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Legalistic Discourse in Sixteenth-Century Ottoman Political Thought: A Literature Review

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Abstract

In world history, the sixteenth century played a transformative role in many areas, which have been described as the hallmarks of early modernity. While such transformations influenced the Ottoman Empire, the peculiar historical developments in the empire made the sixteenth century more important for history-writing. The scholarship demonstrates the increasing emphasis on law and legal-rational mentality among the intellectual circles of the empire, especially in the second half of the century. The place of increasing legalistic discourse within the political thought literature is only barely discernable, although the Ottoman historiography demonstrates its cruciality mostly without highlighting the relationships with political thought. By following the close relationship between context and political thought, the present paper aims to illustrate how significant transformations, such as bureaucratic enhancements, wars, and intercultural exchanges, shaped the content and language of legitimacy concerns and the ideas on the right government. In that sense, it explores the growing emphasis on law and increasing legalistic discourse within the empire's political thought in the given time period by evaluating and re-examining the modern scholarship on the sixteenth-century Ottoman Empire.

Keywords: Ottoman political thought, Ottoman intellectual history, the sixteenth century, early modern periyod, historical contextualism, legalistic discourse

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On Altıncı Yüzyıl Osmanlı Siyaset Düşüncesinde Hukuki Söylem: Bir Literatür Değerlendirmesi

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Öz

Dünya tarihinde, on altıncı yüzyıl, erken modernitenin ayırt edici özellikleri olarak tanımlanan birçok alanda dönüştürücü bir rol oynadı. Bu tür dönüşümler Osmanlı İmparatorluğu'nu etkilerken, imparatorluğun kendine özgü tarihsel gelişmeleri on altıncı yüzyılı tarih yazımı için daha da önemli hale getirdi. On altıncı yüzyıl Osmanlı'sı üzerine üretilmiş olan literatür, özellikle yüzyılın ikinci yarısında imparatorluğun entelektüel çevreleri arasında hukuka ve yasal-rasyonel zihniyete artan vurguyu göstermektedir. Her ne kadar şimdiye kadar üretilmiş olan eserler bu gelişmelerin belirtseler de artan hukuki söylemin siyaset düşüncesi literatürü içerisindeki yeri ancak güçlükle fark edilebilir durumdadır. Bu makale, bağlam ve siyaset düşüncesi arasındaki yakın ilişkiyi takip ederek, bürokratik gelişmeler, savaşlar ve kültürlerarası etkileşim gibi önemli olayların meşruiyet kaygılarının içeriği ve dili ile yönetim hakkındaki fikirlerini nasıl şekillendirdiğini göstermeyi amaçlamaktadır. Bu anlamda, on altıncı yüzyıl Osmanlı İmparatorluğu üzerine modern araştırmaları değerlendirerek ve yeniden inceleyerek, bahsi geçen zaman diliminde imparatorluğun siyaset düşüncesinde hukuka artan vurguyu ve artan hukuki söylemi araştırmaktadır.

Anahtar Kelimeler: Osmanlı siyaset düşüncesi, Osmanlı entelektüel tarihi, On altıncı yüzyıl, erken modern period, tarihsel bağlamsalcılık, hukuki söylem

Introduction

Despite the difficulty of drawing boundaries around the field of political thought, it is possible to identify certain features of it through studying matters related to government, legitimacy, and the world of ideas of certain elite groups. Modern scholarship studied the history of political thought mostly through texts dealing with politics more directly. However, the overall social, political, and intellectual setting, in which these materials emerged, provides important clues about a specific era's political thought. As J. G. A. Pocock underlines: "The historian might approach the political thought of a society by observing, first, what modes of criticizing or defending the legitimacy of political behavior were in existence, to what symbols or principles they referred, and in what language and by what forms of argument they sought to achieve their purpose."[1]

The sixteenth century constitutes an interesting milestone in world history as the starting age of early modernity.[2] This is also true for the sixteenth-century Ottoman Empire and especially the Suleymanic era, which has been an important reference point and the subject of inquiry both for Ottoman and modern scholars.[3] In fact, the empire experienced a multitude of political, social, intellectual, religious, bureaucratic, and military novelties and transformations, and such radical contextual developments make the sixteenth century interesting as well in terms of political thought.

Ottomanists have dealt with the various aspects of these significant historical transformations, especially with those experienced in the second half of the sixteenth century. The modern scholarship has agreed upon the increasing legal-rational thinking in different spheres of the empire based on the growing emphasis on law during the time period in question.[4] However, the role of legal-rational thinking in the era's political thought has not been studied in detail. In this article, I will revisit the modern scholarship on the sixteenth-century Ottoman Empire from a different perspective, through which I aim to explore the growing emphasis on law and increasing legalistic discourse on the empire's political thought.

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1 Pocock, *Political Thought and History*, 16 (first published in 1962).

2 Hodgson, *The Venture of Islam: The Gunpowder Empires and Modern Times*, 3:3–133; Subrahmanyam, "Connected Histories"; Fleischer, "The Lawgiver as Messiah".

3 In his article, Kafadar deals with the problematic approach to Suleymanic era as the golden age, an approach that is shared both by Ottoman and modern authors, see: Kafadar, "The Myth of the Golden Age."

4 For detailed information, see the following part of this article: "Ottoman Political Thought in Sixteenth Century and the Growing Emphasis on Law".

The article's first part investigates the trajectory of Ottoman political thought without delving into details. After mentioning the four ways of political writing in the Ottoman Empire: ethical, statecraft, Sufistic, and juridical in the second part, I will lastly analyze the works of Ottoman historiography in terms of possible interconnections between the legalistic way of thinking and political thought.

