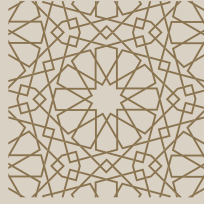


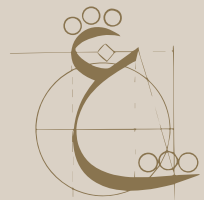


# kadim

SAYI / ISSUE 9 • NİSAN / APRIL 2025



09



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*A double-blind peer-reviewed open-access academic journal that is published semiannually (April and October) in the field of Ottoman Studies*

SAYI | ISSUE 9 • NİSAN | APRIL 2025

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TASARIM | DESIGN Hasan Hüseyin CAN

BASKI | PRINTED BY

MetinCopyPlus • Artı Dijital & Baskı Merkezi

Türkocağı Cad. 3/A Cağaloğlu - Fatih / İstanbul

BASIM TARİHİ | PRINT DATE • NİSAN | APRIL 2025

ISSN 2757-9395 • E-ISSN 2757-9476

ÜCRETSİZ | FREE OF CHARGE

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Ergene, Boğaç A.

*Defining Corruption in the Ottoman Empire: Morality, Legality, and Abuse of Power in Premodern Governance.*

OXFORD: OXFORD  
UNIVERSITY PRESS, 2024.  
320 PAGES.  
ISBN: 9780198916215.



ÖZGÜN DENİZ YOLDAŞLAR\*

## ABSTRACT

Boğaç A. Ergene's *Defining Corruption in the Ottoman Empire* provides a critical analysis of corruption in pre-modern Ottoman governance, examining its legal, moral, and political dimensions. Drawing on extensive primary source research, Ergene explores how corruption was perceived, debated, and regulated within Ottoman society. Rather than imposing modern definitions, he highlights alternative frameworks that shaped the interpretation of practices such as bribery and patronage.

**Keywords:** Corruption, Morality, Islamic Jurisprudence, Legal Traditions, Governance.

## ÖZ

Boğaç A. Ergene'nin *Defining Corruption in the Ottoman Empire* (Osmanlı İmparatorluğu'nda Yolsuzluğu Tanımlamak) adlı eseri, modern öncesi Osmanlı yönetiminde yolsuzluğun hukuki, ahlaki ve siyasi boyutlarını ele alan eleştirel bir analiz sunmaktadır. Ergene, kapsamlı birincil kaynak araştırmalarıyla yolsuzluğun Osmanlı toplumunda nasıl algılandığını, tartışıldığını ve düzenlendiğini incelemektedir. Modern tanımları doğrudan uygulamak yerine, rüşvet ve kayırma gibi uygulamaların nasıl farklı çerçeveler içinde yorumlandığını vurgulamaktadır.

**Anahtar Kelimeler:** Yolsuzluk, Ahlak, İslam Hukuku, Hukuk Gelenekleri, Yönetim.



## MAKALE BİLGİSİ | ARTICLE INFORMATION

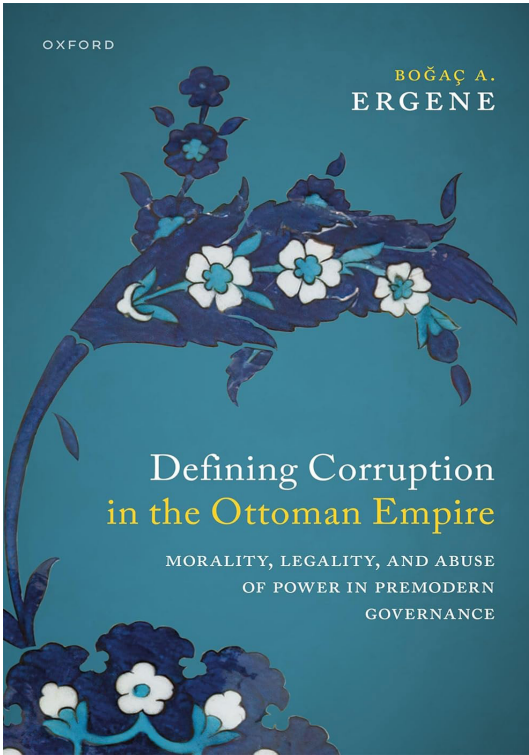
Makale Türü: Kitap Değerlendirmesi | Article Type: Book Review  
Geliş Tarihi: 14 Şubat 2025 | Date Received: 14 February 2025  
Kabul Tarihi: 26 Mart 2025 | Date Accepted: 26 Mart 2025



