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Yasemin ÇİFTÇİ

Abstract: The Ottoman Empire was a huge empire that hosted many different nations for centuries. The Ottoman State, that successfully implemented the concept of dynasty, left a lot economically, socially, culturally and politically to the communities that lived after it. It is not possible to directly identify these elements transferred from the Ottoman Empire to the present day. It is only possible to determine them indirectly through some written sources from the Ottoman Empire to the present day. One of these sources Judicial Records, which are used as data sources in many studies even today, are among the rare archive sources that enable scientists to firmly put their feet on the ground while commenting on the past. The aim of this study was to transfer to the reader what we can find about the Ottoman Empire in the Judicial Records, which are the enormous sources of the Ottoman cultural heritage, through examples. A randomly selected register was used, and all records in this register were categorized in a certain way. The extent to which this study guides the future studies to be conducted using the Judicial Records, the more it will achieve its aim and success.

Keywords: Archive, Judicial Records, Ottoman Empire, Source

Öz: Osmanlı İmparatorluğu yüzyıllarca pek çok farklı milleti topraklarında barındırmış devasa bir imparatorluktur. Hanedanlık kavramını başarıyla uygulayan Osmanlı, kendinden sonra yaşayan topluluklara ekonomik, sosyal, kültürel ve siyasi açıdan çok şey bırakmıştır. Günümüze Osmanlı'dan aktarılan bu unsurları doğrudan tespit etmek mümkün değildir. Dolaylı olarak tespit edebilmek ise ancak Osmanlı'dan günümüze kalan bazı yazılı kaynaklarla mümkün olabilmektedir. Bu kaynaklardan, günümüzde dahi pek çok çalışmada veri kaynağı olarak kullanılan şer'iyye sicilleri geçmiş hakkında yorum yaparken bilim insanlarının ayaklarını yere sağlam basmasını sağlayan nadir arşiv kaynaklarından. Bu çalışmanın amacı; Osmanlı kültür mirasının muazzam kaynakları olan şer'iyye sicillerinin muhtevasında Osmanlı'ya dair neler bulabileceğimizi örnekler vasıtasıyla okuyucuya aktarmaktır. Aktarım işlemi yapılırken rastgele seçilen bir defter kullanılmış olup kullanılan bu defterde yer alan tüm kayıtlar belli bir kategorizasyona tabi tutulmuştur. Yapılan bu çalışma şer'iyye sicilleri kullanılarak yapılacak olan sonraki çalışmalara ne ölçüde rehberlik ederse, o ölçüde amacına ulaşmış ve başarıyı yakalamış olacaktır.

Anahtar Kelimeler: Arşiv, Kaynak, Osmanlı İmparatorluğu, Şer'iyye Sicilleri

1. What Should We Understand When the Judicial Records are Mentioned?

Record means reading, registering and making decisions literally. When Judicial Records are mentioned, the registers in which the results of the decisions made in the Ottoman courts were recorded should come to mind.¹ The expressions such as *sicillât-ı şer'iyye*, *kadi defterleri*, *mahkeme defterleri*, *zabt-ı vakâyi sicilleri* or *sicillât defteri* can be found instead of Judicial Records in the literature.

It would be appropriate to first explain the Judicial Records in terms of their forms. We can examine the records according to their external and internal features. With regard to external features, they are the registers that are small, narrow and long enough to fit into the

¹ Yunus Uğur, "Şer'iyye Sicilleri", *İslâm Ansiklopedisi*, Vol. 39, TDV Yay., İstanbul 2010, p. 8.

pocket of the kadi, written on strong and bright paper and with a paperboard outer cover. With regard to their internal features, at the beginning of the register, there is an introduction, usually written in Arabic, also called *dibâce*, that respects Allah and the Prophet, and then the information about the kadi who recorded the case. Then the cases are told, and the registration is completed by adding the date on which the case was recorded and the names of some prominent persons whose words were found to be reliable, together with the kadi.²

Kadis were using a method called *sakk / sakk-ı şer'î* while recording the cases, in other words, all kadis were recording the cases by using *sakk-ı şer'î*, which was the standard recording method, rather than their own methods.³ Thus, enormous systematics of the records were formed.

The cases can be registered in two main groups according to their types. The first group consists of *hüccet, ilam, ma'ruz* or *mürasele* that were written directly by the kadi, the second group consists of *ferman, tayin berati, buyruktu* or other provisions that were not written by the kadi themselves and were registered in the records since they were addressed to them.⁴ However, since the main focus of the study is to transfer the judicial records to the reader through the existing examples of records, it is considered appropriate not to make any further explanation regarding the types of the records.

The Judicial Records are important archive sources that shed light on many issues related to the Ottoman period, and they provide an opportunity to review many issues related to the empire in a wide range and with detailed eyes. It is very difficult to talk about the presence of a second alternative source that presents many issues related to the Ottoman simultaneously and with detailed eyes to the reader. Through the records, it is possible to obtain original information on many issues ranging from the complaints and requests of the people or the social and economic life of the locality to which the registry belongs in terms of general history, information about the surgery of a person who would undergo surgery, women's right to terminate the marriage due to severe conflict, and many issues, crimes and punishments related to divisions of estate, goods, debts, trade, states, enforcement and bankruptcy or financial law with regard to the history of law, livelihood style, the historical course of money, inflation and devaluation, and the level of welfare with regard to economic history, information on both the administrative structure and the duties of institutional structures such as *naiblik, bostancı başılık* and *subaşılık*, and the municipal organization with regard to social structure and administrative organization, expedition preparations, correspondence related to expedition or the need for supplies during the expedition from military aspect.⁵

In particular, the importance of the records in urban history studies is undeniable. Halil İnalçık touched on this issue by stating that;

Especially if all the registries belonging to a certain region that are the continuation of each other are obtained, no source can portray the historical life of that region in a more comprehensive and authentically compared to them. The urban histories and the articles on local life, that are occasionally revealed in our

² Ali Duman, "Kadi Defterleri (Şer'iyye Sicilleri), Mahiyetleri, Muhtevaları ve İslâm Hukuku Açısından İncelenmelerinin Önemi", *Journal of EKEV Akademi*, 33/11, 2007, pp. 141-142.

