ships.[50]

Moreover, it seems likely that people who were never trained in law entered the *kadı*ship hierarchy. Their ignorance became a kind of cliché, and the eighteenth-century historian Şemdanizade Fındıklılı Süleyman wrote that even people who could not write received *kadı*ship positions.[51] A *ferman* of 1798 took this kind of accusation seriously and decreed that every applicant should write his name with his own hand at the time of application.[52]

However, we should not presume that the late eighteenth-century *kadı*ship hierarchy was replete with ignorant and incompetent judges. After all, the *kuzat* provided a pool of available competent judges. According to a *ferman* of 1759, *naib* positions should be assigned to "out-of-office *kadı*s (*maʿzul kadılar*) and *müderris*es who possess knowledge and virtue and are known for [their mastery of] the art of court documents (*fenn-i sakk*)".[53] A similar stipulation was included in a 1795 ferman.[54] Although a detailed discussion of who became *naib*s is beyond the scope of this article, sources suggest that many were members of the *kuzat* or holders of a *müderris* rank.[55] As the availability of *kadı*ship

Muhamed Emin Isević (early 19th century): introduction, translation from Turkish and annotations by author", *Prilozi za Orijentalnu Filologiju* 50, 2000, 236.

[48] İŞSA, Kısmet-i Askeriye, 5/635, 34b, 12 Cemaziyelahir 1207 (25 January 1793); 5/243, fols. 14b–15a, 1 Rebiülevvel 1177 (9 September 1763); 5/1025, fol. 36a–b, 5 Rebiülahir 1233 (12 February 1818); 5/458, fol. 77b, *pirinççi* İsmail Efendi's estate, 9 Safer 1194 (15 February 1780). İsmail Efendi's estates included a payment for 50 baskets of rice (*elli zenbil pirinç bahası*) and a *gedik* (capital assets) in a rice seller's store room (*pirinççi mahzeni*). For these *kadı*-cum-tradesmen, see also Zeynep Dörtok Abacı, Jun Akiba, Metin Coşgel and Boğaç Ergene, "Judiciary and wealth in the Ottoman Empire, 1689–1843", *Journal of the Economic and Social History of the Orient* 66/1–2, 2023, 53. İsmail E. Erünsal also found two *kadı*-booksellers in the estate registers and surmised that their bookstore businesses were not their primary means of livelihood. See İsmail E. Erünsal, *Osmanlılarda Sahaflık ve Sahaflar* (Istanbul: Timaş Yayınları, 2013), 159.

[49] *Kadı*s resemble janissaries in this respect. For the janissary-guild intermingling, see Eunjeong Yi, *Guild Dynamics in Seventeenth-Century Istanbul: Fluidity and Leverage* (Leiden: Brill, 2004), 65, 133, 139; Gülay Yılmaz Diko, "Blurred boundaries between soldiers and civilians: artisan janissaries in seventeenth-century Istanbul", in Suraiya Faroqhi (ed.), *Bread from the Lion's Mouth: Artisans Struggling for a Livelihood in Ottoman Cities* (New York: Berghahn Books, 2015), 175–93.

[50] Typical examples are found in Ankara, Sarajevo, İbradı (a southern Anatolian town) and Ergiri (Gjirokastër). Jun Akiba, "Ankara, Sarajevo, and İbradı: rise of *kuzat* families in the Ottoman provinces", paper presented in the international workshop: Transformation of Ottoman Society during the Eighteenth Century, the Toyo Bunko Library, 9 July 2017; Mustafa Kaya, "18. yüzyılda Ankara'da âyanlık mücadeleleri", *Hacettepe Üniversitesi Türkiyat Araştırmaları Dergisi* 17, 2012, 119–29; Tatjana Paić-Vukić, *The World of Mustafa Muhibbi, a Kadi from Sarajevo* (Istanbul: The ISIS Press, 2011); Nathalie Clayer, "Les cadis de l'apres Tanzimat: l'examples des cadis originaires d'Ergiri et Libohova", *Turcica* 32, 2000, 33–58.

[51] Şemdanizade Fındıklılı Süleyman Efendi, *Müri'ü't-tevarih*, Beyazıt State Library 5144, fol. 343b.

[52] BOA, HAT 90/3708; C.ADL 80/4815 (see n. 45).

[53] Nuruosmaniye Library, 5193/47, AKR, fol. 3a–b, *ferman*, evahir Muharrem 1173 (September 1759); BOA, C.ADL 4/251, draft of the same *ferman*. See also Erünsal, *Osmanlı Kültür Tarihinin Bilinmeyenleri*, 590–1; Kuru, *Rumeli Kazaları ve Kadıları*, 252–3.

[54] BOA, HAT 90/3708, *ferman*, evahir Şevval 1209 (May 1795) cited in the *ferman* dated 1798. See also BOA, C.ADL 80/4815.

[55] A Tokat court register includes a list of judges who served there between 1695 and 1802 and shows that 38 of the 101 *naib*s had a *kadı* title such as *fahru'l-kuzat*, *kuzatdan* or *eşraf-ı kuzatdan*, whereas 33 had a *müderris* title such as *fahrü'l-müderrisin* or *müderrisin-i kiramdan*. Assistant judges (*bab naibi)* serving under the *mevleviyet kadı*s (when the Tokat judgeship had *mevleviyet* status) were not included. BOA, MŞH ŞSC.d 8484, Tokat court register, no. 119, pp. 1–21.

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offices diminished, *kuzat* members sought opportunities to serve as *naib*s. For those with a *müderris* rank, being appointed *naib* was apparently a common means of acquiring an additional income and experience in the job before being promoted to the *mevleviyet* rank. Thus, the appointment of a *naib* meant that one office was shared by two *ilmiye* members.

By the early nineteenth century, deputization had become so widespread that Mehmed Emin İseviç from Bosnia stated with some exaggeration, "In all Ottoman lands, not one in a thousand among the original office holders (*asıl mansıb sahibi*) occupies [his office]; they are all deputized by naibs."[56] While İseviç vehemently condemned the *naib*s for their ignorance and injustice,[57] the spread of deputization brought flexibility to *kadı*ship offices, which were otherwise governed by a rigid hierarchy. *Kadı*ships could change hands relatively freely, allowing individuals with different circumstances to share in the benefits accruing from *kadı*ships.

The *naib*ship contract

The iltizam *of judgeships*

The appointment of *naib*s by the original office holders involved the transfer of not only judicial authority but also the right to collect fees. In return, *naib*s were obligated to remit a significant part of their incomes to the office holders. This financial arrangement was key to the mechanism of deputization.

Fee revenues could be shared between the office holders and the *naib*s in two ways. The first, and apparently original, method was referred to as *emanet* (commission). The *naib*s would reserve for themselves a fifth (or a fourth) of the total revenue and pay the rest to the office holders.[58] The second method, prevalent by the late eighteenth century, was called *iltizam*, which was the term commonly used for tax farming. Office holders farmed out their judicial posts to *naib*s in return for the payment of a fixed sum, part of which was paid in advance.[59]

In the practice of *iltizam*, *naib*s made two kinds of payments: *harc-ı bab* and *mahiye* (also called *şehriye* or *aylık*, meaning monthly payment). Whereas the latter was remitted monthly, the former was paid in advance, thus being equivalent to a down payment. This is attested to in an official document concerning the conversion of the revenues from the *arpalık*s of Dimetoka, Lefkoşa and Pravişte to funds for a newly created state school in 1839.[60] According to the report, the *arpalık* of Dimetoka yielded a *harc-ı bab* of 10,000 guruş once every six months and a *mahiye* of 2,500 guruş monthly.[61] Likewise, for those of Lefkoşa and Pravişte, the *harc-ı bab* was paid biannually (13,500 and 800 guruş, respectively), and the *mahiye* was paid monthly (2,000 and 800 guruş, respectively). These cases also reveal that the advance payment was for a period of six months.

