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THE *RŪZNĀMČE* REGISTERS OF THE *KADIASKER* OF RUMELI AS PRESERVED IN THE ISTANBUL *MÜFTÜLÜK* ARCHIVES

I - THE ARCHIVES

It is with a deep sense of relief that we have learned of the baselessness of the rumours that the archives of the *Shaykh al-Islām* in Istanbul had perished in a fire at the beginning of this century. These archives, consisting of over ten thousand volumes, are in fact presently housed in a building at the entrance of the Office of the *Müftü* of Istanbul (the *Istanbul Müftülüğü* located behind the Süleymaniye Mosque). These archives are definitely the most important source in Turkey on the history of the Ottoman *'ilmiyye*, Islamic jurisprudence, the history of Istanbul, and the social and economic history of the Ottoman empire in general.

It was under Abdülhamid II (1876-1909) that, as a reaction to the *Tanzimāt* policy of adopting western institutions and laws, emphasis was placed on the sources of Islamic law, and measures were taken to improve religious education and the administration of religious law. In 1894, the two buildings on either side of the gate of the *Müftülük* (then officially called *Bāb-i Wālā-yi Fatwā*, or *Dā'ire-i Djalīl-i Meshīhat-panāhī*), were built to house the archives and the library. The building on the right side of the gate houses the archives of the *Shaykh al-Islām* and those of the law courts of Istanbul, Galata, Üsküdar, Eyüp and their dependencies. By making the basic literature on Islamic law and the Ottoman court documents available, the library and the archives provided the sources necessary for the functioning of the *Bāb-i Fatwā* up to the last days of the empire. According to the State Annuaries (the *sālnāmes*)[1], the archives then formed a directorate under the responsibi-

[1] For example, *Sālnāme-i Devlet-i 'Aliyye-i 'Osmāniyye* of the year 1321/1902-1903, Istanbul, 1904, 200-213.

lity of the *Ṣadrayn Evrāḳ Me'muru* and the *Sidjillāt-i Shar'iyye Müdürü*. These ten thousand volumes, containing at a rough estimate over five million documents, consist of four collections divided as follows[2]:

Collection I. The *Rūznāmče* registers of the two *kadiaskers* of Rumeli and Anatolia: 257 registers of the *kadiasker* of Rumeli covering the period 952/1545 - 1312/1894; and, 120 registers of the *kadiasker* of Anatolia for the period 1076/1665 - 1310/1892.
Collection II. The registers of *Naḳīb al-ashrāf*: 33 *defters* altogether, covering the period 943/1536 - 1116/1704.
Collection III. The registers of seals (*mohr ṭaṭbīḳ defterleri*) containing the stamped seals of the cadis to verify the documents sent by them: 16 registers altogether.
Collection IV. The *Shar'ī* court registers: 9,870 registers of the 27 courts of Istanbul and its dependencies, covering the period 919/1513 - 1343/1924. The *Shar'iyye* courts were abolished in 1924.

The court registers constitute by far the most important collection comprising the *i'lām*s (court decisions), *hudjdjat*s (certifying documents), and *ma'rūḍ*s (cases submitted to the Sublime Porte)[3]. Estate lists of the deceased, *waḳf* deeds, and all kinds of notarial documents are included in these registers. Below is a list of these 9,870 registers as divided by the courts to which they belonged, and the periods they covered.

Court or office	*Number of Registers*	*Period covered*
1. Istanbul	334	1021-1342
2. Istanbul Bāb	544	1076-1327
3. Kasımpaşa	179	1004-1342
4. Evḳāf-i Hümāyūn Müfettishlighi	801	888-1342
5. Kısmet-i 'Askeriyye	2142	1000-1342
6. Üsküdar	802	919-1342
7. Ahiçelebi	664	1063-1327
8. Davudpaşa	192	1196-1342
9. Bakırköy (Makriköy)	16	1302-1342
10. Kartal	40	1129-1342
11. Adalar	8	1178-1262
12. Beykoz	3	1328-1342
13. Bilād-i Metrūke	36	1247-1296

[2] I am indebted to the *Müftü* of Istanbul, S. Kaya and his staff for their help while I was working at the archives. My special thanks go to Dr. Abdülaziz Bayındır who let me use his unpublished doctorate thesis: *Teorik ve Pratik Osmanlı Muhakeme Hukuku*, Atatürk Üniversitesi, İlâhiyat Fakültesi, Erzurum, 1984; now published under the title, *Muhakeme Hukuku (Osmanlı Devri Uygulaması)*, Istanbul, 1986, 273-281.

