

**LOOKING AT THE PAST FOR TODAY: THE REFUGEE CRISIS
OF THE MODERN WORLD AND THE OTTOMAN COMMISSION
FOR IMMIGRANTS
(MUHACİRİN KOMİSYONU)**

**GEÇMİŞE BUGÜN İÇİN BAKMAK: MODERN DÜNYANIN MÜLTECİLİK KRİZİ VE OS-
MANLI MUHACİRİN KOMİSYONU**

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Looking at the Past for Today: The Refugee Crisis of the Modern World and the Ottoman Commission for Immigrants (Muhacirin Komisyonu)

Abstract

The Ottoman Empire handled the massive populations fleeing to its lands through various institutions tasked with settling them in different parts of the empire. One such institution was the *Muhacirin Komisyonu*, established on January 5, 1860. In this article, I will examine the Ottoman migration experience, as well as the theoretical and historical background on which it was built. While studying the historical experience, I will explore the concepts developed regarding migration within the context of *hijra* and *amān*. I will discuss the legal and institutional dimensions of these concepts as developed in Islamic law and the Ottoman experience. This will show us on which conceptual background the Ottoman migration experience is based. I will use the concepts discussed in Islamic legal manuals and documents in the Ottoman Archives to support my argument.

The theoretical framework of the article depends on 5 x 5 matrices. There are five interrelated tensions derived from my comparison between the Ottoman experience and modern approaches to refugee rights. On the basis of my research, it is possible to express these tensions as follows:

Hijrah versus asylum: This refers to the tensions between the Islamic understanding of migration and modern policies of asylum, which will become clearer through the following tensions. *Permanency versus temporality*: These concepts point to the tensions between the permanency of residence assumed in the idea of *hijra* and the limitation of stay based on the concept of refuge. *Contribution versus burden*: This tension refers, on the one hand, to contributions of the *muhājirīn* to the local population as a result of being accepted as permanent residents, and, on the other hand, the barriers to integration as a result of the temporality of the modern migrants' status settled in camps. *Obligation versus favor*: This refers to the tension between the Qur'ānic principle that declares the obligation of accepting those who seek safeguard, including non-Muslims, and the modern rights to asylum and humanitarian aid based on the choice of the sovereign state. *Safeguard (amān) versus well-founded fear*: This tension refers to the main concepts of migration in Islamic law and modern refugee law, respectively. As mentioned in a Qur'ānic verse, it is necessary under Islamic law to grant safeguard to whosoever seeks protection. In contrast, according to modern law, granting the right of asylum to the citizens of another state must be based on well-founded fear.

One of the main arguments of the article is that the Ottoman migration policies show how the theory guides the practice and how the practice develops a human-centered approach based on this theory. Therefore, I will examine the theoretical background of the Ottoman immigration policies and how it has turned into practice as a model that can be used by the current policy makers, legal scholars, sociologists and institutions dealing with the migration issue. I will argue that the historical practices of Muslim societies have made significant contributions as a solution to the refugee phenomenon that has turned into a crisis today.

Keywords: Islamic Law, Refugee Studies, Ottoman Empire, Hijra, Muhājir, Amān, Immigration, Ottoman Commission for Immigrants.

Geçmiş Bugün için Bakmak: Modern Dünyanın Mültecilik Krizi ve Osmanlı Muhacirin Komisyonu

Öz

Osmanlı İmparatorluğu, farklı yerlerden kendi topraklarına göç etmek zorunda kalan önemli miktarda insanı imparatorluğun değişik noktalarına yerleştirmiştir. Bu yerleştirme işlemi, kendisine sığınanların iskanından sorumlu olmak üzere kurmuş olduğu kurumlar vasıtasıyla yapmıştır. Bu kurumlardan biri 5 Ocak 1860'ta kurulan Muhacirin Komisyonudur. Bu makalede Osmanlı göç tecrübesi ve dayanmış olduğu tarihi ve teorik arka planı inceleyeceğim. Bu tarihi tecrübeyi incelerken göç ile ilgili geliştirilen *hicret* ve *emān* kavramları üzerinde duracağım. Bu kavramların hukuki ve kurumsal boyutlarını İslam hukuku çerçevesinde ele alacağım. Bu bize Osmanlı göç tecrübesinin hangi kuramsal arka plan üzerine kurulu olduğunu gösterecektir. Bu konuda ileri sürdüğüm iddiaları desteklemek için İslam hukuk külliyatında ve Osmanlı Arşiv belgelerinde zikredilen kavramları kullanacağım.

Bu makalenin teorik çerçevesi 5x5 matris üzerine kuruludur. Osmanlı göç politikaları ile modern mültecilik yaklaşımları mukayese edildiğinde, bunlar arasında birbiriyle ilişkili beş gerilim alanı bulunmaktadır. Günümüzde bir krize dönüşmüş mültecilik meselesindeki bu gerilim noktaları şu kavram gruplamaları şeklindedir:

Hicret-iltica: Bu kavram ikilisi, İslam hukukunun göç ve iskân anlayışı ile modern mültecilik ve sığınmacılık politikaları arasındaki gerilime işaret etmektedir. Bu iki kavram, hicret ve iltica arasındaki farklılığı ve gerilimi ifade eden diğer kavramlar ile açıklık kazanacaktır. *Daimilik-geçicilik*: Bu kavramlar hicret düşüncesinde yer alan daimî iskân anlayışı ile iltica kavramında içkin

bulunan geçici ve sınırlı yerleşim arasındaki gerilimi ifade etmektedir. *Katkı-yük*: Bu gerilim bir yandan muhacirlerin daimî yerleşim anlayışının doğal bir sonucu olarak gittikleri yerlerin inşasına ve gelişimine sundukları katkılara, diğer yandan mülteci kamplarına geçici bir süreliğine yerleştirilen mültecilerin sığındıkları toplumlara entegrasyonlarından kaynaklanan ve günümüzde sığınmayı ciddi bir krize dönüştüren modern sorunlara işaret etmektedir. *Sorumluluk-lütuf*: Bu kavramlar bir yandan Kur'an'da, Gayr-ı Müslim dahi olsalar Müslüman bir topluma sığınma talebinde bulunanların bu talebinin yerine getirilmesinin zorunluluğunu, diğer yandan modern dönem sığınma hakkı ve insani yardım hakları tartışmalarının ulus devletin hükümrânlığına bırakılmış bir tercih olduğunu ifade etmektedir. Dolayısıyla bunlar bir yanda zorunlu kabul diğer yanda üst bir lütuf anlayışının oluşturduğu gerilimleri ortaya koymaktadır. *Emân-haklı korku*: Matrisin son kavram çifti olan bu iki konsept, İslam ve modern mültecilik hukuklarında göç ve sığınma olgularının dayanmış olduğu teorik kavramsal zemine işaret etmektedir. Kur'an-ı Kerim'deki bir ayetin yorumu üzerine kurulu olan teoriye göre renk, cinsiyet ve inanca bakmaksızın sığınma ve korunma talebinde bulunanların bu talebinin yerine getirilmesi İslam uluslararası hukuk açısından zorunludur ve bu zorunluluk emân kavramı ile ifade edilmiştir. Buna karşılık, modern uluslararası hukukta başka bir ülkenin vatandaşı olup sığınma talebinde bulunanlara bu hakkın verilmesi haklı bir korkuya dayanmak zorundadır.