The Trajectory of Ottoman Political Thought Literature

The history of Ottoman political thought is part of the broader Islamic intellectual history. However, both Ottoman political thought and Ottoman intellectual history, more generally, have been neglected by the earlier scholarship on Islamic intellectual history. The early studies by Orientalists were heavily focused on the sources in the Arabic language[5] while twentieth-century studies allocated only a few pages to Ottoman political thought. When they did so, they mostly focused on the mirror-for-princes literature of the late sixteenth and seventeenth century discussed in relation to the theme of Ottoman decline.[6]

Ottoman political thought has rarely been researched as an independent field of study despite several pioneering studies dealing with the issue from different perspectives. While the field started to emerge in the early twentieth century,[7] only the recent years witnessed a considerable increase in the scholarly works on Ottoman political thought. This recent development comes to fruition in mainly three ways. The first way, namely, taking inventory of the primary sources that might be related to political thought and identifying them becomes prevalent in the last two decades.[8] The second, and probably the most common way of study-

5 Itzkowitz, *Ottoman Empire and Islamic Tradition*; Fazlıoğlu, *Kayıp Halka*, 15–25; El-Rouayheb, *Islamic Intellectual History in the Seventeenth Century*, 1–10.

6 Nur, "Politics in a Sixteenth-Century Ottoman Scholar's Worldview: Taşköprizade Ahmed's (d. 968/1561) Discourse on Rulership," 1–4; Rosenthal, *Political Thought in Medieval Islam*, 224–33; In Lambton's book, Ottoman Empire was mentioned sporadically and slightly. A few references were given in the footnotes: Lambton, *State and Government in Medieval Islam*; Crone, *Medieval Islamic Political Thought*; Al-Azmeh, *Muslim Kingship*. Even though Black gives more place to Ottoman political thought, his work is also restricted to "decline" and "westernization" literature: Black, *The History of Islamic Political Thought*, 199–222, 256–77 (initially published in 2001 by Routledge). The thematic book that is edited by G. Böwering diverges in a positive path from its precedents, in which history of Islamic thought was discussed, and includes quantitatively more and qualitatively better references to the Ottomans as well as the Safavids and Mughals: Böwering, *Islamic Political Thought*.

7 Bursalı Mehmed Tahir, *Siyasete Müteallık Asar-ı İslamiyye*.

8 Yılmaz, "The Sultan and the Sultanate: Envisioning Rulership in the Age of Suleyman the Lawgiver (1520-1566)," 21–121; Yılmaz, "Osmanlı Tarihçiliğinde Tanzimat Öncesi Siyaset Düşüncesine Yaklaşımlar," 231–98; "OTTPOL: A History of Early Modern Ottoman Political Thought, 15th to Early 19th Centuries," OTTPOL: A History of Early Modern Ottoman Political Thought, 15th to Early 19th Centuries, 2015, http://ottpol.ims.forth.gr/; "İslam Siyaset Düşüncesi Kataloğu," İslam Siyaset Düşüncesi Kataloğu, 2019, http://isd.ilem.org.tr/; Sariyannis, *A History of Ottoman Political Thought Up to the Early Nineteenth Century*.

ing political thought is to scrutinize the opinion of a scholar or a *belles-lettrist* or a state official by focusing on the "political" matters within their works. Individual studies on certain texts can also be regarded as part of this biographic approach to political thought.[9] Lastly, scholars have also approached the subject matters of the history of Ottoman political thought theoretically and conceptually by providing overarching categories and contextualizing significant terminologies.[10]

Ways of Political Writing in the Early Modern Ottoman Empire

Ottoman political thought was equated with political advice literature for a long time. In this regard, proposing a new classification that enlarges the limits of the field itself plays a significant role in the field. Yılmaz's categorization of the Ottoman "ways of writing on politics" under four distinct headings is beneficial: ethics, statecraft, jurisprudence (juristic perspectives), and Sufism.[11]

Among them, ethics, which discusses rulership as a matter of ethics and morality, can be considered as the continuation of a long-lasting Persianate

9 Gibb, "Luṭfī Paşa on the Ottoman Caliphate"; Tezcan, "The Definition of Sultanic Legitimacy in the Sixteenth Century Ottoman Empire"; Al-Tikriti, "Şehzade Korkud (ca. 1468-1513) and the Articulation of Early 16th Century Ottoman Religious Identity"; Kanatsız, "Da'wah an-Nafs"; Şahin, *Empire and Power in the Reign of Süleyman*; Nur, "Politics in a Sixteenth-Century Ottoman Scholar's Worldview: Taşköprizade Ahmed's (d. 968/1561) Discourse on Rulership"; Markiewicz, *The Crisis of Kingship in Late Medieval Islam*; Terzioğlu, "Ibn Taymiyya, al-Siyāsa al-Shar'iyya and the Early Modern Ottomans."

10 İnalcık, "Osmanlı Padişahı"; İnalcık, "Suleiman the Lawgiver and Ottoman Law"; İnalcık, *The Ottoman Empire*; İnalcık, "Comments on 'Sultanism'"; İnalcık, "State and Ideology under Sultan Süleyman I"; İnalcık, "State, Sovereignty and Law during the Reign of Suleyman"; Fleischer, "From Şeyhzade Korkud to Mustafa Ali"; Fleischer, "Royal Authority, Dynastic Cyclism and 'Ibn Khaldunism' in Sixteenth Century Ottoman Letters"; Fleischer, *Bureaucrat and Intellectual in the Ottoman Empire*; Fleischer, "A Mediterranean Apocalypse"; Kunt, *The Sultan's Servants*; Kunt, "Ottoman Political Theory, Reality and Practice"; Flemming, "Public Opinion under Sultan Süleymân"; Imber, "Ideals and Legitimation in Early Ottoman History"; Imber, *Ebu's-Su'ud*; Imber, "Frozen Legitimacy"; Darling, "Political Change and Political Discourse in the Early Modern Mediterranean World"; Darling, "Islamic Empires, the Ottoman Empire, and the Circle of Justice"; Yılmaz, "Osmanlı Devletinde Batılılaşma Öncesi Meşrutiyetçi Gelişmeler"; Yılmaz, *Caliphate Redefined*; Yılmaz, "Mevlânâ Osmanlı Sarayında: Mahmud Dede'nin Sevâkıbu'l-Menakıb'ında Siyasi İmgeler"; Tezcan, *The Second Ottoman Empire*; Sariyannis, "Ottoman Critics of Society and State, Fifteenth to Early Eighteenth Centuries"; Sariyannis, "The Princely Virtues as Presented in Ottoman Political and Moral Literature"; Sariyannis, "Ruler and State, State and Society in Ottoman Political Thought"; Ferguson, *The Proper Order of Things*; Ferguson, "Ottomans, Ottomanists and the State: Re-Defining an Ethos of Power in the Long Sixteenth Century"; Markiewicz, *The Crisis of Kingship in Late Medieval Islam*.