[3] For the court registers in Turkey see Mücteba İlgürel, «Şer'iyye Sicillerinin Toplu Kataloğuna Doğru», *Tarih Dergisi*, 28 (Istanbul Ü. Edebiyat Fakültesi, 1975), 123-166.

14. Galata	1040	948-1343
15. Hawāṣṣ-i Refī'a	629	978-1342
16. Beledī Ḳassāmlighı	155	1066-1303
17. Balat	155	964-1254
18. Yeniköy	174	959-1333
19. Hasköy	40	955-1254
20. Rumeli Ṣadā eti	644	955-1343
21. Maḥfel-i Shet iyyāt	108	1271-1327
22. Anadolu Ṣadāreti	177	1247-1341
23. Beşiktaş	231	960-1327
24. Tophane	275	960-1327
25. Mahmudpaşa	246	1042-1341
26. Ewḳāf Muhāsebedjilighi	129	1043-1255
27. Māliye Beytülmāl Ḳassāmlighı	106	1254-1327
TOTAL	9870	

At the present time these archives and the library are under the authority of the *Müftü* of Istanbul who is appointed by the *Diyanet İşleri Başkanı* in Ankara (requests for scholarly research and applications are submitted to the *Başkan*).

The series called *Kadiasker Rūnāmčesi* (daybooks kept under the *kadiasker*) constitute a particularly important source for the study of the Ottoman *'ilmiyye* career, as they contain the appointments made by the *kadiasker*s. The earliest defter available in the series covers the period 952/1545-958/1551. It starts with a list of candidates (*mulāzim*), introduced by Mawlānā Pīr Aḥmad, known as *Leys-zāde*[4], which was made at the beginning of his tenure (*nawba*). The following record is about the candidacy of Mawlānā Dja'far[5], the *tezkiredji* of Mawlānā Abū's-Su'ūd who was previously *kadiasker*, now appointed *Shaykh al-Islām*. The candidacy (*mulāzemet*) was submitted to the Sultan and approved.

[4] For Leys Čelebi and his son Pīr Aḥmed, see M. 'Ārif's introduction to his edition of Ḳānūn-nāme-i Āl-i 'Osmān, supplement to *Tā'rīkh-i 'Osmānī Endjumeni Medjmū'ası*, Istanbul, 1330, 6-7. Pīr Aḥmed died in 952/1545 (Madjdī, *Tardjuma-i Shaḳā'ḳ-i Nu'māniyye*, Istanbul 1269/1852, 405). His father Nūr al-Dīn Ḥamza, also known as Leys Čelebī, played a major political role during the reigns of Bāyezīd II and Selīm I. He was known as Nūr al-Dīn Sarıgürez (in modern literature mistakenly mentioned as Sarıgürz, see I. Uzunçarşılı *Osmanlı Tarihi*, II (Ankara: Türk Tarih Kurumu, 2nd edition 1964), pp. 239, 240; *gürez* means handsome). For *rūznāmče* see M. İpşirli, «İlmiye Teşkilâtında ... Mülâzemet kayıtları», *Güney-Doğu Avrupa Araştırmaları Dergisi*, 10-11 (1983), 221-23.

[5] For Dja'far efendi see M. İpşirli, «Şeyhülislam Sun'ullah Efendi», *Tarih Enstitüsü Dergisi*, XIII (Istanbul, 1987), 209; Sun'ullah was his son. Dja'far himself was son of 'Abd al-Nabī, uncle of Abū's Su'ūd.