Makalenin temel iddialarından biri, Osmanlı göç politikalarının bize teorinin pratiği nasıl beslediği ve pratiğin de bu teoriden hareketle nasıl insan merkezli bir yaklaşım geliştirdiğini göstermek olacaktır. Bu nedenle Osmanlı göç politikalarının teorik arka planını ve bunun nasıl uygulamaya dönüştüğünü inceleyecek; bu uygulamaların günümüzde göç olgusu ile ilgilenen politika yapıcılar, hukukçular, sosyologlar ve kurumlar için örnek bir model olduğunu ortaya koyacağım. Bu bağlamda, İslam hukuku içerisinde geliştirilen bu kavramların ortaya koyduğu teorik çerçeve üzerine kurulu olan Osmanlı Muhacirin Komisyonu'nun nasıl işlediğini incelemeye çalışacağım. Buradan hareketle Müslüman toplumların göç konusundaki tarihsel tecrübelerinin günümüzde bir krize dönüşmüş olan mültecilik probleminin çözümüne önemli katkılar sunacağını tartışacağım.

Anahtar Kelimeler: İslam Hukuku, Mültecilik Araştırmaları, Osmanlı İmparatorluğu, Hicret, Muhacir, Emân, Göç, Osmanlı Muhacirin Komisyonu.

Introduction

The Middle East is currently experiencing the highest rate of refugee

movement in the world. As a result of the war in Syria, specifically, a grave refugee problem has come to the fore. According to the latest report of the UNHCR, which surveys countries like Turkey, Lebanon and Jordan, the most of the near five million refugees in the region currently reside in Turkey.¹ This contemporary refugee movement precipitates legal, economic and social problems, with each country attempting a different approach to face the crisis. However, such mass migrations are not something new in the world history. For example, in the period stretching up to the Russo-Turkish War of 1877-1878 alone, the number of people forced to migrate to Ottoman lands reached almost 1.5 million.

The Ottoman government handled this massive population influx to Ottoman lands through certain institutions charged with settling them in different parts of the empire. One such institution was the Commission for Immigrants (*Muhacirin Komisyonu*), established on January 5, 1860. This commission was charged with four primary responsibilities. Firstly, it investigated and decided upon appropriate places for settlement before the arrival of the migrants. Secondly, it safely transported them to these places. Thirdly, it arranged the settlement.; Finally, continued providing support until they became able to sustain themselves.

While the practical functioning of this commission is important, I am much more interested in the theoretical and Islamic legal underpinnings which informed and governed the very functioning operation of the Commission. Therefore, my main goal in this study will be to understand the legal and theoretical foundations upon which the Ottoman policies regarding migration were built. I will focus on whether the Ottoman migration experience, which was articulated through the language of Islamic law, could help in problematizing the legal and political language in use in the contemporary crisis and guide efforts develop a different perspective concerning the “refugee crisis.”

Refuge is a subject related to the concept of migration. However, since there are several reasons for migration, to maintain a distinction between refuge and migration, the concept ‘refuge’ is termed ‘forced migration’, in the context of international relations. It is clear, therefore, that ‘refuge’ is a special sort of migration as its association with ‘forced migration’ makes it different from other types of immigration. The ‘forced’ part of the term is one of the main reasons – if not *the* reason – that refugee movements cause humanitarian crises

¹ United Nations High Commissioner for Refugees (UNHCR), “Refugee Situation” (Accessed May 10, 2020).

and tragedies. The main reason for this is the lives refugees leave behind and the treatment they face at the place where they seek refuge. It is evident in the current refugee issues in many parts of the world that those who were forced to migrate due to life-threatening dangers or other reasons are treated by the society of settlement like convicted criminals. Studies and field reports show that a significant amount of immigrants face violence and marginalization in their reception at host countries.²

Muslims make up the majority of direct or indirect victims of the refugee movements that have been a manifest human tragedy of our times. The exponential growth of this problem to overwhelming proportions and the failure of proposed solutions are the main reasons this problem has developed into what may be termed a dramatic impasse. It has overstepped national borders and metastasized into a crisis that has caused global concern. There are several reasons for the unbridled growth of the refugee crisis. The nation-state and its social and political apparatus play a vital role here. The negative impact of this phenomenon can be observed in the Muslim world, which is of late faced with the spectre of massive refugee migration.³ The crucial question here is: What would solve the refugee crises that have had a perceptibly negative impact on their respective Muslim societies? Is there an alternative solution and paradigm other than the approaches hitherto used by the modern world to the problem of forced migration? My answer to this question is in the affirmative: Study the historical experiences of the Muslims, especially the Ottoman Empire, regarding immigration and apply the policies seen there to the contemporary world. It is also significant to take into consideration the theoretical framework of the Islamic law that dominated the Ottoman policy on migration.

The loss of Ottoman territory after the wars of the 19th century caused the migration of Muslim Ottoman citizens (*tebaa*) to the Ottoman lands. In addition to this, Russia, in particular, and the colonial expansionism of European states in the 19th century had an important role in the migrations to the Ottoman land of that time. For example, the Ottoman-Russian wars from 1828 to 1878 triggered large migration waves to Anatolia. Millions of immigrants moved to Ottoman lands during the Italo-Turkish War (Trablusgarb/ Tripoli-

² United Nations Office on Drugs and Crime (UNODC), "Documents", (Accessed April 10, 2020).