Several examples from the late eighteenth century can be drawn from the estate inventories of *naib*s, *kadı*s and *arpalık* holders recorded in the registers of the *Kısmet-i Askeriye*

[56] İseviç, *Ahvâl-i Bosna*, fol. 6a. Cf. Aličić, "Manuscript *Ahval-i Bosna*", 234.

[57] İseviç, *Ahvâl-i Bosna*, fols. 6a–7b; Aličić, "Manuscript *Ahval-i Bosna*", 234–5.

[58] D'Ohsson, *Tableau général*, 4/2: 575; BOA, C.ADL 11/717; İMMA, Defter I/333, RKR, no. 156, fol. 2a; Defter I/347, RKR, no. 170, fols. 1b–1a (repeated). See notes 43 and 45 above. The term "*emanet*" in the context of tax collection denoted a method of collecting a tax through a salaried agent. See Linda T. Darling, *Revenue-Raising and Legitimacy: Tax Collection and Finance Administration in the Ottoman Empire, 1560–1660* (Leiden: Brill, 1996), 123.

[59] D'Ohsson, *Tableau general*, 4/2: 575–6. For the appointment of subdistrict *naib*s through *iltizam* contracts, see İnalcık, "Adâletnâmeler", 76; Uzunçarşılı, *İlmiye Teşkilatı*, 117.

[60] İhsan Sungu, "Mekteb-i maarif-i adliyyenin tesisi", *Tarih Vesikaları* 1/3, 1941, 224.

[61] According to Şevket Pamuk, in 1839, the average daily wage of a skilled worker in Istanbul was 1,148.9 akçe, or 9.57 guruş, which means that a monthly instalment of the *naib* of Dimetoka was equivalent to about 260 days' wages for a skilled worker. See Şevket Pamuk (ed.), *İstanbul ve Diğer Kentlerde 500 Yıllık Fiyatlar ve Ücretler, 1469–1998* (Ankara: T.C. Başbakanlık Devlet İstatistik Enstitüsü, 2000), 73.

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court in Istanbul, which was responsible for the registration and adjudication of the inheritances of members of the *askeri* (ruling class). For instance, before his death in 1779, the former *kadı* of Medina, Bülbülî Mustafa Efendi, held the *kadı*ship of Keşan as an *arpalık*, for which his *naib* es-Seyyid İbrahim Efendi had paid an advance of 900 guruş and a monthly instalment of 60,000 akçe (equivalent to 500 guruş).[62] The amount certainly varied according to the expected fee income, which presumably depended on the population and wealth of each *kaza*. In the late 1770s, the town *kadı*ships of Köstendil and Şeyhlü (Çivril-Işıklı in western Anatolia) were farmed out for 180 guruş per month.[63] During the same period, the *naib* of Siroz (Serres) remitted as much as 4,000 guruş in two monthly instalments.[64] Remarkably, a remunerative office could yield more than ten times the amount that a small *kaza* could provide.

The *iltizam* system guaranteed the office holders a regular income; however, it obliged the *naib*s to recoup all instalments and expenditures from court fees, the amount of which was unpredictable, making their position highly precarious. From the state's point of view, the *iltizam* system was open to abuse. In their reform treatises written in the 1770s and 1780s, respectively, Süleyman Penah and Nihali argued against the *iltizam* of judicial offices and in favour of *emanet*.[65] In 1789, Selim III issued a *ferman* that prohibited the practice and ordered that the *arpalık* and *maişet* holders delegate their offices to *naib*s by way of *emanet* and give them one-fifth of the revenues. Likewise, sick or aged *kadı*s and those who faced serious and legitimate obstacles could award *naib*ships on a one-fifth basis.[66] Apparently, however, the *ferman* had little effect, probably because the *iltizam* was an established practice guaranteeing the office holders' income. In 1793, an order prohibited office holders from raising the instalments and advances above the amounts that their *kaza*s could yield (*kazaların tahammüllerinden ziyade*).[67] In 1834, another order denounced the frequent replacement of *naib*s for the mere purpose of raising the instalments and advances and prohibited office holders from making any increase.[68] The government of Mahmud II tried to have the amounts of instalments and advances fixed and registered at the *Şeyhülislam*'s office.[69] Although this signifies the state's increasing control of the judiciary, it was presumably necessitated by the great debasement of the Ottoman guruş (accompanied by inflation) during the reign of Mahmud II.[70] Notes written on the pages of *tarik defteri*s, or personnel registers of *ilmiye* (*tarik-i tedris*) members, appear to

[62] İŞSA, Kısmet-i Askeriye 5/452, fol. 7b, 12 Safer 1193 (1 March 1779). In 1780, the daily wage of a skilled worker in Istanbul was estimated at 103 akçe, or 0.858 guruş. Thus, 60,000 akçe was equivalent to about 583 days' wages for a skilled worker. See Pamuk, *500 Yıllık Fiyatlar ve Ücretler*, 72.

[63] İŞSA, Kısmet-i Askeriye 5/442, fol. 94a, 15 Zilhicce 1192 (4 January 1779); 5/451, fol. 93b, 7 Şevval 1193 (18 October 1779).

[64] İŞSA, Kısmet-i Askeriye 5/447, fol. 2a, 1 Muharrem 1193 (19 January 1779).

[65] Aziz Berker, "Mora ihtilâli tarihçesi veya Penah Ef. mecmuası, 1769", *Tarih Vesikaları* 2/10, 1942, 314; Hakan T. Karateke, "The vocabulary of disorder in a late eighteenth-century Ottoman reform treatise: Nihālī's *Mirror of the State*", *Turcica* 50, 2019, 440.

[66] For the 1789 *ferman*, see n. 43. See also Uzunçarşılı, *İlmiye Teşkilatı*, 119–20, 256; Yurdakul, *Osmanlı İlmiye Merkez Teşkilatı'nda*, 302; Taylesanizade, *İstanbul'un Uzun Dört Yıl*, 1: 392.

[67] BOA, A.DVNS.MHM.d 199, Mühimme Defteri, p. 154, #440, imperial order to the *Şeyhülislâm*, evahir Şaban 1207 (April 1793). See also HAT 90/3708.

[68] *Takvim-i Vekayi*, no. 93, 23 Şaban 1250 (25 December 1834).

[69] The *İlmiye* Penal Code of 1838 prescribed that office holders should not take from the *naib*s more than the amounts of the monthly instalments and advances recorded in the *Şeyhülislam*'s registers. Musa Çadırcı, "Tanzimat'ın ilanı sıralarında Osmanlı İmparatorluğnda kadılık kurumu ve 1838 tarihli 'Tarîk-i ilmiyye'ye dâ'ir ceza kânunname'si'", *Tarih Araştırmaları Dergisi* 14/25, 1981–82, 150.

[70] For the debasement during the reign of Mahmud II, see Şevket Pamuk, *A Monetary History of the Ottoman Empire* (Cambridge: Cambridge University Press, 2000), 193–200. According to Pamuk, prices in Istanbul rose five- to sixfold from the early 1800s to the late 1830s. See Pamuk, *500 Yıllık Fiyatlar ve Ücretler*, 16–17.

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indicate the *arpalık*s and the amounts of payments accruing from them.[71] The cost of *naib*-ship generally increased during the 1820s and 1830s. For example, in the early 1800s, the holders of the *arpalık*s of Dimetoka and Lefkoşa received a monthly instalment of 1,500 and 1,100 guruş, respectively;[72] by 1839, the instalments had been raised to 2,500 and 2,000 guruş, respectively, as mentioned earlier.