« سابقا روم ایلی قاضی عسکری اولوب حالیا مفتی اولان صدر العلماء مولانا ابو السعود افندی تذکره جیسی مولانا جعفرك ملازم اولمسی أمری پایهٔ سریر سلطنته عرض اولندقده ملاز متنه قبول بیورلدی فی ۲ رمضان المبارك سنه ۹۵۹ »)

From the middle of the sixteenth century on, the appointment of the *mawālī*, i.e., professors of higher *madrasas*, and judges with a daily income of more than 300 *akča*, was under the responsibility of the *Shaykh al-Islām*. The appointment of minor judgeships, with a daily income of 300 *akča* and below, was the responsibility of the *kadiaskers* of Rumeli and Anatolia. In this paper, by examining the *ruznāmče* of the *kadiasker* of Rumeli between November 1647 and March 1648, we shall discuss the regulations and the patterns of appointment of the town cadis (*ḳaṣabāt* ḳaḍıları), and attempt to provide definitions for the terminology used.

Each register is introduced by a note specifying the date of the posts submitted to the Sultan for approval (*al-manāṣib al-ma'rūḍa*). Each separate item in the register consists of two parts[6]. In the first part, the identity of the previous office-holder is given with the exact period of his tenure as well as the reason why the office became vacant. In the second part, beginning with the identity of the candidate and a description of his career, the appointment is recorded after being submitted to the Sultan. The *Kadiasker*'s note contains the exact date of the appointment and its duration. As will be seen later, all these specifications are of key importance for the smooth functioning of the system. Each record is coupled on the margin with a note showing at first glance the place and the nature of the appointment.

II - THE 'ILMIYYE

Before we begin analyzing the data from the *rūznāmče* register, let us have a bird's eye view of the *'ilmiyye* organization and its relationship to other groups[7].

The *'ilmiyye* class as a whole was a privileged group whose status and hierarchy was based on the level of certified knowledge in the Islamic sciences. Its members represented the spiritual authority side by side with the military-political authority (*beylik* or *seyfiyye*), whose status and privileges were based on professional skill and experience in

[6] See the text given in facsimile in the *Appendix*, No. II.

[7] For a general outline see I.H. Uzunçarşılı, *Osmanlı Devletinin İlmiye Teşkilâtı*, Ankara: Türk Tarih Kurumu, 1965 (poorly edited); most recently R.C. Repp, *The Mufti of Istanbul*, London: Ithaca Press London for the Board of the Faculty of Oriental Studies, Oxford University, 1986; also H. Inalcık, *The Ottoman Empire, the Classical Age 1300-1600*, London: Weidenfeld and Nicolson, 1973; C. Baltacı, *XV-XVI. Asırlarda Osmanlı Medreseleri*, Istanbul: İrfan Matbaası, 1976.

military arts and government. The ruler, as the *imām* and the *pādishāh*, united in his person these two authorities (or *Dīn u Dawla*). The bureaucracy (*ḳalamiyye*) constituted an instrument to functionalize the ruler's authority in the political domain. In the Ottoman empire, the *'ilmiyye* had its own autonomous bureaucratic machine, but in the last analysis, it was dependent on the ruler's authority. As the one and only deputy of the ruler, the grand vizier supervised both the *seyfiyye* and the *'ilmiyye*.

Within the *'ilmi ye*, the *tadrīs* (teaching) and the *ḳaḍā'* (administration of the law) were two branches closely interrelated in their function. The second Ottoman Sultan, Orhan (1326-1362) had founded the first *madrasa* chiefly for the purpose of training the cadis to be employed in his realm. The cadis were also authorized to execute the Sultan's orders concerning public administration. Professorships and judgeships were classified according to the fixed daily revenue for each rank. Judges' revenues were calculated as ten *akča* for each one thousand houses in the area of jurisdiction. As early as the reign of Mehmed II (1451-1481), judgeships were divided into two main categories, those with a daily revenue of 300 *akča* and below, and those above 300 *akča*[8]. The latter, distinguished by the title of *mawlā* or *molla* (plural *mawālī*), or by the rank of *mawlawiyyet*, made up a «noble» group (*ashrāf*) among the other status groups with privileges. However, *'ilm* had to be within every Muslim's reach, and a student of any background had the opportunity to move up the ladder to the highest rank in the *'ilmiyye* pyramid. Below is a chart of the *'ilmiyye* ranks and career lines:

Tadrīs		Ḳaḍā'		
Student	Professor	Tenure	Ḳaḍā'	Tenure
Sūhte (softa)	Dismissed from [illegible] *madrasas*	—	Judgeship of 150 and below (small town judgeships)	Two years[9] (1006/1597)
Dānishmend	*Madrasas* of 20 and 25 (*Tadrīd* m.) *Madrasas* of 30 and 40 (*Miftāh* m.)	Two years (1006/1597)	Judgeships of 300 and below (small town judgeships)	Two years (1006/1597)
Dānishmend	*Madrasas* of 50 (*mawlawiyyet*) *Ḥāriǧ* and *Dākhil*		Judgeships above 300 (*mawlawiyyet*)	
Dānishmend	*Ma[illegible]asce* of *Ṣaḥn-i samān* and *Ayasofya* *Madrasas* of 60: *Suleymāniye*		Judgeships of 500 (*mawlawiyyet*)	One year (17th century)

[8] On these rates see K. Dilger, *Untersuchungen zur Geschichte des osmanishen Hofzeremoniells*, Munich, 1967; and Repp, *op. cit.*, 32-36.

At each stage of his studies, a student had to obtain a certificate (*tazkira* or *tamassuk*) from the professor under whom he studied. Later regulations required that the certificate specify the texts studied and the duration, as well as a detailed description of the student's identity to prevent its fraudulent use by others.

It was the *mulāzemet* (*mulāzama*), «attendance» of the *mawālī*, which was considered a prerequisite for one's candidacy to the *manāṣib*; and candidates were carefully listed chronologically with their qualifications in the registers kept at the *Shaykh al-Islām*'s or the *kadiaskers*' offices. Qualification was also determined by official tests when necessary. A third method for the selection of candidates was a direct recommendation by the *mawālī* who chose a certain number of candidates from among his students, assistants (*mu'īd*), or his own sons who were supposed to have had their education from their father.

It is to be remembered that those members of the *'ilmiyye* who sought a *manṣib* (plural *manāṣib*) at a *madrasa* or a *ḳaḍā'* had to complete strictly defined degrees at the *madrasa*s, or to be in the attendance of the *mawālī*, the authorities in Islamic sciences. Those who performed minor religious services for the people at mosques or similar institutions received only the *djihet* (plural *djihāt*), not the *manṣib*. The former were called *ahl-i manaṣib* and the latter *ahl-i djihāt*. But in reality, and particularly through patrimonial relationships, these rules and regulations were frequently overlooked, as contemporary critics have disclosed[10]. While the *mawālī* formed quite a small, and in later periods practically a closed group (they numbered 296 individuals in 1883)[11], small town cadis were quite numerous. At the bottom of the

[9] According to the rescript introducing reforms into the *'ilmiyye*, dated 1006/1597, facsimile copy at the *Appendix*, No. I.

[10] During the general dissolution of the classical imperial system between 1590-1650, critics who almost entirely were of the bureaucratic group, sought to advise the sultans about the causes of Ottoman reverses and criticized the disregard for the established regulations in the *'ilmiyye* career line. Of this group, see Muṣṭafā 'Ālī (now see C.H. Fleischer, *Bureaucrat and Intellectual in the Ottoman Empire*: The Historian Muṣṭafā 'Ālī (1541-1600), Princeton: P.U.P. 1986, Index: views, p. 347), and Koçi Beg (*Koçi Bey Risalesi*, ed. A.K. Aksüt, Istanbul, 1939; R. Murphey, «the Veliyüddin Telḥīs: Notes on the sources and interrelations between Koçi Beg and contemporary writers of Advice to Kings», *Belleten* 43 (1979), 547-571; a scholarly edition of the *Risāle* is still needed); these are the best known, used by Uzunçarşılı and others for the *'ilmiyye*; also see, *Ḳānūn-nāme-i Sulṭānī li'Azīz Efendi*, ed. and trns. R. Murphey, Cambridge: Harvard University, 1985, 20, and *Kitâb-i Müstetab*, ed. Y. Yücel, Ankara: Üniversite Basımevi, 1974, 39-40); all of them emphasize on the abondonment of the established order; a systematic and critical study of the Ottoman advice to kings literature is needed for its use in historical research: see C.H. Fleischer, «Royal Authority, Dynastic Cyclism, and Ibn Khaldūnism in Sixteenth-Century Ottoman Letters», *Journal of Asian and African Studies*, XVIII (1983), 198-220.