## ATIF | CITATION

Yoldaşlar, Özgün Deniz. "Ergene, Boğaç A. Defining Corruption in the Ottoman Empire: Morality, Legality, and Abuse of Power in Pre-modern Governance". *Kadim* 9 (April 2025), 189-195. doi.org/10.54462/kadim.1639674

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In *Defining Corruption in the Ottoman Empire: Morality, Legality, and Abuse of Power in Premodern Governance*, Boğaç A. Ergene explores the multifaceted nature of corruption in Ottoman governance through extensive primary source analysis. He examines how corruption was understood in the early modern Ottoman context, tracing its evolving legal, moral, and political dimensions. Central to his inquiry is whether corruption, as defined today, had an equivalent or alternative framework in the Ottoman context. Targeting scholars of Ottoman and Middle Eastern history, the book engages both Ottomanist and comparative perspectives, making it essential for those studying historical governance and corruption.

For nearly a quarter of a century, Ergene has focused on the intricate and often contentious relationship

between the Ottoman state and its subjects, a topic that has been increasingly shaped by a revisionist turn in Ottoman historiography over the past few decades. A strand of this historiography has frequently emphasized notions of pragmatism, tolerance, or proto-democratic governance in a somewhat naïve way precisely because it adopts a reactionary stance against traditional historiography. In seeking to challenge earlier narratives, this approach often risks oversimplification, replacing one rigid framework with another rather than offering a more nuanced and balanced interpretation. Notably, this revisionist perspective has been well received in certain academic circles in Turkey, a phenomenon that itself warrants further analysis. In contrast, Ergene has consistently positioned himself outside this trend. Both in his previous works and in this book, he approaches Ottoman history with greater critical distance from current historiographical trends, offering an alternative to the dominant revisionist narrative. However, this stance has not been without controversy; his approach has faced criticism and, at times, has sparked broader ideological debates. While still engaging with the overarching theme of state-society relations, Ergene's latest book departs from the argument-driven narratives commonly found in contemporary Ottoman historiography, opting instead for a more open-ended and source-driven analysis.

Whereas many of these works revolve around a single, overarching thesis, Ergene's book begins with a concept —corruption— and traces its manifestation across various sources and historical contexts, offering a nuanced, multifaceted exploration. Rather than providing moralistic or dismissive interpretations of corruption, Ergene deliberately refrains from making

absolute judgments, allowing the sources to speak for themselves. This approach not only shifts the focus from prescriptive conclusions to an exploration of historical complexities, but also invites readers to form their own assessments based on the evidence presented. In this way, Ergene's voice remains distinctly less authoritative and more informative, promoting critical engagement with the material rather than guiding readers toward predetermined conclusions. This method reflects a more investigative scholarly inquiry, positioning the book as an essential resource for those seeking a deeper, more reflective understanding of the Ottoman Empire's governance and its moral, legal, and political dimensions.

Ergene's study explores corruption across eight thematic chapters, framed by an introduction and conclusion. The first six chapters trace its evolution from pre-Ottoman legal traditions to its treatment in Ottoman legal texts, state documents, political literature, and foreign accounts. The final two chapters focus on the ambiguous nature of gifts as potential bribes and the morality of patronage within the Ottoman *ilmiye* class. The conclusion brings these discussions together, offering a broader reflection on corruption, governance, and historical interpretation.