The six-month period of the *harc-ı bab*, as observed in the cases of Dimetoka, Lefkoşa and Pravişte in 1838, may have corresponded to the term of the *naib*ship contract. Intervals between appointment letters (*mürasele*) for *naib*s registered in late eighteenth- and early nineteenth-century court registers in various towns suggest that six months was the norm for the term of the appointment, although there were significant variations.[73] When a *naib*'s tenure was extended, he was sent a letter of renewal (*ibka*) at the end of the running term, presumably in exchange for another *harc-ı bab*. I will return to the significance of this six-month period in the following section. Here, suffice it to say that the short-term contracts made the *naib*s' position precarious.

Intermediaries

Between office holders and *naib*s, agents played an indispensable role in the transfer of fees, as well as in the appointment procedures. Officials of the *Kazasker*s' courts, called *muhzır*, generally acted as agents (*kapıkethüdası*) of *kadı*s and *naib*s. Sometime before 1775, an order was issued to prevent "riff-raff" (*esafil*) from intervening in "*naib*ship matters" (*umur-ı niyabet*) and to prohibit anyone but the *Kazasker muhzır*s from acting as judges' agents.[74] As a rule, each *Kazasker* employed 20 *muhzır*s, whose original duty was to deliver summonses to litigants and to bring them to the *Kazasker*'s court (hence "*muhzır*" which meant a summoner or an usher). *Muhzır*s were also charged with investigating *kadı*s' misconduct. Another important responsibility was to inform the *kadı*s of their appointments, for which they were entitled to a fee called *müjde* ("good news") paid by the *kadı*s.[75]

[71] The *tarik defteris* are registers that listed office holders from the *Şeyhülislam* down to the professors of Istanbul *medrese*s and the appointment dates. For the *tarik defteris*, see Madeline C. Zilfi, "The *ilmiye* registers and the Ottoman *medrese* system prior to the Tanzimat", in Jean-Louis Bacqué-Grammont and Paul Dumont (eds), *Collection Turcica III: Contributions à l'histoire économique et sociale de l'Empire ottoman* (Leuven: Éditions Peeters, 1983), 310–11; Arzu Güldöşüren, "19. yy'ın yarısında tarîk defterlerine göre ilmiye ricâli", Master's thesis, Marmara University, 2004. Apparently, figures written above the placenames of *arpalık*s in red ink indicate the amounts of the advances (upper row) and monthly payments (lower row). In one record, the word "*harc*" was added to the upper row, meaning the *harc-ı bab*. See İMMA, Defter I/13, Tarik Defteri, no. 1, p. 40. When only one figure is noted for each *arpalık*, it apparently indicates the amount of the monthly instalment. For example, the entry of ex-*Şeyhülislam* Kadızade Mehmed Tahir Efendi in one register includes the notes "2,000 Dimetoka" and "2,000 Lefkoşa". The figure for Lefkoşa corresponds to the amount of monthly instalments specified in the abovementioned 1839 report, although the figure for Dimetoka is lower by 500 guruş. *Defter-i Esami-i Ulema*, Topkapı Palace Museum Library, Revan 1506, fol. 15b, the entry dated 22 Şevval 1243 (7 May 1828).

[72] *Esami-i Ulema Defteri*, Topkapı Palace Museum Archives, H.1649, fol. 12b.

[73] İbrahim Yılmazçelik, *XIX. Yızyılın İlk Yarısında Diyarbakır (1790–1840)* (Ankara: Türk Tarih Kurumu, 1995), 225. See also Muhiddin Tuş, *Sosyal ve Ekonomik Açıdan Konya, 1756–1856* (Konya: Konya Ticaret Odası, 2001), 74–5; Mehmet Beşirli, *Orta Karadeniz Kentleri Tarihi I: Tokat (1771–1853)* (Tokat: Gaziosmanpaşa Üniversitesi Fen-Edebiyat Fakültesi, 2005), 108–13, Table 6.

[74] İMMA, Defter I/483, AKR, no. 48, fol. 1b, *ferman*, evasıt Safer 1189 (April 1775); Kuru, *Rumeli Kazaları ve Kadıları*, 254–6. This stipulation was reconfirmed by the *ferman* of 1798. See BOA, HAT 90/3708, C.ADL 80/4815 (see n. 45). See also Yurdakul, *Osmanlı İlmiye Merkez Teşkilâtı'nda*, 111. The order of 1834 referred to office holders who received and managed (*ahz u rüyet*) payments from *naib*s by way of *kuzat kethüdaları*. See *Takvim-i Vekayi*, no. 93, 1–2.

[75] For *Kazasker*s' *muhzır*s, see İsmail Hakkı Uzunçarşılı, *Osmanlı Devletinin Merkez ve Bahriye Teşkilâtı* (Ankara: Türk Tarih Kurumu, 1948), 237; Uzunçarşılı, *İlmiye Teşkilâtı*, 90, 155; Recep Ahıshalı, "Muhzır", in *Türkiye*

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Presumably, the *muhzır*s' intermediate role in the *kadı* appointment procedure and, as members of their staff, their closeness to the *Kazasker*s gave them leverage in judgeship matters. The estate inventories of *kadı*s and *naib*s show that *muhzır*s were entrusted with the financial transactions that took place between office holders and *naib*s. When Ebubekir Efendi, a member of the *kuzat* of Anadolu and holder of the Şeyhlü *kadı*ship, died in 1779, the *muhzır* Ali Ağa paid his heirs three months' instalments of the revenue of the Şeyhlü court after deducting the debt of the deceased for himself.[76] These three months were added to the term of office of the deceased. Likewise, after the Köstendil *kadı* Hüseyin Efendi died, a *naib* was appointed for four months to send instalments to the *muhzır* Bekir Ağa, who acted as an agent (*kapıkethüdası*). At the same time, Hüseyin Efendi left a huge debt to another *muhzır*, Ebubekir Ağa, amounting to 259,080 akçe (2,159 guruş), which was about three times the value of his property.[77] We can find many examples of *naib*s and *kuzat* members leaving debts to *muhzır*s. El-Hac İbrahim, a member of the Anadolu *kuzat*, owed 353,160 akçe (2,943 guruş), more than twice the value of his property, to the *muhzır* el-Hac Halil.[78] The 1781 estate inventory of the *muhzır* Mehmed Emin Ağa reveals that he had dealings with numerous judges simultaneously: he gave loans to 28 judges (*naib*s and *kuzat* members) and was indebted to seven judges.[79]

Some narrative sources claim that *muhzır*s purchased *kadı*ship offices from office holders and then sold them to *naib*s. In the early 1800s, es-Seyyid Mehmed Emin Behiç criticized the *muhzır*s' dealings with *kadı*ships, writing in his reform treatise that "the group of *muhzır*s should hereafter not be involved in the purchase and sale (*ahz u iʿta*) of *kadı*[ship]s and *naib*[ship]s" because "they, who were called *kapıkethüdası*, gave [i.e. sold] the appointment letter[s] … to *sarraf*s (moneylenders/financiers) in monthly instalments of five or ten guruş or in lump-sum payments of several hundred guruş, like deed[s] of tax farming (*iltizam temessükü*)".[80] The *sarraf*s allegedly gave the letters to "those [*naib*s] who were ignorant and of an indeterminate sort (*bir takım ceheleden ne idüği belirsiz*)".[81]

Diyanet Vakfı İslâm Ansiklopedisi (Ankara: Türkiye Diyanet Vakfı, 1988–2016), 31: 85–86; Yurdakul, *Osmanlı İlmiye Merkez Teşkilâtı'nda*, 109–10. According to Uzunçarşılı, the chief *muhzır*s (*muhzırbaşı*) of the *Kazasker*s were appointed from among the palace gatekeepers (*kapıcı*). *Muhzır*s also served in ordinary courts in Istanbul and the provinces, their main duties being to summon litigants to the court and to maintain order in the court. While *muhzır*s were usually selected from among the local population, interestingly, the office of chief *muhzır* was regarded as a kind of tax farm granted to members of the standing cavalry (*altı bölük halkı*), the palace gatekeepers, or the janissaries, who farmed out their offices to deputies to collect fees called *ihzariye*. See Özkaya, *XVIII. Yüzyılda Osmanlı Kurumları*, 224.