[11] For *mawālī* see M.C. Zilfi, «The Ottoman 'Ulemā' 1703-1839 and the Route to Great Mollaship» (Ph.D. dissertation, University of Chicago, 1976).

pyramid, the *imāms*, *mu'azzin*s and *ḫaṭīb*s serving in the mosques as well as the *dānishmend*s and *sūhte*s constituted in fact large social groups.

The members of the *'ilmiyye* and of the *djihāt* were all exempted from taxation, as were the members of the *sayfiyye* and the *ḳalamiyye* status groups.

III - THE SYSTEMS OF ROTATION (*DAWR* OR *NAWBA*) AND MULĀZEMET

Pressure from the candidates waiting for a position must have imposed a rotation system (*dawr* or *nawba, nöbet*), to provide employment to as many candidates as possible, since the number of judgeships was limited and could not be increased at will. For example, a change in the regulation in 1127/1715[12] would have deprived of candidacy more than a thousand *madrasa dānishmend*s who had been waiting for more than five years. On the other hand, since an *'ilmiyye* career ensured social prestige and exemption from taxes[13], thousands of young men, particularly of peasant origin, flocked to the small town *madrasa*s, or even created their own *madrasa*, in the Anatolian provinces during the sixteenth century. Appalling *sūhte* (*softa*) disorders of that period[14] forced the government to shut down most of the provincial *madrasas*, and the reform rescript of 1006/1597 stipulated (see Appendix no. 1, line 48) that «from now on, no candidate shall be admitted from provincial *madrasa*s (*kenār madrasa*) unless that was a rule from a long time ago». Thus, cadi appointments and tenure periods concerned a large social group in Ottoman society[15]), and the so-called *sūhte* uprisings during the second half of the sixteenth century should be studied within this context.

The reform rescript of 1006/1597[16] described those groups which were responsible for further swelling the waiting list. The first group includes those employees of minor religious services who, by becoming clients of an influential person in the *'ilmiyye*, or through other loopholes, find access to candidacy. Thus, Muṣṭafā 'Ālī observes[17] that «so

[12] Meḥmed Rāshid, *Tā'rīkh*, IV, Istanbul, 1282/1865, 50-51.

[13] *Dānishmend*s do not pay the *rusūm-i ra'iyyet*, but «those who claim to study but go around idly pay all *rusūm-i ra'iyyet*; this is an ancient rule» (Ḳānūnnāme, DTCF, University of Ankara, Ismail Saip Collection, p. 24).

[14] See M. Akdağ, «Medreseli İsyanı», *Istanbul Üniversitesi İktisat Fakültesi Mecmuası*, XI, 361-387.

[15] «Those who carry turban» (*arbāb-i 'amā'im*), i.e., *ahl-i manāṣib* and *ahl-i djihāt* together numbered about forty thousand toward the end of the fifteenth century (pseudo-Rūhī, Oxford University, Bodleian Lib. Marsh MS: no. 313, fol. 8).

[16] Süleymaniye Library: Âşir ef. collection, *Ḳānūnnāme*, no. 1004, 69b-71a; the document is abridged by Uzunçarşılı, *op. cit.*, 244-246, in Latin characters; and again by C. Baltacı, *op. cit.*, 630-632 with a facsimile copy, see Appendix No. I.

[17] Andreas Tietze, *Muṣṭafā 'Ālī's Counsel for Sultans of 1581*, Part I, Vienna: Akademie, 1979, Text: 174-180, English trans. 75-79. Tietze (p. 78) translates *rand-bar* as

many Turks of condemnable character of the *randjbar* class have been honored by the posts of *ḳaḍā'*». An *'ilmiyye* career was the only way left for a Turk of *re'āyā* origin to climb on the social ladder and thus share the privileges of the military class in the Ottoman empire, when in the sixteenth century, the ruling group's monopoly over the positions of power became more rigid than ever, as a logical evolution of the political system. The graduates of the provincial *madrasas* flocked into *Iç-il* (the imperial core region composed of Istanbul, Edirne and the Bursa districts) from the provinces, accepting any religious position they could find, to later seek a *mulāzemet* (candidacy for judgeship). The second group of outsiders consisted of soldiers of the Porte, including the janissaries, *sipāhī*s, cannoneers, etc. Since the study of religious sciences was encouraged for every Muslim, a soldier too, could attend free and public courses at a mosque, and obtain some kind of certificate. We are informed that college professors without students admitted anybody regardless of his vocation and ability[18].

