

Nasir al-Din Shah's Visit to Istanbul (1873): The Problem of the Legal Status of the Iranians*

Nasreddin Şah'ın İstanbul Ziyareti (1873): İranlılar'ın Hukuki Statü Sorunu

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* This article is based on the first chapter of the author's dissertation which was submitted to the Oriental Institute at the University of Oxford, in 2022. Başak Kilerci, "A Foreign Community in the Making: Iranians in the Late Ottoman Empire", a dissertation submitted to the Oriental Institute, University of Oxford, 2022.

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Submitted/Başvuru: 16.02.2024
Revision Requested/Revizyon Talebi:
05.03.2024
Last Revision Received/Son Revizyon:
18.03.2024
Accepted/Kabul: 18.03.2024

Citation/Atf: Kilerci, B. Nasir Al-din Shah's visit to Istanbul in 1873: the problem of Iranians' legal status. *Avrasya İncelemeleri Dergisi - Journal of Eurasian Inquiries* 13, 1 (2024): 61-81.
<https://doi.org/10.26650/jes.2024.1438107>

ABSTRACT

This article examines the visit of the Iranian ruler Nasir al-Din Shah to Istanbul within the context of the problem of the legal status of the Iranians. The legal status of Iranians living in the Ottoman Empire had been a problem for the Ottoman State since the mid-nineteenth century. The article first discusses this problem and its history before explaining how it came to be on the agenda before the shah's visit to Istanbul. Prior to his arrival in Istanbul, the shah claimed that unless this problem was resolved, he would not visit Istanbul, despite Sultan Abdülaziz's invitation. The shah travelled to Istanbul only after receiving assurances that an agreement on the issue would be signed. The article then describes the shah's days in Istanbul and discusses how and in what ways the two states showed goodwill towards each other and how the Ottoman state attached special importance to the shah. Despite the ongoing problem, the Ottoman State and the sultan treated the shah with special care. The shah was personally received by the sultan at the port, and numerous ceremonies and dinners were held in his honour. During the shah's visit to Istanbul, he and his bureaucrats met privately with the sultan and Ottoman bureaucrats to discuss the issue of Iranian legal status, and they signed a protocol on the subject before leaving. Subsequent agreements in 1874 and 1875 confirmed and finalised this protocol, which classified the Iranians as foreigners. This article finally examines the agreements signed by the two states and discusses how and in what ways the legal status of Iranians in the Ottoman Empire changed.

Keywords: Qajar, Iran, Nasir al-Din Shah, Sultan Abdülaziz, Legal status, Visit, Foreigner

ÖZ

Bu makale, İran hükümdarı Nasreddin Şah'ın İstanbul ziyaretini İranlılar'ın hukuki statüsü sorunu bağlamında incelemektedir. Osmanlı'da yaşayan İranlılar'ın hukuki statüsü meselesi on dokuzuncu yüzyılın ortalarından itibaren Osmanlı Devleti için bir sorun teşkil etmiştir. Makalede önce bu sorun ve tarihçesi ele alınmakta ve ardından bu sorunun şahın İstanbul ziyareti öncesinde nasıl gündeme geldiği anlatılmaktadır. Şah İstanbul'a gelmeden önce, Osmanlı İmparatorluğu'nda

yaşayan İranlıların hukuki statü sorunu çözülmezse Sultan Abdülaziz'in davetine rağmen İstanbul'u ziyaret etmeyeceğini ifade etmiştir. Şah, ancak konuyla ilgili bir anlaşma imzalanacağına dair garanti aldıktan sonra İstanbul'a gelmiştir. Makale, daha sonra, şahın İstanbul günlerini anlatmakta ve iki devletin birbirine nasıl ve ne şekillerde iyi niyet gösterdiğini ve Osmanlı Devleti'nin şahı nasıl özel ihtimam verdiğini tartışmaktadır. Osmanlı Devlet'i mevzu bahis soruna rağmen şahı özel bir özenle ağırlamıştır. Şah bizzat sultan Abdülaziz tarafından limanda karşılanmış ve onuruna birçok tören ve yemek düzenlenmiştir. Şah ve bürokratları İstanbul'da buldukları süre içerisinde, İranlılar'ın hukuki statüsü sorununu tartışmak için Sultan Abdülaziz ve Osmanlı bürokratlarıyla özel görüşmeler yapmış ve İstanbul'dan ayrılmadan mesele ile ilgili bir protokol imzalamışlardır. İranlıları ecnebi olarak sınıflandıran bu protokol, 1874 ve 1875 yıllarında yeni anlaşmalarla onaylanacak ve kesinleştirilecektir. Makale, son olarak iki devlet arasında imzalanan bu anlaşmaları incelemekte ve İranlılar'ın hukuki statülerinin nasıl ve ne şekilde değiştiğini tartışmaktadır.

Anahtar Sözcükler: Kaçar, İran, Nasreddin Şah, Sultan Abdülaziz, Hukuki statü, Ziyaret, Ecnebi

Introduction

Nasir al-Din Shah (1831-96), who ruled Qajar Iran from 1848 to 1896 visited the Ottoman capital, Istanbul, in 1873 as part of his first trip to Europe. The shah first visited Russia, Germany, Belgium, England, France, Switzerland, and Austria. Before returning to Tehran, the shah visited Istanbul and stayed there for eight days.¹ This tour, and the subsequent ones in 1878 and 1889 can be considered as an attempt to establish positive relations with European countries. The shah himself presented this as one of the two primary reasons for his 1873 European tour. He explained that he wanted to meet with the monarchs of Europe and “convey to them good intentions and excellent relations”, so that their “cooperation and friendship would lead to good results for his state and people”.² On the other hand, these visits were an effort to observe the modern world more closely. The shah claims that the second reason was “to gain complete knowledge about many other kings, the industries, customs, good traditions, laws and military reforms, so that it would benefit the state and nation of Iran”.³ However, although the shah’s visit to Istanbul was part of his first trip to Europe, it was not a quest for modernity, but a political move to solve a problem between the two states, namely the legal status of the Iranians.

The existing literature touches on Iran’s becoming a foreign, capitulatory state in the Ottoman legal sphere to an extent; however, it does not mention Nasir al-Din Shah’s Istanbul visit. Bruce Masters, Yithzak Nakash and Karen Kern referred to an agreement signed by the Ottoman and Iranian States regarding the Iranians’ legal status and capitulatory privileges dated

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- 1 Nasir al-Din Shah visited the Ottoman Empire twice. The first visit was to the Ottoman Iraq in 1871, which was the first time that an Iranian ruler left his country in the time of peace. Hasan Fasa’i, a famous Qajar historian, claims that “from the beginning of Islam until now, no Persian ruler has been known to have traveled to Iraq which belongs to the Ottoman Empire, except at times of enmity and war with the Ottoman sultans”. Hasan Fasai, *History of Persia under Qajar Rule*, translated by Heribert Busse, (New York & London: Columbia University Press, 1972), 368. However, this was not just a royal visit, but rather a pilgrimage. The shah wanted to visit the holy places of the Shiites in Ottoman Iraq.
 - 2 *Ruznamah-’i khatirat-i Nasir al-Din Shah dar safar-i sivvum-i Farangistan*, 3 vols., ed. Muhammad Isma’il Rizvani and Fatimah Qaziha (Tehran: Mu’assasah-i khadamat-i farhang-i Rasa, 1369–1373/1990–1994), 12 cited in Naghme Sohrabi, *Taken for Wonders: Nineteenth-Century Travel Accounts from Iran to Europe*, (New York: Oxford University Press, 2012), 88.
 - 3 Sohrabi, 88. However, it is questionable whether this was really the case. The shah himself admitted that he achieved the first goal, but he was unable to achieve the second goal because of “continuous invitations from the exalted kings, which were accepted happily and with pleasure”. Sohrabi, 88. This must be the one of the reasons that his visit received criticism. For example, Amin al-Dawla (1844-1904) who used to be the shah’s private secretary and later became a minister, criticised the shah wasting money which should be spent for the state, via these trips. Mirza ‘Ali Khan Amin al-Dawlah, *Khatirat-i Siyasi-i Mirza ‘Ali Khan Amin al-Dawlah*, ed. Hafiz Farmanfarmayan (Tehran: Kitabha-yi Iran, 1341/1962), 25. However, despite these claims, these visits must have had at least some impact on the perception of the shah and the Qajar bureaucrats, who accompanied the shah during the visits, of the West and modernity. This point has not been discussed by the current literature in depth. The only mention is regarding Takiya Dawlat. Some scholars claim that Nasir al-Din Shah was impressed by the Albert Hall where he attended a concert in London. When he returned to Tehran, he had a huge theatre building built at his court, the famous Takiya Dawla, where the Taziyeh performances were to take place. See Peter Chelkowski, “Popular Arts, Patronage and Piety” in ed Layla Diba, *The Persian Royal Paintings, Qajar Epoch (1785-1925)*, (USA: Brookly Museum of Arts, 1998), 92.