³ Ramazan Günay, "Şer'iyye Sicillerinde Mülk Alışverişleri: Kullanılan Usul ve Dil", *SDU Faculty of Arts and Sciences Journal of Social Sciences*, No: 27, 2012, p. 18; See for detailed information about *sakk-ı şer'î*. Süleyman Kaya, "Mahkeme Kayıtlarının Klavuzu: Sakk Mecmuaları", *Journal of Türkiye Araştırmaları Literatür*, Vol. 3/5, 2005, pp. 379-416.

⁴ See for detailed information. Ahmet Akgündüz, *Şer'iyye Sicilleri Volume 1*, Türk Dünyası Araştırmaları Vakfı Yay., İstanbul 1988, pp. 20-50; Ekrem Tak, *Diplomatik Bilimi Bakımından XVI. - XVII. Yüzyıl Kadi Sicilleri ve Bu Sicillerin İhtiva Ettiği Belge Türlerinin Form Özellikleri ve Tanımlanması*, Phd Thesis, Marmara University, Türkiyat Araştırmaları Institution, İstanbul 2009, pp. 105-260.

⁵ Fethi Gedikli, "Osmanlı Hukuk Tarihi Kaynağı Olarak Şer'iyye Sicilleri", *Journal of Türkiye Araştırmaları Literatür*, Volume: 3/5, 2005, pp. 190 – 195; A. Akgündüz, *ibid.*, pp. 12-16.

country, are unfortunately far from their claims today since they generally do not use or do not know how to use these essential sources.⁶

The examination of the Ottoman Empire, which could survive for more than half a century, with all its institutions and organizations is only possible with the judicial records, that are the original documents registered by the kadi in the Ottoman state courts because these records cover all people who lived under the Ottoman Empire between the XVth and XXth centuries regardless of their language, religion and color. As the church records, that are the main sources of the Christian history, are important, the records are also several times more important sources of the Ottoman history than the church records.⁷ Each hypothesis to be put forward will remain only an assumption without examining these important sources.

2. Can We List the Studies that Focus on the Judicial Records in Detail?

In the literature, there are many studies on the Judicial Records that describe the period of the Ottoman Empire between the XVth and XXth centuries in the best realistic way. They may occasionally appear in the form of catalog studies, text translations or academic thesis and articles. It is not possible to mention all these studies one by one here, however, completing this section without mentioning some of the comprehensive studies on the records would be unfair to the reader and to the valuable researchers who wrote the studies.

“İstanbul Court Records Project” and the 10-volume work prepared under the editorship of Timur Kuran with the title of “Social and Economic Life in Seventeenth-Century İstanbul Glimpses from Court Records” rank first in this regard. İstanbul Court Records Project is an enormous cultural treasure that has been latinized into 40 volumes with the cooperation of Turkey Religious Foundation Center for Islamic Studies and İstanbul 2010 European Capital of Culture Agency and made available to researchers.⁸ The project, the printed format of which was completed in 2012, was made available to the researchers on the internet in 2014. Furthermore, the review of the 60-volume records were also included in the database in cooperation with İstanbul Metropolitan Municipality and Medipol University in 2019, and the records of a total of 100 volumes were made available for readers.⁹ Although it is not mentioned as a project, the above-mentioned 10-volume work prepared under the editorship of Timur Kuran directly provides readers with an enormous content.

The studies on the records are not just on the project scale. There are many thesis studies that use the records as the main source, especially in the history and economic history departments of universities. It is necessary to mention three of the aforementioned thesis studies here. The first of them is the doctorate thesis that added the theoretical format of the judicial records to the literature and was prepared with the title of “16th – 17th Century Judicial Registers According to the Rules of Diplomatics Science and the Description and Structural Characteristic of the Document Types Recorded in These Registers”.¹⁰ This thesis is an important work in terms of adding the detailed introduction of the form features and contents of the records to the literature. The second one is another doctorate thesis prepared with the title of “The Üsküdar Estates (Tereke) As Records of Everyday Life in An Ottoman Town, 1521 – 1524”.¹¹ This thesis is important in terms of showing how the daily life of a particular

⁶ Halil İnalçık, “Osmanlı Tarihi Hakkında Mühim Bir Kaynak”, <http://dergiler.ankara.edu.tr/dergiler/26/1262/14505.pdf>, date of access: 24.09.2016, p. 89.

⁷ İsmail Hakkı Uzunçarşılı, “Şer’i Mahkeme Sicilleri”, *Ülkü Halkevleri Dergisi*, Volume: 5/29, 1935, p. 366.

⁸ Mehmet Akif Aydın, *Kadı Sicillerinde İstanbul*, İslâm Araştırmaları Merkezi (İSAM) Yayınları, İstanbul 2011, p. 9; “İstanbul Kadı Sicilleri”, <http://www.kadısicilleri.org>, date of access: 08.09.2020.

⁹ Bilgin Aydın – Ekrem Tak, “İstanbul Kadı Sicilleri Üsküdar Mahkemesi 1 Numaralı Sicil (H. 919 – 927 / M. 1513 – 1521)”, ed. Coşkun Yılmaz, Türkiye Diyanet Vakfı İslâm Araştırmaları Merkezi Yay., İstanbul 2008, pp. 101-436.

¹⁰ E. Tak, *ibid.*, pp. 105-260.

¹¹ Seng. J. Yvonne, *The Üsküdar Estates (Tereke) As Records Of Everyday Life in An Ottoman Town, 1521 – 1524*, Phd Thesis, The University of Chicago, Chicago 1991.

settlement can be revealed in a realistic way, based on the heritage registers in the records. Another important thesis on this issue is the doctorate thesis written by Haim Gerber with the title of "Economy and Society in an Ottoman City: Bursa, 1600 – 1700".¹² This work is also a fairly extensive doctorate thesis ranging from demographic structure to slaves, from labor market to trade, from credit relations to waqfs, and with this study, Gerber revealed a century-long economic and social history of Bursa, a geographical settlement, which was once the capital of the Ottoman Empire.