[76] İŞSA, Kısmet-i Askeriye 5/451, fol. 93b.

[77] İŞSA, Kısmet-i Askeriye 5/442, fols. 93b–94a, 15 Zilhicce 1192 (4 January 1779). For comparison, according to a study based on estate inventories of the Istanbul Kısmet-i Askeriye court, judges' mean and median net wealth during 1769 and 1788 amounted to 187,680 and 35,825 akçe, respectively (adjusted to 1780 prices based on Pamuk's Istanbul Consumer Price Index). See Dörtok Abacı et al., "Judiciary and wealth", 65; Pamuk, *500 Yıllık Fiyatlar ve Ücretler*, 72. Canbakal and Filiztekin estimated the "real mean wealth" for the period 1780–1800 based on the estate inventories of various towns: 189,956 akçe in Bursa, 284,116 akçe in Kayseri, 137,719 akçe in Manisa and 91,000–104,000 akçe in Antep, Trabzon, Manastır and Diyarbekir (adjusted to 1780 prices). See Hülya Canbakal and Alpay Filiztekin, "Wealth and demography in Ottoman probate inventories: a database in very long-term perspective", *Historical Methods: A Journal of Quantitative and Interdisciplinary History* 54/2, 2021, 94–127.

[78] İŞSA, Kısmet-i Askeriye 5/442, fols. 33b–34a, 3 Şaban 1192 (27 August 1778).

[79] İŞSA, Kısmet-i Askeriye 5/473, fols. 52a–53a, 25 Muharrem 1195 (21 January 1781).

[80] es-Seyyid Mehmed Emin Behiç, *Sevanihu'l-levayih*, Topkapı Palace Museum Library, H. 370, fol. 11a. For the *muhzır*s' role as intermediaries between titular *kadı*s and *naib*s in Bosnia, see also Azra Gadžo-Kasumović, "Imenovanja kadija i njihovih zamjenika i pripravnika /naiba – prema dokumentima kazaskera i njihovih muhzira", *Prilozi za Orijentalnu Filologiju* 67, 2017, 169–92. I thank Takuya Momma for translation of this article.

[81] Behiç, *Sevanihu'l-levayih*, fol. 11a.

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Although these criticisms might have been exaggerated, it is plausible that when *kadı*s were appointed to *kadı*ships, they could obtain loans from *muhzır*s, who would, in turn, demand their repayment from the *naib*s in instalments. It is thus understandable that *kadı*s were appointed in advance, sometimes for terms beginning several years later.[82] One may speculate that these appointees, called *muvakkat*,[83] could obtain credit from *muhzır*s or other agents in return for their appointment deeds, which provided a kind of security, well ahead of their actual terms of office. More importantly, *muhzır*s often undertook the appointment of *naib*s on behalf of office holders. *Muhzır*s' involvement in the procedure had become widely accepted by the early nineteenth century. In 1827, a *ferman* stipulated that *muhzır*s be allowed to find *naib*s for *kadı*s who could not find competent *naib*s themselves but that they should not interfere in the *naib*ship matters of *kadı*s who could.[84]

In practice, the intermediaries were not always *muhzır*s. In his treatise written in the 1810s, İseviç wrote, with some exaggeration, that the Bosnian Cabizade Ali Efendi, who was staying in a *medrese* in Istanbul, and Mehmed Bey, a cavalry member who had not fought in a war for 20 years, had engaged in the trade (*ticaret*) of the *naib*ships of 48 Bosnian *kaza*s for 17 years. These offices were allegedly resold four or five times before they reached the *naib*s. İseviç also commented that the agents (*kapıkethüdaları*) purchased *naib*ships from the original office holders (*asıl mansıb sahibleri*) for 50 guruş and amassed fortunes by selling them for 100 or more than 150 guruş.[85]

As indicated in the above quotation from Behiç's treatise, *sarraf*s, who were almost exclusively non-Muslim, also intervened between office holders (or their agents) and *naib*s in the provinces. The estate inventory of the Keşan *arpalık* holder Bülbülî Mustafa Efendi shows that his *naib* es-Seyyid İbrahim Efendi had paid him monthly instalments in advance via the *sarraf* Avanes, which were refunded after Mustafa Efendi's death.[86] Likewise, the deceased *naib* of Siroz, İmamzade Mehmed Efendi, transferred his funds to Tıngıroğlu Kirkor, apparently an Armenian *sarraf*, in the form of *poliçe* (bill of exchange), from which the instalments were paid.[87]

Indeed, *sarraf*s in the Ottoman Empire rose to prominence during the eighteenth century, when the state increasingly relied on them to finance the treasury.[88] With the introduction of lifetime tax farming (*malikâne*) in 1695, their role became particularly important because they provided tax farmers with loans for advance payments and transferred the annual tax revenue to the treasury. They also financed many high-ranking officials and local notables who needed large amounts of money to obtain official positions

[82] Kuru, *Rumeli Kazaları ve Kadıları*, 122–6; Yurdakul, *Osmanlı İlmiye Merkez Teşkilatı'nda*, 145–6.

[83] The term is also known as *muvakkıt*. See n. 82.

[84] İMMA, Defter I/497, AKR, no. 62, fol. 4a, ferman, evail Cemaziyelahir 1243 (December 1827). See also Yurdakul, *Osmanlı İlmiye Merkez Teşkilâtı'nda*, 111, 304.

[85] İseviç, *Ahval-i Bosna*, fol. 5a–5b; Aličić, "Manuscript *Ahval-i Bosna*", 234. A document cited by Gadžo-Kasumović shows the involvement of a *kadı* in the purchase of *naib*ships in Bosnia in 1768. See Gadžo-Kasumović, "Imenovanja kadija i njihovih zamjenika", 181–5, 192.

[86] İŞSA, Kısmet-i Askeriye 5/452, fol. 7b, 12 Safer 1193 (1 March 1779).

[87] İŞSA, Kısmet-i Askeriye 5/447, fol. 1b, 1 Muharrem 1193 (19 January 1779).

[88] For *sarraf*s, especially their role in the tax farming system, see Hagop Levon Barsoumian, "The Armenian Amira class of Istanbul", PhD thesis, Columbia University, 1980, 89–94; Araks Şahiner, "The sarrafs of İstanbul: financiers of the empire", Master's thesis, Boğaziçi University, 1995; Halil İnalcık, "The Ottoman state: economy and society, 1300–1600", in Halil İnalcık and Donald Quataert (eds), *An Economic and Social History of the Ottoman Empire, 1300–1914* (Cambridge: Cambridge University Press, 1994), 65–6; Ariel Salzmann, *Tocqueville in the Ottoman Empire: Rival Paths to the Modern State* (Leiden: Brill, 2004), 111–7; Yavuz Cezar, "The role of the *sarraf*s in Ottoman finance and economy in the eighteenth and nineteenth centuries", in Imber and Kiyotaki (eds), *Frontiers of Ottoman Studies*, 1: 61–76; Ali Yaycioglu, "Perdenin arkasındakiler: Osmanlı İmparatorluğunda sarraflar ve finans ağları üzerine bir deneme", *Journal of Turkish Studies* 52, 2019, 375–96.