In the introduction, *Conceptual Reflections*, Ergene explores how pre-modern Ottoman society perceived behaviors now labeled as "corruption." He underscores that no direct equivalent of the modern term existed in Ottoman Turkish. Instead of imposing modern standards, he advocates for a historical approach that situates practices such as bribery, favoritism, and embezzlement in their own context through evolving terminologies and interpretations. Engaging with broader historiographical debates, Ergene contrasts early modernization theories that viewed corruption as an inherent feature of pre-modern states with recent scholarship that examines corruption within the historical and cultural framework of Ottoman modes of wealth extraction and patronage. He concludes by calling for a context-sensitive analysis that acknowledges the moral, legal, and economic dimensions of corruption in Ottoman governance.

In Chapter 1, *Corruption Based on Pre-Ottoman Jurisprudential Sources*, Ergene examines the conceptualization and terminology of corruption within Islamic primary sources and early Islamic legal history. He analyzes how the Quran and Hadith reference corruption without offering a systematic definition, while also tracing institutional and administrative developments in the pre-Ottoman period. The chapter underscores the role of Islamic jurisprudence in shaping legal responses to corruption, yet also highlights the limitations of classical legal discourse, which led early Muslim states to seek alternative regulatory mechanisms. Consequently, institutions such as the mazâlim courts, which predated Islam and operated distinctly from kadı courts, were established to address corruption-related matters. By examining these early mechanisms, this chapter lays the groundwork for understanding how such perspectives evolved within the Ottoman context.

Chapter 2, *Corruption in Ottoman Jurisprudence*, examines how Ottoman scholars framed corruption within their legal tradition, focusing on the roles of kadıs, muftis, and witnesses. The chapter focuses on the works of two prominent Hanafi jurists, Ibn Nujaym and Ibn Abidin, who grappled with distinguishing legitimate gifts from illicit bribes, highlighting how corruption was addressed within the judicial sphere. Additionally, Ergene analyzes fatwas issued by Ottoman chief jurists, revealing how religious authorities engaged with corrup-

tion-related issues. A possible critique of the chapter is the reliance on two scholars, one from sixteenth-century Egypt and the other from nineteenth-century Damascus, as representative of the broader Ottoman legal tradition. This raises important questions about the omission of comparable treatises from the empire's central provinces and whether this absence reflects a genuine paucity of sources. If such sources were indeed lacking in the central provinces, this would constitute a significant gap worth further reflection, as it could offer insight into broader patterns within the empire's legal discourse on corruption.

Expanding the scope beyond legal scholarship, Chapter 3, *Abuse and Predation in State Documents*, shifts attention to Ottoman governance through state-produced documents, uncovering a bureaucratic perspective on corruption. It explores the pre-Islamic Circle of Justice and its Ottoman adaptation, illustrating how this framework shaped governance. The chapter examines two key documents: the 1516 *Niğbolu District Kanunname* and a 1609 *Adaletname*, analysing how the Ottoman state conceptualized and addressed official misconduct. While the chapter relies on a relatively limited number of sources, its detailed analysis of these texts provides a systematic understanding of how the state articulated, regulated, and legitimized governance through legal and bureaucratic discourse and its detailed examination of these two key texts helps mitigate this constraint.

In *Controlling Corruption* (Chapter 4), Ergene examines the Ottoman Empire's efforts to mitigate corruption through administrative and judicial reforms. Drawing on the analytical framework developed by Kiser and Tong in their study of Qing China,<sup>1</sup> the chapter evaluates the Ottoman government's capacity and commitment to addressing corruption prior to the Tanzimat reforms. Analysing *mühimme* (imperial decree) and *şikayet* (complaint) registers from the mid-sixteenth to the early eighteenth centuries, Ergene identifies patterns in corruption-related grievances. Additionally, data from *kalebend* (prisoner) registers demonstrate how punishments for corruption, including exile, imprisonment, and temporary detention, depended on the offender's social status, political context, and the extent of available leniency measures. The chapter concludes by integrating empirical findings with theoretical perspectives, highlighting the complex relationship between institutional structures and the practical constraints of anti-corruption efforts in the Ottoman Empire. In line with this broader analytical approach, Ergene aims to construct a historical narrative that spans long periods, which may explain his reliance on sources covering extensive time frames without always providing detailed contextualization, an emphasis on statistical analysis that raises concerns about the depth of contextualization. However, a more productive question concerns his selection of sources, particularly why only transcribed documents were used. Was this a matter of practicality, or were these sources genuinely representative of early modern Ottoman administrative practices? Clarifying this point would have improved methodological transparency, strengthened the study's credibility, and further reinforced the persuasiveness of his analytical framework.