It is also necessary to mention Ronald C. Jennings and Suraiya Faroqhi while talking about the studies on the records. Jennings, who was an American historian of the Ottoman Empire, used the judicial records as the main source in most of the articles he published. Some of the important publications added to the literature by Jennings using the judicial records are the studies entitled "Kadi, Court and Legal Procedure in 17th C. Ottoman Kayseri: The Kadi and Legal System", "Limitations of the Judicial Powers of the Kadi in 17th C. Ottoman Kayseri", "Loans and Credit in Early 17th Century Ottoman Judicial Records: The Sharia Court of Anatolian Kayseri", "Women in Early 17th Century Ottoman Judicial Records: The Sharia Court of Anatolian Kayseri" and "Zimmis (Non- Muslims) in Early 17th Century Ottoman Judicial Records : The Sharia Court of Anatolian Kayseri". The works of Faroqhi, who proved her mastery of the theory of the records to the reader in many of her works, including "The Formal Change of the Documents related to House Sales Registered in the Court Records in the XVIth and XVIIth Centuries", are among the important gains in the literature in this regard.¹³ Her book entitled "Middle-class Ottomans", in which she analyzed the houses in Ankara and Kayseri and their owners in the 17th century based on the records, is another source relevant to this issue which is worth reading, like her other works.

The work entitled "Court Records: Literature Review and Bibliography", in which the studies focusing on the judicial records were compiled as a bibliography, is important.¹⁴ However, it is not possible to mention the publications in the mentioned work one by one here. In other words, the studies mentioned one by one above are not all of the studies focusing on the records. On the contrary, many studies can be listed here. However, when the simplicity of the study and the reader's expectation from the study are considered, it would be sufficient to mention the names and authors of the aforementioned studies, which are largely a guide to other researchers working in the field. It is an academic duty for us to re-express that we cannot ignore the contributions of other works written by the same names regarding the records, or other works that are not mentioned here but were written by different names, to the literature.

3. How Exactly were the Judicial Records Used in This Study?

In this study aimed at present the content of the Judicial Records to the reader based on examples, a registry was first chosen randomly; the record number 1 covering the the years between 1513 and 1521 (H. 919 – 927) belonging to Kadilik of Üsküdar. Then, the records in this selected registry were classified under different titles, and finally, the representative examples that were selected from among the classified records were transferred to the reader.

The Record Number 1 covering the the years between 1513 and 1521 (H. 919 – 927) belonging to Kadilik of Üsküdar was the record including the representative examples that were transferred to the reader in the study. This record was randomly selected, and it was latinized by Turkish Religious Foundation Center for Islamic Studies in 2012 and offered to the researchers

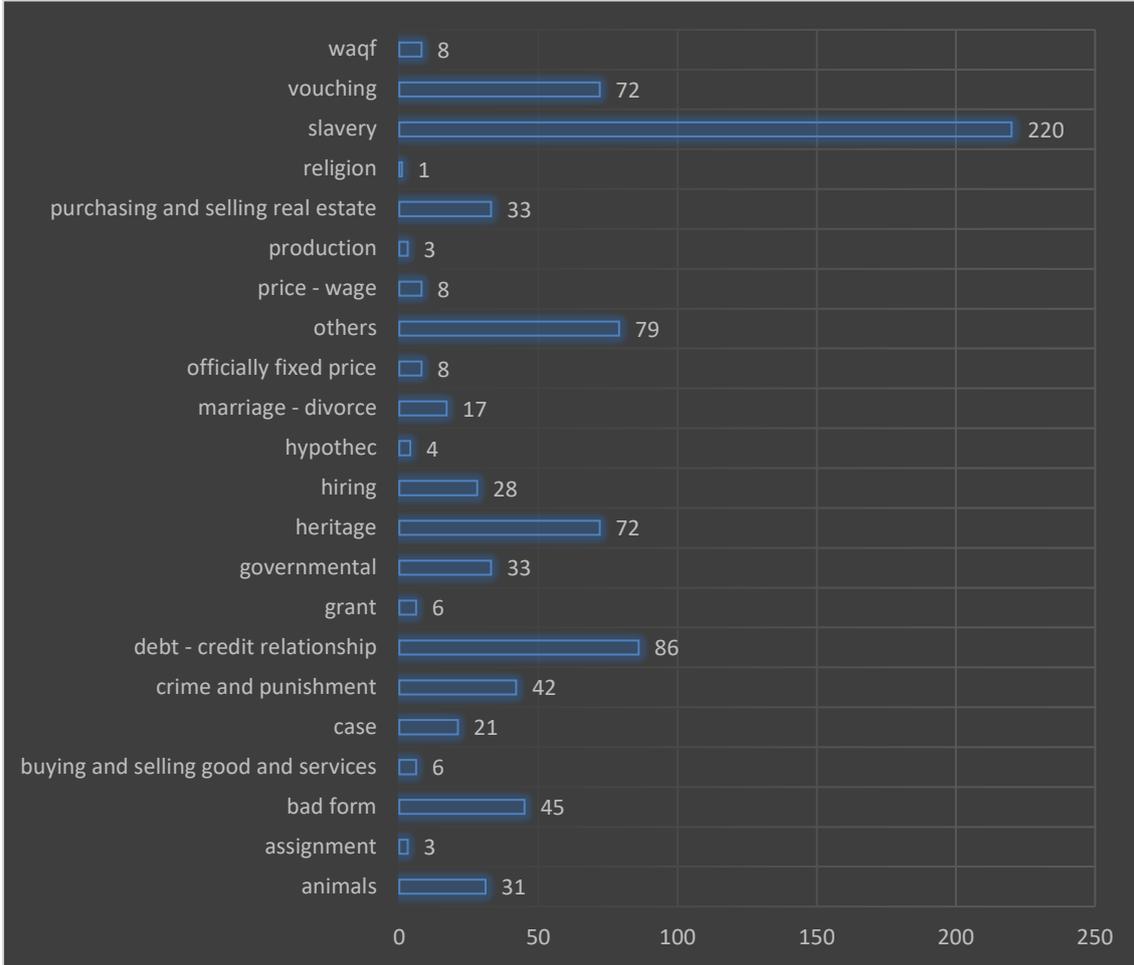
¹² Haim Gerber, *Economy and Society in an Ottoman City: Bursa, 1600 – 1700*, Phd Thesis, The Hebrew University of Jerusalem, Institute of Asian and African Studies, Jerusalem 1988.