³ See Katarzyna Górak-Sosnowska et al. (ed.), *Muslim Minorities and the Refugee Crisis in Europe* (Warsaw: Sgh Publishing House, 2019). See also Amnesty International, "Documents", (Accessed June 14, 2020).

tanian War), the Balkan Wars and World War I. The Ottoman Empire initially tried to find solutions for the immigrants through institutions associated with the Ministry of Interior (*Dahiliye Nezareti*). However, the growing number of immigrants forced the Ottoman administration to take some additional actions. The Immigrant Commissions (*Muhacirin Komisyonları*) were established by the government to settle the immigrants and deal with their problems. This commission and others, such as the Commission of General Administration of Immigrants (*İdare-i Umumiye-i Muhacirin Komisyonu*), the Islamic Immigration Commission (*Muhacirin-i İslâmiye Komisyonu*), and the General Directorate of Tribes and Immigrants (*Aşâir ve Muhâcirîn Müdüriyet-i Umumiyesi*) took on such tasks as those listed below:

provide welfare for immigrants,

determine settlement locations considering several factors,

settle the immigrants in appropriate locations,

provide subsistence to immigrants,

create opportunities of employment for immigrants,

distribute land, livestock and agricultural equipment to the immigrants to enable them to participate in production activity and become self-sufficient,

provide help to some tribes that have problems in compliance with permanent settlement to make them fit into society.⁴

All of these processes were followed by the immigration commissions established in the Ottoman Empire. Identifying and analyzing the theoretical background that made this advanced humanitarian approach to the issue possible is an essential task in need of being accomplished. The Ottoman migration policy and the theoretical and historical background that fed it were based on the concepts of *hijra* and *amân*. The legal and institutional dimensions of these concepts were within the theoretical framework set forth by Islamic law. Therefore, the immigration policies of the Ottoman Empire provide an outstanding example that shows how the theory raises the practice and how the practice develops a human-centered approach over this theory.

I would like to underline a point about theory and practice here: When examining the issues related to past Islamic civilizations, both theory and practice should be considered. When a subject is examined based on only the

⁴ See Ufuk Erdem, *Osmanlı'dan Cumhuriyet'e Muhacir Komisyonları ve Faaliyetleri (1860-1923)* (Ankara: Türk Tarih Kurumu Yayınları, 2018), 5.

foundational texts of Islam (the Qur'ān and the Sunnah of the Prophet) or the books of law, theology, and Sufism, the wide picture of past Muslim societies cannot be coherently understood, as the foundational texts and the scholarly writings reflect the theoretical and ideal dimensions of a subject. In addition, texts belonging to different disciplines, although they diverge in terms of region and time, do not clearly reflect concrete practices. Therefore, to see how the theoretical framework that was set out in both foundational texts and books belonging to particular disciplines was embodied in different geographies, it is necessary to investigate sources, such as legislative decrees, imperial edicts, and court records.

In contemporary scholarship, the historical experiences of Muslim societies are examined without the theoretical background. This is as methodologically problematic as analyzing the theoretical framework without considering the application. The main reason for the different practices of diverse cultural landscapes is the theoretical background on which they are based. Narrating historical events without examining the theoretical background hinders observation of all dimensions of the issue. For example, the differences between the socio-economic status of minorities living in Istanbul in the 17th century and those living in Amsterdam or Beijing in the same period cannot be explained solely by geographical differences. The theoretical background on which each of them was based is also crucial. Therefore, I will try to examine the immigration/asylum issue holistically, considering both practice and theory in relation to each other.

1. Hijra-Muhājir Versus Refuge-Refugee

Since each academic discipline deals with the case of migration from the perspective of its respective framework, the significance of migration varies according to each. For instance: for geography, it implies a spatial switch; for demography, the changing population numbers; for economics, relations of production; for social psychology, group and communal relationships; for law, legal frameworks; and for Islamic law, *hijra*.⁵ These approaches are important in reflecting upon the perception of each discipline and the culture and presuppositions that it springs from.

According to international law and the Geneva Convention, refugees are people who have been forced to flee their country because of war, armed conflict, human rights abuses, violence, or persecution. Issues of race, religious be-

⁵ For the concept of hijra see Alan Verskin, *Islamic Law and the Crisis of the Reconquista the Debate on the Status of Muslim Communities in Christendom* (Leiden: Brill, 2015), 31-34.

liefs, national identity, political opinion, or membership of a particular social group are among the main reasons for the 'well-founded fear of persecution' of refugees and are the leading causes of refugees fleeing their countries. In most cases, refugees cross an international border to find safety in another country. They are, therefore outside the country of their nationality and are unable or unwilling to avail themselves of the protection of that country. They are also unable or unwilling to return to their home or are afraid to go back to their homeland.⁶

Considering the meaning attributed to the concepts of refuge or refugee in the literature and the context in which they are examined, the problem of being settled where they refuge to and the social-economic and politic issues that arise accordingly are emphasized. One of the main reasons for this is that refugee status is perceived as one of temporary settlement.⁷ The status of transience and 'otherness' put forward for immigrants naturally results in the examination of refugee issue as a crisis in modern literature.⁸ As a matter of fact, the issue of immigration has become a social-economic crisis for all countries, and all states receiving immigration have established units to deal with it.

In the definition of a refugee in the Geneva Convention and Protocol Relating to the Status of Refugees, there is a precondition for a person to be outside the borders of the country of their citizenship to obtain this status. This condition raises the concepts of 'state' and 'citizenship.' As citizenship is defined based on national identities as an extension of the prevailing understanding of the nation-state, the refugee does not have the national identity of the country in which a refugee or asylum seeker arrives. In other words, those who seek asylum have an identity that is different from the nationality of the country they took refuge in are the 'others' in the society of settlement. This situation gives important clues as to why immigration and asylum have become a crisis today. This is because the nation-state which is established on a particular national identity and its citizens are the 'others' for those who do not have the same national identity. Asylum seekers also feel themselves to be

⁶ Convention and Protocol Relating to the Status of Refugees, Article 1, (Accessed May 18, 2020). See also Aristide R. Zolberg, et al., *Escape from Violence Conflict and the Refugee Crisis in the Developing World* (Oxford: Oxford, 1989), 3-37.

⁷ Atle Grahl-Madsen, "Refugees and Refugee Law in a World in Transition", *Michigan Journal of International Law* 3/1 (1982), 66-67. See also Vicki Squire, *The Exclusionary Politics of Asylum* (Basingstoke: Palgrave Macmillan, 2009), 55, 80.

⁸ See Mark Gibney, *Global Refugee Crisis: A Reference Handbook* (Santa Barbara: ABC-CLIO, LLC, 2010); Carol Bohmer-Amy Shuman, *Rejecting Refugees Political Asylum in the 21st Century* (London: Routledge, 2008).

'foreigners' in the society of settlement.⁹ This is one of the leading causes of the tensions encountered in refugee issue today.