11 Yılmaz, "The Sultan and the Sultanate: Envisioning Rulership in the Age of Suleyman the Lawgiver (1520-1566)," 63–121; Yılmaz, *Caliphate Redefined*, 64–93. Sariyannis also organizes his "reference" book by exceeding the borders of the traditional view, see for his classification: Sariyannis, *A History of Ottoman Political Thought Up to the Early Nineteenth Century*, 22–28.

literary tradition, which was rooted in Ibn Miskawayh's (d. 1030) and Nāṣir al-Din al-Tusi's (d. 1274) works and even went back to the Greek philosophers.[12] This genre maintained its presence even in the sixteenth century with some modifications as in the example of Kınalızāde Ali Efendi's *Aḫlak-i Alā'ī*. However, the Ottoman scholarly and bureaucratic elites initiated a distinctly indigenous genre, which Yılmaz called "statecraft", the first example being Lutfi Pasha's (d. 1564) *Āṣafnāme*. Works produced in this new Ottoman genre generally cover various practical matters regarding institutions and *kanun*-consciousness, such as the duties of the grand vizier.[13]

In the last decade, most of the studies on political thought in the Ottoman Empire, as well as in other Islamicate empires of the early modern era, such as the Safavid and Mughal empires, have characterized this age's tone as mystical/sacral.[14] The post-Abbasid or post-Mongol period was ripe for the proliferation of individual small polities since the Mongols abolished the notion of the historical caliphate, the vicegerency of the prophet (*khalīfat-i Rasūlullah*), which implied a universal leadership of the Muslim world.[15] Simultaneously, the proliferation of Sufi networks[16] and the dissemination of Sufi texts, which point to the combination of temporal and sacral authorities in one person, provided these individual small polities with a new kind of legitimacy.[17] Therefore, the new type of rulership not only included worldly kingship but also combined it with sacral authority at the same time.

Moreover, especially in the first half of the sixteenth century, apocalyptic expectations such as messianism and millenarianism became an early modern Eurasian phenomenon. The approach of the tenth century of the Muslim calendar and the great conjunction of Jupiter and Saturn created an expectation for the *sāhib-kıran* (master of the conjunction or world conqueror) in the Islamicate world in the early decades of the sixteenth century.[18] Along with Shiite Safavid claims of *Mahdiship*,[19] both the Ottomans and Habsburgs had similar sacred

12 Yılmaz, 66, 69–75; Sariyannis, *A History of Ottoman Political Thought Up to the Early Nineteenth Century*, 66.

13 Yılmaz, *Caliphate Redefined*, 66, 75–79.

14 For the Safavid Empire: Babayan, "The Waning of the Qizilbash: The Temporal and the Spiritual in Seventeenth Century Iran"; Babayan, *Mystics, Monarchs, and Messiahs*; for the Mughal Empire: Moin, *The Millennial Sovereign*; for Timurids: Binbaş, *Intellectual Networks in Timurid Iran*; for more comparative works: Melvin-Koushki, "Early Modern Islamicate Empire"; Markiewicz, *The Crisis of Kingship in Late Medieval Islam*.

15 Yılmaz, *Caliphate Redefined*, 1–4; Bashir, *Messianic Hopes and Mystical Visions*, 31–32.

16 Green, *Sufism*, 81–91; Binbaş, *Intellectual Networks in Timurid Iran*, chap. 3.

17 Yılmaz, *Caliphate Redefined*; Melvin-Koushki, "Early Modern Islamicate Empire"; Markiewicz, *The Crisis of Kingship in Late Medieval Islam*.

18 Fleischer, "The Lawgiver as Messiah," 164–65.

19 Babayan, "The Waning of the Qizilbash: The Temporal and the Spiritual in Seventeenth

kingship claims.[20] In the first half of his reign, Süleyman the Magnificent also used various mystical and messianic symbols against his rivals with the guidance of grand vizier İbrahim Pasha. For instance, Süleyman the Magnificent wore a helmet crown full of symbols and pieces of jewelry in 1532 during the campaign against the Habsburg Empire in response to Charles V's coronation by the pope as a Holy Roman Emperor.[21]

The last category of the ways of political writing is jurisprudence or juristic perspective. Lambton describes "the formulation of the jurists" as "the most truly Islamic" among the bodies of "Islamic political ideas" by referring to the genre's insistence on religious ideals rather than practice and its reference points, which were the same with Islamic legal theory (*usūl al-fiqh*), including Sunna and consensus of the umma (*ijmāʿ*).[22] Yılmaz defines the category as follows: "Juristic writings, with all the diverse opinions they may have, are governed primarily by the idea of legalistic legitimacy of authority based on Islamic law and the organization of government per demands of the Sharia."[23] In a nutshell, this refers to writing on political matters by using juristic concepts and discourse.

Historically, the juristic perspective of political writing had been associated with the "core" lands of Islam, i.e., mainly Arab majority lands in which al-Mawardi's and Ibn Taymiyya's works emerged.[24] However, as discussed above, since the genre could not fulfill the post-Abbasid rulers' needs of legitimacy, such as Quraishi descent for the rulership, the Sufistic type of political writing became more dominant in what Shahab Ahmed has called "the Balkans-to-Bengal Complex."[25] Yet, with the advent of the legalistic character of the sixteenth century, juristic political texts started to re-emerge and proliferate through the second half of the century in the Ottoman Empire.[26] Although this proliferation is aligned with

Century Iran," 36–40.

20 Fleischer can be regarded as the precursor of the literature with this article: Fleischer, "The Lawgiver as Messiah"; Fleischer, "Mahdi and Millennium"; Fleischer, "A Mediterranean Apocalypse"; Yılmaz, *Caliphate Redefined*; Melvin-Koushki, "Early Modern Islamicate Empire"; Markiewicz, *The Crisis of Kingship in Late Medieval Islam*; Martin, *A Beautiful Ending*, 92–111.