Thus, these outsiders were to be denied the way to cadiship partly because they caused congestion in the cadre, and thus upset the established order, and partly because they belonged to separate status groups and had different loyalties. Since the *'ilmiyye* career brought social prestige and many advantages, including exemption from taxes, even the high echelons of the military class sought the *'ilmiyye* career for their sons[19].

When such pressures from outside became too strong, as it occurred from the mid-sixteenth century on, the ulema class became more status-minded, and, increasingly monopolistic regulations were promulgated in order to consolidate its ranks. This led to a growing authority and control of the high ulema, as well as its bureaucratization. It may not be a coincidence that growing control of the spiritual authority over state affairs parallelled this development. Both trends had already appeared under Süleyman (1520-1566) with the rise of Abū' s-Su'ūd's (*Shaykh al-Islām*: 1545-1574) influence. Several collections of registers similar to the one analyzed here bear witness to this growing process of bureaucratization.

merchant; in fact it includes all «those people who earn their livelihood by work and pay taxes», as differentiated from the military class. 'Ālī certainly does not confine the meaning to *merchant*. In the previous paragraph the author speaks of peasants. Also in the page (H 65 r) only one village, not two villages, are in question. «*Fallāḥīn-i ḍiyā'*» translated as «the *fallāḥīn* of the villages» (trans. p. 78) are obviously not correct. In this section dealing with the *'ilmiyye*, 'Ālī played with words which were particular to the profession, such as *mulāzemet* (*mulāzama*), *taḳṣīr*, *sharḳh*, *matn-i matīn*, *ṭawālī'* (see text 62 v margin). Text is given in facsimile and transliteration in Tietze's work.

[18] Rescript of 1006 mentioned in note 16 above, lines 105-110, see Appendix No. I.

[19] The *ulema* considered themselves higher than the *umerā'* in terms of dignity and rank (cf. Maḏjdī, *Ḥadā'iḳ*, Istanbul, 1269, 381 (for this translation of Tashkoprī-zāde's *al-Shaḳā'iḳ*, see Repp, 3-5).

Trying to restrict the qualifications, through Sultanic rescripts, the reformists set up a bureaucratic tradition to prevent the inroads of patrimonialism. Complaints and pressure from the lower ranks[20], as well as their occasional revolts often forced the Sultan to replace the *ulema* in power[21] with those favored by the reformist ones supported by the lower rank *'ilmiyye* people, including the *dānishmend*s and the small town cadis (*ḳaṣabāt ḳaḍīları*). Thus, the reformist ulema, acting in the name of the *Dīn u Dawla* (Islam and Islamic State), attempted to suppress patrimonial and personal interventions in the *ṭarīḳ* (the hierarchical line defined by the regulations), i.e., the *shafā'at* (intercession) and the *'āṭifat* (favor). It should be remembered that, in order to prevent the swelling of the number of the cadi candidates, the reformers[22] insisted that the number of candidates to be admitted upon the *mawālī*'s recommendation be restricted. However, the *mawālī*, as the recognized authorities in the Islamic sciences, had always the prerogative of entering in the list of *mulāzim*s, one, two or more advanced students (*dānishmend*). In fact, it was a rule that to be a *mulāzi n*, a student had to have an assistantship under a *molla* for a certain period of time. This was believed to be a guarantee for knowledge and experience in the *'ilmiyye*, thence a guarantee for the authority and privilege of the high ulema class. Their sons, as they were considered to have access to a good education, were recognized for candidacy without the formalities to which others were subjected. However, the regulation provided that the prerogative not be abused[23].