This problem appears to have been addressed differently in the historical experiences of Muslim societies. Citizenship, which is based on elements such as race, color and language in the nation-state, is rather belief-based in the historical experience of Muslims. While innate elements that are the citizenship criteria of the nation-state are impossible for people to change, will and choice are essential in belief-based citizenship. This is an important distinction that has the potential to prevent the tensions encountered in the refugee issue today. As the national citizenship criteria established on the elements that cannot be changed always ensure that the status of 'foreigner' and 'other' in the society continues, refugees will always remain foreigners unless they have the same race, language and color of the society where they settled.

Since race, color and language are not essential in faith-based citizenship, immigrants are considered as natural citizens of the lands they migrate to. While defining citizenship in Islamic international law, it is emphasized that everyone who is a Muslim is a natural citizen of any Muslim country.¹⁰ Natural citizenship provided the opportunity to go and live in any of the Muslim countries that coexisted together. It also provided a formidable economic, cultural, scholarly and social interaction as it enabled mobility among the regions. This shows that belief-based preferences are taken as a basis instead of the innate characteristics of human beings.¹¹ This natural citizenship eliminated the 'foreigner' and 'other'-based problems encountered in the nation-state. For this reason, immigration to Muslim societies in the pre-modern era, as a result of natural citizenship, was more inclusive and encompassing in the society of settlement rather than a conflict between two sides. Here the question arises of what the status of non-Muslims was.

I will discuss in detail below the situation regarding non-Muslims being able to immigrate to a Muslim community. However, I want to make a brief

⁹ For the term 'foreigner' see Bonnie Honig, *Democracy and the Foreigner* (Princeton: Princeton University Press, 2001), 15-41.

¹⁰ 'Abd al-Qādir 'Awdah, *al-Tashrī' al-jināi al-Islāmī: muqāranan bi-al-qānūn al-waḍ'ī* (Bayrūt: Dār al-Kātib al-'Arabī, 1970) 307-308; Yūsuf Qaraḍāwī, *al-Waṭan wa-al-muwāṭānah fi ḍaw' al-uṣūl al-'aqīdiyyah wa-al-maqāṣid al-shar'īyah* (al-Qāhira: Dār al-Shurūq, 2010), 25.

¹¹ This allowed people to move freely and live wherever they want in the past. For instance Ibn al-'Arabī was born in 560/1165 in Murcia (Spain). After that he lived in Morocco, Tunisia, Palestine, Jordan, Saudi Arabia, Iraq, Turkey and Syria. He demised in 638/1200 in Dimashq. Ibn al-Baytār was born in 596/1200 in Malaga (Spain). After that he lived in Algeria, Nijeria, Chad, South Sudan, Uganda, Tanzania, Kenya, Sudan, Labia, Italy, Greece, Egypt, Palestine, Lebanon and Syria. He demised in Dimashq in 646/1248.

point here. According to the Muslim jurists of international law, non-Muslims have a legal status and protection with the contract of *dhimma*¹² and live as part of the Muslim community.¹³ This attitude prevailed during many migrations that occurred in the history of Muslim societies. As a matter of fact, the Jews who had to leave Andalusia after the *Reconquista* process was completed in 1492 were settled within Ottoman lands, where they thenceforth lived. The historical records do not mention the problems encountered today regarding both the legal status of the Jewish community that came to the Ottoman Empire and its integration into the social structure.¹⁴

Taking Muslim historical experience into account, the meaning attached to migration and the terms that refer to immigration are vastly different from those implied by contemporary usages of the terms 'migration' and 'refuge'. In the context of Islamic civilization, instead of 'refuge' the term *hijra* was used and instead of 'refugee' the term *muhājir* was used. This naming itself sheds light on how migration is understood and how Muslim societies consider the consequences of migration. Forasmuch as permanence is essential in *hijra*, refuge is a matter of transience. Therefore, *muhājirs* were considered a constituent of their destination, and as a result, played a significant role in the transformation of the society they arrived in. On the contrary, since refuge is considered a temporary affair, refugees occupy a position that is provisional and subject to circumstances. This approach might cause social, cultural, racial, and religious tensions between refugees and the native population.

The Migration of the Prophet Muḥammad to Medina indicates that the migration is permanent and contributes to the construction, welfare and socio-economic situation of the place of immigration. The fact that the Prophet Muḥammad took an active role in the construction of Medina after immigrating there and preferred living there after the conquest of Mecca demonstrates the permanence of the migration. Similar permanency is observed in the Muslims who immigrated to Andalusia. The Muslims who immigrated to Spain made revolutionary contributions in the fields of art, literature and

¹² The obligation of the Muslim community to grant protection to non-Muslims living in the Muslim society.

¹³ Muḥammad ibn Abī Bakr Ibn Qayyim al-Jawzīyah, *Aḥkām ahl al-dhimmah* (al-Dammām: Ramādī lil-Nashr, 1997), 1/ 79-89.

¹⁴ For a detailed discussion of Jewish immigration to the Ottoman Empire see Lütfi Şeyban, *Mudejares ve Sefarades: Endülüslü Müslüman ve Yahudilerin Osmanlı'ya Göçleri* (İstanbul: İz Yayınları, 2017). See also Joseph R. Hacker, "Jews in the Ottoman Empire (1580-1839)", *The Cambridge History of Judaism*, ed. Jonathan Karp-Adam Sutcliffe (Cambridge: Cambridge University Press, 2017), 831-863.

science, and made Spain one of the most important cultural and intellectual centers of that period.¹⁵ This transformative impact of the *hijrah* is related to the psychology of the immigrants and the society of settlement. It minimizes the issues that face both parties such as group uniformity, social identity, the maintenance of group characteristics and contact between groups. In addition, it strengthens the identity of outgroup members and transforms it into the in-group members, evolving their existence into the improvement and upliftment of the society. The migratory experience of Muslim societies in the past confirms that these transformations are possible. On the other hand, it is evident that this cannot be achieved in the refugee problem today and migration has turned into a crisis.

The studies that deal with the concept of *hijra* examined it not as an escape from sedition and mischief, but as a reconstruction of the country migrated to. Although immigrants often have to flee from their country for unavoidable reasons, *hijra* is instrumental in building a new social structure in the safe country where they are migrated to or seek asylum. For this reason, it is stated that striving for the development, welfare and benefit of the migrated country is obligatory (*fard*) for every Muslim who migrated there.¹⁶ This prevalent point of view dominated the approaches to the phenomenon of immigration in pre-modern Muslim societies. According to the scholars of this view, it is possible for people to migrate for any reason. However, it is essential to know and follow the principles of how to live in the country of settlement. In the experience of Muslim societies, since it is vital to participate, build and develop the society of settlement, immigrants do not live in it as 'others.' This point of view also prevails in the society of settlement, because they see the immigrants as a significant contribution to their society.