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and manage their tax farms. Thus, it is not surprising that many *kadı*s and *naib*s were indebted to *sarraf*s. For example, Yorganî Mehmed Emin Efendi left a debt of 132,000 akçe (1,100 guruş) to the *sarraf* Çolak Mikail and a debt of 150,000 akçe (1,250 guruş) to the *muhzır* el-Hac Ebubekir Ağa when he died shortly after returning to Istanbul from his *naib*ship at Modoniç (Mendenitsa) in Morea in 1780.[89] Likewise, when he died shortly before January 1796, the *naib* of Çağlayık (Dipotamos near Kavala) Hasan Efendi owed the *sarraf* Madros 378,120 akçe (3,151 guruş), which was more than twice the value of his estate.[90]

As Behiç's treatise suggests, the *sarraf*s' involvement in the appointment of *naib*s was subject to criticism. Earlier, in 1765, a conflict arose between the *naib* of İstanköy (Kos) Mehmed Efendi and the *sarraf* Avanes over the monthly instalments that the former claimed to have paid the latter.[91] The case was referred to the *Şeyhülislam*, who reported to the Grand Vizier that the involvement of *sarraf*s and other non-Muslims in *naib*ship matters (*niyabet umuru*) as agents (*kapıkethüdalığı namına*) was canonically abominable (*emr-i mekruh*) and should be prohibited. He demanded that a *ferman* be issued to ban the practice and punish *sarraf*s who did not comply. Several years later, Penah also condemned *sarraf*s and agents for buying and selling (*alub viriyorlar*) judgeship offices.[92]

In Mahmud II's time, a consultative assembly concluded that the sale and purchase of the appointment letters of sharia judges (*müraselat-ı şerʿiye*) from the *sarraf*s' offices through infidels (*sarraf odalarından kefere yedleriyle verilüp alınmak*) was in complete violation of the principles of sharia and had to be prohibited.[93] Despite these objections, however, the *sarraf*s were indispensable actors in financial transactions. Documents from the early Tanzimat period suggest that *naib*s generally paid commissions to agents (*kapukethüdası harcı*) and interest to *sarraf*s (*sarraf güzeştesi*), as well as monthly instalments and *harc-ı bab*s.[94]

As shown above, the proliferation of *naib*ships brought profits to intermediaries such as *muhzır*s and *sarraf*s, who were indispensable actors in the operation of the *iltizam* of judicial offices. Their intervention in the appointment of *naib*s and the related financial transactions also suggests that some office holders merely received payments from them without being involved in the nomination of their deputy judges, while others appointed *naib*s based on patron-client relationships.

Fees for tax apportionment

Among the fees collected by judges,[95] fees for the apportionment of local taxes emerged as an important source of income for judges during the eighteenth century. In the early

[89] İŞSA, Kısmet-i Askeriye 5/473, fols. 72b–73a, selh Zilkade 1194 (27 November 1780).

[90] İŞSA, Kısmet-i Askeriye 5/660, fol. 96a, 1 Receb 1210 (26 January 1796).

[91] BOA, C.ADL 4/272, *Şeyhülislam*'s report with a marginal note by the Grand Vizier, 18 Ramazan 1178 (11 March 1765). Mehmed Efendi claimed that he had paid the *sarraf* 960 guruş in three monthly instalments for the *naib*ship, which the latter had obtained (*alıverdiği*) for him, but that he had suffered a loss of 1,200 guruş in two months because of the great expenses the office had incurred.

[92] Berker, "Mora ihtilâli tarihçesi", 315.

[93] BOA, HAT 463/22679, Grand Vizier's report with the *hatt-ı hümayun* of Mahmud II, c. 1827. See also the *ferman* based on this report. İMMA, Defter I/497, AKR, no. 62, fol. 4a, *ferman*, evail Cemaziyelahir 1243 (December 1827); Yurdakul, *Osmanlı İlmiye Merkez Teşkilâtı'nda*, 303–5.

[94] Akiba, "Kadılık teşkilâtında", 27. The *naib* of Güzelhisar Mehmed Lutfullah Efendi, who was accused of excessive exaction in 1833, asked for a pardon by writing that the *harc-ı bab*, *mahiye*(s), commission to the agent, contract fee for the *sarraf*, interest and daily expenses had been exorbitant. See BOA, C.ADL 71/4288, no. 1, Mehmed Lutfullah's petition. For the fees of the *kapıkethüdaları*, see also *Takvim-i Vekayi*, no. 93, 1834, 2.

[95] For the judges' fee incomes, see Uzunçarşılı, *İlmiye Teşkilatı*, 85. See also İnalcık, "Maḥkama", 6: 3–5; İnalcık, "Resm", in *Encyclopaedia of Islam*, 2nd ed., 8: 487–8; Boğaç A. Ergene, "Cost of court usage in seventeenth- and

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eighteenth century, taxes called *imdad-ı seferiye* (wartime contributions) and *imdad-ı hazeriye* (peacetime contributions) were introduced to support the maintenance of provincial governors' retinues.[96] These taxes soon came to be levied regularly and were usually collected in two (sometimes three or four) instalments a year. For the collection of these and other types of taxes, such as *avarız* and *nüzül*,[97] judges were tasked with apportioning (*tevzi*) the tax burden among the townspeople and villagers in consultation with the local notables; at that time they routinely charged fees to be received by themselves, also collected from the taxpayers.

Particularly for the *imdad* tax collection, but also independently of tax levies, the local judge and notables prepared a list of local expenditure (*masarif-i vilayet*), which included the local administration's costs that had been covered by the notables, such as the accommodation, travel expenses and salaries of officials or couriers. The list also included the notables' share (*ayaniye* or *ayan ücreti*) and the fees for the judge and other court employees. The judge's fee was called *harc-ı defter* (register fee), *harc-ı imza* (signature fee) or *harc-ı mahkeme* (court fee). The list of local expenditures (including taxes and fees) was generally known as *tevzi defteri* (tax apportionment register) but also as *masarif-i vilayet defteri* (register of local expenditures) or *salyane defteri* (register of yearly taxes). The tax apportionment registers were generally prepared twice a year, on the Day of Hızır (6 May) and the Day of Kasım (9 November), but sometimes more frequently, which was a cause for complaint.[98] During the late eighteenth and early nineteenth centuries, long lists of local expenditure were prepared, and the total amounts of costs, taxes, other extraordinary levies and fees were apportioned among the towns' neighbourhoods and adjacent villages.

Boğaç A. Ergene examined the court fees charged by the courts of Çankırı and Kastamonu (including the fees received by the judges and court personnel) for the assessment of *imdad* and other taxes between the late seventeenth and mid-eighteenth centuries and found little correlation between the fees and the tax amounts.[99] Likewise, judging by

eighteenth-century Ottoman Anatolia: court fees as recorded in estate inventories", *Journal of the Economic and Social History of the Orient* 45/1, 2002, 22–3. For estimates of the actual fee values and judges' incomes, see Zeynep Dörtok Abacı and Boğaç Ergene, "The price of justice: revenues generated by Ottoman courts of law in the late seventeenth and early eighteenth centuries", *Journal of Near Eastern Studies* 81/1, 2022, 25–52.

