# Autonomous Enclaves in Islamic States: *Temlîks, Soyurghals, Yurdluḳ-Ocaḳlıḳs, Mâlikâne-Muḳâṭa'as* and *Awqāf*

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In Islamic states, there existed a special kind of sultanic land grant (*tamlīk, temlîk*), bestowing absolute and hereditary immunities vis-à-vis the administration, making it a virtually autonomous enclave within the territory of the state. Such enclaves, originally in the form of private properties (*milk/mulk/mülk; pl. amlāk/emlâk*) were converted in most cases to pious foundations (*waqf/vaqf/vaḳf, pl. awqāf/evḳâf*). Whenever they proliferated, it led to the loss of the state control of a large amount of their sources of revenue and in some cases, to an actual decentralization, even to a political dissolution. That was what happened in the Abbasid, Seljukid, Ilkhanid and Ottoman empires under the *temlîk-soyurghal* and *mâlikâne-muḳâṭa'a* systems. Energetic sultans such as 'Imād al-Dīn Zangī (1127–1146), Ghāzān Maḥmūd, (1295–1304) and Meḥmed the Conqueror (1444–1446, 1451–1481) attempted with more or less success to abrogate such *muḳâṭa'as*, *mülks* and *vaqfs* and return them to the control of the state treasury.

Ilkhanid and Ottoman *soyurghals* and *temlîknâmes* or *mülknâmes* guaranteed absolute proprietorship, total exemptions and immunities on land revenue and peasant labor within the borders of a well-defined area, freed from the control of the state and its agents. The usual formulary was as follows:

> I (the Sultan) bestow and grant [the area defined below] in full proprietorship [to the person involved] with this imperial diploma of *temlîk*. I order that from now on, the land within the identified borders be his property in an absolute sense (*milk-i maḥż*), including the land, with its cultivated and uncultivated (*mezâri'*) parts of it and with hills, forests and streams as well as all legal titles and appurtenances including the taxes, dues such as *yava, ḳaçḳun, beytü'l-mâl, mâl-i ghâ'ib, mâl-i mefḳūd, harâç (kharāj)* (of land), *resm-i cürmü cinâyet, bâdıhavâ, ṭayyârât*, in sum, all kinds of *şer'i* (*shar'ī*) and *örfî* (*'urfī*) taxes and dues. Let all these be his absolute property for him and for his descendants, direct or indirect, *completely and absolutely free as crossed out from the state tax registers and freed from the interference of the state agents* (*min külli'l-vücûh serbest mefrûz ul-ḳalem ve maḳṭû' al-ḳadem*)...; he is entitled to own all

these in all forms of proprietorship, so that if he wishes to sell or make a donation or put in pawn or make a charitable *vaḳf*, he is free to do so.[1]

In 1653, Ali Çavuş of Sofya gave the definition of *mâlikâne* as follows: "Some of the sultans granted (*tevcîh ve temlîk*) *mâlikâne*s to those of merit at the Porte, including tribal chieftains and provincial notables, in recognition of their services and qualifications. Since these have in their hands *mülknâme* diplomas from our sultan and earlier sultans, [what they have in their possession] can be considered their inherited property (*mülk-i mevrûs*). Either they keep it in their possession as their property and their heirs inherit it, or if they want, they can sell, donate or make a *vaḳf* out of it. At any rate, they keep it in their possession as long as their progeny survive or until a sultanic order abrogates its quality of *mülk*."[2] All cases considered in this definition are to be found in the inspection surveys (*taḥrîr defteri*). The last reservation about the right of the sultan to abrogate the *mâlikâne* was derived from the *mîrî* nature of all lands in Ottoman territory.

The phrase *mefrûz'ul-ḳalem ve maḳtû' al-ḳadem* in Ottoman *temlîk* grants, pious foundations and *muḳâṭa'a* (tax farm) diplomas, was originally borrowed from the earlier Arabo-Persian bureaucratic terminology, in which it was sometimes rendered as *marfū' al-qalam va maqṭū' al-qadam*.[3] The formulary was added most of the time with the explanatory phrase of *serbestiyet üzere* or *ber vech-i serbestiyet*, emphasizing the autonomous character of the land bestowed vis-à-vis the governors and local state agents.[4] Such land grants, which established fiscal and administrative autonomous enclaves, created important social and political developments in Middle Eastern states.

In Iran, under the Ilkhanids and successor states, the specific type of document granting such an absolute autonomy was usually known as a *soyurghal* (*suyūrghāl*) and rarely as a *yarlīgh (yarlığ)*.[5] While the term *yarlīgh* has the more general meaning of 'imperial order,' *soyurghal*s always involved full exemption and immunity

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1 For texts of Ottoman *temlîknâme*s and *mülknâme*s see FERĪDŪN AḤMED 1275/1858, vol. 1, pp. 610–8; vol. 2, pp. 359, 36–373; a collection of state papers, *Münşe'ât*, British Library, Turkish MS 9503, ff. 2–38, reproduces 31 *temlîknâme*s from the middle of the sixteenth century; WITTEK 1982 gives an analysis of several *temlîk-vaḳf*s; The Türk-İslâm Eserleri Müzesi in Istanbul holds several original *temlîknâme*s, for example, a *temlîknâme* for the sister of Murât III dated 976/1568 (no. 2402) and another one for Rüstem Paşa dated 974/1566 (no. 2398); *Tahrîr Defter*s provide a number of abridged *temlîknâme*s, see for instance BARKAN and MERİÇLİ 1988; definition of *mâlikâne* and *temlîk* are given by Sofyalı Ali Çavuş, see SERTOĞLU 1992, pp. 49, 66, 98–9.

2 SERTOĞLU 1992, pp. 68–71.

3 The earliest Ottoman document of this kind was rendered in Persian: UZUNÇARŞILI 1941:1, pp. 277–88.

4 BARKAN 1943, Index: *serbest, serbestiyet, serbestî, serbestlik*; *sancak beg*s and *subaşı*s were prohibited from pursuing fugitives in the serbest territories of *mülk*s and *vaḳf*s.

5 For *yarlīgh* and *soyurghal* see DOERFER 1967, vol. 1, pp. 153–8, 351–3; in *yarlīgh*s of Toktamïsh Khan: "*biznin soyurghal bolub*" (see GRIGOREV 1844, pp. 337–40).

from administrative control, state taxes and services. *Soyurghals* came under *mu'āfī va musallamī*: exemption and immunity documents in the Persian chancery terminology. Generally speaking, a *soyurghal* was a *ḥukm* (sultanic order) in the form of a *barāt* or *manshūr*: a diploma establishing certain privileges in favor of a person or group, ordering third parties to comply. It was delivered directly into the hands of the beneficiary of the privileges. Sometimes, the sultanic privileges involved not specifically land, but only a personal immunity, in which case the document was called a *tarhanlıḳ*. For instance, one diploma of immunities for a merchant issued by the Crimean Khan Ḥājjī Giray (1441?–1466) reads: "*Bu yarlıghnı tutaturgan Engürülü Maḥmûd oğlu Yaḥyâga suyûrghâl bolup tarkhân bolsun tidimiz, kayda tilarsä barsun*" ["For Yaḥyā, son of Maḥmūd of Ankara, who holds this *yarlıgh,* we ordered that he become *soyurghal*, thus a *tarkhān*, free to visit any place [in the territories of the Khanate."].[6]