1875, but they do not mention the political context in which that agreement was signed.⁴ This article argues that Nasir al-Din Shah's visit to Istanbul was the occasion when the problem of the legal status of Iranians in the Ottoman Empire came to the fore and the two states signed an agreement on this issue in an attempt to solve this problem and maintain their friendship and alliance. It explains that while the two states were conflicting on the legal status of Iranians within the Ottoman Empire, the Ottoman State hosted the shah with special care and showed him significant hospitality. The article examines the political background of the shah's visit to Istanbul, describes the shah's days in Istanbul and the hospitality shown to the shah, as well as the agreement signed by the Ottoman and Iranian States during the visit. This agreement was later confirmed by the document containing the instructions for the commission that was to deal with the legal situation of the Iranians in 1874 and by the agreement signed by the Ottoman and Iranian States in 1875. This article asserts that the Iranians were legally categorised as foreigners by the Ottoman State and were granted very limited capitulatory privileges in the agreements signed in the context of Nasir al-Din Shah's visit to Istanbul.

Before the Visit: The Problem of the Legal Status of the Iranians

On 5 July 1873, when Nasir al-Din Shah was in London, Raşid Paşa (1824-1876), the Ottoman Minister of Foreign Affairs, sent a telegram to the Ottoman Ambassador to London instructing him to "tell Hussein Khan (1828-1881), the Iranian Grand-vizier, that we will solve the problem, and invite them to Istanbul".⁵ The previous year, the Iranian Ambassador to Istanbul had informed Sultan Abdülaziz (1830-1876) that the shah would visit in the coming year. The sultan had sent a letter to the shah stating that "it would be an honour to host you".⁶ However, according to Raşid Paşa, the shah was on the verge of cancelling this visit because of the problem.⁷ What exactly was the problem? Another telegram sent by the Ottoman ambassador to London to Raşid Paşa makes clear that the problem concerned a new civil law regarding Ottoman-resident Iranians that the Ottoman State had recently instituted and communicated to all courts within the empire.⁸ According to this law, cases between Iranian subjects and cases between Ottoman and Iranian subjects as well as actions against the Ottoman State or against any subjects of either state would be adjudicated in Ottoman courts.⁹ This law was

4 Karen Kern, *Imperial Citizen. Marriage and Citizenship in the Ottoman Frontier Provinces of Iraq*, (New York: Syracuse University Press, 2011), 99; Bruce Masters, 'The Treaties of Erzurum (1823 and 1848) and the Changing Status of Iranians in the Ottoman Empire,' *Iranian Studies* 24, no: 1/4 (1991), 15; Yitzhak Nakash, *The Shi'ites of Iraq*, (Princeton: Princeton University Press, 1994), 17-18.

5 BOA.HR.SFR (4), 239/11 Copie no: 35340/120.

6 BOA.HR.SFR (4), 239/11, Telegram dated to 5 July 1873. No number is mentioned.

7 BOA.HR.SFR (4), 239/11, Telegram dated to 5 July 1873. No number is mentioned.

8 BOA.HR.SFR (4), 239/11, LIT A, No: 35201/99.

9 BOA.HR.SFR (4), 239/11, LIT A, No: 35201/99. This must refer to the law which described new rules for how Iranian subjects would be tried in court, within the letter of instructions published by the Ottoman newspaper *Rûznâme-i Ceride-i Havâdis*, quoting from *Ceride-i Mehâkim*, the publishing organ of the Ottoman Ministry of Justice *Rûznâme-i Ceride-i Havâdis*, 4 Receb 1290 (28 August 1873), 3.

also mentioned by Khan Malik Sasani, who would become *charge d'affairs* in Istanbul in the early twentieth century. Sasani claimed that on 9 March 1873, when Nasir al-Din Shah left Iran on his European tour, the Ottoman Minister of Foreign Affairs, Halil Paşa, who must be Halil Şerif Paşa (1831-1879), declared that Iranians within Ottoman lands would be treated as Ottoman subjects.¹⁰ However, the Iranian State asserted that they had already had capitulatory privileges, including judicial privileges, from past treaties and that the Ottoman State must repeal this recent law since it classified Iranians as Ottoman subjects with respect to the judicial domain.¹¹ In reply, the Ottoman State clearly stated that the agreements signed by the Ottoman and Iranian States did not grant Iranians the privileges given to “external powers.” Raşid Paşa mentioned that there was “a material difference between the case of the subjects of external powers and those of Persia... but no treaties existed between Turkey and Persia which warranted a claim on the part of the latter to such exceptional treatment.”¹²

The Ottoman Ambassador to London stated in a telegram sent to Raşid Paşa that Iranians residing in Istanbul had objected to the law and that Nasir al-Din Shah had cancelled his scheduled visit to Istanbul because of the law and ensuing protests.¹³ In order to solve this crisis, the Ottoman and Iranian Foreign Ministries collaborated with the Iranian and Ottoman Embassies in London. The Ottoman Ambassador to London wrote to Raşid Paşa that the Iranian Grand-vizier and the Iranian Ambassador to London had visited the Ottoman Embassy.¹⁴ The Ottoman ambassador to London claimed that Hussein Khan had explained that the shah intended to come to Istanbul but would have been humiliated before his people if he did so while the legal situation of the Iranians in the Ottoman Empire remained unresolved.¹⁵ Hussein Khan stated that the shah might go to Istanbul in order to resolve and sign an agreement on the issue, and proposed a solution¹⁶ that was detailed in a draft treaty consisting of seventeen articles.¹⁷ However, this draft was refused by Raşid Paşa.¹⁸ Sir Elliot sent a telegram to Raşid Paşa asking him to forward Hussein Khan’s offer to Sultan Abdülaziz. Elliot claimed in his report that “we hope the sultan may take a more feasible view than his minister of Persian proposal.”¹⁹ However, a telegram from Sir Elliot stated that the sultan refused the proposal, as well.²⁰ Elliot added, however, that the sultan invited the shah to Istanbul to work on another

10 Han Melik Sasani, *Payitahtın Son Yıllarında Bir Sefir*, trans. Hakkı Uygur (Istanbul: Klasik Yayınları, 2006), 197.

11 The National Archives FO 248/286, No:218 28 May 1873.

12 FO 248/286, No.220 12 June 1873.

13 BOA.HR.SFR (4), 239/11, LİT A, No: 35201/99.

14 BOA.HR.SFR (4), 239/11, Lit D, No 5179/133.

15 BOA.HR.SFR (4), 239/11, Lit H, No 3786/140.

16 BOA.HR.SFR (4), 239/11, Lit H, No 3786/140.

17 FO 248/286, Copie 141. 30 June 1873.

18 FO 248/286, Copie 32, 7 July 1873 (Dispatches to Granville) Telegram dated 4 July 1873.

19 FO 248/286, Copie 32, 7 July 1873 (Dispatches to Granville) Telegram dated 5 July 1873.

20 FO 248/286, Copie 32, 7 July 1873 (Dispatches to Granville) Telegram dated 6 July 1873.

draft together and sign an agreement.²¹ Raşid Paşa claimed that the Ottoman State would resolve the legal issue by no longer treating Iranians in the empire as *indigènes*, a term meaning indigenous people.²²