21 Necipoğlu, "Süleyman the Magnificent and the Representation of Power in the Context of Ottoman-Hapsburg-Papal Rivalry."

22 Lambton, "Islamic Political Thought," 404–5.

23 Yılmaz, *Caliphate Redefined*, 66.

24 Lambton, *State and Government in Medieval Islam*; Gibb, "Al-Mawardi's Theory of Caliphate"; Anjum, *Politics, Law, and Community in Islamic Thought*; Hassan, *Longing for the Lost Caliphate*; Kavak, "Memlükler Dönemi Siyaset Düşüncesine Giriş."

25 Ahmed, *What Is Islam?*, 37–48.

26 Yılmaz, *Caliphate Redefined*, 80–89; Köksal, *Fıkıh ve Siyaset: Osmanlılarda Siyaset-i Şer'iyye*, 141–293; Sariyannis, *A History of Ottoman Political Thought Up to the Early Nineteenth Century*, 99–128. Chapter Two of my master's thesis also deals with the proliferation of the juristic texts that are related to political thought, see: Erbil, "Translation and the Growth of

the undermentioned contextual changes and the increasing juristic discourse in different genres, such as in *ilmihal*s,[27] scholars have not given due attention to these texts and their contextualization.

Even though "mystical political thought" never came to an end in the early-modern Ottoman Empire,[28] changes in certain contexts influenced the discourse and ways of writing political thought.[29] As I will scrutinize transformations in the Ottoman Empire's intellectual, religious, social, and political contexts in the sixteenth century, it appears that the above-stated heyday of ambitious universalist claims of the states in the early decades of the sixteenth century became questionable through the mid-sixteenth century. It is not plausible to think that the language of political thought remained unchanged in this time of rapid change. In that sense, the proliferation of political texts written from the juristic perspective in the sixteenth-century Ottoman Empire cannot be considered as coincidental. It instead reflects the changing context of political writing.

Ottoman Political Thought in the Sixteenth Century and the Growing Emphasis on Law

As mentioned in the Introduction, the sixteenth century has a special place in world history as in Ottoman history. However, while the Ottoman scholars of the sixteenth-century have produced significant works, these historical transformations have been rarely treated within the framework of the history of political thought. However, in the absence of studies dealing directly with the issue, re-evaluation of the scholarly works on the sixteenth-century Ottoman Empire in terms of political matters provides an opportunity to enhance our knowledge about the era's political thought.

It is, for instance, wrong to take the sixteenth century as a monolith and overlook the inner differentiations despite there being no clear-cut breaking point or points. The literature that discusses the Suleymanic era also broadly agrees upon at least two different characteristics of the sixteenth century that follows each other chronologically. The early decades of the century witnessed fierce competition among the early modern states, namely the Ottomans, Safavids, and Habsburgs,

Juristic Discourse in Sixteenth-Century Ottoman Political Writing," 36–71.

27 Krstic in this article discusses the dominion of the jurisprudence in the sixteenth-century *ilmihal*s by comparing it with earlier examples, see: Krstić, "State and Religion, 'Sunnitization' and 'Confessionalism' in Süleyman's Time."

28 See for the traces of mystical political thought in the second half of the sixteenth century: Felek, *Kitabu'l-Menamat- Sultan III. Murad'ın Rüya Mektupları*; Yılmaz, "Mevlânâ Osmanlı Sarayında: Mahmud Dede'nin Sevâkıbu'l-Menakıb'ında Siyasi İmgeler."

29 Skinner, "Meaning and Understanding in the History of Ideas." For a detailed analysis on "contextualisms" of Q. Skinner, J.G.A. Pocock, and J. Dunn, see: Browning, "Quentin Skinner, the Cambridge School, and Contextualism," 67–88.

for universal dominion based on millenarian and messianic expectations.[30] However, these expectations started to wane in the second half of Süleyman's reign, with a more legalistic tone being felt in this period. As Fleischer argues, "about the year 1550 the cultural and ideological tone of the Suleymanic regime altered noticeably and substantially. (...) eclecticism, innovation and universalist dreams of the first three decades were replaced (...) with a new gravity of tone and a formalizing impulse to establish consistency of imperial style."[31]

The reasons behind this shift in the early-modern world are hard to explain, yet scholars suggested various explanations. Yet, they agree that the Ottoman Empire turned its face toward a more rational-legalistic mentality. Such a mentality appears in several forms, including *kanun*-consciousness, emphasis on sharia, and bureaucratization. Fleischer, for instance, argues that Süleyman might have chosen to become the protector of the religion rather than to pursue ambitious aims because of his old age, a balance mechanism by "the elite that he created," or because of failed attempts in the political area such as the slowdown in expansion, the growing realization that the Ottomans would not conquer the world, and the failure to enthrone Alkas Mirza as the king of Persia instead of Shah Tahmasb.[32]

A similar trend and change can also be followed in art and architecture. In several articles and books, Gülru Necipoğlu has shown a marked change in the representation of power and authority in Süleyman's reign.[33] She demonstrates that eclectic syncretism dominated by universalist symbols characterized the earlier part of his reign. On the other hand, the second part of his reign seems more representative of Islamic society as exemplified by the increase in the "aniconism" and floral motives in place of figural representations. This can be seen by the comparison between the ornaments in the Şehzade Mosque (b. 1543-48) and the richness of the ornaments in the Süleymaniye Mosque (b. 1550-57).[34] Necipoğlu offers a multi-layered explanation for the transformation both in the arts & architecture and in the minds of people based on the political reality that the Ottomans failed to expand their borders. Moreover, she associates these

30 Fleischer, "The Lawgiver as Messiah"; Fleischer, "Mahdi and Millennium"; Babayan, *Mystics, Monarchs, and Messiahs*; Goldish et al., *Millenarianism and Messianism in Early Modern European Culture*; Melvin-Koushki, "Early Modern Islamicate Empire". One can assume that astrological sources may replete with such messianic and millenarian references, yet Tunç Şen claims the rarity of them, see: Şen, "Astrology in the Service of the Empire: Knowledge, Prognostication, and Politics at the Ottoman Court, 1450s-1550s."