V. Minorsky, I. P. Petrushevskii, W. Hinz, G. Doerfer, M. Ṭabāṭabā'ī, J. Aubin and M. E. Subtelny give the definition of the *soyurghal* (*suyūrghāl*), specifying its general characteristics: the land was granted in heredity forever with full and absolute proprietorship as well as immunity from all obligations to the state.[7] These comprehensive characteristics distinguish it from all other kinds of land grants and exemptions.[8]

In Ottoman chancery terminology, the term *temlîknâme* was the precise equivalent of the *soyurghal*. The successor states of the Ilkhanids in Iran, Azerbaijan and Iraq as well as the Timurids continued the Ilkhanid formulary in *soyurghals*, instructing the state agents thus: "*qalam va qadam kashīda dārand va bitikjī darnayāmand va gumāshtagān-i īshān dar ānjā madkhal na-kunand*"[9] and "*az takālīf-i dīvān mu'āf va musallam va marfū' al-qalam dānista.*"[10]

The Persian phrase, sometimes contracted into "*marfū' al-qalam va maqṭū' al-qadam*," was employed exclusively in this type of document by bureaucrats in Iran, Turkestan, the Dasht-i Qïpchaq and Asia Minor.

## Forms of Exemption and Immunity in Islamic States

In Islamic states, the ruler often used his prerogative to grant exemptions and immunities (*mu'āfiyāt, musallamiyāt, serbestiyet, istiqlāl*) to individuals or groups in

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6 For *tarkhān* see DOERFER 1967, "tarḫān," vol. 2, pp. 460–474; for Ḥājjī Giray's *tarkhanlık* diploma, see KURAT 1940, Document V, dated 1453; compare: Shāh Ismā'īl's *tarkhanlık barāt* dated 12 Ṣafar 922/17 March 1516: "*musallam va marfū' bāshad;*" see also HINZ 1952, p. 218, for a *tarkhān* diploma for a merchant: "*musallam va marfū' al-qalam.*

7 For these authors' works, see Bibliography.

8 For other kinds of diplomas of exemption from Iran, see NAKHJAVĀNĪ 1964–1971, *tafwīż* documents, vol. 2, pp. 227–255.

9 ROEMER 1952, fol. 18b (Persian facs.); p. 82 (German trans.); and p. 168 (discussion).

10 ROEMER 1952, fol. 33a (Persian facs.); p. 78 (German trans.); and p. 168 (discussion).

return for services rendered to the state, or simply as a royal favor. Ordinarily, such immunities consisted of exemption from certain taxes and/or obligations. Tax exemptions and immunities were also extended to *sayyid*s, *naqīb*s, *shaykh*s of *zāviya*s and *'ulamā'*, including Christian monks, to obtain spiritual support for the reigning sultan.[11] Under the Seljuks and the Mongols in Iran, autonomous governors held some of the provinces through diplomas from the ruler.[12] The situation actually consisted of a fiscal arrangement known as the *muqāṭa'a* (tax-farm), with the provincial viceroy collecting the taxes in his own name and sending the ruler an agreed amount of cash every year (*sāliyāna*). Since taxes were to be collected, in turn, through local notables under contract (*żamān*), they too, claimed autonomy in their own districts.[13] This situation of the *muqāṭa'a* in Mongol Iran during the thirteenth century closely resembles eighteenth-century Ottoman conditions (see below).

It is to be emphasized that in Islamic jurisprudence, *tamlīk* was legally different from *iqṭā'*, *ṭu'ma*, *ījār*, *musāqāt* and *muzāra'a*. In the case of *tamlīk*, the land assumed the full qualities of a *mulk*, i.e., the proprietor could sell, donate, pawn or make a *vaqf* out of it. These points were always made expressly clear in the document of a *tamlīk*. Claude Cahen demonstrates how the early *iqṭā'* evolved into *iqṭā' tamlīk* as a different category from *iqṭā' istighlāl*.[14] 'Imād al-Dīn, a historian of the twelfth century, talks about it as a novelty introduced, right or wrong, by Niẓām al-Mulk, the Seljuk vizier of Malikshāh (1072–1092), who brought about "the division of the regions of the empire among the military as *iqṭā'*s" where each of them collected a pre-determined revenue.[15] Cahen discusses a new development in the evolution of the *iqṭā'* in the eleventh century, when a whole region was bestowed as a grant of autonomy to a tribal chieftain, Turkish or Kurdish, in Anatolia (compare *yurdluḳ* in the Türkmen [Turcoman] states and the Ottoman state of the fifteenth century). This may originally have been connected with the practice of repartition of the pasturelands among the tribes or members of the dynasty as *yurd* (Turkish) or *nutug* (Mongol) in the Eurasian steppe khanates. Such autonomous enclaves, Cahen asserts, were also called *iqṭā'* in Islamic sources, the term thus gaining the general connotation of appanage: areas that were held for life or were heritable with certain autonomy vis-à-vis the state. The Seljuk experience led to a partitioning of the

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11 For examples see the diplomas for Jalāl al-Dīn Hamadānī (NAKHJAVĀNĪ 1964–71, pp. 279–82); for Shaykh Kamāl al-Dīn Maradī (NAKHJAVĀNĪ 1964–71, pp. 276–7); for the dervishes of the *zāviya* of Shihāb al-Dīn Qalandar (NAKHJAVĀNĪ 1964–71, pp. 278–79); for Shaykh Zāhid's family (MINORSKY 1954); for Shaykh Darā'ī *(Topkapı Sarayı Müzesi Arşivi Kılavuzu*, İstanbul 1938, document XVI (13 Ramaḍān 857/17 Sept. 1453).

12 For *Atabeg*s in the Seljuk empire, see EDHEM 1927; SEVİM and MERÇİL 1995; for Mongols, see LAMBTON 1987.

13 LAMBTON 1987, pp. 100–5.

14 See CAHEN 1953.

15 'IMĀD AL-DĪN AL-IṢFAHĀNĪ 1318/1900, p. 55; ed. Houtsma 1889, p. 58.

imperial territory among the members of the dynasty, who were supported by powerful *atabeg*s. The Ottomans, following this tradition, experienced the same peril in their classical period (1300–1600) when crown princes were appointed as provincial governors. In the twelfth and thirteenth centuries, Cahen observes, *iqṭā'*s evolved into large hereditary *mulk* appanages encompassing even cities. However, Cahen concludes that the system of *iqṭā'*, even in its later evolved forms, never gave rise "à la formation d'une véritable classe héréditaire."[16]

The *iqṭā'-i tamlīkī* can be interpreted as a *soyurghal* in a diploma of Sultan Rustam to Quṭb al-Dīn Naqīb.[17] In the sultanates of 'Imād al-Dīn Zangī (1127–1146) and Nūr al-Dīn (1193–1211), large *iqṭā'*s were declared hereditary *mulk*s in order to assure the support of their possessors, but Zangī prohibited ordinary soldiers from appropriating *mulk*s in addition to their military *iqṭā'*s, believing that this would harm the local population and state finances.[18] When we examine more closely the decentralization process of the Islamic empires through the systems of *tamlīk, soyurghal, yurdluḳ-ocaḳlıḳ* and *mâlikâne-muḳâṭa'a*, it becomes evident that the spread of these practices led to the financial ruin of central governments and sometimes to their final dissolution. Among other extraordinary measures, the Ottoman finance department had to collect even the surplus revenue of the *vaḳf*s throughout the empire, frequently imposed extraordinary levies (*'avāriż/avârız*) on the populations of rich urban centers, and resorted to compulsory loans. Finally, the Ottoman *mâlikâne-muḳâṭa'a* system resulted in a decentralized empire with the rise of the provincial *a'yân*s in the eighteenth century (see below).