This problem of the legal status of Iranians is dated back to the beginning of the century. Because of changing power relationships between the Ottoman and European states, capitulations turned into bilateral agreements that were “used against the Ottoman Empire” by the Europeans and Russia.²³ Though only a small number of merchants had capitulatory rights, such as tax exemptions, in the sixteenth century, by the eighteenth century they had grown into a large group of Europeans.²⁴ It was not only European merchants but also Ottoman subjects that began to receive capitulatory privileges via consular intervention.²⁵ The Ottomans intended to overcome the problems brought by capitulations in the nineteenth century. The Ottoman State brought them into the discussion at the Paris convention (1856). In doing this, the Ottoman State expected to join the European legal system and abolish the capitulations. Although they were successful in the former, the European countries decided to discuss the latter in an upcoming conference, which never happened.²⁶ When the Ottoman State failed to abolish the capitulations, it first passed a regulation regarding the status of *protégés* in 1863.²⁷ It then decided to pass the Law of Ottoman Nationality in 1869 to define who were Ottomans and who were not in order to differentiate the ones who were able to receive foreign protection and who were not. By defining their legal status, the Law of Ottoman Nationality successfully prevented large groups of Ottomans from seeking *protégé* status to an extent. While designed to prevent non-Muslim Ottomans from asking for *protégé* status, the Law of Ottoman Nationality unexpectedly created an opening for Muslim groups to seek capitulatory rights. These Muslim groups, which had never asked for capitulatory privileges in *Dâr al-İslâm*, were seeking such privileges now that the Law of Ottoman Nationality had separated Ottoman Muslims and foreign Muslims into the categories of ‘Ottoman national’ and ‘foreigner’. For example, some Russian Muslims and East Asians living within Ottoman lands claimed that they were Russian or British citizens, respectively, and were thus due capitulatory rights.²⁸ However,

21 FO 248/286, Copie 32, 7 July 1873 (Dispatches to Granville) Telegram dated 6 July 1873. Another report sent to Granville stated that the sultan mentioned that “if the shah comes to Constantinople (Istanbul), he would be ready to enter into a permanent engagement upon the question of jurisdiction”. FO 248/286, Copie 32, 7 July 1873 (Dispatches to Granville) Telegram dated 7 July 1873.

22 BOA.HR.SFR (4), 239/11, Copie No 35338/119. Telegram no 140.

23 Maurits H. Van Den Boogert, *The Capitulations and the Ottoman Legal System: Qadis, Consuls, and Beraltıs in the 18th Century*, (Leiden; Boston: Brill, 2005), 8.

24 Donald Quataert, *The Ottoman Empire, 1700-1922*, (New York: Cambridge University Press, 2000), 78.

25 Feroz Ahmad, “Ottoman Perceptions of the Capitulations 1800-1914”, *Journal of Islamic Studies* 111 (2000), 3.

26 Halil İncalcık, “İmtiyazat”, *TDV İslam Ansiklopedisi*, (Istanbul: Türkiye Diyanet Vakfı Yayınları, 2005), 251.

27 Will Hanley, “What Ottoman Nationality Was and Was Not”, *Journal of the Ottoman and Turkish Studies Association*, no. 3,2, (November 2016), 285; İncalcık, “İmtiyazat”, 251.

28 Lale Can, “The Protection Question: Central Asians and Extraterritoriality in the late Ottoman Empire”, *International Journal of Middle East Studies*, no. 48 (2016): 679–699;681.

the Ottoman State considered the Bukharians and Afghans to be Muslim subjects under the protection of the caliphate.²⁹ The Ottoman State considered Russian Muslims to be foreigners in some cases,³⁰ but in most cases the Ottoman State considered them as its own subjects, as James Meyer shows.³¹

In addition to the Russian Muslims, Afghans and Bukharians, the Iranians were among the Muslim groups requesting foreigner status and capitulatory privileges. The Iranians were not only the largest group of Muslims asking for foreigner status and capitulatory privileges, but they were also the only group whose demands were supported by another Muslim state. In *Dâr al-Islâm*, Iranian Muslims were treated as Muslim-Ottoman subjects, whereas non-Muslim Iranians were considered *dhimmis*.³² This remained mostly unchanged until the nineteenth century. The change began with the first Treaty of Erzurum (1823), in which “Iran was added to *Ecnebî Defterleri*, or the list of countries for which Ottoman bureaucrats maintained separate registers of cases pertaining to citizens [...] who could call upon the central government for redress of any violation of their individual rights under the treaty”.³³ With the second Treaty of Erzurum, signed in 1848, Iran was declared one of the ‘friendly nations’, joining the ranks of the European countries.³⁴ The second Erzurum treaty enabled the Iranian State to have representatives in the Ottoman cities that worked in the interest of the Iranians.³⁵ These representatives were called *shahbandars* and had the same rights and privileges as European consuls.³⁶ However, this did not enable them to act as their European counterparts did. According to the treaty, all cases involving Iranians were to be tried according to Islamic law, thus, in the Ottoman courts, and the *shahbandars* could only be present at the hearings.³⁷ With the Erzurum treaties, Iran was “allowed to join the ranks of European capitulatory states”,³⁸ but

29 Can, 681.

30 Selim Deringil, ‘The Ottoman Empire and Russian Muslims: Brothers or Rivals?’, *Central Asian Survey*, No. 13:3, (1994): 409-416, 413.

31 James Meyer states that in many cases both the Ottoman and Russian states regarded these Russian Muslims as their own citizens. James Meyer, ‘Immigration, Return, and the Politics of Citizenship: Russian Muslims in the Ottoman Empire, 1860-1914’, *International Journal of Middle East Studies*, Cambridge University Press, Vol. 39, No. 1 (Feb. 2007), 15-32, 24.

32 See Masters, “Changing Status of Iranians”, 5. This was despite the ongoing Sunni-Shiite conflicts between the Ottomans and the Iranians. For example, Abdurrahman Atçıl discusses that as early as the sixteenth century, the Ottoman perception of Shiites was not a homogenous one. To some, Shiites were Muslim. The Ottomans were trying to accommodate Shiites as Muslims within Ottoman lands even as the conflicts between the Ottoman state and the *Kızılbaş* were ongoing. Abdurrahman Atçıl, “The Safavid Threat and Juristic Authority in the Ottoman Empire During the 16th Century”, *International Journal of Middle East Studies*, (2017): 295-314.

33 Masters, “Changing Status of Iranians”, 11.

34 Masters, 9.

35 Masters, 13-14.

36 Masters, 14. Masters claims that the term *shahbandar* was used for the “representatives in all major Ottoman cities to look out for the interests of his subjects”. She adds that “a Perso-Islamic term was employed for these officials, *shahbandar* but that the term was defined by the neologism of ‘consul’ (*konsolos*), showing its conceptual origins in Western rather than Islamic diplomatic practice”. Masters, 13.

37 Masters, 14.

38 Kern, *Imperial Citizen*, 56.

without any capitulatory or extraterritorial privileges. The Erzurum treaties were only the first step, however. During the *Tanzîmât*, especially after the issuance of the nationality law, the Iranians were dissatisfied with being treated as Muslim subjects and *dhimmis* when Ottoman non-Muslims were becoming Ottoman nationals. As Masters states, “if Ottoman Jews and Christians were the newly established fellow citizens of Ottoman Muslims then Iranian Muslims and *dhimmis* could no longer rely on their membership in the larger *Dâr al-Islâm* to guarantee their rights in the Ottoman Empire.”³⁹ The Iranians' discomfort peaked in the 1870s and came to the forefront within the context of Nasir al-Din Shah's Istanbul visit (1873).