¹³ Suraiya Faroqhi, "Onaltıncı ve Onyedinci Yüzyıl Kadi Sicillerinde Kaydolunan Ev Satışlarıyla İlgili Belgelerin Şekil Açısından Değişimi", *Tarih Boyunca Paleografya ve Diplomatik Semineri*, 30 Nisan - 2 Mayıs 1986 *Bildiriler*, Edebiyat Fakültesi Basımevi, İstanbul 1988, pp. 201-202.

¹⁴ Yunus Uğur, "Mahkeme Kayıtları (Şer'iyeye Sicilleri): Literatür Değerlendirmesi ve Bibliyografya", *Journal of Türkiye Araştırmaları Literatür*, Vol. 1/1, 2003, pp. 305-344.

in the field. When the record was examined, it was determined that there were 826 records in it. The distribution of 826 records according to the subjects to which they are related is presented in the following chart alphabetically.

Graphic 1: Distribution of Üsküdar Judicial Records in Subjects



As can be seen in the graph, the judicial records are among the primary archive sources that can be used to gain information on many issues, including the economic, social and cultural life of the people or the political functioning of the empire and political decisions. They are the main reference sources for many issues from waqfs to security transactions, from slavery to religion, real estate purchases and sales to production policies and prohibitions or limits, from wages and prices to narh, from the functioning of state-owned lands to marriage and divorce proceedings, from hypothec to hiring transactions, from heritage to granting, from debt and credit relationships to crimes and punishments, from cases to the purchase and sale of goods and services, from many unethical behaviors such as drinking, adultery, theft, swearing, or beating a man to assignment transactions and animals.

The issues in the records are mostly not different from the issues listed above. However, since the Üsküdar Record Number 1 was randomly selected within the scope of the study, it is possible to see in similar studies that different issues were also included in the records other than these subjects. Furthermore, the issues that are likely to be seen in other similar studies are expressed as others in this study, as it can be seen in the graphic above.

The aim of the study was to present the subjects that appear in the records to the researcher through examples. So, explaining the subjects in Graphic 1 respectively will serve this purpose directly. Since the records explained are only one record randomly selected from the records in the topic group, the researcher who wants to look at different records on the same subject should have a more detailed reading.

The record number 326 related to waqfs, which was selected representatively, indicates that kadi named Osman owed 1150 akce to Davud Pasha Waqf.¹⁵

“326 [58a-2] Kadi Osman b. Zekeriya’s acknowledgement regard his debt to Davud Pasha Waqf

Kadi Osman b. Zekeriya, who settled in Üsküdar, came to the parliament and stated that he borrowed interest-free loan from Davud Pasha Waqf. He added that he would pay his debt of 1150 akce within 12 months. The trustee vouched for the acknowledgement of Kadi Osman b. Zekeriya. The debt transaction was registered.”¹⁶

As can be seen in the record, a title briefly explaining what the record means in the registers and then the detailed content of the record transcribed the record and the date it was registered, and there is also the section *şuhûdü'l-mazmûn* or *şuhûdü'l-hâl* which includes a list of the notables of the neighborhood who were there and who could be trusted.

As a legal act, waqf is the case where a person allocates one or more of his property (movable or real estate) for religious, charitable or social purposes until the end of his life in order to be close to Allah.¹⁷ Waqfs, which we can define as the institutions that hold a part of the property structure of the Ottoman period, became the institutions that had a financial voice in the Ottoman Empire, which indicates that kadi named Osman stated that he owed 1150 akce to Davud Pasha Waqf and this situation was recorded. Furthermore, as we mentioned above, it is seen in this record that it is not possible to separate the records from each other sharply. Mustafa, the trustee of the waqf, was a guarantor for a debt of 1150 akce of kadi named Osman to Davud Pasha Waqf. As it can be seen, in the same record includes a clue that waqfs had a say in the economic functioning of daily life, the functioning of debt-credit relationships and the status of being a guarantor for the debt.

Other than the record which was selected representatively and examined above, it is possible to find information on different issues related to waqfs in the records. For instance, individuals can devote their cash or real estate, and when they need cash, it is possible for them to acquire these cash through hypothecation of their real estates to the waqf.

It was previously mentioned that it was not possible to clearly separate the records, which are categorized into 22 different titles according to the difference of the subjects they contained. We considered appropriate to give a separate example for each topic in order not to bore the reader and not to turn the study into a crowded and unnecessary mass of information, but not to repeat a second example on the same topic in case of crossing. At this point, the record number 326, which was selected representatively for waqfs, is not only related to waqfs, but also related to vouching and debt-credit relationships. When the record is examined again, it is observed that the trustee of the waqf guaranteed that the kadi named Osman would pay his debt to the waqf. 72 of 826 records examined within the scope of the study are directly related to the vouching, which corresponds to 8.7 in percentages. It is observed that the records examined in relation to vouching are not very different from each other, on the contrary, individuals vouched for each

¹⁵ Akce means the basic unit of the older Ottoman money system, coin, currecy. See for detailed information. *Redhouse Türkçe / Osmanlıca – İngilizce Sözlük*, “Akçe”, Redhouse Yayınevi, İstanbul 2011, p. 33.

¹⁶ B. Aydın – E. Tak, *ibid.*, pp. 220-221.