In the Ottoman Empire, the exemption from extraordinary levies called *avârız* (*'avāriż*) was the most common practice applied to the tax-paying subjects (*re'âyâ, ra'āyā*) in return for their work in the mines, or for such services as guarding mountain passes (*derbend, derbendci/derbentçi*) or supplying the palace or army with certain goods. Such a legal status of *mu'âfiyet* (exemption) was established by a special diploma of the sultan or formulation in the law books (*ḳanûnnâmes*). A *yarlığ temlîknâme* given by Meḥmed the Conqueror or Bayezid II to a member of the *ülema* (*'ulamā'*) class upon his retirement informed all local agents that he was exempted from all kinds of *avârız* imposition. Throughout the empire, subjects enjoying such an immunity made up quite a large group known as *mu'âf ve müsellem re'âyâ*.[19] On the other hand, the *maḳṭū'* system in Ottoman financial practice – the practice of communities paying taxes in a lump sum – was a kind of privilege that sometimes led to actual autonomy. The Greek Orthodox Archbishop of Cyprus was given the responsibility of collecting the poll tax of the Greek population and

16 CAHEN 1953, p. 50.
17 For Sultan Rustam's *iqṭā'-i tamlīkī* to Shāh Qubād al-Dīn Muḥammad al-Naqīb, see AFSHAR 1973.
18 CAHEN 1953, pp. 44–5.
19 See BARKAN 1943, index: *Muâf, Muâfiyet*; İNALCIK 1959.

delivering it as a lump sum to the Ottoman treasury. In principle, public employees (*askerî*), including *ülema*, were exempted from all kinds of taxes including the extraordinary levies (*avârız*). Sometimes, the whole population of a city or fortified town was given exemption from taxation to ensure their loyalty. They were usually expected to join the soldiers in the town's defense. For example, Kruye/Akçahisar in Albania, in the fifteenth century, and Sarajevo, in the seventeenth and eighteenth centuries, enjoyed such privileges. In 1530, the *re'âyâ*, men of religion and *askerî* who were exempt from *avârız* levies in the province of Anadolu numbered 79,105 households, while there were 377.459 subject to *avârız*.[20]

Under the *tapu* system, the Ottoman state also recognized certain guarantees and immunities for the ordinary peasant population by forbidding the local military to subject them to forced labor (*angarya*). Stipulations to this end were formulated in detail in the general and provincial (*sancak*) law books and their implementation was the responsibility of the local law courts.[21] Such immunities for the peasantry were designed ultimately to protect the peasant's labor and to ensure his productive capacity, which was of vital import for the rural subsistence economy and state taxation.

Also, the capitulatory immunities granted to the subjects of friendly Christian nations can be regarded as part of the *mu'âfiyet* system.[22] A capitulation was considered as a special favor to a friendly country and its clauses had a preemptive force in the face of other Ottoman laws. The subjects of "the most favored nations" enjoyed special conditions in their trading in the Ottoman Empire. In the earlier Turkish-Mongol states, *tarkhanlık*, that is the guarantees and privileges recognized for merchants, can be compared with capitulatory privileges.[23] The Ottoman state found it necessary to maintain its trade with Europe, identifying friendly states in Christendom through the grant of these capitulatory immunities.

One of the most important areas of the immunity system in Islamic states appeared in the policy to convert abandoned or wastelands into actual agricultural land. The practice was called *iḥyā' al-mawāt*, or *şenlendirme* in Ottoman terminology. Introduced into Islamic law in the earliest times, *iḥyā' al-mawāt* resulted in the recognition of full proprietary rights (*mulkiyya*) for someone who undertook such "land revivification" when improvement was actually introduced. However, in the Ottoman Empire, the ruler's special diploma or *temlîknâme* was needed for such a privilege, since all arable lands were considered in principle *mîrî*: under the state's

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20 *438 numaralı Muhasebe-i Vilâyet-i Anadolu Defteri* (937/1530), Başbakanlık Devlet Arşivleri Genel Müdürlüğü Yayınları 13, Ankara 1993, Texts 2, 3.

21 See İNALCIK 1997, vol. 1, pp. 103–43; HALİL İNALCIK, "Ḳānūn" and "Ḳānūnnāme," *EI*$^2$ 4, (1978), pp. 556b–566b.

22 See G. BAER *et al.*, "Imtiyāzāt," *EI*$^2$ 3, (1971), pp. 1178b–95b; esp. İnalcık, "Imtiyāzāt. ii.—The Ottoman Empire," *EI*$^2$ 3, (1971), pp. 1179–89.

23 See DOERFER 1967, "Tarhan," pp. 461–75.

*dominium eminens*.[24] It was under this principle that Meḥmed the Conqueror was able to confiscate for the treasury a large amount of previously granted landed properties (*mülk*) and endowed (*vaḳf*) lands, or impose some military service on them. The legal status of a great number of land holdings was thus "abrogated" (*nasih*).[25] The confiscated lands were distributed among the soldiery as *timar*s.

In fact, this was not a novelty. We see a similar decision in 1489 made by Sultan Ya'qūb (1478–1490) of the Aqquyunlu dynasty, when he ordered the abolition of *suyūrghālāt* in Fārs and Iraq. Earlier, on a visit to Isfahan after his accession to the throne, Ya'qūb had granted "*in'āmāt va suyūrghālāt*" to *sayyid*s, *'ulamā'* and "poor people." However, in 904/1498 he appointed Qāḍī Ṣafī al-Dīn 'Īsā to undertake a radical reform in the provinces of Fārs and Iraq by confiscating (*mawqūf*) for the sultan's treasury all of the *suyūrghālāt* there, which were considered as having been introduced contrary to the Islamic Sharī'a. John Woods sees this as related to the fact that the native Iranian bureaucracy got the upper hand in Ya'qūb's last years with the rise of Qāḍī 'Īsā to power (1489).[26] Those injured by Qāḍī 'Īsā's action

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24 See İNALCIK 1997, vol. 1, pp. 103–26.

25 HALIL İNALCIK, "Mehmed II.," *İA* 7 (1957), p. 533; recently ÖZEL 1999 argues that "the freeholds, the main target of the said reform, were 'revenue-holdings' not land-holdings. Second, it shows that the reform brought no fundamental change in the existing revenue holding system, let alone in the land relations, which remained entirely outside the scope of the reform." Meḥmed II's attempt, insofar as reflected in north-central Anatolia, "brought ... no more than a somewhat superficial reform." First, documents referred to in this paper clearly demonstrate that the *temlîk-soyurghal* system changed the state-controlled lands into private properties. Otherwise, it was not possible to convert them into *vaḳf*. The revenue-holding is only the consequence of this basic fact. However, it is true that the proprietor (*mâlik*) simply tapped the traditionally established revenue without engaging himself in the actual production process. The state's claim in sharing revenue on *mülk* lands is based on the assumption that the *re'âyâ*, the actual producers, were "the state's subjects." Özel did not see the sultanic order about the "abrogation (*nasih*)" in the Karaman *Evkaf Defteri* from the time of this sultan. Özel's sweeping conclusions and warnings are based on the special conditions prevailing in the Amasya region. Meḥmed I (1402–21) restored the unity of the Ottoman empire thanks to the faithful support of the Türkmen beys of the region (see HALİL İNALCIK, "Meḥemmed I," *EI*$^2$ 6, (1991), pp. 973–78); for a detailed and still valid discussion, see BARKAN 1932–39.