There was also a practical reason why the Ottoman State agreed, in the context of Nasir al-Din Shah's visit to Istanbul, to reclarify the legal situation of the Iranians: to regulate the growing number of Iranian subjects in Ottoman Iraq. From the early nineteenth century onwards, the growing Shiite and Iranian population in the Ottoman Iraq posed a problem for the Ottoman State. There were many Shiite mujtahids and mollahs who were actively involved in Iranian politics and who resided in Iraq or had been educated there.⁴⁰ Many Iranians moved to Iraq and settled in Shiite holy places. In addition, every year, between 30,000-100,000 Iranian subjects journeyed to the Atabat, the Shiite holy sites in Iraq: Karbala, Najaf, Qazimayn and Samarra. These visits usually led to unrest; many people died, and many others were injured.⁴¹ Many people attempted to bury their families in Iraq.⁴² The Ottoman State took measures to curb the increasing Iranian and Shiite populations and dominance. The Ottoman State restricted the number of Iranians allowed to be buried in Iraq, tried to limit visits by Iranians to Shiite holy places in Ottoman territories, and made it difficult for Iranian subjects to obtain permission to repair their houses and upgrade their estates, thereby forcing them to leave Iraq.⁴³ In 1849, the Ottoman State banned foreigners from owning real estate and selling their property within three months.⁴⁴ However, the state ordered “not to do any action against those [Iranians], who became Ottoman subjects and those who presented a voucher to become one.”⁴⁵ This meant that those who were already Ottoman subjects and others who made a formal claim that they would become Ottoman subjects and showed an Ottoman subject as a guarantor for this,

39 Masters, “Changing Status of Iranians”, 9.

40 Gökhan Çetinsaya, *The Ottoman Administration in Iraq*, (London and New York: Routledge, 2006), 99-100.

41 Mohammed Reza Nasiri, *Nasreddin Şah Zamanında Osmanlı-İran Münasebetleri (1848-1896)*, (Tokyo: Institute for the Study of Languages and Cultures of Asia and Africa, 1991), 96-100.

42 Nasiri, 96-100.

43 Nasiri, 92; 100-104.

44 BOA.İ.MSM. 34.965, 1 Zilkade 1264 (29 October 1849) This order was written officially to British and Persian consuls in Baghdad on 29 October 1849.

45 BOA. A.MKT. 179 – 12, 11 Rebiülahir 1265 (6 March 1849).

would not be included.⁴⁶ In such an atmosphere, the Ottoman State's agreement to a treaty on the legal status and capitulatory privileges of the Iranians may have stemmed from a desire to regulate the growing number of Iranian subjects in Ottoman Iraq. In other words, the Iranian State's request to sign an agreement on the legal status of Iranians probably served the Ottoman State's purpose of defining who were Ottoman subjects and who were Iranian subjects in the region in order to prevent the increasing number of Ottoman subjects asking for Iranian protection. This would also serve to prevent increasing Iranian dominance in the region. The Ottoman and Iranian States agreed to make a settlement for the legal status of the Iranians, but their expectations of such a settlement were completely different. The Iranians and the Iranian State wanted to be treated similarly to the subjects of the European capitulatory states. The Iranian State asserted that they had already had capitulatory privileges, including judicial privileges, from past treaties and that the Ottoman State must repeal this recent law since it classified Iranians as Ottoman subjects with respect to the judicial domain.⁴⁷ However, the Ottoman State was not prepared to grant such privileges. Instead, it tried to designate a special foreigner category for the Iranians, which will be discussed in the final part of this article.

The Shah is in Istanbul: Intentions for Good Relations

Although the shah's visit to Istanbul took place amid an ongoing conflict between the two states – namely the legal status of Iranians in the Ottoman Empire – it was nevertheless an attempt to maintain the alliance between the two states. The shah was eager to secure the capitulatory rights deriving from their legal status and had created a diplomatic crisis by threatening not to visit Istanbul. The Ottoman State's attitude towards the shah's request was to solve the problem and maintain the friendship between the two states. This problem and the desire of the two states to solve it, was part of a larger rivalry and alliance between the two states. In the course of the nineteenth century, the two states endeavoured to forget the rivalries of the past, improve their relations and become allies, despite their continuing disagreements on many issues such as border issues, power struggle over the Ottoman Iraq, as well as the Iranians' legal status.⁴⁸ This is echoed in an article entitled "Iran and Turkey"

46 This voucher system was used in the Ottoman Empire in different centuries. It can be a '*kefalet*' (guarantee) for a person or a person's debt. The *kefil* (voucher/guarantor) should be a respectful person and by becoming a *kefil*, he guarantees to take responsibility for another person or his debts. See, H. Yunus Apaydın, 'Kefalet', *TDV İslam Ansiklopedisi*, c.25, (Ankara: TDV Yayınları), 168-177. <https://islamansiklopedisi.org.tr/kefalet> (24.06.2022). Being a '*kefil*' for a person can be part of social control or a necessity when someone makes a legal request to the state. See Yunus Uğur; Beyza Topuz Demir, "Mahalle: Bir Mensubiyet ve Mesuliyet ilişkisi Olarak Osmanlı Şehirleri ve Kefalet Sistemi Örneği", *Kent ve Maneviyat*, eds Seyfettin Erşahin, Zehra Erşahin, (Ankara: İdealkent Yayınları), 2020, 461-484.

47 The National Archives FO 248/286, No:218 28 May 1873.

48 For border conflicts, see Sabri Ateş, *The Ottoman-Iranian Borderlands, Making a boundary, 1843-1914*, (U.S.A: Cambridge University Press, 2013); for the conflicts over the Ottoman Iraq, see Çetinsaya, *The Ottoman Administration*.

published by the newspaper *La Turquie* when the shah was in Istanbul.⁴⁹ The article emphasised that Nasir al-Din Shah's Istanbul visit would be a turning point in Ottoman-Qajar relations. The article states that "all the people of Turkey" were overjoyed to have the shah in Istanbul. The newspaper pointed out that the two states had disagreed on some issues in the past, even those of common interest due to misinformation. However, the two countries would overcome the problems they already had and improve their co-operation in the future, it said.⁵⁰

Despite the diplomatic crisis that the shah had caused before his visit to Istanbul, the Ottoman State received the Iranian ruler with the full protocol that it had applied to its previous royal guests and treated him with the same courtesy and hospitality that it had shown to other royal guests. For instance, French Empress Eugenie came to Istanbul in 1869 on her way to Suez where she attended the opening ceremony of the Suez Channel. This visit can be seen as a return visit to the sultan's trip to Europe during which he had visited Paris in 1867.⁵¹ The imperial ship *Sultaniye* was sent to Çanakkale to receive the French Empress, and the ship *Pertev Piyale* accompanied *Sultaniye* from the entrance of the Bosphorus to Beylerbeyi Palace, the palace that was allocated for her use.⁵² There was also a reception ceremony for the empress in the Beylerbeyi Palace Gardens and Sultan Abdülaziz personally received the empress on the ship at Beylerbeyi port.⁵³ A similar protocol was followed for the shah. When the shah was in Italy, Eşref Paşa and Refet Efendi, assistant to the minister for foreign protocol, went to Brindisi in Italy on the imperial ship *Sultaniye* to receive the shah and accompany him during his journey to Istanbul.⁵⁴ Nasir al-Din Shah recorded in his travel diary that when the shah and his retinue arrived at *Kale-yi Sultaniye* (Çanakkale) a salvo was fired from each of the forts, and also from a large Ottoman war ship at anchor.⁵⁵ Mehmed Rüşdü Paşa (1811-82), the Ottoman Grand-vizier, had gone to Çanakkale to welcome the shah on behalf of the sultan.⁵⁶ When the shah and his retinue approached Istanbul on 18 August, salvos were fired from Üsküdar, in the Anatolian side of the Bosphorus.⁵⁷ As the shah noted, about three thousand Iranians who were residents of Istanbul had embarked on five large steamers and had

49 *La Turquie*, "La Perse Et La Turquie" (Persia and Turkey), 23 August 1873, 1.

50 *La Turquie*, "La Perse Et La Turquie" (Persia and Turkey), 23 August 1873, 1.