31 Fleischer, 171.

32 Fleischer, 171–74.

33 Necipoğlu, "Süleyman the Magnificent and the Representation of Power in the Context of Ottoman-Hapsburg-Papal Rivalry"; Necipoğlu, *Architecture, Ceremonial, and Power*; Necipoğlu, "A Kânûn for the State, a Canon for the Arts"; Necipoğlu, "The Dome of the Rock as Palimpsest."

34 Necipoğlu, "A Kânûn for the State, a Canon for the Arts."

developments with the increasing influence of the famous chief jurisconsult Ebussuud (d. 1574) and the grand vizier Rüstem Pasha (served 1544-1553 and 1555-1561). Therefore, Necipoğlu associates the formation of a more sober "Ottoman" canon for the arts with the Ottoman state-building process.[35] This "new self-identity, Sunni-Shi'i rivalry, and the maturing of the *devşirme*-based centralized system" played important roles.[36]

Kaya Şahin argues that the language of legitimacy was transformed in the given period "in terms of state/empire formation, the creation of new loci for political power, and the forging ideas of governance based on reason, efficiency, merit, and law, the sixteenth century represents a crucial period of transition in world history."[37] Şahin underlines Celalzade Mustafa's (d. 1567) role in the bureaucratization and institutionalization of the law-making process along with the great agency of Ebussuud Efendi.[38] Another recent study on sixteenth- and seventeenth-century Ottoman political thought, Heather L. Ferguson's *The Proper Order of Things: Language, Power, and Law in Ottoman Administrative Discourses*, also investigates the bureaucratization of the Ottoman Empire through the development of a record-keeping mechanism that rapidly improved after the mid-sixteenth century. She examines the development and also innovation of certain types of registers and genres, including *kanunname*s and *mühimme* registers, as signs of the expansion of the bureaucracy, and interprets this expansion as the rise of legalistic and textual authority.[39]

Within this context, the legal sphere gradually became the scene for the discussions among the different actors of the sixteenth-century Ottoman Empire. Both kanun and sharia provided conflicting parties to the debate with powerful arguments. Fleischer demonstrates how *kanun-consciousness* developed in the sixteenth century and how actors utilized *kanun* for their own sakes.[40] Baki Tezcan also highlights the roles of kanun and jurist's law in his account of absolutists and constitutionalists, who mainly disagreed on the ruler's power in the law-making procedure. According to him, unlike the expectation of the "secular-minded

35 Necipoğlu, 195.

36 Necipoğlu, 213. Zahit Atçıl shows Rüstem Pasha's rational-pragmatic approach to military expeditions and diplomacy with the concept of "peace consciousness" in the context of 1547 and 1555 peace treaties between the Habsburgs and Safavids; see Atçıl, "The Foundation of Peace Oriented Foreign Policy in the Sixteenth-Century Ottoman Empire: Rüstem Pasha's Vision of Diplomacy."

37 Şahin, *Empire and Power in the Reign of Süleyman*, 214–15.

38 Şahin, *Empire and Power in the Reign of Süleyman*, 214–42.

39 Ferguson, *The Proper Order of Things*, esp. 66–150.

40 Fleischer, *Bureaucrat and Intellectual in the Ottoman Empire*, 191–200.

reader," whereas kanun could be utilized for absolutist ends, "Ottoman jurists could give their support to different political projects."[41]

In conjunction with this, one of the most discussed issues is the harmonization of kanun and sharia in the sixteenth century by Ebussuud. The general tendency is to perceive kanun and sharia as two separate branches of Ottoman law as, respectively, secular and divine laws.[42] Even though this binary can be questioned in many respects, Ebussuud's agency in the law-making process, by using kanun and sharia together, is essential for demonstrating the increasing importance of juristic notions (i.e., *fiqh* terminology) in the field of law.[43] Therefore, the relationship the state had with sharia, Islamic jurisprudence, and Sunnism (all these concepts, more or less, are related to the legal sphere) has been a significant subject of inquiry for Ottomanists.[44]

In addition, the empire's "Sunna-mindedness" increased substantially during the sixteenth century, especially in the second half of Süleyman's reign.[45] This Sunna-mindedness has generally been equated with the contentious term "orthodoxy" or the less problematic term "orthopraxy." In that sense, Necipoğlu's seminal book, *The Age of Sinan*, not only shows the reflections of the intellectual trends on the architecture but also contextualizes Sinan with certain developments of his age, such as the edicts for the building of Friday mosques and the daily congregational prayers.[46] In her holistic approach, which combines the history of architecture and social-cultural history, Necipoğlu argues that the Ottomans claimed to champion Sunni Islam instead of their former ambitious universalism.[47]

The sixteenth century is a significant period where one can observe the intimate relationship between state and religion. Recent studies on the religious character of the empire have focused on the Sunni-Shi'i conflict, the Ottoman

41 Tezcan, *The Second Ottoman Empire*, 53–54.

42 For the earlier studies, see: Heyd, *Studies in Old Ottoman Criminal Law*; İnalcık, "Kanun and Shari'ah"; İnalcık, "Kanun"; Repp, *The Mufti of Istanbul*; Repp, "Qanun and Sharia in the Ottoman Context"; Gerber, *State, Society, and Law in Islam*; Imber, *Ebu's-Su'ud*. I will address more recent works in the context of Hanafism and State-madhhab issue in the following pages.

43 Imber, *Ebu's-Su'ud*; Buzov, "The Lawgiver and His Lawmakers."

44 Ahmet Yaşar Ocak, for instance, introduced a new area of scholarly discussion as a continuation of the heresy and orthodoxy debates in Ottoman Islam, in which he defined Ottoman Sunnism as an imperial ideology, see: Ahmet Yaşar Ocak, *Zındıklar ve Mülhidler*.

45 For instance: Fleischer, "The Lawgiver as Messiah," 1992; Necipoğlu, "Süleyman the Magnificent and the Representation of Power in the Context of Ottoman-Hapsburg-Papal Rivalry"; Necipoğlu, "A Kânûn for the State, a Canon for the Arts"; Buzov, "The Lawgiver and His Lawmakers"; Şahin, *Empire and Power in the Reign of Süleyman*.