26 "*Bukāvulān ba-farmān-i Humāyūn ba-jānib-i mamālik-i 'Irāq va Fārs ravān gardānīdand ki jamī'-i suyūrghālāt, hashvī va harjī, dar ān mamālik mawkūf bāshand va kasī-rā fulsī na-dahand tā umanā-yi dīvān har marz va sāḥat-rā 'arz va masāḥat kunand*," KHUNJĪ 1992, pp. 351, 364, see also pp. 365, 367–8; WOODS 1999, p. 144 interprets *suyūrghālāt* as "fiscal and administrative immunities on specific areas granted to influential civilian dignitaries many of whom were members of the religious intelligentsia." The word *mawqūf* (*mevḳûf*) as a financial term meant "to take for the treasury all kind of sources of revenue for which there was no assignee." In the Ottoman situation, a state agent (*mevḳufatcı*) pursued and seized such non-appropriated revenue for the central treasury (see BARKAN 1943, Index: *mevḳuf, mevḳufatcı*). For the recurrent struggle for power of the native Iranian bureaucrats against the Turkish and Mongol

were mainly *shaykhs* and *'ulamā'* who relied for their subsistence on *suyūrghālāt*. Since state agents (*umanā'*) were to go and measure (*ḥarz va misāḥat*) the lands, obviously the *suyūrghālāt* included land grants. Various *soyurghal barāts* now in our possession involved *shaykhs* and *'ulamā'*, and such land grants were usually converted to family or *zāviya vaqfs*. "Thousands of land plots were measured and entered in the state registers."[27] John Woods is right to observe that the reform "also closed down many public charities spreading further discontent among the urban lower classes."[28] Sultan Ya'qūb's abrogation of the *soyurghal* grants and "centralizing policy" can be compared with Meḥmed the Conqueror's *nasih* (abrogation) of *emlâk ve evḳâf* in 1476. While Qāḍī 'Īsā's motivation allegedly was to restore the *Sharī'a*, Sultan Meḥmed declared that his intention was to recover conquered (thus originally *mîrî*) lands for the treasury. Khunjī added that "helpless poor people of Fars" called on influential *'ulamā'*, principally Abū 'Abdullāh Muḥammad Davānī, to intervene. "As an act of protest he removed his white turban" against this tyranny.[29] Because of such risks of abrogation, privileges were confirmed in the *temlîk* or *soyurghal* documents in categorical terms, such as "given for eternity (*suyūrghāl-i sarmadī*)."[30] They did not need to be ratified at every change of reign, and records were to be striken altogether from the state:registers (*mafrūz al-qalam*).

### *The* Soyurghal *System*

In the states founded by the Turkish and Mongol dynasties in Iran, Azerbaijan, Central Asia and the *Dasht* (the Eurasian steppe region), the *temlîknâme* type of land grant was called *soyurghal* (*suyūrghāl* or rarely *soyurghāmishī*). The Mongol word *suyūrghāl*, derived from Turkish *suyurgha* or *suyurka*, meaning 'to favor' or 'to make a special kind of grant,' is widely used in Turkish dialects, including Uighur and Qïpchaq. Most probably, it was through Uighur secretaries in the service of the Mongol khans that the word was introduced to the Iranian official language.[31]

As a technical term, good descriptions of the *soyurghal* are given by the French traveler J. Chardin and the Orientalist L. Langlès.[32] Langlès describes a *soyurghal* as designating "aussi un fief héréditaire dans une famille, concédé à perpétuité par le souverain et conséquemment aliéné de la couronne."[33] Chardin defines these types

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military lords and its implications, see in particular the works of J. AUBIN and M. SUBTELNY. The finance experts representing the central revenue department got the upper hand in times of crisis, sometimes overshadowing the military governors and acting independently; for a discussion of the situation in Asia Minor see AL-AQSARĀYĪ 1944.

27 KHUNJĪ 1992, pp. 367–8.

28 WOODS 1999, p. 145.

29 WOODS 1999, p. 145.

30 WOODS 1999, p. 145.

31 For a detailed analysis of the term "*soyurghal,*" see DOERFER 1967, vol. 1, pp. 351–4.

32 DOERFER 1967, vol. 1, p. 352.

33 DOERFER 1967, vol. 1, p. 352.

of royal grants as "benefices héréditaires qu'on appelle *ziurgal* qui sont dans les familles des gens d'église, éminentes et illustres, d'une génération à l'autre."[34] Besides the land *temlîk*s, an amount of cash from a state source of revenue could be granted forever "in way of *soyurghal.*"

As a specific term, the *soyurghal* is different from a *yarlīgh (yarlığ).* A typical Uighur term, the word "*yarlīgh*" signifies any royal order or diploma (*farmān, ḥukm, barāt, kitāb-i sulṭānī*).[35] Since a *soyurghal*, too, is a royal edict, it is sometimes simply called a "*yarlığ*" in the Ilkhanid chancery "*altun tamghalı yarlıgh*" and in Ḥājjī Giray's *Tarkhānlık Yarlıgh "altun nishânlıgh ve al tamghalıgh yarlıgh.*"[36] A *soyurghal* is also referred to as *nishān-i ṭawqī'* and *'ārifa.*

It is believed that the *soyurghal* system was introduced to Iran under the Seljuks, modifying the extant Islamic *iqṭā'* system. Under the *soyurghal* system, military service was not necessarily involved for the beneficiary. Under the Abbasids, *tamlīk*, the granting of agricultural land (*qaṭī'a*) in full proprietorship to grandees, was a well-known practice prior to the coming of the Seljuks. al-Māwardī (974–1058) specified a kind of *iqṭā'* given in full proprietorship (*iqṭā' tamlīk*). *Iqṭā' khāṣṣ*, land granted to the members of the dynasty or to great *amīr*s, was a type of *iqṭā'* under the absolute control of its recipient. The earlier *idrārāt*, by which the sources of revenue were reserved for the member of the religious institution, continued under the *soyurghal* system. For this we have considerable documentary evidence. Under the Seljuk sultans of Anatolia, the practice of granting *tamlīk* to personages was widely followed on such occasions as the military success of a commander or more often, to gain the support of influential notables for the state at the time of accession to the throne. Some texts of Seljuk *tamlīknāma*s have reached us. One was a *tamlīknāma* given to the Seljuk prince Rukn al-Dīn Qïlïch Arslān referring to the *tamlīk* of Albasaru, a village in the province of Akşehir.[37] It was bestowed in pure proprietorship (*bā-mulkiyat, mālikāna*). He could sell it or donate it as a *vaqf*, and no one, neither *amīr*s nor the sultan's agents (*nuvvāb*), could interfere. The so-called *tamlīknāma* dated 656/1258 of Sultan 'Izz al-Dīn Kay-Kā'ūs II to Amīr Asad al-Dīn 'Alī[38] was given in the form of a simple sale. Asad al-Dīn purchased the village of Īlarslān in the region of Amasya from the sultan for three hundred gold coins. The purchase included the whole region with all its lands, fields, hills, streams, gardens, etc. In fact, the property was comparable to the Ottoman *temlîk* or to estates seen in royal property grants in the West. Actually, the *mulk* grant was given in the legal form of a *shar'ī* purchase, which made it more secure (because its proprietor could sell, donate, put it in pawn or create a *vaqf* out of it).