¹⁷ Bahaeddin Yediyıldız, *VIII. Yüzyılda Türkiye’de Vakıf Müessesesi: Bir Sosyal Tarih İncelemesi*, TTK Basımevi, Ankara 2003, p. 9.

other in almost all of these types of records. Furthermore, the fact that the same person owed 1150 akce to the waqf shows us that it is possible to access information on debt-credit relationships that may arise between waqfs and individuals in the records. It was observed that the debit - credit records, which occupy approximately 10% of the total records, were not very different from each other like vouching records. People usually borrow money from each other, and this debt can sometimes be cash and sometimes debt or credit arising from goods and services or animals. For instance, the person may pay his debt by selling wheat to his creditor in the amount of the debt, or the person may have borrowed in return for the cherry seedling he bought. Although the products that create a source for people's debts or credits change from time to time, what matters is the debt. Debt was so important in the Ottoman society that even after a person died, if he had assets, the debt of the person was paid from his inheritance.¹⁸

Approximately 20% of the total number of records examined are related to slavery, such records were usually kept upon the delivery of captured slaves to their owners or to the agent. The record shown below is an example of this situation:

“539 [88a-5] Delivery of the fugitive slave of Russian origin caught in Üsküdar to his owner

A tall, open-browed, hazel-eyed blonde slave named İskender was caught and handed over to Mehmed b. Süleyman, who was the operative of Üsküdar. It was recorded in the register that the main owner of the slave was Ali b. Durak who settled in Karaseydî Neighborhood of Bursa.”¹⁹

The most common type of record related to slavery we encounter in Üsküdar Record Number 1 is the record shown above. Apart from that, it is possible to see a record on many different subjects related to slaves or slavery, such as any slave on the run for a certain period of time, capture of the fugitive slave, the money from the sale of the fugitive slave to be delivered to the government official, returning a sold slave to its owner upon being defective, selling of the fugitive slave with complete its müddet-i örfiyye (legal tenure), the death of a fugitive slave from pain, the submission of itkname (a document showing that the slave was freed from slavery) of the slave, who agreed to work for 12 years, after working for more than 12 years, a slave owning a ship share, imprisonment of a slave for suspected slave with itkname, the slave bought by the person belongs to someone else and the escape of a fugitive slave from prison... Furthermore, some of the records on slavery overlap with other issues. Records 57 and 542 illustrate this overlap.

“57 [10a-3] Warning the people of Istavros Village not to sell wine to the slaves of the Muslims

Yusuf b. Abdullah from Istavros village came to the parliament and stated that the people of the village sold wine to the slaves of the Muslims and eventually there was a fight and quarrel in the village. Then, the authorities advised the people of the village not to sell wine to the slaves of the Muslims, which was recorded in the register.”²⁰

Record number 57, which serves as a warning to the local population not to sell wine to Muslim slaves, is an example of the restrictions imposed on sales policies along with slavery.

“542 [88b-3] Selling of bullock in Çengelköy after the completion of their müddet-i örfiyyes

¹⁸ B. Aydın – E. Tak, *ibid.*, p. 149.

¹⁹ B. Aydın – E. Tak, *ibid.*, pp. 317-318.

²⁰ B. Aydın – E. Tak, *ibid.*, p. 124.

Two yava bullock, one black and one yellow, in Çengelköy were handed over to Yorgi Kefale. These bullock were sold for 100 akce by auction since they completed their working period. The sale transaction was recorded in the register.”²¹

Record number 542 above is directly related to animals, and its similarity to some of the records on slavery is remarkable. A similar one of the record, which appeared in the slavery section, in the form of the sale of fugitive slave with complete müddet-i örfiyyesi, was also encountered in the animals section. However, this record is not the only type of record we came across about animals. Nevertheless, the records showing the ownership prices of animals, the records regarding the delivery of a stolen animal to its owner, the records indicating that alimony was allocated to the animal, the records indicating that animals damaged the vineyards, vegetable gardens or orchards, and the records of individuals harming or killing each other's animals are also among the registers we come across regarding the animals.

In addition to the record number 57, the records with restrictions with regard to narh (officially fixed price) and production are also remarkable, based on the sales policies.

Within the scope of the study, 8 narh records were found in total. Narh, which means the price determined by the relevant official authorities for a good or service, has 2 types in itself.²² While the first records consisted of narh, in other words, price lists determined by the kadilik, the second records are the records expressing less or more sales than narh:

“29 [5a-2] Narh (price list) determined by the Kadilik of Üsküdar

The narh list determined by the Kadilik of Üsküdar was announced. According to the list, the unit price of the products was determined. The bushel of barley was 8 akce, a vakıyye soap was 5 akce, the bushel of corn rice was 18 akce... The announced list was recorded in the register, including the product name and unit prices,

604 [95a-5] İsmail b. Takkeci's sale of barley more than narh

İsmail b. Takkeci Mustafa sold the provender five akce instead of the price that was three-and-a-half akce per bushel by exceeding narh. This sale transaction made more than the narh price was recorded in the register.”²³

There are 3 records with regard to production, they are for production restrictions or incentives. 1 of the mentioned records is a record indicating that people who accepted bread production in Üsküdar committed to producing bread every day or every other day except for Friday, and the other 2 records were created by registering the baker who produced bread with a lower weight than the standard:

“4 [inner cover -4] Commitment of people who accepted bread production in Üsküdar to produce bread every day or every other day except for Friday

2 groups under the leadership of chamberlain Dellâk Hızır b. Abdullah in Üsküdar made a commitment to produce bread except on Fridays. Evranos and Ali and İsa (one day) and Elhâc Abdullah and Hacı and Hacı Ali (the day after) agreed that they would meet the need, respectively, by producing bread every other day, which was recorded in the register,

138 [28a-1] Recording of the baker who produced lightweight bread to the register

²¹ B. Aydın – E. Tak, *ibid.*, pp. 318-319.

²² Mübahat S. Kütükoğlu, *Osmanlılarda Narh Müessesesi ve 1640 Tarihli Narh Defteri*, Enderun Kitabevi, İstanbul 1983, p. 3.

²³ B. Aydın – E. Tak, *ibid.*, pp. 113-114, p. 340.