46 Necipoğlu, *The Age of Sinan*.

47 Necipoğlu, 13–70.

state-building process, and the incorporation of Arab lands, also known as the "core" lands of Islam.[48]

The long Ottoman-Safavid rivalry from the beginning of the sixteenth century until 1736 sheds light on many important questions about legitimacy.[49] Nabil al-Tikriti traces the Ottoman intellectual response to the Safavid challenge on the basis of Islamic theology.[50] He focuses on the development of "Ottoman Islam" through court-related scholars, primarily the scholar-prince Şehzade Korkud in the face of the emerging threat of the Shiite Safavids: "Court-supported scholars separately pushed such an agenda within the norms of *kalām* argumentation and *fiqh* statutes strongly imply an activist court policy designed to counter what was seen as a serious internal threat to social cohesion, and buttress imperial legitimacy by defining enemies of the state as enemies of religion while enforcing social conformity through religious orthopraxy."[51] In a similar vein, Markus Dressler claims that both Sunni and Shi'i orthodoxies should be understood in relation to each other. This religious dichotomy resulted from the political conflict between the two polities.[52] Moreover, Abdurrahman Atçıl also shows how the trajectory of the conflict might have been influenced by the decisions of the Ottoman jurists against the Safavids and their supporters in Anatolia, even though he does not restrict his argument with the Ottoman-Safavid conflict, unlike Dressler and al-Tikriti.[53]

Novel approaches to studying religion and state convergence have proliferated over the last decade. Firstly, the concept of "confessionalization," initially used to explain the relationship between early modern European states and their entrenched religious identities,[54] was borrowed by several scholars of Ottoman history.[55] In the Ottoman context, this concept has mainly been interpreted as

48 I borrow the classification of Krstić with a few revisions such as denoting "incorporation of Arab lands" as a separate category due to its importance for this study; see: Krstić, "State and Religion, 'Sunnitization' and 'Confessionalism' in Süleyman's Time," 65–66.

49 For detailed information, see: Allouche, *The Origins and Development of the Ottoman-Safavid Conflict (906-962/1500-1555)*.

50 Al-Tikriti, "Kalam in the Service of State."

51 Al-Tikriti, 148.

52 Dressler, "Inventing Orthodoxy," 151–56.

53 Abdurrahman Atçıl, "The Safavid Threat and Juristic Authority in the Ottoman Empire During the 16th Century."

54 Lotz-Heumann, "The Concept of "Confessionalization."

55 For a genealogy see: Terzioğlu, "How to Conceptualize Ottoman Sunnitization"; for examples of the scholars who deal with Ottoman confessionalization, see: Krstić, "Illuminated by the Light of Islam and the Glory of the Ottoman Sultanate"; Krstić, *Contested Conversions to Islam*; Krstić, "From Shahāda to Aqīda: Conversion to Islam, Catechisation and Sunnitisation in Sixteenth-Century Ottoman Rumeli"; Krstić, "State and Religion"; Terzioğlu, "Sufis in the Age of State-Building and Confessionalization"; Terzioğlu, "Where 'İlm-i Ḥāl Meets Catechism";

Sunnitization and increasing Sunna-mindedness. Tijana Krstic introduced this conceptualization into Ottoman studies to understand confessional polarization in the Ottoman-Habsburg and Ottoman-Safavid rivalries on the basis of conversion narratives.[56] While Krstic sees sixteenth-century Ottoman confessionalization as a top-to-down, state-led process, Terzioğlu argues that both sixteenth- and seventeenth-century processes of Sunnitization resulted from the joint efforts of scholars, state officials, and other non-state actors.[57]

Even though many scholars do not follow the path of the "confessionalization" paradigm, they do emphasize the points that Terzioğlu underscores, especially those concerning the state-building process and bureaucratization. Abdurrahman Atçıl traces the establishment of an imperial learned hierarchy that had commenced with the conquest of Istanbul in 1453 and developed in the Suleymanic era.[58] He focuses on a newly emerging type of scholars, called "scholar-bureaucrats," who were associated with imperial hierarchy and served both within the learned establishment (*'ilmiye*) and in scribal offices (*kalemiye*) or other services.[59] Regarding this convergence of the state and the ulema, Atçıl highlights the mutual role of scholars and the wielders of temporal power in the creation of Sunni identity and the law of their time:

> Scholar-bureaucrats both contributed to and were influenced by the developments in 1530–1600. They helped define the Sunni identity of the empire and carry out its policy consequences, especially related to law. In addition, they played a significant part in the formation of kanun through their demands, decisions, and criticisms.[60]

A parallel approach comes from Samy A. Ayoub, who agrees that the Ottoman sultans had a growing impact on the sphere of "Sunni jurisprudence." However, he also claims that this is a mutual interaction by recognizing the jurists' agency vis-à-vis the state.[61]

Terzioğlu, "Power, Patronage and Confessionalism: Ottoman Politics as Seen through the Eyes of a Crimean Sufi, 1580-1593"; Burak, "Faith, Law and Empire in the Ottoman 'Age of Confessionalization'"; a recently edited book discusses Ottoman Sunnism from a wide variety of aspects, see: Krstić and Terzioğlu, *Historicizing Sunni Islam in the Ottoman Empire, c. 1450-c. 1750*; for a criticism to the usage of this term for the Ottoman Empire, see: Baer, "Review of Contested Conversions to Islam."

56 Krstić, *Contested Conversions to Islam*, 12–16, 165–74.

57 Terzioğlu, "How to Conceptualize Ottoman Sunnitization," 321–22; for an example to non-state actors, see: Terzioğlu, "Power, Patronage and Confessionalism: Ottoman Politics as Seen through the Eyes of a Crimean Sufi, 1580-1593."