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34 DOERFER 1967, vol. 1, p. 352.
35 DOERFER 1967, vol. 4, pp. 153–8, "*yarlīg.*"
36 A. MELEK ÖZYETGİN 1996, p. 145.
37 See TURAN 1958, pp. 10–11, 32–3.
38 TURAN 1955.

The *iqṭā'* system became joined under Turco-Mongol dynasties with the Turkish *yurdluḳ-ocaḳlıḳ* (see below) and the Mongol *nutug* institutions. In Mongol feudal society, a *noyan* (noble lord) had full proprietary rights over a *nutug*: a fief with commoners on it.[39] It was heritable by his sons and he had full jurisdiction in its territory. In turn, the *noyan* gave his men portions of the pastureland (*qoruq*) as *nutug*. "*Tarkhān*" referred to a subject of the *noyan* who was freed from obligations to him. In Ilkhanid Iran, each army unit called a *bulūk* (*bölük*) had a hereditary *iqṭā'*. Over time, as a result of the partition of territory among princes who enjoyed extensive autonomy, the Great Khan's central authority was weakened and the empire dissolved. In the description of Ilkhanid state organization by al-'Umarī,[40] according to Niẓām al-Dīn al-Ṭayyār, the *idrārāt* (*soyurghal* grants such as *bulug* (bulūk) and villages) were said to be numberless. The possessors of the *idrārāt*, he added, held them as their true *mulk*, that is, they could sell it, or donate it, or turn it into a *vaqf*, or they could spend the revenue for their subsistence as long as they lived. In his letter to his son Shihāb al-Dīn, the Ilkhanid vizier Rashīd al-Dīn advised him to show favors to the nobility by granting exemptions and immunities for their properties.[41] In his *vaqf* document, Rashīd al-Dīn tells us that the lands for his *vaqf* were originally given to him through a *tamlīk* (i.e., as a property in an absolute sense) and subsequently reconfirmed (*muqarrar*) and made free from state control (*musallam*). State taxes on these lands were bequeathed to him under the rubric of *suyūrghāmīshī* and *idrār*, and he was thus referring to Turco-Mongol and Islamic donation practices. It is important to distinguish between the large estates like Rashīd al-Dīn's that were granted with full exemptions and the small land grants given to ordinary religious people such as *shaykh*s of *zāviya*s. The *soyurghal* system was widely employed under the Timurids, as well as under the Qaraquyunlu and Aqquyunlu dynasties in Iran and Central Asia. Rulers and pretenders to the throne often had to make *soyurghal* grants to powerful people to ensure their support. This is certainly true for Ottoman *temlîk*s, usually made to influential military or religious notables and *shaykh*s in times of crisis. *Soyurghal* or *temlîk* lands were usually converted to family *vaqf*s in both cases.

In the *Dastūr al-kātib*,[42] a manual for state secretaries from the Jalāyirid period (1340–1411) three categories of full immunity were described. As an example of the first category, a "*yarlīgh* with *gold tamgha*" (*yarlīgh ba-altūn tamghā*) was given for the dervishes of the convent (*zāviya*) of Shihāb al-Dīn Qalandar.[43] The dervishes asked for exemption from all obligations to the government (*mutavajjihāt-i dīvānī*) for a plot of land (*mazra'a*) in their possession. The document says:

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39 VLADIMIRTSOV 1944, Index: "*Nutug,*" "*Noyan,*" pp. 250–9.
40 The Arabic text reproduced by TOGAN 1931, pp. 36, 39–40.
41 See RASHĪD AL-DĪN ṬABĪB FAẒL ALLĀH 1947.
42 NAKHJAVĀNĪ 1964–1971, vol. 2, pp. 278–83.
43 NAKHJAVĀNĪ 1964–1971, vol. 2, p. 277.

It has to be excluded (*mafrūz*) from the lands belonging to the government and be left [for the *zāviya*] with exemption and immunity (*mu'āfī va musallamī*) so that all the products and profits obtained by developing and tilling it be expended for the subsistence of the dervishes. The government agents in the area should issue absolutely no documents and no revenue transfers (*ḥavālāt*)[44] should be made, no tax collectors visit, and all kinds of official orders and interference should be restrained and the name of the plot be striken out of the survey books of the province.[45]

The document also proclaims: "Be it known that this donation in favor of the attendants of the *zāviya* and the community of the *qalandar* dervishes and their company is exempt and immune for eternity." An example of the second category of immunity documents is a *ḥukm* for Shaykh Jalāl al-Dīn Hamadānī, known as *Quṭb al-Vaqt*, who was said to enlighten his disciples and entertain travelers and the poor at his table. For his properties, immobile and mobile, the same kinds of immunities were granted to him. He was exempted from all official obligations including *zavāyid*,[46] *'avāriż*,[47] and the like. All obligations on his properties were to be dropped from the taxation rolls and stricken from the survey books (*daftar*).[48]

An example of the third category was a *ḥukm*[49] stating the exemptions that the villagers of Sa'īd-ābād were to enjoy, since they served *shōr-pāyī*[50] to the travelers who traveled on the public route passing through the village. Since they performed this service regularly, the sultan ordered that the state agents of the district of Mihrānrūd should not bother them about taxes owed to the government such as *zavāyid* and *'avāriż*, or any other kind of imposition and service.

In sum, three categories of people – dervishes living in a *zāviya*, a noted religious *shaykh* or *'ālim*, and a group fulfilling a public service – were exempted from the state taxes (*mutavajjihāt va ḥuqūq-i dīvanī*) due on the land in their possession, its products and their mobile and immobile properties. These privileges were to be in force for eternity, for them and their descendants. The beneficiaries of the exemptions included peasants, servants, attendants, sharecroppers and residents; in short, all those tied to the institution or the person enjoying the privilege.

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44 See HALİL İNALCIK, "Ḥawāla," *EI*$^2$ 3, (1971), pp. 283b–285a.

45 NAKHJAVĀNĪ 1964–1971, vol. 2, p. 277.

46 *Ziyāda* (pl. *zavāyid*), was revenue left over after all expenses of a *vaqf* were met. The government often collected such revenues for the state treasury; for discussion of the resistance to the Mamluk sultan's attempt to take the *ziyāda* of *vaqfs*, see LAPIDUS 1967, pp. 135, 140.

47 *'Avâriz* referred to "extraordinary government levies, in goods or cash, in unexpected situations;" for the application of this concept in the Ottoman Empire see ÖMER L. BARKAN, "Avârız," *İA* 2 (1944), pp. 13–19.

48 "*masqat va marfū'*;" A. A. 'Alīzāda's reading (p. 281) *ṭanī'a* should be changed to *ṭayī'a* (estate).

49 NAKHJAVĀNĪ 1964–1971, vol. 2, pp. 282–3.

50 *shōr-pāyī*, service for horses.