While discussing the case of *hijra*, it is also crucial to point out that Muslim scholars expressed the working for the development and welfare of the migrated community with the concept of obligation (*fard*). Yet *fard* refers to the obligations that must be fulfilled, or certain sanctions both in this world and in the hereafter will obtain. Thus, there is an obligation here for both immigrants and the society of settlement: immigrants have to contribute to the

¹⁵ See Halilović Safvet, "Islamic Civilization in Spain: A Magnificent Example of Interaction and Unity of Religion and Science", *Science and Religion-Synergy Not Skepticism*, ed. Asim Kurjak, et al. (New Delhi: Jaypee Brothers Medical Publisher, 2018), 279-295; Sara Núñez Izquierdo, "Open Al-Andalus: Hispanic-Muslim Heritage Impact on Spanish Contemporary Architecture", *Arts* 7/66 (2018), 1-19.

¹⁶ Şafî al-Raḥmān Mubārakfūrî, *al-Raḥîq al-makhtûm: baḥṡh fî al-sîrah al-Nabawîyah* (Qatar: Wizārat al-Awqāf wa-al-Shu'ûn al-Islāmiyya, 2007) 177.

development of the country they have moved to, and the society of settlement has to welcome and include the migrants into their life. Since this obligation has a religious and legal disposition, it does not give both parties the right to choose and to reject the asylum, and it gives rise to social cohesion and the development of the place of residence. As a matter of fact, this necessity is clearly stated in a verse of the Qur'ān.¹⁷

The *hijra* was used in classical Islamic thought to stand for the concept of migration. Although the origin of this concept goes back to the first migration of the Meccan Muslims to Ethiopia, it was the migration of the Prophet Muḥammad to Medina that caused the term to become a central concept in Islamic thought.¹⁸ Muslim usage of the terms *hijra* and *muhājir* have slowly moved from reference to the *hijra* of the Prophet Muḥammad to the contemporary terms of 'refugee' and 'refugee.' The terms *hijra* and *muhājir* were used in the Ottoman Empire as late as the late 19th century. Both terms have been used in legal texts as well as in different archival records. Though the terms migrant and refugee are seen in late 19th century documents, there were some inconsistencies in their usage. Besides the terms *muhājir*, *userayı muhacir* (the families of *muhājirs*), *umerayı muhacirin* (the leaders of *muhājirs*), the new term *mülteci* (refugee) was used in both the Prime Minister's Ottoman Archives (*Başbakanlık Osmanlı Arşivi*) and regulations (*Nizamname*). These expressions show there was a late transformation of mindset in the Ottoman Empire.¹⁹ It seems that the legal regulations and literature from Europe forged this transformation. The term *mülteci*, which is the translation of the English 'refugee' and originated in Latin then transferred to French, does not appear in Ottoman-Islamic culture until the late 19th century. After the political involvement of Ottoman bureaucrats with Europeans, usage of the term *mülteci* took root side-by-side with *muhājir*. Yet with time, it has become more frequently used and has replaced *muhājir* to the point that the latter has been abandoned and *mülteci* is used in its stead today.

2. Amān Versus Asylum

Asylum is one of the most emphasized concepts in contemporary refugee studies. However, there are some important differences in the definition of

¹⁷ "And if any one of the polytheists seeks your protection, then grant him protection so that he may hear the words of Allah. Then deliver him to his place of safety. That is because they are a people who do not know." Sūrah al-Tawbah 9/6.

¹⁸ Levent Öztürk, "İslâmiyet'in Yayılmasında Hicretin Önemi: Habeşistan Hicretleri Örneği", *Sakarya Üniversitesi İlahiyat Fakültesi Dergisi* 4 (2001), 7-8.

¹⁹ Erdem, *Osmanlı'dan Cumhuriyet'e Muhacir Komisyonları ve Faaliyetleri (1860-1923)*, 6.

the concept. Grahl-Madsen, a prominent international law scholar on the subject, defines asylum as "...a right of an individual to stay in the territory of the State granting asylum: not permanently, but so long as he is in need of it; that is to say, so long as he remains a refugee, or until he acquires a right of residence in a third country."²⁰ The remarkable point in his definition is that asylum does not mean permanence, but rather temporality. As I mentioned above, granting such status prevents an individual from being considered a part of the society of settlement and perpetuates the status of 'otherness' and 'foreignness' for the refugee. Therefore, approximately over the last thirty years, asylum has become one of the crucial issues in the politics of Western democratic states.

The definition of the concept in international law and the attitudes built on it converge on the point of seeking asylum from persecution in other countries. This means that persecution is inevitable in all asylum cases. Also, the concept of asylum has been associated with the protection given to fugitives under the auspices of the nation-state. Therefore, asylum is examined as a concept that has a robust connection with persecution and the nation-state in today's studies of international law. Indeed, the expression 'well-founded fear of being persecuted' in UNHCR's definition of the refugee indicates that in international law asylum refers to refuge due to a danger. This point shows that it is different from the concept of *amān* (safeguard) in Islamic international law, as I will emphasize below. Yet, the right of *amān* does not always indicate the state of a well-founded fear of persecution. On the contrary, it is acknowledged in Islamic law that one can seek asylum for other reasons and without causes of fear.

The meanings and connotations of the concept of asylum show that the attitudes of nation-states towards asylum includes ideas of temporary residence and marginalization. Asylum does not contain a permanent protection right and grants people who are accepted as refugees the right to return to their own country after their well-founded fear of being persecuted to take refuge in another state during this period. Indeed, during the Bosnian War (1992-1995) and Kosovo War (1998-1999), a significant number of Bosnians and Albanians who were in danger within their own country and therefore tried to flee to a safer country were settled in temporary border camps many years. Such temporariness causes the emergence of undesirable situations, such as conflict between refugees and permanent residents, as well as the cul-

²⁰ Atle Grahl-Madsen, *Territorial Asylum* (Stockholm: Almqvist & Wiksell, 1980), 52. See also Gibney, *Global Refugee Crisis*, 39-52.

tural alienation and marginalization of refugees, as stated above.²¹ Today, the term 'asylum,' which is used for people seeking refuge and has caused many conflicts, was expressed in the past with different concepts and forms of practice. Here, I will touch on the historical experience of Muslim societies and focus on the concept of *amān* in this context. I will argue that this concept and its importance in past practices have a more humane character and should be considered for use instead of asylum today.