51 For Sultan Abdülaziz's visit to Europe see *Nihat Karaer, Paris, Londra, Viyana, Abdülaziz'in Avrupa Seyahati*, (İstanbul: Phoneix, 2003).

52 Mehmet Yıldız, "Türk Resmi Ziyafet Kültüründe Zirve: Fransa İmparatoriçesi Eugenie Onuruna Verilen Muhteşem Ziyafetler (1869)", in *Milli Folklor*, 2014, 26, Sayı 102, 127.

53 Yıldız, "Ziyafet Kültürü", 129.

54 Nejat Göyünç, "Muzaferüddin Şah ve II. Abdülhamid Devrinde Türk-İran Dostluk Tezahürleri" in *İran Şehinşahlığı'nın 2500. Kuruluş Dönemine Armağan*, (İstanbul: Milli Eğitim Basımevi, 1971), 138.

55 *The Diary of H.M The Shah of Persia during His Tour Through Europe in A.D. 1873*, translated by J.W. Redhouse, (London: John Murray, Albemarle Street, 1874), 364.

56 Nasir al-Din Shah, 364.

57 *La Turquie*, 19 August 1873, 1.

come close to the shah.⁵⁸ Ships carrying foreign ambassadors also greeted the shah.⁵⁹ As the ship approached Beylerbeyi, the Ottoman band present at the port played the Iranian anthem.⁶⁰ Sultan Abdülaziz had been waiting at the Beylerbeyi palace – which had been allocated for the shah’s visit while he was in Istanbul. When the ship carrying the shah arrived, the sultan mounted a boat and boarded the ship.⁶¹ The shah wrote in his diary that in Beylerbeyi palace, the sultan himself had led them upstairs, showing them their rooms.⁶² On the same day, the shah visited the sultan in Dolmabahçe Palace with the Iranian Grand-vizier, and the Ottoman grand master of ceremonies Ali Bey.⁶³ In the evening, there was a reception in the Beylerbeyi Palace in the shah’s honour.⁶⁴

The following day, on the 19 August, Ottoman ministers and members of the diplomatic body based in Istanbul paid the shah a visit.⁶⁵ The Iranian ambassador Mirza Muhsen Khan was also present at the ceremony, and introduced the embassy members to the shah.⁶⁶ On Wednesday, 20 August, the sultan invited the shah to breakfast at Çırağan Palace.⁶⁷ The shah and the sultan had breakfast together with the *şehzades* (sons of the sultan and the shah), Mirza Hussein Khan and Mehmed Rüşdü Paşa.⁶⁸ This was also the occasion on which they, the shah and the sultan, had some private conversations.⁶⁹ The shah also had a private conversation with the Ottoman Grand-vizier Mehmed Rüşdü Paşa.⁷⁰ These meetings must have centred on the problem of the legal status of the Iranians.

We see that the Ottomans ascribed a higher status to the shah during his visit to Istanbul, in order to emphasise his position as a Muslim ruler. On Thursday, after breakfast, *Şehzade* Yusuf İzzeddin Efendi (1857-1916), son of the sultan, visited the shah at Beylerbeyi Palace.⁷¹ The shah wrote in his diary that he presented two medals to “the sixteen-year-old, very handsome prince.”⁷² The newspaper *La Turquie* mentioned that the *şehzade* was very happy to have

58 Nasir al-Din Shah, 367. During this period, there were around 16.000 Iranians living in Istanbul. Sasani, 74. For a detailed analysis on the Iranian community of the Ottoman Empire, see my dissertation Kilerci, “A Foreign Community in the Making”.

59 Nasir al-Din Shah, 368.

60 *La Turquie*, 19 August 1873, 1.

61 *La Turquie*, 19 August 1873, 1.

62 Nasir al-Din Shah, 372.

63 Nasir al-Din Shah, 372.

64 *La Turquie*, 20 August 1873, 1.

65 Nasir al-Din Shah, 372.

66 *La Turquie*, 20 August 1873, 1.

67 *Basiret*, 26 Cemaziyelahir 1290 (21 August 1873), 1; *Rûznâme-i Cerîde-i Havâdis*, 27 Cemaziyelahir 1290 (22 August 1873), 1.

68 Nasir al-Din Shah, 379.

69 Nasir al-Din Shah, 379; *La Turquie*, 22 August 1873, 1.

70 *La Turquie*, 22 August 1873, 1.

71 Nasir al-Din Shah, 382.

72 Nasir al-Din Shah, 387

received medals from a Muslim ruler.⁷³ Regardless of whether these words come from the *şehzade* or the newspaper, they attribute significant importance to the shah as a Muslim ruler in awarding the medals to the Ottoman *şehzade*. Nasir al-Din Shah paid a return visit to Yusuf İzzeddin Efendi at the Çırağan Palace, the next day. The Ottoman newspaper *Basiret* mentioned that the shah had not paid a return visit to any other prince in Europe, which emphasised the importance of this return visit by a Muslim ruler to the son of another Muslim ruler.⁷⁴

The shah also visited Ayasofya on Thursday and performed his midday and afternoon prayers, *namaz*, there.⁷⁵ Together with his entourage, the shah also visited the library in the mosque.⁷⁶ That evening, the shah was invited to dinner by the sultan.⁷⁷ After a private conversation,⁷⁸ the shah and the sultan went to the throne room where the dinner table was laid.⁷⁹ The sultan and the shah sat at the head of the table, while the entire Ottoman and Iranian diplomatic body was also present.⁸⁰ After the meal, the sultan and the shah, together with two grand-viziers and the Russian and English ambassadors went to another room where they had a private conversation.⁸¹

On Saturday morning, the sultan and the Ottoman Minister of War visited the shah.⁸² Nasir al-Din Shah wrote that he and the sultan rode together to the upper garden, then boarded an open carriage and travelled to the vineyard of the *valide sultan* (sultana-mother) to have breakfast.⁸³ After breakfast, they returned to the Beylerbeyi palace, where he had a “conversation on all

73 *La Turquie*, 22 August 1873, 1. Although medals have a longer history in Europe, the awarding of medals did not become a tradition in the Ottoman Empire and Qajar Iran until the nineteenth century. See Edhem Eldem, *İftihar ve İmtiyaz. Osmanlı Nişan ve Madalyaları Tarihi* (Pride and Privilege, (İstanbul: Osmanlı Bankası Arşiv ve Araştırma Merkezi). In the course of the westernisation of the two states, medals became a new type of reward. The awarding of medals was not only associated with privileges granted by the ruler, but also played an important role in foreign policy in the second half of the nineteenth century. The rulers of the Ottoman and Qajar domains sent each other and other European rulers numerous medals for diplomatic purposes. During Nasir al-Din Shah's visit to Istanbul, the awarding of medals served as an instrument to demonstrate Ottoman-Qajar friendship. When the shah was in Istanbul, the Ottoman Foreign Minister Raşid Paşa received the medal Shir u Khurshid (Lion and Sun) from the shah, while the Iranian Grand-vizier Hussein Khan received an Ottoman medal Nişan-ı 'Alî Osmânî from the sultan. *Rûznâme-i Ceride-i Havâdis*, 28 August 1873, 1. The shah also presented Mehmed Rüşdü Paşa with his portrait. *La Turquie*, 25 August 1873, 1. In addition, the newspaper *Rûznâme-i Ceride-i Havâdis* presented a long and detailed list of Iranian bureaucrats who were awarded medals by Sultan Abdülaziz. *Rûznâme-i Ceride-i Havâdis*, 31 August 1873, 1. The newspapers *La Turquie* and *Rûznâme-i Ceride-i Havâdis* stated that the sultan wore the medal of Shir u Khurshid at the dinner in the Dolmabahçe Palace, while the shah carried the medal of Osmânî. *La Turquie*, 23 August 1873, 1; *Rûznâme-i Ceride-i Havâdis*, 2 Receb 1290 (26 August 1873), 1.

74 *Basiret*, 22 August 1873, 1.