The *vaqf barāt* or *soyurghal* of Sultan Uzun Ḥasan dated June 26, 1471, given to the *mutavallī* (trustee and administrator) of the *zāviya* of "Quṭb al-Budalā' va al-Majzūbīn," Sulṭān Bābā 'Abd al-Raḥmān-i Shāmī,[51] is another typical *soyurghal* with all the usual formularies. The reason for its bestowal, said Uzun Ḥasan, was that through this man's miraculous guidance, the Sultan realized all his wishes and avoided all the unfortunate situations that had threatened him. He considered him the foundation of his sultanate. Its properties, consisting of the shops, land and villages in Āmid (Diyarbakır) and Mardin, and their surroundings that belonged to him "in full proprietorship" (*mulkiyyat*), were to be a *vaqf* and its trust and administration (*tawliyya*) was bestowed upon Shaykh Kamāl al-Dīn. The tax agents and tax farmers (*mubāshīrān* and *'ummāl*) were not to interfere in them by trying to collect such taxes and impositions as "*ikhrājāt va kharājiyāt va kusamāt va tawjīhāt va taḥqīqāt va zavāyid va 'avāriż va taklīfāt-i dīvānī.*"[52] In short, "they shall not include the *vaqf* land in the official registers or set foot in the territory of the *vaqf*" ("*qalam va qadam kutāh va kashīda dāshta*"). In addition to confirming immunities for the *vaqf* properties of the *shaykh*, Uzun Ḥasan granted as a "*soyurghal*" (*ba-rasm-i suyūrghāl*) the village of Soganlu near Mardin to the *zāviya*.

In brief, the characteristics of the *soyurghal* can be summarized as follows:

1. Since the *soyurghal* was originally a *barāt* (diploma) establishing a privilege for a person or group, it ordered third persons to abide by its stipulations.

2. A *soyurghal* usually granted exemptions and immunities to ensure the support of a military or spiritual leader.

3. The grant was all-inclusive as far as the land, taxes and people on it were concerned and it was absolute and perpetual.

4. The subject of the grant was either a piece of land or simply immunities and exemption from taxes. When land, a village, a farm or a *mazra'a* was in question, the beneficiary would be given its full proprietorship. In addition, all the constituent elements of production, villagers, sharecroppers, residents, servicemen, etc. would enjoy the exemptions and immunities, so that the beneficiary of the *soyurghal* was able to control its revenue independenttly from the state's control or the interference of its agents. The total and absolute character of the exemption was emphasized by the statement that "from now on no diploma shall be issued on that land, no order

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51 *Türk-İslâm Eserleri Müzesi*, İstanbul, document 2200; Professor John E. Woods most kindly allowed me to use his deciphered text.

52 For the identification of these taxes and impositions, see the *soyurghal*s published by V. MINORSKY, W. HINZ and J. AUBIN; *tawjīhāt va tahqīqāt*: 'dues allotted to the government agents visiting the place;' *khārijiyāt*: 'dues collected from outsiders using the land of a *zāviya*' (in the Ottoman case, this was called *hâriç ez defter)*; *kusamāt*: 'alms' (Steingass); *zavāyid*: 'the revenue left over after all the expenses of the *vaqf* were met;' *taklīfāt-i dīvānī*: 'extraordinary impositions by the government;' we interpret the expression "*soyurghal handbarī*" as a "soyurghal of benefaction;" for a fuller interpretation of this important document, see its forthcoming publication by J. WOODS.

for the transfer of revenue from it be sent (*ḥavālātī*), no tax collector (*muḥaṣṣil*) will be dispatched to it," and that it is to be considered "free from *qalam* (bureaucratic processing) and *qadam* (interference by government agents), its entry in the official registers being struck out." The exempted sources of revenue are either mentioned in general terms ("*māl va mutavajjihāt va ḥuqūq-i dīvānī va vujūhāt*") or sometimes itemized.[53]

### *Ottoman* Temlîk *and* Vaḳf *Practices*

In the classical period (1453–1600), when the central government's authority was in full swing, the Ottoman *temlîknâme* system was characterized by a certain kind of inspection (*teftîş*) over *temlîk*s and *vaḳf*s in the provinces. Thus periodically, the government discovered through the *taḥrîr* or a comprehensive surveying system whether or not the *temlîk*s and *vaḳf*s were established originally by a sultanic diploma and reconfirmed by successive sultans with *muḳarrernâme*s.[54] Through this inspection, the immunity of many *mülk*s and *vaḳf*s was abolished and the land returned to *mîrî* state control. Meḥmed the Conqueror, who needed more and more timariot cavalry for his unending campaigns, demanded that those in possession of *mülk* land provide an auxiliary soldier called *eşkinci* or *eşkünci*. Examining the *taḥrîr*, the survey books of the period, we come across hundreds of *mülk* and *vaḳf* units either converted entirely into *mîrî*, or required, for continued possession, to supply an *eşkinci*. A great number of *mülk*s and *vaḳf*s that were originally *mülk* or *temlîk* lost their titles and immunities through the process of *nasih*.[55] The following sultanic order of 1 Ramadan 881/17 December 1476 specified the rules for the Conqueror's revolutionary abrogation procedure:

> The possessors of a *mülk*, of which the buildings (mosques, *zāviya*, etc.) are still standing and whose status as a *vaḳf* was reconfirmed by the late Ibrahim Beg of Karaman, will be left with their possessions. As for *emlāk* properties, their possessors shall retain the right to receive the sole proprietor tithe (*mâlikâne 'öşr*). If such properties consist of real estate, such as a village or piece of land (*mezra'a*), their proprietors must send an auxiliary soldier (*eşkinci*) to the army.[56]

In general, under the *maqṭū' al-qadam* rule, no local security official was permitted to enter or pursue wrongdoers in *temlîk* and *vaḳf* lands. However, in Ottoman

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53 See the *soyurghal* of Jalāl al-Dīn Hamadānī in NAKHJAVĀNĪ 1964–71, vol. 2, pp. 280–1.

54 For the Ottoman surveying system, see İNALCIK 1997.

55 According to TURSUN BEG 1986, p. 22, who was personally involved in the inspection operation, twenty thousand, or at least two thousand *mülk* or *vaḳf* villages and *mezra'a* were confiscated for the state treasury; also see BARKAN 1932–1939.

56 *Fatih Devrinde Karaman Eyâleti Vakıfları Fihristi*, with the facsimile of the text, dated Evvel-i Ramadan, 881 H. [18 December 1476], Ankara: Vakıflar Umumî Müdürlüğü, 1958; for Ottoman *vaḳf*s see in particular BARKAN and MERİÇLİ 1988, Giriş: "Sosyal ve Ekonomik Yönleriyle Vakıflar," pp. 121–44.

practice, every culprit caught, whether in *temlîk* or *vaḳf* territory or somewhere else, was to be brought to the *ḳāḍī*'s law court for trial. No separate jurisdiction was recognized for *temlîk* possessors. However, since the *temlîk* and *vaḳf* enclaves provided various immunities for those people living on them, the peasants of the state-controlled *mîrî* lands sought refuge in those enclaves. Their possessors encouraged them to do so, hoping to covert their marginal lands into cultivated ones, despite government efforts to stop this.[57]

## Awqāf (Evḳâf)[58]

Autonomous institutions based on *vaḳf* charters, such as mosques, *medreses* (*madrasas*) and *zaviyes* (*zāviyas*), as well as individuals such as the men of religion, *'ulamā'* and *shaykhs*, enjoyed full independence. In the diploma of the *müderris* (*mudarris*) of the *Niẓāmiya madrasa* in Baghdad, given to Fakhr al-Dīn Muḥammad al-Ḥillī, it was emphasized that all his activities were to be free from interference by third persons.[59] The diploma given to Niẓām al-Dīn Ardabīlī for the shaykhdom of the *Khānaqāh-i Ghāzānī* orders that the attendants of the *khānaqāh*, including its *mütevelli* (*mutavallī*), shall recognize him as their *shaykh*.[60] Such sultanic *berâts* did not impose any special conditions, except for the faithful observance of the conditions of the original *vaḳf* charter (*vaḳfiye*).