It is necessary to focus on the concept of *amān* to understand how emigration and the rights of migrants were addressed in relation to the historical experiences of Muslim societies. This concept served as the basis for state policy, especially in the Ottoman Empire, regarding many immigrants to which refugee status was granted. However, the fading away of the meaning of the concept of *amān*, especially since the last quarter of the nineteenth-century, led instead to the adoption of the concept of asylum. However, the meanings conveyed by these two concepts are somewhat contradictory. Instead of focusing on the concept of asylum, I will examine the concept of *amān* and try to explain the differences between them by way of this concept.

In Islamic international law, people living in a Muslim country are classified into three groups: Muslims, *dhimmi*s, and *musta'mans*. *Dhimmi* refers to non-Muslim citizens living in a Muslim dominated country. *Dhimmi*s have the same rights and duties as Muslims, except for some issues related to beliefs.²² *Musta'man* means non-Muslim who entered to a Muslim country temporarily and whose security was ensured during their stay.²³ *Musta'mans*, who have not yet been a permanent citizenship status, can move freely in a Muslim majority country with the *amān* they have, with this *amān* being valid as long as they do not harm the public. This validity enables them to live in any Muslim majority country. However, when they want to be permanent citizens, the temporary *amān* turns into a permanent *amān* contract (*al-amān al-mua'bbad*). This *amān* contract is referred to as *dhimma* in the literature; *musta'mans* with this contract acquire the status of permanent citizenship.²⁴

²¹ For such conflicts see Matthew J. Gibney, *The Ethics and Politics of Asylum: Liberal Democracy and the Response to Refugees* (Cambridge: Cambridge University Press, 2004), 89-118, 249-255. See also Maggie O'Neill, *Asylum, Migration and Community* (Bristol: The Policy Press 2010), 247-262.

²² Abū Bakr ibn Mas'ūd al-Kāsānī, *Badā'i' al-ṣanā'ī' fī tartīb al-sharā'ī'* (Bayrūt: Dār al-Kutub al-'Ilmiyya, 1997), 9/ 58.

²³ Shams al-Dīn Abū Bakr Muḥammad ibn Abī Sahl al-Sarakhsī, *Kitāb al-Mabsūṭ* (Bayrūt: Dār al-Ma'rifah, 1980), 10/ 68-69.

²⁴ al-Kāsānī, *Badā'i' al-ṣanā'ī'*, 9/ 412; Ibn Qayyim al-Jawzīyah, *Aḥkām ahl al-dhimmah*, 2/ 873-874.

The concept of *amān* first and foremost occupies a peculiar place in the Qur'ān and is a concept we find embodied in the sunnah of the Prophet Muḥammad. The concept of *amān* is mentioned in different contexts and expressions in the Qur'ān. However, one of them marks an important point that determines the legal framework of giving *amān*. Accordingly, among the situations that may make it necessary for a person to seek asylum, there is also a person's request from Muslims with his own will and desire. Accordingly, everyone has the right to demand *amān* from the Muslim community. The legal framework of this verse is clearly stated in the following incident. One of the polytheists said to the cousin of the Prophet Muḥammad, Ali: "If we want to come to the Prophet to listen to the words of Allah or to come to the Prophet because of any need, after the end of the agreement made due to the *ḥarām* months, will we be killed?" Ali replied, "No, because Allah Almighty said 'And if any one of the polytheists seeks your protection, then grant him protection so that he may hear the words of Allah. Then deliver him to his place of safety. That is because they are a people who do not know.'"²⁵ This verse clearly shows that one can ask for *amān* without 'well-founded fear of being persecuted.' As a matter of fact, many historical examples illustrate this. The understanding of *amān* developed in the later periods of Islam which depended on the new forms of international relations, especially the practices carried out during the era of The Rightly-Guided Caliphs (*al-Khulafā' al-Rāshidīn*). They developed a detailed legal doctrine that helped determine how *amān* was shaped and emerged and what its consequences were. In addition, they had the authority to give *amān*, and which brought legal expression and explanation in legal institutions that showed itself over a long history and in widespread application.

Amān can be given by any Muslim who holds a juridical status of responsibility. There is no limit placed here, as it is a right accorded to every Muslim. There are, however, two exceptions: the people who are forced to emigrate should have no purpose of agitation and the provision of giving *amān* to someone who only wants to live in the Muslim community. As for those who seek *amān*, there is no distinction between gender or religion, or whether it be a single individual or a community of people. Once *amān* is given to someone, their provision of security is regarded to be under legal assurance. It also guarantees, in addition to the safety of their own life, the safety of the *musta'man's*

²⁵ Fakhr al-Dīn Muḥammad ibn 'Umar Rāzī, *Mafātīḥ al-ghayb* (Bayrūt: Dār al-Fikr,1981), 15/235.

property, spouse, and other family members under their custody.²⁶ Although there are examples in the literature describing the practice in which Muslim individuals are recognized as authorities, it is nonetheless seen that this authority is at first an application to be used by senior public administrators and later only by the head of the state, depending on its organization.

The understanding of *amān* in the Ottoman Empire is based on Islamic law. However, in the time of the Ottoman Empire, *amān* took on broader issues. During the establishment and ascension of the Ottoman Empire, it had a genuine meaning that matched with the lines drawn in the legal manuals of Islamic law. However, between the 17th and 19th centuries, when European countries gained power in the face of the Ottoman Empire, we see changes in the implementation of *amān*. This is because *amān* is implemented as a concept involving a nation's foreign policy and power.²⁷

Until the middle of the 19th century, the vast lands of the Ottoman Empire had the opportunity to efficiently dissipate migrations coming into the Empire. With its extensive lands, the population of the Ottoman Empire was increasing through migrations on the one hand, and, on the other hand, it was bringing vitality to the economy by creating new settlement regions in vacant lands and through its utilization of agricultural lands. Major territorial losses and mass migrations during this century altered the scale of events. However, one can observe that the Ottoman lands continued to be an important place for migrant settlement. The establishment of *amān* in Islamic law forbade the rejection of those who made their way to Ottoman lands. For this reason, the Ottoman Empire, notwithstanding adversities, continued to be a free nation for immigrants

3. Establishment of the Commission for Immigrants (Muhacir Komisyonu)

In the aftermath of the Ottoman state's defeat in the war against Russia from 1768-1774, and following the signing of the Treaty of Küçük Kaynarca, mass migrations to Ottoman lands commenced. The occupation of Crimea in 1783 by Russia particularly led to the movement of large masses of people. Those who abandoned their homeland gravitated towards the lands of the Ottoman Empire. In the same way, this continued in battles between the

²⁶ al-Kāsānī, *Badā'i' al-ṣanā'i'*, 9/ 412-416; Burhān al-Dīn 'Alī ibn Abī Bakr al-Marghūnānī, *al-Hidāyah: sharḥ Bidāyat al-mubtadī* (Karachi: Idārat al-Qur'ān wa al-'Ulūm al-Islāmiyyah, 1417), 4/ 234-239.