Chapter 5, *Corruption in Ottoman Political Literature*, examines how pre-modern Ottoman political thought conceptualized corruption and traces its evolution over time. Ergene analyzes a range of *nasihatname* sources, organizing them chronologically to highlight

1 Edgar Kiser – Xiaoxi Tong, "Determinants of the Amount and Type of Corruption in State Fiscal Bureaucracies: An Analysis of Late Imperial China", *Comparative Political Studies* 25/3 (1992), 300–331.



shifts before and after the sixteenth century. The chapter also explores two contrasting perspectives on public office corruption: the sharia-oriented stance of the Kadızadeli movement and the pragmatic approach of the chronicler Naima. To clarify these perspectives, five analytical tables systematically categorize primary sources, providing a structured examination of how corruption was debated in Ottoman political thought. The chapter raises two critical issues for further inquiry. First, recent scholarship shows that *nasihatname* authors came from diverse backgrounds, yet the focus on traditional advisory treatises overlooks the genre's broader social and political scope. Second, while produced over a long period, the discussion overlooks the nuances and contexts of *nasihatname* texts, treating them as a cohesive tradition and risking the obscuring of shifts shaped by changing political and social conditions. A deeper engagement with these variations could have clarified their responses to specific historical circumstances.

In Chapter 6: *Corruption According to Accounts for Foreigners*, Ergene examines European narratives as sources for understanding corruption in the early modern Ottoman Empire. Although these accounts are often dismissed due to their religious, ideological, and political biases, he contends that they offer valuable insights into understudied aspects of Ottoman governance, including the legal system, commercial practices, and the experiences of non-Muslim communities. The chapter explores a range of Western travel accounts from the late sixteenth to the early nineteenth centuries, assessing their portrayals of Ottoman judicial practices. Although Ergene discusses the reliability of these sources in depth, his criteria for selecting specific narratives remain unclear, raising questions about how well they represent broader European perceptions of Ottoman corruption. He does not fully explain why some accounts are emphasized over others, leaving uncertainty about the extent to which these choices affect the balance of the analysis. However, examining the Ottoman system through the perspectives of foreign observers provides a valuable alternative viewpoint, highlighting aspects of governance that may not be as evident in Ottoman sources.

What distinguishes a gift from a bribe? Chapter 7: *Gifts as Bribes* explores this question by examining the fluid boundaries between these two forms of exchange in the Ottoman Empire. Rather than relying on rigid legal definitions, Ergene presents a spectrum where social expectations, economic necessity, and political power shaped perceptions of legitimacy. He highlights that gift exchanges were not mere acts of generosity but carried significant political, social, and economic weight. The chapter also analyzes how the nature and value of a gift, particularly in judicial contexts, played a crucial role in establishing trust and mutual understanding. Building on this, Ergene offers a new perspective on Hans Ulrich Krafft's account, emphasizing the performative aspect of gift-giving, particularly in legal settings where such exchanges shaped relationships of power and obligation. He further examines how Ottoman discourse often blurred the distinction between "gift" and "bribe," demonstrating how perceptions of legitimacy were shaped by context and intent rather than fixed legal categories. By situating gift-giving within broader social and economic structures, this chapter deepens our understanding of transactional practices and their intricate ties to power dynamics in the Ottoman world.