75 Nasir al-Din Shah, 384.

76 Nasir al-Din Shah, 384. The shah mentions that there were about two thousand volumes of books about theology, history, and jurisprudence written in Arabic. Nasir al-Din Shah, 384.

77 Nasir al-Din Shah, 385.

78 Nasir al-Din Shah, 385.

79 *La Turquie*, 23 August 1873, 1.

80 Nasir al-Din Shah, 385-386.

81 *La Turquie*, 23 August 1873, 1; Nasir al-Din Shah, 386.

82 Nasir al-Din Shah, 387.

83 Nasir al-Din Shah, 387.

manner of topics” with the sultan.⁸⁴ In the afternoon, the shah went to the garden of Çırağan Palace and spent some time there.⁸⁵ On Sunday, 24 August, the shah had a meeting with the Ottoman Minister for Foreign Affairs Raşid Paşa who visited the shah.⁸⁶

When Nasir al-Din Shah was in Istanbul, he met with the Iranian *shahbandars* of Aleppo, Izmir, Syria and Trabzon who were invited by the shah to the Ottoman capital, according to the Ottoman newspaper *Rûznâme-i Ceride-i Havâdis*.⁸⁷ It is highly possible that the shah wanted to talk with the Iranian *shahbandars* in the Ottoman Empire to discuss the problem regarding the law before signing an agreement on the issue. Then, as newspaper *La Turquie* reported, a confidential meeting on the topic of the law in question was held while Nasir al-Din Shah was in Istanbul.⁸⁸ The newspaper *La Turquie* added that the two grand-viziers also discussed the problems between the two states.⁸⁹ These meetings must have taken place during one of the private conversations between the shah and the sultan and the grand-viziers that the shah noted in his travel diary which have already been mentioned above.⁹⁰

On Monday, before leaving the city, the shah along with the Iranian Grand-vizier Hussein Khan, Mirza Malkam Khan (1833-1908), famous Iranian diplomat, and Ali Bey went to Dolmabahçe Palace to visit the sultan.⁹¹ The sultan and the shah had a long conversation in the presence of the two grand-viziers. An hour later, the sultan visited the shah.⁹² After having a private conversation, they boarded a boat together and then boarded the ship *Sultaniye* and sat down with the two grand-viziers.⁹³ The shah stated that the sultan left the ship before it reached the end of the Bosphorus; however the newspaper *La Turquie* reported that the sultan accompanied the shah to the end of the Bosphorus.⁹⁴ This was the end of shah’s days in Istanbul, he then travelled back to Iran via Georgia and reached Tehran eleven days later.⁹⁵

Overcoming the Problem: An Agreement was Finally Signed

On 14 August 1873, four days before the shah arrived in Istanbul, *Ceride-i Mehâkim*⁹⁶, the

84 Nasir al-Din Shah, 388.

85 Nasir al-Din Shah, 390-391.

86 Nasir al-Din Shah, 394.

87 *Rûznâme-i Ceride-i Havâdis*, 27 Cemaziyelahir 1290, (22 August, 1873), 2.

88 *La Turquie*, 23 August 1873, 1-2.

89 *La Turquie*, 23 August 1873, 1-2.

90 Nasir al-Din Shah, 395.

91 Nasir al-Din Shah, 395.

92 Nasir al-Din Shah, 395.

93 Nasir al-Din Shah, 395.

94 Nasir al-Din Shah, 394; *La Turquie*, 23 August 1873, 1-2.

95 Nasir al-Din Shah, 401.

96 In 1873, the Ottoman Ministry of Justice established an official periodical, *Ceride-i Mehâkim* (Journal of the Courts), to assist the *Nizâmiye* courts. This fifteen-page journal was published weekly and included reports on civil and criminal court cases around the Ottoman Empire. See Avi Rubin, *Ottoman Nizamiye Courts, Law and Modernity*, (London: Palgrave Macmillan, 2011), 9. The newspaper *Rûznâme-i Ceride-i Havâdis* published these instructions quoting from *Ceride-i Mehâkim*. *Rûznâme-i Ceride-i Havâdis*, 4 Receb 1290 (28 August 1873), 2-3.

publication of the Ottoman Ministry of Justice published a letter of instructions “confirming the agreements between the two states that were recently made and paraphrasing the imperial decree regarding the problems between the two states which was issued on 12 August 1873.”⁹⁷ The Iranian and Ottoman States had likely made an initial agreement regarding the Iranians' legal status and capitulatory privileges, and the shah confirmed his visit to Istanbul only after the Ottoman State issued an imperial decree clarifying the Iranians' legal status and their rights deriving from that status. The instructions published in the *Rûznâme-i Cerîde-i Mehâkim*, which paraphrased the imperial decree, noted that the Ottoman State had decided to review and clarify the decisions that had previously been made and conveyed to the Ottoman courts.⁹⁸ It added that this review would clarify the legal situation of the Iranian *shahbandars* and the rights of Iranian subjects arising from their foreigner status and put an end to the Ottoman mistreatment of them. The rights and duties of Iranians arising from their foreigner status were described in detail.⁹⁹

Before the shah left Istanbul via the Bosphorus, Sultan Abdülaziz and Nasir al-Din Shah, together with Raşid Paşa, Mirza Muhsen Khan, the Iranian ambassador to Istanbul, and Malkam Khan on board, signed an agreement on the legal status of the Iranians.¹⁰⁰ Although this agreement signed by the Ottoman and Iranian rulers in Istanbul and the imperial decree that paraphrased the instructions does not appear at the Ottoman State Archives, three documents regarding this issue dated 1874 and 1875 are available. All three are almost identical to what was published in *Cerîde-i Mehâkim*. 1874 dated document includes orders that were given to the commission that would work on the issue of the Iranians' nationality.¹⁰¹ The 1875 document is an agreement including roughly the same articles listed in the agreement published by *Cerîde-i Mehâkim* before the shah's visit. The original copy of the 1875 agreement which included the seals of the Ottoman and Iranian Grand-viziers exists at the Ottoman State Archives.¹⁰² There is also an unsealed copy of this agreement.¹⁰³ In addition to these Ottoman documents, one from the Iranian Foreign Ministry includes some articles of these agreements and refers to a copy of these agreements maintained by Iranian authorities.¹⁰⁴ This may have been in the Iranian Foreign Ministry archives, but I was not able to locate it. All these documents present that an initial agreement was made when the shah was in Istanbul and the commissions selected

97 *Rûznâme-i Cerîde-i Havâdis*, 4 Receb 1290, 2. “Fî 19 Cemâziye'lâhîr sene 90 ve fî 31 Temmuz sene 89 Devlet-i ‘Aliye ile İrân devleti beyninde münakîd olan mu’âhedât ahkâmını teyîde ve geçenlerde şeref-efzâ-yı sünûh olan irâde-i seniye-i hazret-i padişâhî mücebince devâ’ir-i ‘âliyye ve vilâyâta tasdîr buyurulan tahrîrât-ı sâmiye âhkâm-ı münîfesini tefsîre kaleme alınan ta’lîmâtıdır.”

98 *Rûznâme-i Cerîde-i Havâdis*, 4 Receb 1290, (28 August 1873), 2-3.

99 *Rûznâme-i Cerîde-i Havâdis*, 4 Receb 1290 (28 August 1873), 2-3.

100 *La Turquie*, 23 August 1873, 1-2.

101 BOA.A.DVN.NMH, 21/9. 22 Receb 1291 (4 September 1874).

102 BOA.A.DVN.NMH 22/4. 21 Safer 1292 (29 March 1875).

103 BOA. A.DVN NMH, 43/2. 12 Zilkade 1292 (10 December 1875).

104 Foreign Policy Documents at the Iranian Ministry of Foreign Affairs (*Vazarat-e Umur-e Kharijeye* GH 1328-K11-P1-68).

by the Ottoman and Iranian states worked on this issue from this initial agreement until 29 March 1875. On this day, the two states signed the final version of the agreement regarding the Iranians' legal status within the Ottoman realm. The shah's visit was the diplomatic background of all these conventions and agreements; thus, the instructions published by *Ceride-i Mehâkîm* constituted their core.