[96] For the *imdad* taxes, see Halil İnalcık, "Military and fiscal formation in the Ottoman Empire, 1600–1700", *Archivum Ottomanicum* 6, 1980, 322–7; Bruce McGowan, *Economic Life in Ottoman Europe: Taxation, Trade, and the Struggle for Land, 1600–1800* (Cambridge: Cambridge University Press, 1981), 155–6; Ahmet Tabakoğlu, "İmdâdiyye", in *Türkiye Diyanet Vakfı İslâm Ansiklopedisi*, 22: 221–2; Yücel Özkaya, *Osmanlı İmparatorluğu'nda Âyânlık*, 2nd ed. (Ankara: Türk Tarih Kurumu, 1994), 48–9, 52; Özkaya, *XVIII. Yüzyılda Osmanlı Kurumları*, 192–3.

[97] For these taxes, see McGowan, *Economic Life*, 110. See also Darling, *Revenue-Raising and Legitimacy*, 87–93; İnalcık, "Military and fiscal formation", 313–7; Suraiya Faroqhi, "Crisis and change, 1590–1699", in İnalcık and Quataert, *An Economic and Social History*, 532–3.

[98] For the tax apportionment registers, see Ali Açıkel ve Abdurrahman Sağırlı, "Tokat şer'iyye sicillerine göre salyâne defterleri (1771–1840)", *Tarih Dergisi* 41, 2005, 95–145; Musa Çadırcı, *Tanzimat Döneminde Anadolu Kentleri'nin Sosyal ve Ekonomik Yapıları* (Ankara: Türk Tarih Kurumu, 1991), 148–70; Yavuz Cezar, "18 ve 19. yüzyıllarda Osmanlı taşrasında oluşan yeni malî sektörün mahiyet ve büyüklüğü üzerine", *Dünü ve Bugünüyle Toplum ve Ekonomi* 9, 1996, 89–143; İnalcık, "Military and fiscal formation", 335–7; L. Sevinç Küçükoğlu, "New fiscal actors to control provincial expenditures at the end of 18th century", *Osmanlı Araştırmaları* 54, 2019, 241–76; Christoph K. Neumann, "Selânik'te onsekizinci yüzyılın sonunda masarif-i vilâyet defterleri: merkezî hükûmet, taşra idaresi ve şehir yönetimi üçgeninde", *Tarih Enstitüsü Dergisi* 16, 1998, 69–97; Yücel Özkaya, "XVIII. yüzyılın sonlarında tevzi' defterlerinin kontrolü", *Selçuk Üniversitesi Edebiyat Fakültesi Dergisi* 1981/1, 1982, 135–55; Evgenij Radušev, "Les dépenses locales dans l'Empire ottoman au XVIII^{e} siècle (selon des données de registres de cadi de Ruse, Vidin et Sofia)", *Études Balkaniques*, 1980/3, 74–94; Ursinus, *Regionale Reformen*, 66–74, 118–33; Ali Yaycioglu, *Partners of the Empire: The Crisis of the Ottoman Order in the Age of Revolutions* (Stanford: Stanford University Press, 2016), 119–33.

[99] Boğaç A. Ergene, *Local Court, Provincial Society and Justice in the Ottoman Empire: Legal Practice and Dispute Resolution in Çankırı and Kastamonu (1652–1744)* (Leiden: Brill, 2003), 78–83.

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several court registers from the districts of Anatolia and the Balkans, there was no universal rule for the rate of the judges' fees during the latter half of the eighteenth century; rather, the fees seem to have been fixed in some districts. For example, the Tokat *naib* Süleyman İzzi charged 3,000 and 2,500 guruş as a register fee for the apportionment of local expenditures and other levies in January and May/June 1773, respectively. The total levy amounts were 35,369 guruş and 31,629 guruş, respectively.[100] In Ankara, 1,000 guruş was routinely charged as a *harc-ı defter* for each apportionment of local expenditures and taxes from 1784 to 1787, with the total amount of each levy ranging from 5,324 to 18,818.5 guruş.[101]

In addition to the register fee, judges often added a fee for *iʿlam*s, or the judges' reports to the Sublime Porte or provincial governors, to the tax apportionment registers. These reports were usually written for administrative purposes in response to an order or at the request of local inhabitants who wished to send petitions. The fee rate for *iʿlam*s was also arbitrarily set. In May/June 1773, for example, the Tokat *naib* entered 2,500 guruş as an *iʿlam* fee in addition to 2,500 guruş as a register fee.[102] In December 1775, the Denizli judge added a fee of 150 guruş for 14 *iʿlam*s concerning various provincial matters, 100 guruş for an *iʿlam* prepared on behalf of five (adjacent) districts, and 200 guruş for six *iʿlam*s "of great importance" (*cesim iʿlam*).[103] Unsurprisingly, the state deemed the fees for tax apportionment and *iʿlam*s to be a potential source of abuse. In 1783, an imperial order prohibited judges from demanding fees for *iʿlam*s concerning important provincial affairs (*umur-ı mühimme zımnında verilen iʿlamlardan harc mutalebe olunmamak*).[104] However, the order was not regularly followed.

In December 1792, the government issued a *ferman* that categorically prohibited the inclusion in the tax apportionment registers of the signature fee, the *ayan*s' share or other fees from which local judges and notables would profit.[105] The same *ferman* ordered that tax apportionment registers be prepared only twice a year and that a copy of each register be sent to the Porte for an audit.[106] However, the prohibition of fees was unrealistic. In June 1793, for example, the Üsküb (Skopje) *naib* Cisri İsmail added 1,500 guruş as a *harc-ı iʿlamat* (fee for reports), which was the same amount as that received by his predecessor as *harc-ı iʿlamat ve harc-ı imza*.[107] About six months after the original order, an amendment authorized judges to receive one para per one guruş (2.5 per cent) of the amount of local expenditure (including the taxes).[108] The court registers of Ankara

[100] BOA, MŞH.ŞSC.d 8366, Tokat court register, no. 1, pp. 185, 227–6.

[101] BOA, MŞH.ŞSC.d Ankara court register, no. 173, doc. 168; no. 174, doc. 200, 258; no. 176, doc. 242; no. 177, doc. 240, 338. In Rusçuk, 1,030 guruş each was levied as a court fee (*harc-ı mahkeme*) for the two collections of local expenditures in 1778, whereas 450 guruş each was levied for the apportionment of the *avarız* taxes in April 1778 and February 1779. National Library of Bulgaria, Sijil Collection, R8, Rusçuk court register, fols. 7a, 12b, 40b–42a, 52a.

[102] BOA, MŞH.ŞSC.d 8366, Tokat court register, no. 1, p. 185. In Ankara, 300 guruş was routinely added as an *iʿlam* fee to the local expenditures between 1784 and 1788 (see n. 101).

[103] Halil İbrahim Çetin, "Denizli şer'iyye sicili (M. 1775–1778 H. 1189–1192)", Master's thesis, Marmara University, 2006, 7–8, appendix (facsimile), fol. 4b.

[104] BOA, A.DVNS.MHM.d 181, Mühimme Defteri, pp. 288–9, #825, evahir Zilhicce 1197 (November 1783). See also BOA, C.ADL 29/1737.

[105] Vak'anüvis Halil Nuri Bey, *Nûrî Tarihi*, (ed.) Seydi Vakkas Toprak (Ankara: Türk Tarihi Kurumu, 2015), 349–51; Kurz, *Das Sicill aus Skopje*, 413–6, *ferman* dated evail Cemaziyelevvel 1207 (December 1792). See also BOA, C.DH 238/11881, summary of the report from Adana, 3 Safer 1209 (30 August 1794).

[106] Özkaya, *Osmanlı İmparatorluğu'nda Âyânlık*, 262–9; Özkaya, "XVIII. yüzyılın sonlarında tevzi' defterlerinin kontrolü", 145.