Chapter 8, *On the Morality of Patronage—The Case of İlmiye*, examines the nature of patronage and favoritism within the Ottoman *ilmiye*, exploring their broader institutional

and moral contexts. Ergene provides a nuanced analysis of their institutional significance and the debates surrounding their legitimacy. He demonstrates how patronage functioned both as a formal recruitment mechanism and as a means of exercising favoritism, showing that personal connections and merit often coexisted within the Ottoman system. Unlike modern perspectives that equate patronage with corruption, Ergene argues that personal networks were not inherently seen as misconduct. Drawing on jurisprudential treatises, political literature, and official documents, he highlights state efforts to regulate patronage by strengthening internal *ilmiye* ties and limiting external influences, particularly in judicial appointments. This chapter sheds light on how the Ottoman state sought to reconcile traditional patronage practices with emerging administrative and meritocratic standards, offering deeper insight into governance in the empire.

The final section of the book, *Conclusion: Possible Rationalizations of Corruption and Other Afterthoughts*, explores the rationalizations of corruption while offering a more nuanced reflection on the broader themes of the study. To the best of my knowledge, Ergene was the first scholar to introduce the term *madun* into Turkish academic discourse as a translation for *subaltern*. Building on this linguistic contribution nearly 25 years later, he analyzes a 1645 order from a *mühimme* register containing complaints submitted to the Anadolu Beylerbeyi regarding a certain Kadı Ahmed. Despite holding an official position, Kadı Ahmed can be categorized as *madun* in this context, as the sources, produced and preserved by the state, present only a one-sided account of his actions, limiting access to his own perspective. Ergene attempts to counterbalance this dominant state narrative by seeking to give voice to Kadı Ahmed, employing Ashforth and Anand's eight rationalization strategies from *The Normalization of Corruption in Organizations*<sup>2</sup> to examine how these justificatory frameworks operated within the Ottoman socio-political structure and may have influenced Kadı Ahmed's responses. He further links these strategies to the book's broader themes, demonstrating their relevance across different historical and institutional contexts. However, while the conclusion effectively revisits key arguments from each chapter, it does not fully integrate the book's diverse discussions into a singular analytical framework. The connections between different periods, legal traditions, and political contexts remain somewhat implicit rather than explicitly articulated. A more structured and integrative conclusion could have more clearly underscored overarching patterns in how corruption was conceptualized and regulated in the Ottoman world, offering a stronger reflection on the book's broader scholarly contributions.

After summarizing the chapters, it is important to highlight technical aspects that shape the book's structure and readability. Two key elements stand out. First, the inclusion of tables effectively summarizes primary sources, making complex topics more accessible and aiding navigation. Second, while footnotes are extensively used, in-text references disrupt the narrative flow; consolidating them in footnotes could have improved readability. However, this choice likely reflects editorial decisions influenced by the publisher. Readers are encouraged to review the tables and footnotes carefully for a deeper engagement with the material.

Ergene's *Defining Corruption in the Ottoman Empire* balances accessibility for a general audience with its value as a research reference. Prioritizing direct engagement with sources

2 Blake E. Ashforth – Vikas Anand, "The Normalization of Corruption in Organizations", *Research in Organizational Behavior* 25 (2003), 1–52.

over a predetermined narrative, Ergene's extensive use of primary and secondary materials allows for a broad chronological scope and a more systematic methodology. Despite these strengths, a potential critique concerns the criteria for source selection, particularly the basis for prioritizing certain materials. Greater transparency in this process would have strengthened the methodological framework. Offering more insight into these choices and discussing the representativeness of the sources in relation to the broader theme of corruption would have further deepened the study's analytical rigor. Nevertheless, the book provides a comprehensive and nuanced analysis of corruption in pre-modern Ottoman society, challenging modern assumptions about state misconduct. Rather than applying contemporary definitions, Ergene examines how corruption was perceived through legal, administrative, and political lenses, showing that bribery, favoritism, and patronage were often understood as part of reciprocal systems of governance rather than outright illegal acts. Drawing from diverse sources, he illustrates how corruption was regulated, debated, and at times normalized within the empire. By balancing accessibility with scholarly depth, Ergene provides a nuanced study that not only engages with debates on governance, law, and morality but also reframes state-society relations in the Ottoman Empire through the lens of corruption. With its well-researched analysis and critical engagement with historiographical debates, this book makes a significant contribution not only to Ottoman history but also to broader discussions on corruption, legal history, and governance in pre-modern societies.

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