According to the instructions published by *Ceride-i Mehâkîm* and the agreements signed in the context of the shah's visit, Iranians were accepted as foreigners, and Iranians who wished to change their nationality status had to go through the same procedure as other foreigners.¹⁰⁵ The agreements also stated that the Iranians coming to the Ottoman lands were supervised and protected by the Iranian *shahbandars* during the naturalisation processes. The Iranian *shahbandars* would have a right to send the Iranians back to Iran where necessary. Because the Iranians were foreigners, they were subject to the Ottoman passport and *mürûr tezkiresi* (transit pass) and *karantina nizâmâtı* (quarantine regulations).¹⁰⁶ The agreements indicate that Iranians, like other foreigners, did not have to perform military service or pay the *bedel-i askerî*, a tax that non-Muslim Ottoman subjects once paid for exemption from military service.¹⁰⁷

Becoming an *ecnebî* state did not imply an automatic grant of capitulatory privileges. Capitulations, which included judicial and economical privileges, were bilateral agreements.¹⁰⁸ However, because European foreigners had had capitulatory privileges for centuries, becoming *ecnebî* meant becoming a capitulatory state in the eyes of the Iranians. European countries had become foreigners before Iran, and the treatment of their nationals was interpreted as a model for Iran in its endeavour to become a foreign state. Iran's desire for capitulations took place in an environment where large groups of Europeans enjoyed capitulatory rights and the Ottoman State was overwhelmed by its own subjects vying for *protégé* status. In the nineteenth century, the capitulations were perceived as "a symbol of Ottoman inferiority vis-a-vis Europe".¹⁰⁹ Nineteenth century Ottoman intellectuals and legal experts saw the capitulations as a tool for Western penetration and believed that the capitulations should be abolished. For instance, a nineteenth-century legalist Fraşerli Mehdi defined the capitulations as "*imtiyâzât-ı muzırırâ*" (harmful privileges) and "*ecanibin bize takmış oldukları zincîr-i kuyudât*" (the chains that foreigners put around our necks).¹¹⁰ Namık Kemal explicitly pointed out the need to abolish the capitulations: "it is not worth renovating the commercial courts if there is a possibility to

105 "Hâdi Aş'er: Teb'a-i İrâniye'den biri Devlet-i Âliyye Tâb'iyetine girmek ister ise b'i'l-cümle teb'a-i ecnebîyyeye şumûlü olan nizâm-ı mâhsûsuna tatbikân iktîza-i icrâ olunacak ve bu usûlün hâricinde olarak teb'a-i merkûmeden hiçbirî hilâf-ı nizâm Devlet-i Âliyye tâb'iyetine kabul olunmayacaktır." *Rûznâme-i Ceride-i Havâdis*, 28 August 1873, 3.

106 See the fourth article of 1875 agreement.

107 For *bedel-i askerî* tax, see Stanford Shaw, "The Nineteenth-Century Ottoman Tax Reforms and Revenue System", *Int. J. Middle East Stud.*, no. 6, (1975): 421-459, 431.

108 Quatert, *The Ottoman Empire*, 79.

109 Ahmad, 'Capitulations', 6.

110 Mehdi Fraşerli, *Osmanlı Devleti'nde Kapitülasyonların Uygulanışı (İmtiyazat-ı Ecnebiyyenin Tatbikat-ı Hazırası)*, yayına hazırlayan, Fahrettin Tızlak, (İstanbul: Fakülte Kitabevi), 8.

abolish the capitulations".¹¹¹ In such an environment, the Ottomans was reluctant to give such privileges to the Iranians given that it was trying to abolish the capitulations of the Europeans, which were turning out to be economically and socially disadvantageous to the Ottoman State. The Ottoman State showed this reluctance to the Iranian State in one of the telegrams sent by the Ottoman ambassador to the Ottoman Foreign Ministry. The ambassador claimed to have told the Iranian grand vizier and ambassador that "it is impossible to consider the agreements that we (the Ottomans) have signed (in the sixteenth century) with the Christian powers in the age of darkness as equivalent to the one that we signed with a Muslim state in the nineteenth century."¹¹² By using the phrase "Christian powers in the age of darkness" and by using the words "Christians" and "Europeans" interchangeably, the Ottoman ambassador was highlighting that "in the dark ages" such privileges could only be granted to Christians by the superior Muslim-Ottomans. Iranians were Muslims, so it was impossible to grant capitulatory rights to Muslim equals in the nineteenth century.

In the end, the agreements that made the Iranians foreigners simultaneously provided them with few capitulatory privileges. Challenging Karen Kern's and Yitzhak Nakash's claims that the 1875 agreement provided Iranians with fuller capitulatory rights,¹¹³ I argue that the agreements provided only limited extraterritorial judicial privileges.¹¹⁴ First articles of both agreements concerned judicial procedures for the Iranians: "Because Iranians were accepted as foreigners, the *shahbandars* were affirmed to have the same rights and privileges as their European counterparts."¹¹⁵ All cases between Iranians themselves would be determined by the Iranian *shahbandars*.¹¹⁶ Civil and criminal cases between Iranians and Ottomans would be heard in Ottoman mixed tribunals¹¹⁷, as were cases between Ottomans and other foreigners. *Shahbandars* or their representatives could provide protection and assistance and be present in the judicial proceedings.¹¹⁸ Commercial cases between Ottomans and Iranians were held in Ottoman courts, but only if Iranian dragomans were present.¹¹⁹ In addition, the Ottoman State would not have any responsibility for the problems between the Iranian subjects and Iranian *shahbandars*.¹²⁰

111 "imtiyazat-ı ecnebiyyenin ilgasına imkan var iken mehakim-ı ticaretin islahıyla uğraşmak çekilecek emeklere değmez". Namık Kemal, *Osmanlı Modernleşmesinin Meseleleri, Bütün Makaleleri 1*, eds. Nergis Yılmaz Aydođdu, İsmail Kara, (İstanbul: Dergah Yayınları, 2005), 263.

112 BOA.HR.SFR (4), 239/11, Lit D, No 5179/133.

113 Kern, *Imperial Citizen*, 99, 15; Nakash, *The Shii'tes*, 17-18.

114 Extraterritoriality can be simply defined as one state's 'exclusive jurisdiction over its citizens in another state.' Turan Kayaođlu, *Legal Imperialism: Sovereignty and Extraterritoriality in Japan, the Ottoman Empire, and China*, (Cambridge: Cambridge University Press: 2010), 2.

115 *Rûznâme-i Ceride-i Havâdis*, 28 August 1873, 2. (1873 agreement)

116 BOA.DVN.NMH.22/4 (1875 agreement).

117 I borrow the term 'mixed courts' from Avi Rubin and use it to refer to courts in which cases of both the Ottomans and foreigners were judged. See Rubin, *Nizamiye Courts*, 23-26.

118 BOA.DVN.NMH.22/4 (1875 agreement).

119 BOA.DVN.NMH.22/4 (1875 agreement).

120 *Rûznâme-i Ceride-i Havâdis*, 28 August 1873, 3.