²⁷ Mehmet İpşirli, "Eman", *Türkiye Diyanet Vakfı İslam Ansiklopedisi* (Ankara: TDV Yayınları, 1995), 11/ 77-79.

Ottomans and Russians in the early 19th century, and the largest mass migration occurred during the Crimean War between 1853-1856. In fact, due to the wars they had entered, the Ottoman state had lost territory in the Caucasus and the Balkans and was undergoing economic difficulties, all while trying to produce solutions for communities that were flocking to their lands.²⁸ Given the fact that such mass migrations differed from previous ones, the Ottoman state was led to take on new measures and to prepare the foundation for the establishment of institutions dealing with migrants specifically.

The Ottoman state first established the Commission for Immigrants (*Muhacirin Komisyonu*) on January 5, 1860, headed by the governor of Trabzon, Hafiz Pasha, to manage the migration movements. Despite all that, this commission was subsequently cancelled. Following the abolishment of the Commission for Immigrants, mass migrations began with the start of the Ottoman-Russian war, and on June 18, 1878, the General Migration Administrative Commission (*İdare-i Umumiye-i Muhacirin Komisyonu*) was established, headed by Sadık Pasha. This Commission was also abolished in 1894 and its duties were transferred to the Ministry of Interior (*Dahiliye Nezareti*) and the Municipal Administration of Istanbul (*Şehremanet*).²⁹

The mass migration into Ottoman territory began in the late 18th century. The coordination of the immigrants was under the responsibility of the Municipal Administration of Istanbul (*Şehremanet*) and was conducted through the Ordinances (*Emirname*). Following the 1853-56 Crimean War, approximately 225,000 immigrants arrived in Ottoman lands. The growing number of immigrants to Ottoman territories required the establishment of a commission to handle the population movements rather than coordinating them through ordinances and local regulations. Thus, the problem of mass migration was discussed by the Supreme Council (*Meclis-i Vâlâ*) and the members of the Council concluded that the Municipal Administration of Istanbul (*Şehremanet*) may not be able to conduct this difficult task. Because of the growing number of immigrants, The Committee of the Tanzimat (*Meclis-i Aliyi Tanzimat*) considered that the Municipal Administration of Istanbul (*Şehremanet*) could not meet the requests of the immigrants and therefore a protocol was drafted detailing the needs for and the creation of an independent commission to deal with the task of immigrants. This request was forwarded to Sultan Abdulme-

²⁸ Derya Derin Paşaoğlu, "Muhacir Komisyonu Maruzatı'na Göre (1877-78) 93 Harbi Sonrası Muhacir İskânı", *History Studies International Journal of History* 5-3 (2013), 349-354.

²⁹ See Mehmet Yılmaz, "XIX. Yüzyılda Osmanlı Devleti'nin Muhaciri İskân Politikası", *Osmanlı Ansiklopedisi* (Ankara: Yeni Türkiye Yayınları, 1999), 4/ 589-590.

cid, and following the approval of the Sultan, the first emigration commission in the Ottoman Empire was established on January 5, 1860. Hafız Pasha was appointed the Chairman of the Commission.³⁰

The large number of immigrants who arrived headed for the coastlands and were settled in Anatolian hinterland by the government. This situation caused the incapability of the members of the Commission to maintain the settlement of immigrants in both the coastlands and hinterlands. Therefore, the Government appointed new officers ad hoc to Izmir, Samsun, Sinop, Gallipoli, Biga, Salonika, Çatalca, Kütahya, Adana, and Konya in 1861. In order to cover the expenses of the Commission, significant donations were made by the community and the Ottoman Palace. Due to the mass immigrations however, these donations remained insufficient and money was transferred from the national treasury. The budget of the Commission was 11.763.56 Kuruş in 1860-1865 and its expenses, in contrast, were 11.382.871 Kuruş.³¹

3.1 How did the Commission for Immigrants Work?

How the Commission for Immigrants worked is historically significant. However, the contribution of this institution to today's refugee problem is more important than its historical significance. The operational system of the Commission will shed light on how refugee and immigration commissions should work today. The duties of the Commission for Immigrants were: to carry out the orders related to the immigrants, work for the settlement of immigrants and distribute aid.³² The main duty of the Commission was to establish settlements and execute the solutions for issues raised with the Crimean migration.

Ottoman bureaucrats neither settled the immigrants in a single region nor followed a single settlement plan. They investigated the geographical similarities between the homelands of immigrants and possible residential areas of the Ottoman lands. However, they did settle the major part of the immigrants in Central Anatolia. There are several reasons why this region was chosen. The primary reason was that the region had vast available agricultural lands especially suited to carrying out agricultural activities during summers. Likewise, the similarity of climatic conditions of Central Anatolia with the Caucasus region had a significant role in directing the first movement of mig-

³⁰ General Directorate of State Archives (GDSA), *İ. MMS*, No. 16/696. See also Kemal H. Karpat, *Ottoman Population, 1830-1914: Demographic and Social Characteristics* (Madison: University of Wisconsin Press, 1985), 67.

³¹ Erdem, *Osmanlı'dan Cumhuriyet'e Muhacir Komisyonları ve Faaliyetleri (1860-1923)*, 84-86.

³² GDSA, *MKT. MHM*, No. 174/72.

ration to Central Anatolia. While the Ottoman bureaucrats embraced the immigrants, they took steps to make the latter achieve successful integration and economic productivity rapidly. The Commission, therefore, expedited the establishment of simple shelters to protect the immigrants from the severe winter conditions.³³

One of the significant achievements of the Commission for Immigrants was conducting feasibility studies for the settlement of immigrants. This pushed the immigrants to become a part of society and not feel as if they were outsiders. For example, Circassian immigrants were settled down in Uzunyayla. Prior to the settlement, an investigation of the land in Uzunyayla by officers is an indication that the region was not selected randomly. A group of Circassian immigrants had been charged to investigate settlement conditions of the region before other immigrants arrived there. After these investigations, about 41.000 people were settled there.³⁴

Since the settlement of the immigrants was designated after a long investigation process, the Commission was not open to later demands to change these selections. Also, they considered not only geographical and climatic conditions taken into consideration but also relevant cultural affinities. However, if exceptional conditions recommended a move to another place, the Commission permitted settlers to change their place of settlement. In that case, travel expenses and house construction costs were not supplied by the Commission. The main reason for this decision was that building houses for immigrants was costly and moving to another place burdened the government financially. Furthermore, due to the reasons outlined above, moving to another place beyond the control of the government may have created some orientation problems. Nevertheless, the Commission made some exceptional decisions that were mainly related to the manufacturing considerations. For example, the request of Chechen immigrants in Bafra to move to Sivas because of the agricultural season was approved by the Commission.³⁵

After researching the climate and cultural similarities, Circassian immigrants were settled in Sivas and Uzunyayla, whereas Crimean immigrants were settled in Konya. Other Caucasian immigrants were settled in Kırşehir.