58 Abdurrahman Atçıl, *Scholars and Sultans in the Early Modern Ottoman Empire.*

59 For a detailed information about scholar-bureaucrats, see: Atçıl, 5–8.

60 Atçıl, 132–33.

61 Ayoub, *Law, Empire, and the Sultan*, 1–25.

In a similar vein, production and implementation of Hanafi law in sixteenth-century have also become the subject of scholarly inquiry. Rudolph Peters articulates the transformation in doctrines of the Hanafi madhhab and the emerging distinctive character of Ottoman Hanafism as a response to the empire's needs for the "bureaucratic set-up." He denotes this development as the emergence of the "official madhhab."[62] This initial endeavor to define Hanafi madhhab as the official Ottoman school of law was taken a step further by Guy Burak's works. While Burak previously focused his attention on the state's agency in formulating the doctrine of the law based on the established hierarchy in an earlier work,[63] he developed the following argument in his recent book.[64] According to him, Ottoman state intervention into the law-making process was more than state-patronage of the jurists and should be taken within the context of post-Mongol dynastic law due to the emergence of state-appointed muftis, well-established imperial scholarly hierarchy, the appointment of Hanafi chief judges to Arab cities, where chief judges of four madhhabs had existed in the Mamluk era, and the necessity of dynastic approval in certain rulings.[65]

On the other hand, several other scholars have challenged the official madhhab formulation thesis. First, Abdurrahman Atçıl challenges this notion by examining the transformation and change in the judiciary and law in Ottoman Egypt.[66] He states that even though the practice of four chief judgeships was abandoned after the Ottoman conquest, there were no remarkable changes in terms of the judiciary that all four schools of law maintained their existence and authority.[67] Another criticism of the usage of official madhhab comes from Samy A. Ayoub. He also rejects the state hegemony over jurists and the school of law by emphasizing the distinct features of the "Late Hanafi" tradition that was influenced by certain Arab scholars, such as Ibn Nujaym.[68] He also states that the agency of jurists and the ruler's role as the enforcer of the law (Hanafi school of law) coexisted and did not create a contradiction in the Ottoman context.[69]

Alongside these theoretical and more bureaucratic discussions of Hanafi law, it is significant to study the madhhab's place in the sixteenth-century Ottoman

62 Peters, "What Does It Mean to Be an Official Madhhab? Hanafism and the Ottoman Empire."

63 Burak, "Faith, Law and Empire in the Ottoman 'Age of Confessionalization'"

64 Burak, *The Second Formation of Islamic Law*.

65 Burak, passim; for other studies that use "official madhhab" discourse, see: Meshal, *Sharia and the Making of the Modern Egyptian*, 71–102; Baldwin, *Islamic Law and Empire in Ottoman Cairo*, 72–98; Ibrahim, *Pragmatism in Islamic Law*, 35–49.

66 Abdurrahman Atçıl, "Memlükler'den Osmanlılar'a Geçişte Mısır'da Adlî Teşkilât ve Hukuk (922-931/1517-1525)."

67 Atçıl, 113–115.

68 Ayoub, *Law, Empire, and the Sultan*.

69 Ayoub, 1–7.

political thought through the works dealing with applied law (*furū' al-fiqh*) as Özgür Kavak has done with Serakhsi's (d. 1090) *al-Mabsūṭ*.[70] In this sense, Ibrahim Halabi's (d. 1549) well-known and oft-cited book, *Multaqa al-Abḥur*, is a great source to analyze in terms of political thought. Kasım Kopuz, in his recent doctoral dissertation, deals with *Multaqa* and its commentaries in a more extensive period. Kopuz argues that al-Halabi, as an independent and unofficial scholar of Islamic law, was able to compile a legal "textbook" that went hand in hand with the Ottoman Empire's needs for a tool to create legal uniformity and a normative framework in the sixteenth century. In addition, following the trajectories of the usage and qualities of *Baghy* (rebellion) and Imam concepts in the book and its commentaries between the sixteenth and eighteenth centuries, Kopuz pushes back the decline paradigm based on commentary tradition and the idea of frozen Islamic law.[71]

As continuously highlighted, the contextual developments played a considerable role in the development of sixteenth-century Ottoman political thought. One of the most important developments for the Ottoman Empire in the sixteenth century is the incorporation of the Arab lands. The encounter posed new legitimacy questions but also helped the Ottomans produce a language of political legitimacy that address their needs.[72]

The consolidation of Ottoman rule in Egypt and Syria was harder than the initial conquest of Syria and Egypt by Selim I in 1516 and 1517, respectively.[73] Even in the reign of Süleyman, the problems between the Ottoman government and the local notables, including former military and intellectual elites, remained. In 1524, after a series of rebellions, Süleyman sent his favorite grand vizier İbrahim Pasha along with various officers, including Celalzade Mustafa, to Egypt for regulating affairs and preparing a *kānunnāme*.[74] They prepared a codebook that incorporated the former Mamluk *qānun* which was ascribed to Sultan Kayıtbay and the Ottoman *kānun*.[75] This illustrates how hard-pressed the Ottomans were to implement their laws in Arab lands, especially in Egypt. Apart from the political

70 Kavak, "İslam Siyaset Düşüncesi Kaynağı Olarak Furû-ı Fıkıh Kitapları," 269–94.

71 Kopuz, "Reproduction of the Ottoman Legal Knowledge."

72 Erbil, "Translation and the Growth of Juristic Discourse in Sixteenth-Century Ottoman Political Writing."

73 For a general overview of Arab lands of the Ottoman Empire, see: Winter, *Egyptian Society Under Ottoman Rule, 1517-1798*; Hathaway, *The Arab Lands under Ottoman Rule,1516-1800*; Masters, *The Arabs of the Ottoman Empire, 1516-1918*.

74 For Ahmed Pasha's rebellion, see: Emre, "Anatomy of a Rebellion in Sixteenth-Century Egypt."

75 Winter, "Egypt and Syria in the Sixteenth Century," 48; Burak, "Between the Ḳānūn of Qāytbāy and Ottoman Yasaq"; Atçıl, "Memlükler'den Osmanlılar'a Geçişte Mısır'da Adlî Teşkilât ve Hukuk (922-931/1517-1525)," 111–13.

context, the socio-cultural and intellectual interconnectivity and the encounter of Ottoman and Islamic "core" lands have been one of the much-discussed issues among both Ottomanists and Arabists (or Mamlukologists).