Iran became a capitulatory foreign state, but the extent of its capitulatory privileges did not compare to those of most European countries, such as France, England and Holland.¹²¹ The Iranians did not gain fuller capitulatory rights including legal privileges regarding economic activities such as tax exemption; there is no mention of them. As Van Den Boogert claims, tax exemption was a determining factor in the legal status of foreigners.¹²² However, foreign Iranians were not granted tax exemption. The fifth article of the signed agreements stated that Iranians engaged in trade or a craft would be treated as Ottoman subjects and pay the same taxes as Ottoman subjects.¹²³ This was a reference to the Ottoman State regulation over the Iranians' business and the collection of the *temettü* (profits/income) tax. Nationals of foreign states were exempt from paying *temettü* to the Ottoman State if they practised a craft or trade within the Ottoman Empire.¹²⁴ However, the Ottoman State explicitly stated that the Iranians would pay the profits tax even though they were foreigners.¹²⁵

By providing the Iranians with the foreigner status the Ottoman State drew a boundary between the Ottomans and Iranians hoping to prevent Ottoman subjects, mainly Shiites, from claiming Iranian protection or subjecthood in the Ottoman Iraq. However, this foreigner status would allow the Iranian population to ascend through marriages. The Law of Ottoman Nationality (1869) decreed that an Ottoman woman who married a foreign man immediately assumed her husband's nationality.¹²⁶ Ottoman women who married Iranians, who were defined as foreigners by 1873, were also considered Iranians, increasing the Iranian population. If an Ottoman Sunni Muslim became an Iranian national via marriage, there was a possibility that he would convert to Shiism. Thus, a marriage prohibition between the Ottomans and Iranians came to the Ottoman agenda as a solution to this problem. Marriage prohibition between Ottoman nationals and Iranians was first mentioned in the introduction part of the instructions of 1873. The text only referred to the prohibition of marriages between the Ottoman woman and Iranian men by stating *...kız almaları.... memnû olduğundan* (taking a girl was forbidden).¹²⁷ However, the law prohibiting such marriages was passed in 1874, a year after the shah's

121 See Suraiya Faroqi, *The Ottoman Empire and the World Around It*, (London&NewYork: I.b. Tauris, 2004), 144-150.

122 Van Den Boogert, *The Capitulations*, 33.

123 Fifth article of the agreement published by *Rûznâme-i Ceride-i Havâdis*, 28 August 1873, 3.

124 Stanford Shaw, 'The Nineteenth-Century Ottoman Tax Reforms and Revenue System', *International Journal of Middle East Studies*, no.6, 1975: 421-459, 428.

125 This regulation was also applied to Greeks. After the Greeks gained independence, many Greeks of the Ottoman Empire went to and became subjects of Greece. However, many others stayed within the Ottoman Empire. Since they were former Ottoman subjects, the Ottoman State was reluctant to consider them as foreigners. Some documents from the Ottoman State Archives show that Greeks and Iranians were the only foreigners that were treated as Ottoman subjects in terms of paying some taxes. See Serbestoğlu, İbrahim. *Osmanlı Kimdir? Osmanlı Devleti'nde Tabiiyet Sorunu*. Istanbul: Yeditepe Yayınları, 2014, 235-256; 325-327. BOA A.MKT.MHM 478.4 15 Muharrem 1292 (21 February 1875).

126 Serbestoğlu, *Osmanlı Kimdir?*, 72. Serbestoğlu argues that the law's construe will of marriage was similar to European counterparts. According to the French Law of Citizenship, passed on 21 March 1804, a foreign woman married to a French man became a French national. Serbestoğlu, 71.

127 *Rûznâme-i Ceride-i Havâdis*, 28 August 1873, 2.

visit.¹²⁸ Although other foreigners were allowed to marry Ottoman nationals, the Ottoman State prohibited Iranians from marrying Ottomans. If they married, the children would be considered as Ottoman.¹²⁹

Concluding Remarks

The shah's visit to Istanbul took place in an environment where the legal situation of Iranians was being discussed. Although Iranians wanted the capitulatory privileges granted to the foreign nationals of European States, the Ottoman State not only granted them few of such privileges, but also restricted their rights arising from their foreigner status. Iranians were treated as Ottoman subjects if they were involved in trade and paid *temettü* taxes, while other foreigners did not pay such taxes. Although other foreigners were allowed to marry Ottomans, Iranians were forbidden to marry Ottomans, and if they married, their children were considered Ottomans. In this way, the Ottoman State created a special category of foreigners that applied only to Iranians. However, this was not the end of the story. The agreements signed by the Ottoman and Iranian States within the context of Nasir al-Din Shah's visit to Istanbul ended a political crisis between the Ottoman and Iranian States regarding the legal situation of Iranians within the Ottoman Empire; however, they created new areas of conflict and crisis. Many Iranians objected to their limited rights arising from their new legal status and conflicted with the Ottoman State on many occasions.¹³⁰

Nasir al-Din Shah planned to visit Istanbul in 1878 and 1888, during his second and third trips to Europe, respectively, but postponed both visits. Two documents from the Ottoman State Archives mention that before returning to Iran in 1878, the shah wanted to visit Istanbul during his second trip to Europe and meet with the sultan to strengthen the friendship between the two states and Islamic unity.¹³¹ However, the shah did not visit the Ottoman capital, because the Ottoman Empire and Russia were involved in a war near the Ottoman-Iranian border. When he returned to Tehran, he wrote to the sultan that he was sad not to have visited Istanbul, but that the friendship between the two states would last forever.¹³² According to a document in the Ottoman State Archives, the shah also decided to visit Istanbul in 1888.¹³³ However, once again, this did not happen.

It was not Nasir al-Din Shah but his son Mozaffar al-Din, who visited Istanbul twelve years later in 1900. When compared the visit of his successor Mozaffar al-Din Shah twenty-

128 BOA, Y.A.RES, 37-8, 25 Şaban 1291 (7 October 1874). Marriage prohibition between the Ottomans and Iranians has been largely discussed by Karen Kern in her book *Imperial Citizen*. However, Kern states that the law was enacted in 1874; she does not mention that it first appeared in the instructions of 1873. Also see the first chapter of Kilerci, "A Foreign Community in the Making".

129 BOA.DH.SN.THR. 11 27, 16 Şubat 1328 (1 March 1913).

130 These conflicts and objections have been largely discussed in my dissertation. See Kilerci, "A Foreign Community in the Making".

131 BOA.Y.PRK.EŞA 1/86; BOA.Y.PRK.HR. 2/79

132 BOA.YPRK.NMH. 1/28

133 BOA. Y. PRK.TŞF 2/69. 6 Zilkade 1306 (1888).

seven years later during the reign of Sultan Abdülhamid II, the extent of the hospitality and respect shown to Nasir al-Din Shah becomes even clearer. Before coming to Istanbul, Mozaffar al-Din Shah sent a letter to Sultan Abdülhamid II expressing his wish to be received at the port by the sultan, who had received the German Emperor there two years before the shah's visit.¹³⁴ However the sultan did not even leave his palace for the shah.¹³⁵ However, Nasir al-Din Shah was personally received by Sultan Abdülaziz at the port; the sultan was also present when the shah leaving the city as well. Sultan Abdülhamid II put every effort to demonstrate his superiority over the shah through royal protocol, newspapers and photographs, in which Mozaffar al-Din Shah was portrayed only as a 'guest' in Istanbul rather than a ruler who ruled over his subjects in the city.¹³⁶ However, Nasir al-Din Shah was not just a royal guest in Istanbul, but a ruler who was able to force the Ottoman State to clarify the legal situation of his subjects and grant them capitulatory privileges, albeit limited ones.

Hakem Değerlendirmesi: Dış bağımsız.

Çıkar Çatışması: Yazar çıkar çatışması bildirmemiştir.

Finansal Destek: Yazar bu çalışma için finansal destek almadığını beyan etmiştir.

Peer-review: Externally peer-reviewed.

Conflict of Interest: The author has no conflict of interest to declare.

Grant Support: The author declared that this study has received no financial support.

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134 Fatmagül Demirel, *Son Ziyaretler, Son Ziyafetler*, (İstanbul: Doğan Kitap, 2007), 92-93.

135 See my master thesis: Başak Kilerci, *Ottoman-Qajar Relations through Photography: Mozaffar al-Din Shah's Istanbul Visit (1900)*, master's thesis submitted to the Institute of Social Sciences, Boğaziçi University, 2013, 124-125.

136 Kilerci, "Muzaffar al-Din Shah's Istanbul Visit", 126-129.

- Mehdi Fraşerli, *Osmanlı Devleti'nde Kapitülasyonların Uygulanışı (İmtiyazat-ı Ecnebiyyenin Tatbikat-ı Hazırası)*, yayına hazırlayan, Fahrettin Tızlak, (İstanbul: Fakülte Kitabevi)
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