A baker named Karaca b. Abdullah produced lightweight bread which was 1 akce in a way that it would be less than one hundred and twenty five dirhems. It was recorded in the register.”²⁴

The evaluation of only 3 records under the roof of production should not cause us to think that different issues related to production were not recorded. On the contrary, the only reason for this situation is that the sources examined in the study were randomly selected.

All of the records are the products of cases, therefore, all the records examined within the scope of the study are also the products of cases. Therefore, it is unreasonable to include a record to illustrate cases because each record is a real example of a case. In other words, it seemed a little bit unreasonable to include the case in the subject distribution in Graphic 1 at the first stage. However, as the records were examined, it was observed that the subjects of the cases also differed. For instance, the case filed by a person for the donkey he or she bought, the case of raiding a person's house with the intention of murder, and the cases filed as a result of assault, swearing, insult or unethical behaviors can also be examined in this category.²⁵

When the records were examined, it was observed that it was possible to come across data on real estates, which we can consider as an indicator of wealth and status of individuals. There is a real estate sale in the record number 722 below. This record is only 1 out of 33 real estate records in a total of 826 records examined. These types of records are generally the records including the purchasing or selling of the relevant real estate. Therefore, it is possible to find a lot of information about the real estate, such as the type, location, price, buyers and sellers of the real estate purchased or sold, and if the real estate is a house, the number and types of rooms in these records.

“722 [109a-2] Sale of the house by Şâhî bt. Mustafa in Üsküdar for 4000 akce to Seferşah b. Süleyman

Şâhî bt. Mustafa came to the parliament and acknowledged that he sold his house near hamam and in Mehmed Paşa imâreti neighborhood in Üsküdar for 4100 akce to Seferşah b. Süleyman. He also added the features of the house mentioned. This sales transaction was recorded.”²⁶

The uniform records related to real estates in the registries are not the records related to the purchasing and selling of the real estates. It is also find the records indicating that the real estates were pledged, leased or donated, despite their small number.

“284 [52a-4] İlyas b. Nevbetci’s acknowledgement that he owed 2000 akce to Çepnioğlu Emir and gave his vineyard as a pledge for 1100 akce

İlyas b. Nevbetci came to the parliament and said that he borrowed interest-free loan from Çepnioğlu Emir and owed 2000 akce to him. He also added that he gave his vineyard as a pledge for an amount of 1100 akce of the relevant debt, and the pledge transaction was recorded in the register.”²⁷

The record number 284 above is an example of a pledge record. This record indicates that the person named İlyas b. Nevbetci gave his vineyard as a pledge in return for his debt to a person named Çepnioğlu Emir. The fact that only 4 pledge records were found among a total of 826 records examined may be an indication that the pledge method was not frequently used in real estates.

²⁴ B. Aydın – E. Tak, *ibid.*, pp. 101-102, p. 144, p. 154.

²⁵ B. Aydın – E. Tak, *ibid.*, p. 231, pp. 121-123, 140-141.

²⁶ B. Aydın – E. Tak, *ibid.*, p. 395.

²⁷ B. Aydın – E. Tak, *ibid.*, p. 206.

“265 [49a-3] The house rented by Hasan Cüllâh for a hundred akce was the waqf of Bulgurlu mescid

It was determined that the house where Hasan Cüllâh b. Yakub lived in rented 100 akce, belonged to the waqf of Bulgurlu mescid with the testimony of İsa Fakih b. Mahmud and Ali b. (...). It was recorded in the register.”²⁸

The record number 265 above is an example of a rental record. The real estate rented here was a house. When the records were examined in general, it was observed that the real estate used for agricultural or commercial purposes such as fields, orchards, pasture meadows, bozahane or hamam were rented more than houses. 28 of 826 records examined were related to the renting of real estates, and the rented real estate was the house only in 1 of the 28 records mentioned, which is important in terms of supporting the argument of Faroqhi that living in a rented house was rarely seen in Anatolia.²⁹

“140 [28a-3] Hızır b. Kameri granted a place of four archines from the field next to Yani b. Varalya's house

Hızır b. Kameri granted a place of four archines from both sides of his place behind the house of Yani b. Varalya to Yani. The granting transaction was recorded in the register.”³⁰

According to record number 140 above which is an example of granting, the person named Hızır b. Kameri granted the place behind his house, namely his real estate. Only 6 of the 826 records examined within the scope of the study are related to granting. When mentioned records were examined, it was found that not only real estates were the subject of granting, but also receivables, trees and animals can be the subject of granting.

The records in which the goods and services were purchased and sold as well as the purchase and sale of real estate were also included in the registers. 6 of the 826 records in Üsküdar Record Number 1 are records related to the purchase or sale of goods and services (products).

“823 [rear cover-3] Items sold by heritage

The items listed below were sold by heritage, and the types and prices of the items sold were recorded in the register.

Wood (Odun)	60
Boat (Tekne)	10
Agriculturel iplement (Bel)	7
Grassy place (Otluk)	6
Bucket (Bakrak)	12
Bucket (Bakrak)	4
Top clothing (Ağrız kaftan)	32.5
Shirt (Gömlek)	14
Top clothing (Ak kaftan)	62
Wheat (Buğday)	37
Sugar (Şeker)	(?)
Agriculturel iplement (Bel)	7
Macrame (Makreme)	6
Beeveedeas (Don)	8

²⁸ B. Aydın – E. Tak, *ibid.*, pp. 199-200.

²⁹ Suraiya Faroqhi, *Orta Halli Osmanlılar: XVII. Yüzyılda Ankara ve Kayseri’de Ev Sahipleri ve Evler*, Türkiye İş Bankası Kültür Yay., İstanbul 2014, p. 22.

³⁰ B. Aydın – E. Tak, *ibid.*, p. 155.

Tray (<i>Tepsi</i>)	8
Shirt (<i>Kebe köhne Gömlek</i>)	6
Pillw (<i>Yasdık</i>)	4
Axe (<i>Nacak</i>)	7
Sugar (<i>Şeker</i>)	10
Saddle (<i>Semer</i>)	10
Chest (<i>Kutu</i>)	4
Carpet (<i>Kilim</i>)	10
Ketene (<i>Keten</i>)	6
Cloth (<i>Bez</i>)	7 ³¹

The first column of the above record contains the type of the products sold and the second column contains the prices of the mentioned products. This record is important since it directly exemplifies both Price - Wage category records and Heritage category records.