[107] Kurz, *Das Sicill aus Skopje*, 254–5, 484.

[108] BOA, MŞH.ŞSC.d 669, Ankara court register, no. 185, doc. 240, *ferman*, evahir Zilkade 1207 (June–July 1793); BOA, C.DH 133/6631, draft of *ferman* to Cisr-i Ergene, evahir Zilkade 1207. See also Özkaya, *Osmanlı İmparatorluğu'nda Âyânlık*, 262.

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indicate that the new regulation was soon implemented.[109] By 1797, the judges of Kastamonu and Karahisar-ı Sahib (Afyon) had set their tax apportionment fees at the prescribed rate.[110]

However, the new regulations were not observed everywhere. Although imperial orders to this effect were issued repeatedly – at least three times during the reign of Sultan Mahmud II (1815,[111] 1824[112] and 1834[113]) – the practice of levying fixed fees for tax apportionment continued in some localities. In April 1821, for example, the Manisa judge levied 3,000 guruş as a register fee in addition to 3,000 guruş as an *iʿlam* fee for preparing the list of six months' local expenditure.[114] In Kayseri, the judge received as much as 20,000 guruş twice a year during 1836 and 1838.[115] Earlier, in November 1830, the Kayseri judge's share, indicated as "one para per one guruş", amounted to 7,000 guruş. However, on the same occasion, the judge levied 13,000 guruş as an *iʿlam* fee.[116] Thus, the total also amounted to 20,000 guruş. The 2.5 per cent rate was not implemented in Kayseri until May 1839.[117]

The non-observance of the orders testifies to the critical importance of the fees for tax apportionment and *iʿlam*s for judges, particularly for *naib*s, who needed to recoup their payments to the office holders. These fees generated a regular income for judges, the amount of which was considerable and often fixed. For example, the abovementioned Tokat *naib* earned 7,950 guruş as register and *iʿlam* fees for the apportionments of the local expenditure and other levies in a lunar year (1186 AH/1772–73), during which he collected 3,145 guruş as fees for the division of estates,[118] another lucrative source of income.[119]

It should be recalled that the period of the *harc-ı bab*, or down payment, which was the contract term for the *naib*ship, was usually six months – that is, the same as the regular period for the preparation of the tax apportionment registers. In the case of Kayseri during the 1830s, the *naib* had to pay the *arpalık* holder 6,000 guruş in advance as a *harc-ı bab* and 2,400 guruş monthly,[120] with the six-month total cost thus amounting to 20,400 guruş. As mentioned above, the *naib*'s biannual income from the fees accruing from tax apportionment amounted to 20,000 guruş, with which he was able to recuperate almost the entire cost of his appointment (except for fees for intermediaries). These fees, collected from the local inhabitants as part of the local taxes, constituted a significant part of judges' revenue.

[109] BOA, MŞH.ŞSC.d 669, Ankara court register, no. 185, doc. 290, evail Muharrem 1208 (August 1793), doc. 369, 1 Receb 1208 (2 February 1794).

[110] Neslihan Aral, "69/2 numaralı Kastamonu şer'iyye sicili (H. 1210–1211/M. 1795–1796): transkripsiyon ve değerlendirme", Master's thesis, Erciyes University, 2006, 98, 150, appendix (facsimile), 79, 85; Mehmet Soysal, "557 numaralı Afyon Karahisar-ı Sâhib sancağı şer'iyye sicili (1793–1799 M./1208–1213 H.)", Master's thesis, Fırat University, 2005, 108, 251.

[111] BOA, A.DVNS.MHM.d 236, Mühimme Defteri, pp. 81–5, #200, evasıt Cemaziyelahir 1230 (May 1815); see also Çadırcı, *Tanzimat Döneminde Anadolu Kentleri*, 82–3; BOA, C.ADL 43/2612, 3356.

[112] BOA, A.DVNS.MHM.d 241, Mühimme Defteri, pp. 150–1, #676, evasıt Şaban 1239 (April 1824). See also C.ADL 29/1712.

[113] *Takvim-i Vekayi*, no. 76, 12 Ramazan 1249 (23 January 1834), p. 1.

[114] M. Çağatay Uluçay, *18 ve 19. Yüzyıllarda Saruhan'da Eşkiyalık ve Halık Hareketleri* (Istanbul: Berksoy Basımevi, 1955), 254–5, doc. 120.

[115] BOA, MŞH.ŞSC.d 6015, Kayseri court register, no. 200, pp. 32, 86, 161, 221, 282.

[116] Çadırcı, *Tanzimat Döneminde Anadolu Kentleri*, 159.

[117] BOA, MŞH.ŞSC.d 6017, Kayseri court register, no. 202, p. 21.

[118] BOA, MŞH.ŞSC.d 8366, Tokat court register, no. 1, pp. 324–191.

[119] During the eighteenth century, the fee for the division of estates was regularly charged at a rate of 2.5 per cent of the gross value of the estate. After the 1798 order stipulated that the judges should charge 2.5 per cent of the net value of the estate, the new standard began to be enforced, though not ubiquitously, in the early nineteenth century. BOA, A.DVNS.MHM.d 204, Mühimme Defteri, p. 114, #238, evahir Safer 1213 (August 1798).

[120] İMMA, Defter I/13, Tarik Defteri, no. 1, p. 36.

Conclusion

As we have seen, by the early nineteenth century, appointing *naib*s as deputy judges had almost become the norm in the Ottoman provinces, except for the *mevleviyet* judgeships. This development was a consequence of the congestion in the *ilmiye* hierarchy, on the one hand, and of the concern about the protection of the privileged status of the established ulema families, on the other. Both factors can be traced back to the late sixteenth century. The period between *c.* 1750 and 1839 saw the culmination of the transformation process of the *ilmiye* institution. Judgeships were increasingly treated as sources of revenue, as the office holders entrusted the "*naib*ship matters" to intermediaries and received the payments from them. The intermediaries, in turn, sold the appointment letters to *naib*s, who collected fees and remitted the payments to the office holders. Thus, contracting out judges' duties practically amounted to the sale of offices, as noted by contemporaries such as Penah, Behiç and İseviç. However, judicial offices were not sold as properties; only the judicial and administrative authorities and the right to collect revenues were transferred to *naib*s for limited periods (and were thus not inheritable).

We can see a striking parallelism between the delegation of judges' authority to *naib*s and the practice of tax farming. Because the appointment of *naib*s involved assigning sources of state revenue to individuals, it is conceivable that this process was based on a mechanism parallel to the tax farming system, as the use of the term "*iltizam*" clearly indicates – all the more so because after the mid-eighteenth century, a significant proportion of their income was derived from taxes collected from local taxpayers in the name of apportionment fees rather than from fees paid by court clients. Advance payments, payments in instalments and financial transactions through *sarraf*s can also be observed in tax farming contracts. Because *naib*s were appointed by office holders and paid them fee revenues, they resembled the subcontractors who undertook the collection of taxes farmed out by the original *iltizam* (or *malikâne*) contractors. The latter, in turn, can be compared to the office holders.