Those given a *temlîknâme* usually turned the property into a *vaḳf*, which thus enjoys a further consolidation, under a religious sanction. Thus, the administrator's authority over a *vaḳf* was that of an overseer (*nâzır*). In principle, the institutions based on a *vaḳf* and its head and attendants were independent. The *vaḳf* founder usually designates his son a *mütevelli* (*mutavallī*), or trustee responsible for the management of the *vaḳf* who kept, as a rule, ten percent of the *vaḳf* revenue. This kind of *vaḳf* is called *evlâdlık*, *evlâdîye*, or *zurrîye vaḳf* to distinguish it from regular "true *vaḳf*" (*vaḳf-i ḥaḳḳî*). The *evlâdlık vaḳf*, comparable to the real *temlîk* enclaves, was frequently encountered in the Ottoman Empire. Generally speaking, *vaḳfs* enjoyed all the privileges and immunities of a *temlîk*. However, under the Ottomans, the state systematically recorded and periodically inspected then.[61]

From the beginning of the Ottoman state, pious foundations were responsible for creating the nuclei of many villages and towns. The city of Bursa, the first Ottoman capital, was developed through pious endowments and grew over time into a flourishing religious and commercial center. Edirne, the second capital of the Ottomans in Rumelia, was also created as a typical Ottoman city through pious

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57 See the sultanic *temlîknâmes* in *Munşe'ât*, British Library, MS 9503.

58 For *vaḳf* in general, see HİLMİ EFENDİ 1997; VAKIFLAR GENEL MÜDÜRLÜĞÜ 1986; KAYAOĞLU n.d. (ca. 1973–1977).

59 See NAKHJAVĀNĪ 1964–1976, vol. 2, pp. 217–21.

60 NAKHJAVĀNĪ 1964–1976, vol. 2, pp. 217–21; 231–5.

61 On Ottoman *evḳâf*, see in particular BARKAN's works in the Bibliography.

foundations. Istanbul rose as an Ottoman-Islamic city through the *vaḳf* institution.[62] Most pious foundations in the Ottoman Empire were originally based on sultanic *temlîk* grants to individuals, who in turn converted them into *vaḳf*s.

According to Ö. L. Barkan's research,[63] the percentage of *mülk*s and *vaḳf*s in the home provinces of the Ottoman Empire, compared to the total revenue of each of these provinces were as follows:

| Location | Percent |
|---|---|
| In Rumelia (the Balkans) | 6 |
| The provinces of Anadolu, Karaman, Zülkadriye and Rum (Asia Minor mostly west of the Kızılırmak River) | 17 |
| Diyarbakır (southeast Asia Minor) | 6 |

**Figure 1: *Mülk*s and *vaḳf*s in the home provinces of the Ottoman Empire**

Since Ottoman sultans could not abolish legally established pre-Ottoman *vaḳf*s in Anatolia, the percentage in that region was considerably higher.

### *The* Yurdluḳ-Ocaḳlıḳ *System*

The Ottoman *yurdluḳ-ocaḳlıḳ* system granted a leader, usually a tribal chieftain, autonomy in return for providing certain services to the government, such as bringing auxiliary troops to imperial campaigns. This autonomy consisted of enjoying the rights of hereditary chieftainship, including collecting dues from the members of the tribe. A typical example of the *yurdluḳ-ocaḳlıḳ* system was to be found among certain Kurdish tribal chieftains in Southeastern Anatolia. Some villages of tribal origin elsewhere enjoyed the privilege of collecting their taxes and delivering them to the state treasury. The *ocaḳ* or *ocaḳlıḳ* also designated, as a financial practice, a direct payment from a local source of revenue to a military group, usually in a distant fortress.

A similar autonomous status was given to the tribes of the Albanian highland as well as to *Eflak* (Vlach) nomadic groups. The Aqquyunlus and the Ottomans both granted autonomy to the Kurdish *beg*s in Eastern Anatolia (see below) under the *soyurghal* system, which typified the most radical form of immunity.

Under the Turkmen states in eastern Asia Minor, the Kurdish *beg*s enjoyed autonomy as witnessed in a *soyurghal* given on 29 March 1498 by the Aqquyunlu Sultan Qāsim (1498–1502) to Isfandiyār Bik, recognizing the *Ulkā-yi Egil* as his

62 See İNALCIK 1990, BARKAN and AYVERDİ 1970.
63 BARKAN and MERİÇLİ 1988, *Giriş*, p. 121.

*ocaḳ* (hereditary autonomous appanage).[64] Isfandiyār Bik is mentioned in the *soyurghal* as *amīr-i a'ẓam*, having "*al-amārat va al-ḥukūmat va al-ayālat.*"[65] He was allowed to collect for himself all the government taxation (*māl u jihāt va tamāmī-yi ḥuqūq-i divāniyya*) of the region (*ulkā, ülke*) and, since he was "*mu'āf va musallam,*" the state agents were to recognize him as *tarkhān* and not interfere in his *ulkā,* which was designated "*marfū' al-qalam va maqṭū' al-qadam.*"[66] The privilege was considered valid forever. The *soyurghal* given to Isfandiyār Bik is of special interest, recognizing the region of Egil as fully autonomous under a native hereditary Kurdish *beg*. Isfandiyār belonged to the Kurdish Bulḍuqānī-Mardāsī clan that controlled the town of Egil and the eight fortresses in its region. The daughter of his grandfather Dawlatshāh had become the wife of Sultan Uzun Ḥasan.[67] While fighting against the Shāh's Türkmens (*Qïzïlbāsh/Kızılbaş*) following the battle of Chāldirān (1514) under the leadership of Sultan Selim and Jamshīd Mardāsī, Isfandiyār took the important fortress of Palu on the Murad Su, on a major passage controlling the seasonal transhumance of the Turkmen and Kurdish tribes between al-Jazīra and the Bingöl pasturelands.[68] Under the Ottomans, the Egil *sancak* was recognized as an *ocaḳlıḳ*: i.e., hereditary in the hands of the Mardāsī family.

In his *Selîmshâhnâme,*[69] Idrīs gave a detailed description of how, in the winter of 1515, the Sultan sent him from Amasya to the Kurdish *beg*s with *fethnâme*s (letters announcing victory) and sultanic diplomas (*berât*s), inviting them to recognize his overlordship and fight against the Kızılbaş army of the Safavids. Idrīs asserted that those Sunni Kurdish *beg*s, who were enemies of the Kızılbaş Türkmens in Shāh Ismā'īl's service, readily followed the Ottoman Sultan's call. Idrīs received, in the name of the sultan, the religiously sanctioned allegiance (*bey'at*) of "the Kurdish begs in the region from Urumiya to Malatya, Diyarbakır and Damascus."[70] The tribal organization and the sultan's grant of autonomy in terms of "*mafrūz'l-ḳalem ve maḳtū'l-ḳadem*" to the Kurdish *beg*s facilitated the whole of eastern Anatolia coming under Ottoman rule in 1515. Once the tribal *beg* recognized the sultan's authority, his whole tribe and area came under Ottoman sovereignty. Kurds fought fiercely for the Ottoman sultan and put an end to the Türkmen Kızılbaş resistance in the winter of 1515–1516, with the only protracted fighting occurring in the Diyarbakır region. Under the Ottomans, nine Kurdish *hükumet*s (later eight) existed

64 See MINORSKY 1937–1939; For Uzun Ḥasan's conquest of Kurdish regions, see WOODS 1999, pp. 110–11; TIHRĀNĪ 1993, vol. 2, pp. 541–4. In Uzun Ḥasan's army, the military force under the Kurdish *beg*s numbered 640: DAVĀNĪ 1331/1913, p. 303.