Among 826 records examined, 8 of them constituted the records related to price - wages. Since the record number 823 above shows the direct sales prices of the products, it is a record related to the price - wage. However, it is also possible to find the records regarding price - wage in the records. *Mevacib* or *ulûfe* (salary) records or the wage records that people agreed to work for a certain period are the examples of the mentioned records. 63 of the records examined are related to heritage. The heritage records are generally similar to record number 823 given above. They are the records in which the people's assets and prices left after death are listed and generally expressed as ... called person's heritage.

In parallel with the issues mentioned in the records, that allow us to have an opinion on many issues related to the management style, political functioning, political decisions or economic progress of the Ottoman Empire, the examples of two subjects were found on a specific basis. The first of them was governmental and the second one was assignment. 33 of the total records examined within the scope of the study were governmental and 3 of them were related to assignment. The registry records to illustrate both issues are presented below.

28 [5a-1] Giving İmaret orchard to mukataa for five thousand akce for three years to Yorgi and Nikola

*Taceddin Bey, the trustee of imâret, came to the parliament and acknowledged that he gave his imaret orchard for five thousand akce for three years to Yorgi and Nikola. It was added that Öksüz and Mustafa b. Tuzcalı were guarantors, the transaction was recorded in the register.*³²

The fact that imaret orchard was given to mukataa for the common use of 2 people and the record number 28 described above were examined under the topic of governmental within the scope of the study. However, the issues examined within this scope were not only the taxes of the mukataa type, apart from the *mukataa*, there may be different types of taxes such as *ihtisab*, *ihzariye*, *iltizam* or *manapolye*, and there may be records related to some of the procedures and methods followed in the economic and political operation of the state. For instance, the operation of the lands of *has*, *zeamet* or *timar* lands, that constituted the basis of the Ottoman production structure, is an example of it.

Assignment records are the records that express the appointment of individuals to certain positions in state status, as today. These records correspond to 0.36% of the records examined. An example of these records regarding the appointment of persons, whose names are included in the records, to the positions such as Üsküdar operative, Davud Paşa İmareti trustee or the head of Üsküdar bazaar is presented below.

³¹ B. Aydın – E. Tak, *ibid.*, pp. 435-436.

³² B. Aydın – E. Tak, *ibid.*, p. 113.

33 [5b-3] Assignment of timar holder Ayas Bey to Üsküdar operative

*Timar holder Ayas Bey was assigned instead of Sinan Bey former Üsküdar emini, and the assignment was recorded in the register.*³³

“236 [44a-3] Fatma bt. Abdullah’s acknowledgement that she became a Muslim

*Fatma bt. Abdullah acknowledged that she fell off superstitious religion and became a Muslim with the testimony of Sûfî Ahmed b. Abdullah and Ahmed Fakih b. Elhâc Fakih. Conversion process was recorded in the register.*³⁴

The record number 236, the original version of which is mentioned above, is conversion record in which the person acknowledged that she became a Muslim. Among the records examined, only one record related to religion was found, which was probably due to the random selection of the data analyzed within the scope of the study.

The records appearing in the records within the scope of marriage-divorce, bad form and crime and punishment are related to the records of the Ottoman social life. Each record mentioned is presented to the reader below with a randomly selected example.

“319 [57a-2] Şâhî bt. İlyas’s acknowledgement that she got married to Bayezid

*Şâhî bt. İlyas from the people of Belgrad came to the parliament and acknowledged that she got married to Bâyezid in return for the weight of three hundred akce. This marriage was recorded in the register.*³⁵

17 of the 826 records examined within the scope of the study are in the marriage-divorce category. 17 records mentioned are not all about marriage or wedding, only 2 of them are related to wedding records. The others consist of the records related to divorce, alimony and bride price. In an interesting record in this category, there is a record indicating that “*the person named Hüseyin b. Mustafa could not marry without permission from his wife*”.

The records examined in the bad form category are those that required sanctions on people and legally caused people to be considered guilty. They are the behaviors that can be listed as people's arguing, fighting, cursing and complaining about each other, theft, manslaughter, drinking alcohol, being caught with a foreign woman or embezzlement. 45 of the 826 records examined within the scope of the study appeared under this title. Furthermore, if people behaved in the way we considered in the bad form, it was inevitable that they would be punished as a result. At this point, the records that we discussed in the crime and punishment category appear automatically. In other words, if individuals implemented any of the behaviors considered in the bad form category, it was inevitable that the penalties considered in the category of crime and punishment would be applied to the relevant people in return for them. So, the result is the same here. As a result of the records examined within the scope of the study, it is impossible to distinguish sharply from each other. The sample record presented below supports this situation.

“343 [61a-1] Imprisonment of Başçı Ahmed b. Abdullah who was found to have drunken alcohol

*It was found that Başçı Ahmed b. Abdullah drank alcohol. Başçı Karagöz b. Abdullah and Demirhan b. İsmail and Mahmud b. Abdullah and Kasım b. Abdullah witnessed this situation. Başçı Ahmed b. Abdullah, who was found to have drunken alcohol, was sentenced to prison. The process was recorded in the register.*³⁶

³³ B. Aydın – E. Tak, *ibid.*, p. 115.

³⁴ B. Aydın – E. Tak, *ibid.*, p. 189.

³⁵ B. Aydın – E. Tak, *ibid.*, p. 218.

³⁶ B. Aydın – E. Tak, *ibid.*, pp. 227-228.