On the other hand, the incorporation of the Arab lands into the Ottoman Empire also has a great potential for explaining sixteenth-century transformation to the more legalistic/juristic discourses if one follows the genealogies of the genres that proliferated in the sixteenth-century Ottoman Empire.[76] After the conquest of the Arab lands, scholar-bureaucrats were required to serve in these lands to earn a higher position in the central judicial hierarchy, and hence the interconnectedness of the Rumi and Arab ulema increased in the early sixteenth century.[77] However, one must still keep in mind that it is not a one-way or *in globo* transfer of knowledge, ideology, or discourse from one to another. On the contrary, the Ottomans were "quite selective in what they appropriated of the religious policies of their predecessors," in the words of Derin Terzioğlu.[78] In addition, as Abdurrahman Atçıl shows, perceiving the Ottoman state as the sole active power and Egyptian or Syrian society as a reluctant and passive object is problematic in essence.[79]

Particularly, the intensified relationships between the Rumi and Arab scholars not only increased the knowledge regarding each other but also created for the Ottomans certain legitimacy problems. At the same time, however, the circulation of ideas between the two realms also provided ways of dealing with these legitimacy problems.[80] Michael Winter summarizes the issue:

> As we have seen, after the Ottoman conquest, there were tensions and misunderstandings between the Arabic-speaking population in Egypt and Syria, and the Ottomans. Although both groups were Sunni Muslims committed to Islam, different traditions created problems, mainly because the relationship between rulers and the ruled was involved. With time, these problems diminished (but never disappeared completely) for two main reasons: a. Both sides adjusted to each other; b. The Ottoman Empire was becoming more religious.[81]

76 Erbil, "Translation and the Growth of Juristic Discourse in Sixteenth-Century Ottoman Political Writing."

77 Helen Pfeifer insightfully demonstrates scholarly gatherings and book exchanges in these meetings called *majālis* (s. *majlis*) *al-'ilm*, see: Pfeifer, "Encounter after the Conquest."

78 Terzioğlu, "How to Conceptualize Ottoman Sunnitization," 310.

79 Atçıl, "Memlükler'den Osmanlılar'a Geçişte Mısır'da Adlî Teşkilât ve Hukuk (922-931/1517-1525)," 90.

80 Buzov also mentions the increasing impact of jurisprudence in Ottoman Empire when the Ottomans encountered the long-lasting tradition of jurisprudence in the Arab lands, see: Buzov, "The Lawgiver and His Lawmakers," 140–43.

81 Winter, "Egypt and Syria in the Sixteenth Century," 49–50.

Even if we cannot speculate on their level of religiosity, the former conclusion seems true when the growing emphasis on religious law in the second half of the sixteenth century is taken into consideration. However, Ibn Nujaym, who had close ties with al-Sha'rānī had a more nuanced outlook on Ottoman rule. Even though he had some criticisms against the Ottoman rulers, Ottoman local governors continued to ask for his opinions. The answers he gave made him one of the foundational figures of "Ottoman Hanafism" in the later ages and constituted an essential source for the codification of Mecelle in the nineteenth century.[82]

Related to the Ottoman expansion into Arab lands, the question of leadership of the Muslim world became more prevalent by the mid-sixteenth century. Especially conquests of holy cities, including Jerusalem, Madina, and Mecca, played a critical role in formulating such a superiority claim in the Muslim world. Along with the taking over the title of custodian of the *ḥarameyn* (the two holy cities) by Ottoman sultans, the adoption of the title "caliph" is still being discussed among the scholars.[83] The discussion is manifold and deals with the issues including the ceremony of the Ottoman takeover of the caliphate from the last Abbasid caliph of the Mamluk Sultanate, the different meanings of the caliphate and how they were utilized by the sultan, and so on.[84] By all means, it seems that the Ottomans gave importance to the title of the caliphate and, perhaps more importantly, to their custodianship of the holy lands as crucial legitimizing tools of their rule over the Islamic world.

Conclusion

As part of intellectual history, political thought should be evaluated within its historical setting. This evaluation requires going beyond individual texts or authors by considering the overarching mentality of a specific age. The sixteenth

82 Ayoub, *Law, Empire, and the Sultan*, 31–63.

83 For a detailed literature review of early modern Ottoman caliphate, see: Saçmalı, "Sunni-Shiite Political Relations in the First Half of the Eighteenth Century and Early Modern Ottoman Universal Caliphate," 22–92. Even though Saçmalı's thesis' main focus is the political history of Ottoman-Iranian encounter between 1722 and 1747, he gives considerable attention to the trajectory of Ottoman caliphate in the early modern era. The author argues that Ottoman sultans did not wait until Küçük Kaynarca treatise in 1774 or Hamidian era in the nineteenth century to use the title of caliph in the political sense; instead they utilized it since the sixteenth century onwards. Saçmalı bases his work on secondary literature about Ottoman-Moroccon and Ottoman-Mughal rivalries for Muslim leadership as well as many primary sources on the characterization, functions and usage of the caliphate among the Ottoman literati and political elites from sixteenth to eighteenth centuries.

84 For works that discuss the caliphate, see: Saçmalı, "Sunni-Shiite Political Relations in the First Half of the Eighteenth Century and Early Modern Ottoman Universal Caliphate," 22–28, esp. notes 48, 49, 56, 60. For the discussion on Ottoman claims of caliphate in the sixteenth century, see: Demir, *Osmanlı Hilafetinin İlk Asırları*, 13–142; Emecen, *Osmanlı Klasik Çağında Hilafet ve Saltanat*, 13–88.

century was the scene of rapid transformations and developments in different parts of the globe. Throughout this century the Ottoman Empire also witnessed many significant confrontations and fundamental transformations, including rivalries with the Habsburgs and Safavids, bureaucratic expansion, developing kanun-consciousness, and the growing state-religion relationship. In addition, the Ottoman incorporation of Arab lands by defeating Mamluks, conquering the holy lands of Islam in 1516 and 1517, and the more evident quest for the leadership of the Muslim world influenced and shaped the Ottoman legitimacy concerns. Hence, these contextual developments and challenges required a novel Ottoman response, which resulted in the growing importance of law and the expansion of the legalistic sphere. In this respect, the languages and concerns of the empire's political thought were also transformed to address the necessities of the time in accordance with the changing mentality.

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