65 MINORSKY 1937–1939, p. 929.

66 MINORSKY 1937–1939, p. 930.

67 WOODS 1999, pp. 186–7.

68 See BARKAN 1943, p. 141.

69 BIDLÎSÎ 2001, pp. 239–47; KILIÇ 1997, see Index: "Kürd," "Kurd," "Kürdistan."

70 BIDLÎSÎ 2001, pp. 237; 240–246.

in the sixteenth century.[71] The Kurdish *hükumet*s (areas enjoying autonomous status) enjoyed a kind of autonomy comparable to the areas under the *temlîknâme* regime. According to diplomas given by Selim I (1512–1520), they enjoyed autonomy under the same formula of "*mafrūz'l-ḳalem ve maḳṭū'l-ḳadem.*" In 1609, 'Aynî 'Alî added his interpretation, saying: "all sources of revenue were left in their possession."[72] Because the *hükumet*'s "taxes were not entered in the imperial registers and there is no Ottoman state agent present, all the area is reserved (*tahsîs*) to them." The number of hereditary *hükumet*s rose from eight to eleven between the sixteenth and the eighteenth centuries. Around 1610 they were: Egil, Hazzo, Jezireh (Djizre), Tercil, Genci, Palu, Bitlis, Mihrivan and 'Amadiye, while the *yurdluḳ-ocaḳlıḳ sancak*s (Ottoman *sancak*s under their hereditary Kurdish *beg*s) were Çermik, Kulb, Agçakale, Dasini and Mihran).[73]

### *The Ottoman* Mâlikâne-Muḳâṭa'a *System*

The long disastrous war of 1683–1699 led to radical changes in Ottoman provincial administration. As a result of the bankruptcy of the state treasury during this period, the state had to accept the demands for extra guarantees made by the tax-farmers (*mültezim*s, *'âmil*s). One of the fateful decisions was to introduce the *mâlikâne* system into the *iltizâm* (tax farming) system. *Muḳâṭa'a*s (registered state tax units) now were farmed out under contracts for life, and in later years, even hereditarily, so that the farmed-out region became a quasi-property (*mâlikâne*).[74] Here is the statement of the sultanic order introducing the *mâlikâne* system:

> Similar to the *muḳâṭa'a*s given as *mâlikâne* in my well-protected territory in the aforesaid island (Crete), the farmed out *muḳâṭa'a*s are to remain in the possession of their possessors as long as they live. It is appropriate under the present conditions that the *muḳâṭa'a*s shall be possessed on the basis of *serbestiyet* rule. *Serbestiyet* requires that local authorities such as governors, kadis and *mütesellim*s shall never interfere (in the administration of the region) and abide by the *mâlikâne* conditions laid down formerly.

The formula "*mafrûz'l-ḳalem ve maḳṭû'l-ḳadem*" was also employed in the *mâlikâne-muḳâṭa'a* contracts.

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71 KILIÇ 1997, pp. 158–165.
72 'AYN-İ 'ALÎ 1280/1863, p. 30.
73 GÖYÜNÇ 1969, KILIÇ 1997.
74 For the *mâlikâne-muḳâṭa'a* system see İNALCIK 1977; GENÇ 2000 [1975], p. 143; Genç reads the phrase *maḳṭû' ul-ḳadem* in the *temlîk*s as "*maktû'ü'l-kıdem*" and offers no correct explanation for the formula.

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Bibliografische Information Der Deutschen Bibliothek:
Die Deutsche Bibliothek verzeichnet diese Publikation in der Deutschen Nationalbibliografie; detaillierte bibliografische Daten sind im Internet über http://dnb.ddb.de abrufbar.

Bibliographic information published by Die Deutsche Bibliothek:
Die Deutsche Bibliothek lists this publication in the Deutsche Nationalbibliografie; detailed bibliographic data is available in the internet at http://dnb.ddb.de.e-mail: cip@dbf.ddb.de

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Printed on permanent/durable paper.
Printing and binding: Memminger MedienCentrum AG
Printed in Germany
ISBN 3-447-05278-3 after 1.1.2007: 978-3-447-05278-8

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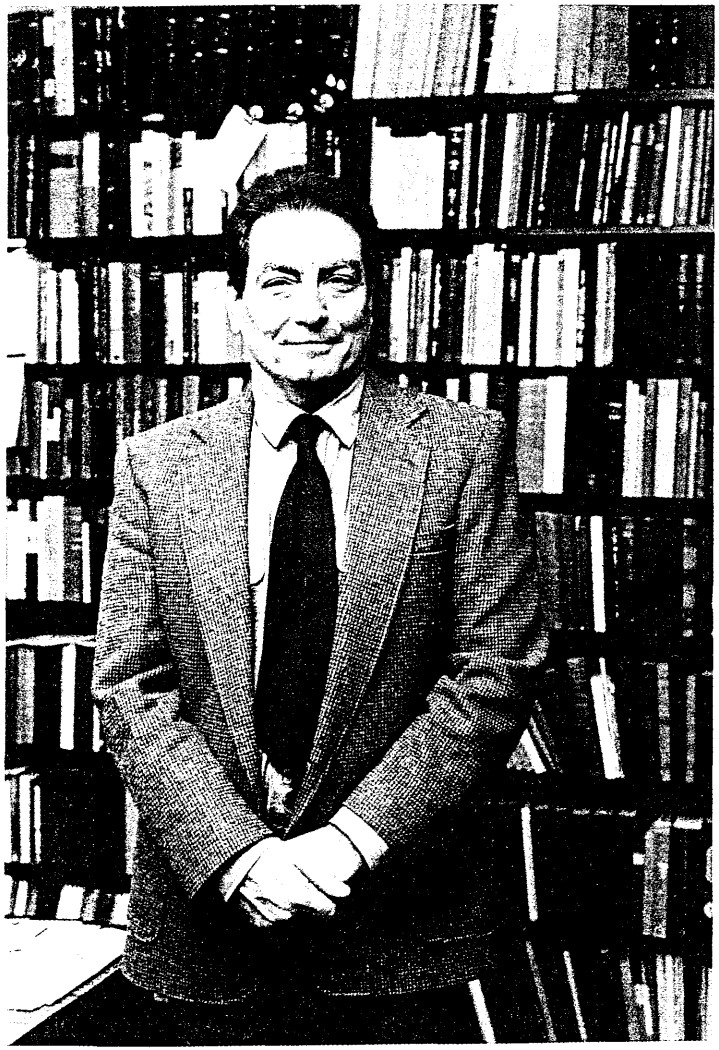
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John E Woods

# History and Historiography of Post-Mongol Central Asia and the Middle East

## Studies in Honor of John E. Woods

Edited by
Judith Pfeiffer and Sholeh A. Quinn
in Collaboration with Ernest Tucker

2006
Harrassowitz Verlag · Wiesbaden