Among all the records that were explained with examples and attempted to be expressed in the 22 categorizations above, there are also records that we considered called others. There are a total of 79 records in this category. It would be sufficient to mention some of these records just by title:

- Being martyred of İbrahim b. Musa in the ship named Ayaslı Arabic Hodja that confronting an enemy ship.
- Villages attached to regentship of Üsküdar,
- Recording of the salt found by Mehmed Bey, who was a salt prohibitor, in two officials hands in Istavros to the register,
- Giving İbrahim Aga Waqf boat to Davud Reis b. Bıçakçı as required by fetva,
- That the people of Üsküdar had no concern with the lost 60000 akces,
- The acknowledgement of Üsküdar operative Mehmed b. Bekir that he made the wooden house near the port built jointly with Yorgi b. Dranos,
- The acknowledgement of Mustafa Bey b. Abdullah, the trustee of the İbrahim Aga Waqf, that the money he had was for the Quran recitation,
- Ali b. Abdullah's acknowledgement that he participated in the search at sea performed at night,
- Death of Janizary Mustafa b. Abdullah from Mısır Aga Troop in Egypt,
- Confirmation that Memi Hacı was the son of Kasım with testimony,
- Deposition of 33 lambskin furs found by Hüseyin b. Davud by bringing to the court,
- Decree on the taxes to be collected from the goods to be sold in Gebze bazaar to the kadi of Gebze,
- Record regarding that Hüseyin b. Taştımur, who spread fertilizer to the place of Davud b. Mustafa, did not come to court,
- Süleyman b. Hamza's complaint about Mahmud b. Yusuf who made courtyard built on his way,
- Foundering of the ship of the died Captain İsmail around Galata,
- Record investigating the conditions of Sadık b. İdris, İlyas Fakih and İdris who found a material similar to gold in a stream in Şile,
- Provision on taking measures against burglaries and thieves to Hüdâvendigâr Sanjak Bey,
- Record indicating that 15 akces was collected from each household in Gebze and sent to the treasury,
- Record indicating that Hoşkadem b. Abdullah's owner İbrahim b. İsmail passed 3 years of the 13 years he spent for kitabet and 10 years of service remained,
- Name and date of birth of Muhzır Kılağuz's newborn son,
- Names of those who did not perform prayer in the neighborhoods,

It would be no more than a great mistake to say that the records described above can be evaluated independently of each other. It should be noted that although we examined the issues that are likely to be encountered in the records within the framework of 22 different topic titles

within the scope of the study, these issues are actually intertwined. That is, in case of a punishment of tazir crime for a person who drinks alcohol, in which title, “bad form” or “crime and punishment” this record should be included appears as an ambiguity. However, the categorization was made in this way so that the researcher would perceive it clearly. The main purpose here is to be able to transfer the sample records to him/her so that the researcher can have some idea about the content of the registries and be aware of what he/she may encounter directly in the records, rather than which registry record should be included under which subject title.

- Edict, franchise or letters sent from the center in all issues,
- The orders issued by local administrators to solve the problems of local units for which they were responsible for various issues,
- The decisions on any subject sent by the kadi to the center and argument they give to resolve disputes between individuals and institutions in the city administration,
- The population of the city, the religious discrimination of the population, and occasional epidemics and natural disasters,
- Marriage, divorce, abduction of girl, bride price; purchase and sale of goods and services, contract or surety transactions; unethical behavior such as robbery, killing or injury of any kind that threatens the life safety of individuals,
- Types, professions, goods they produce, daily wages of craft groups and narh lists,
- Taxes and heritages,
- All kinds of economic issues related to gold and money,
- Registers are outside of all these issues listed above, and the cases that are considered important by the court and are listed as other cases recorded in the registries and that are likely to be copied can be encountered when different records are examined.³⁷ However, Üsküdar Record number 1 examined within the scope of the study was randomly selected, therefore, it should be welcomed with devotion that some of the cases mentioned could not be exemplified in this study.

4. What Do the Judicial Records Tell Us?

It is essential to benefit from original data while studying the Ottoman history, and the original data can only be accessed via the archive. The researchers studying the Ottoman history can access many original sources in the archive, also known as documentary, in which all kinds of information and documents from the early years of the Ottoman Empire until its collapse are preserved. In other words, the only original source preserved in the archive is not the judicial records. In addition to the records, there are many sources such as temettüats, salnames, maps and various visuals, vakfiyes, hatt-ı hümayûns, mühimme or ahkâm books.

The most important feature that distinguishes the Judicial Records from other sources in the archive is that they contain information on many issues, not just one issue, in terms of their content. Namely, while a vakfiye only contains information about a waqf and its founder, a record touches on many issues ranging from the purchasing and selling of real estates to waqfs, women to interest, crimes and penalties to lawsuits, unethical behavior, the legal and administrative functioning of the empire and economic policies.

Understanding the Judicial Records, that tell many things to researchers, is an issue that should be emphasized. The records also have a unique language and writing style. Therefore,

³⁷ İmran Demirbaş Şahin, “Şer’iyye Sicillerinin Önemi ve Çanakkale Şer’iyye Sicilleri”, *Çanakkale Araştırmaları Türk Yılı*, Vol. 3/3, 2005, p. 140.

individuals who are specialized in this regard have a great responsibility at this point. The experts who have mastered the terminology should lead the transcription process in order to enable other researchers to benefit from the records effectively. Because terminology and language command is very important in terms of understanding the records correctly, perceiving them correctly, interpreting them objectively and transferring them to the other party with an understandable language. Otherwise, the records will not be perceived in their full sense, and as a result, comments and evaluations will be incomplete. In brief, fully perception of the records is possible by being familiar with both terminology and the language of the records.

Many studies or projects on the records conducted or published in Turkey were prepared in order to transfer the awareness of the records to the reader at the first stage and then to bring a huge resource series to the world of science as an original source. Most of the project-based studies focusing on the records are prepared by an expert team, not by a single person. If it were otherwise, the authorities could not allow the expenditure of budget and effort that we could not predict on these enormous resources that can transfer the Ottoman Empire to the present day with all its realities.

Üsküdar Record Number 1 has led us to conclusions that confirm the above statements. If we reassess the data that we could access through only 1 record, which was randomly selected among 826 records and categorized as 22 different titles, with detailed eyes, it would not be easy to even imagine the mass of data that could be achieved if this study was discussed again in detail, at different dimensions and perhaps by different researchers.

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