A similar practice can also be found in the military-administrative institutions. During the eighteenth century, it became increasingly common for provincial governors, high-ranking officials and fortress commanders to be granted subprovince governor offices as additional sources of income, also called "*arpalık*". The *arpalık* recipients farmed out their offices to substitute governors, called *mütesellim*, who were in charge of administering the *sancak*s and collecting the taxes due to the *arpalık* holders and the treasury.[121] In this way, the *mütesellim*s acted as both administrators and tax farmers. Obviously, as Halil İnalcık notes, the practice of *arpalık* was basically the same in the military-administrative and *ilmiye* institutions.[122] Furthermore, governorships were often given in combination with tax farming rights since the late sixteenth century, and during the eighteenth century, some were combined with lifetime tax farming (*malikâne*), just like the offices of tax collectors-administrators (such as *voyvoda*s and *muhassıl*s), which were also often given as *malikâne*s.[123] Appointments to such administrative-financial posts thus amounted to nothing less than the sale of offices, but it is important to note that they were operated through a mechanism of tax farming. Thus, during the eighteenth century, tax farming

[121] For the *mütesellim*, see Halil Inalcik [İnalcık], "Centralization and decentralization in Ottoman administration", in Thomas Naff and Roger Owen (eds), *Studies in Eighteenth Century Islamic History* (Carbondale: Southern Illinois University Press, 1977), 29–35; Yücel Özkaya, "XVIII. yüzyılda mütesellimlik müessesesi", *Ankara Üniversitesi Dil Tarih-Coğrafya Fakültesi Dergisi* 28/3–4, 1970, 369–90.

[122] İnalcık, "Centralization and decentralization", 34.

[123] Pál Fodor, *The Business of State: Ottoman Finance Administration and Ruling Elites in Transition (1580s–1615)* (Berlin: Klaus Schwarz Verlag, 2018), 73–124; Mehmed Genç, "Mâlikâne", *Türkiye Diyanet Vakfı İslâm Ansiklopedisi*, 27: 517.

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became a major instrument not only for collecting state revenue but also for allocating it to state officials. The judiciary was part of the Ottoman tax farming system. By adopting this practice of tax farming, judges and high-ranking ulema were integrated into the credit networks that connected the provinces with Istanbul as well as other provinces.

However, there was a difference between farming out judicial offices and tax farming in general. Whereas tax farming in the Ottoman Empire was adopted primarily as a means of raising state revenue, the revenue collected by *naib*s was not transferred directly to the state treasury but to the office holders who appointed them.[124] Although it is very likely that the *arpalık* and *maişet* recipients paid fees, and possibly bribes, to obtain the offices (as did the *mevleviyet* and town *kadı*ship appointees), part of which may have been paid to the treasury,[125] the creation of *arpalık* and *maişet* offices was originally not meant to increase state revenue but to finance the ulema and their families in Istanbul.[126] The deputization of town *kadı*ships also became common, partly because the high-ranking ulema granted their subordinates membership in the *kadı*ship hierarchy, regardless of whether they performed actual judge duties. Overall, farming out judicial offices constituted a major economic basis for the upkeep of the *ilmiye* hierarchy and the domination of the privileged ulema families. Court revenues constituted the major financial resources of the *ilmiye* institution, and the appointment of *naib*s, who were often recruited from the *ilmiye* members, was a device for sharing out these resources between them and the elite ulema. While this naturally led to a heavier burden on local taxpayers, who had to pay both the *naib*s' and office holders' shares, the widespread practice of tax farming served to broaden the social group that had access to a share of the surplus.

Although the effect of farming out judicial offices on judges' performance is outside the scope of this article, it may be noted that from the 1780s onwards, the state became less tolerant of the practice and repeatedly attempted to regulate the fee rates and the appointment of *naib*s. When the Tanzimat reforms began in 1839, the abolishment of the tax farming system was placed at the top of the agenda. This did not leave the judiciary institution unaffected. The state centralized the appointment of *naib*s and began to pay salaries to both *naib*s and *kadı*ship office holders. The fees collected by judges were to be transferred to the provincial treasuries, while the tax apportionment fees – the most important sources of revenue – were abolished. Although the salary system for *naib*s was

[124] During the sixteenth and seventeenth centuries, judges in their capacity of tax farming inspectors were responsible for remitting the taxes to the treasury, and those who remitted large amounts were promoted or received other benefits. See Yuriko Matsuo, "The formation of *kaza* and role of *kadı* under the Ottoman Empire: analysis of *Rumeli Kazaskerliği Ruznamesi* (1550–1660)" (in Japanese), *Shigaku-zasshi* 108/7, 1999, 25–8; Fodor, *The Business of State*, 100–01. However, after the eighteenth century, inspectorships combined with judgeships do not appear in the sources.

[125] Whereas the fees for *arpalık*s and *maişet*s are unknown, it is known that *mevleviyet kadı*s gave gifts (*bohça baha*) to the *Şeyhülislam* and tips to court servants. See D'Ohsson, *Tableau général*, 4/2: 610–1; Uzunçarşılı, *İlmiye Teşkilâtı*, 87. According to Uzunçarşılı, after the mid-sixteenth century, the *mevleviyet* appointees paid the state treasury one month's income as a fee. See Uzunçarşılı, *İlmiye Teşkilâtı*, 111. The court historian Naima Mustafa writes that in 1646 and 1647, the *mevleviyet kadı*ships of Bursa and Selanik were granted to individuals who paid 10,000 guruş, although he provides no information about the recipients or the nature of these payments. Naîmâ Mustafa Efendi, *Târih-i Na'îmâ (Ravzatü'l-hüseyn fî hulâsati ahbâri'l-hâfikayn)*, (ed.) Mehmet İpşirli (Ankara: Türk Tarih Kurumu, 2007), 3: 1097, 1112. See also Dörtok Abacı and Ergene, "The price of justice", 43.

[126] In this respect, the Ottoman system of farming out judicial offices also differed from the venality (*venalité*) of offices in *ancien régime* France, where offices were sold primarily as a means of raising revenue for the Crown, especially to finance wars. Also, offices in France were sold as property and were easily inheritable. For the French venality of judicial offices, see William Doyle, *Venality: The Sale of Offices in Eighteenth-century France* (Oxford: Clarendon Press, 1996); Roland Mousnier, *La vénalité des offices sous Henri IV et Louis XIII*, 2nd ed. (Paris: Presses universitaires de France, 1971); Christophe Blanquie, "Fiscalité et vénalité des offices présidiaux", *Histoire, Économie et Société* 23/4, 2004, 473–87.

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abandoned in 1841, office holders continued to receive their incomes from the state, not from the *naib*s, and the tax apportionment fees were not restored.[127] Thus, the *naib*s were separated from the office holders, ending the practice of farming out judicial offices. This also dealt a heavy blow to the power of the *ilmiye* institution, which lost its economic foundations.[128]

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[127] For the early Tanzimat reform of the judiciary institution, see Akiba, "Kadılık teşkilâtında", in which I note the shrinking of territories, which caused a decrease in the number of sharia courts (i.e. a decrease in the ulema's revenue sources), as a reason for the elite ulema's support for the reform.

[128] In this sense, the establishment of the Ministry of *Evkaf* (religious endowments) in 1826 was not the turning point in the relationship between the ulema and the state, as often claimed, because, as this article has shown, the economic foundations of the *ilmiye* hierarchy rested on fee revenues rather than on *evkaf*. The main purpose of the Ministry of *Evkaf* was to centralize the administration of *evkaf* and to divert the funds to the newly created army. That said, its creation undoubtedly affected certain types of ulema who depended on *evkaf* funds, such as mosque functionaries and provincial *medrese* teachers. See John Robert Barnes, *An Introduction to Religious Foundations in the Ottoman Empire* (Leiden: Brill, 1986), esp. 106–07; Mehmet İpşirli, "II. Mahmud döneminde vakıfların idaresi", in *Sultan II. Mahmud ve Reformları Semineri, 28–30 Haziran 1989, Bildiriler* (Istanbul: İstanbul Üniversitesi Edebiyat Fakültesi, 1990), 49–57.

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