³³ For a detailed discussion see David Cuthell, *The Muhacirin Komisyonu: An Agent in the Transformation of Ottoman Anatolia 1860-1866* (New York: Columbia University, PhD. Dissertation, 2005).

³⁴ GDSA, MKT. NZD, No. 74/2; GDSA, MKT. UM, No. 403/86.

³⁵ GDSA, MKT. MHM, No. 211/58; GDSA, MKT. NZD, No. 347/63; GDSA, MKT. MHM, No. 206/60.

The settlers in different parts of Anatolia who had problems with accommodation were transferred to Konya. In another example, a group of immigrants who had settled in Drama for four months had accommodation problems and their demand to move next to their relatives in Kırşehir was approved by the Commission.³⁶

During the extensive Circassian migration, around 180000 people migrated to the Ottoman lands. They settled down in İstanbul, İzmir, İzmit, Çanakkale, Selanik, Çandarlı, Gelibolu, Silivri, Mudanya, Bandırma, Rodos, and Gemlik. Most of the immigrants who came from Caucasia moved through the ports of Trabzon, Sinop, and Samsun. Trabzon was used as a center of the coastline by the Commission and the surrounding cities provided services to immigrants as its branches.³⁷

The immigrants who entered the Ottoman lands from the coastline stayed there temporarily until they moved to their permanent residential districts. A major difficulty was finding temporary shelters for immigrants during these stays. Though the Commission temporarily accommodated the immigrants in the houses of the coastline residents, some of the immigrants were left without shelters because their numbers exceeded the number of available housing units. Shelter tents were therefore ordered from Samsun and Tophane-i Amire in Istanbul. It was also announced that ferry transportation and bread were free for the newcomers. As a result, the outlay for Circassian immigrants settled in Trabzon was 264.632 Kuruş in June 20, 1864.³⁸

The Commission for Immigrants showed success in deciding where to settle immigrants, settling them in an orderly manner, providing medical treatment for immigrant patients, educating immigrant children, and finding adoptive parents for homeless children.³⁹ However, because of the decrease in the number of immigrants and their successful settlement over time, the Commission, which was established due to *force majeure*, completed its mission after 1865. The tasks carried out by the Commission were assigned to other institutions. Accordingly, the legal problems of the immigrants were trans-

³⁶ Hakan Kırmırlı, *Türkiye'deki Kırım Tatar ve Nogay Köy Yerleşmeleri*, (İstanbul: Tarih Vakfı Yurt Yayınları, 2011), 485-526; Ahmet Gündüz, "XIX. Yüzyılda Kırşehir'e Yerleştirilen Nogay Muhacirleri", *Turkish Studies* 7/1 (2012), 1222.

³⁷ GDSA, MVL, No. 661/13; GDSA, MVL, No. 657/57.

³⁸ GDSA, MKT. MHM, No. 288/27; GDSA, MKT. MHM, No. 295/75; GDSA, MKT. MHM, No. 290/28; GDSA, C. DH, No. 201/10016.

³⁹ GDSA, MKT. NZD, No. 304/19; GDSA, MKT. NZD, No. 384/52; GDSA, İ. MMS, No. 17/721; GDSA, MKT. MHM, No. 177/29; GDSA, MKT. NZD, No. 329/28; GDSA, MKT. MHM, No. 198/100.

ferred to the Ministry of Justice (*Adliye Nezareti*), the issue of settlement to the Police Force (*Zaptiye Nezareti*), the demands of immigrants in the provinces, and their civilian tasks to the Supreme Council (*Meclis-i Vâlâ*). The monthly salary of the officers of the Commission was around 35,000 Kuruş, a costly salary for a commission that had completed its task. Therefore, the commission was abolished on November 27, 1865.⁴⁰

Conclusions

The current refugee crisis, which has gradually turned into a human tragedy, occupies the global agenda. The more the refugee issue makes itself apparent, the more the world stands by with its arms folded. Though people want to find solutions for the refugee issue and raise their voices in public domains, they have little power to stop the wars. As long as wars continue, the refugee crises will continue, so the question of what should be done becomes crucial. The solutions that the modern world has found for this crisis are quite problematic on several fronts, from conceptualization to application. Concepts such as refugee, refuge, and asylum have characteristics that isolate, marginalize, and alienate those people who seek refuge in another country for any reason, and prepare the ground for social conflicts. In addition to conceptualization, the fact that today's nation-states look at the issue of immigration through the lens of national identities, seeing migrants as a burden on their societies and giving them a temporary status causes significant problems. The catastrophes related to refuge and asylum in many parts of the world today are the clearest indication of this.

My answer to the question of what should be done is to take the Ottoman experience of immigration and update or adapt it to the contemporary refugee crises that we face today. Considering successful historical experiences and policies, adapting such expertise to the struggle against the refugee crises would be a major advancement upon current practices. What makes this experience successful is primarily related to issues of conceptualization. The concepts of *hijrah*, *muhâjir* and *amân* have the primary meanings and connotations of encompassing, involving and building society together. The migration to Medina, which is an important turning point in the construction process of the Islamic civilization, is the clearest indicator of this. The immigration, which started with the *hijrah* to Medina and took important steps in institutionalization with the experiences of Muslims that came later, has been a source of important socio-economic and cultural developments in the pre-modern

⁴⁰ Erdem, *Osmanlı'dan Cumhuriyet'e Muhacir Komisyonları ve Faaliyetleri (1860-1923)*, 98-100.

Muslim societies. The latest and successful example of this experience is the immigration commissions established in the Ottoman Empire.

The Commission for Immigrants (*Muhacirin Komisyonu*) can serve as a model in many aspects. The Commission, for instance, considered the geographical and climatic similarities of the homeland and new places of settlement. This consideration, which is mostly neglected today, has a significant role for the assimilation of immigrants to the new territory. Cultural affinity, which requires considerable feasibility studies, also has a vital role in the interaction of both sides. The Commission's investigations prior to settlement and the feasibility study of the Ottoman lands shows that the immigrants were not settled randomly. This effort caused immigrants to feel that they were a part of the society within their destination and to not see themselves as strangers.

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