The *Molla*s were warned not to admit too many *dānishmend*s and not to attempt to enter in the list more than the number of *mulāzim*s as determined by law according to their rank. All *mulāzim*s had to wait for the beginning of the new shift (*nawba, nöbet*), and none could be registered in the interim, even if a special favor was extended by the Sultan himself. Only two of the *dānishmend*s of a deceased *molla* were to be admitted to *mulāzemet*. Such *mulāzim*s were called *mawtā mulāzimi* (*mulāzim*s of the dead). The historian 'Ālī[24] tells us how the list of the *dānishmend*s of a deceased *molla* might be a source of revenue for the heirs who sold candidacy regardless of qualification. The rescript of 1006[25] ruled that from the list of a deceased *molla*, *dānishmend*s should

[20] The *ulema* submitted in a *rik'a* their complaints against the *kadiasker* directly to the Sultan (Uzunçarşılı, 105) in the same manner as the *ra'āyā* who appeared in the presence of the Sultan with the *rik'a*, asking justice against the authorities (see H. Inalcik, *The Ottoman Empire, the Classical Age*, London: Weidenfeld and Nicolson, 1973, 88-93). The cadis' complaints caused the dismissal from office of Bāḳī, the *kadiasker* of Anatolia (Selānīkī, *Tā'rīkh*, MS: Ismail Saip collection 80 a).

[21] See Uzunçarşılı, *op. cit.*, 105.

[22] The Rescript of 1006, lines 40-60; also see Uzunçarşılı, *op. cit.*, 46.

[23] *Ibid.*, lines 100-115.

[24] *Op. cit.*, H 64 r, trans. 78.

[25] Lines 40-45.

be admitted in specified number according to their rank only for «two shifts» (*iki nöbetlik*) and the remaining *dānishmend*s in his list should be placed to serve under other *molla*s.

At any rate, the *molla*s' prerogative seems to have been the source of widespread rumours of bribery and favoritism, whether true or unfounded. The regulation, once made, was considered a fixed line (*ṭarīḳ*) and the candidates or *dānishmend*s insisted that the *ṭarīḳ* rules be strictly applied, that the prerogatives not be abused, and that qualification be established on the basis of proficiency. But the latter could be established only by the recognized authorities, i.e., the *mawālī*s who issued a written certificate and recommendation, or by a formal examination at the *kadiasker*'s office. The *ṭarīḳ*'s authority was based on tradition established by the founding Sultans, Mehmed the Conqueror, and Suleyman the Lawgiver. In the later reform rescripts, reference was always made for validity to the *ṭarīḳ* established by them.

Shaykh al-Islām Abū's-Su'ūd is credited with introducing fundamental bureaucratic reforms including the *mulāzemet*, the *'ilmiyye* system[26], and for assuming responsibility for the appointments of the *molla* judgeships[27]. However, a report[28] to the Sultan, apparently of an earlier date, provides evidence that basic features of the organization, including the *mulāzemet*, were established before him. The principle that cadi appointments should be made from among the *madrasa* professors (*mudarris*), was in force at the time the report was written. The reporter tells us that contrary to this rule, *nā'ib*s with no regular *madrasa* education, or other inferior religious functionaries, had gained access to judgeships thanks to their bribed intercessors. It points out that in the appointment of judges, the most important criterion should be the mastery of the religious sciences, which could be acquired only through a regular *madrasa* education and by attendance (*mulāzama, mulāzemet*) on the authorities (*mawālī*). He complains about the malpractice that «any candidate, whether qualified or not enjoys the Sultan's favor if supported by an intercessor». Such intruders, he says, enjoy promotion without waiting for the *mulāzemet*. Thus, *mulāzemet* was considered to provide additional training under the *mawālī* and enabled one to obtain a higher assignment. It is interesting to note that even in this early period, bribery and favoritism were indicated to be widespread malpractices resorted to, with the aim of obtaining and keeping

[26] Newʿī-zāde ʿAṭāʾī, *Ḥadāʾiḳ al-Ḥaḳāʾiḳ fī Takmilāt al-Shaḳāʾiḳ*, Istanbul, 1268, 184; Repp, *op. cit.*, 272-296.

[27] Uzunçarşılı, *op. cit.*, 155-156, 179-181; this information from ʿĀlī, *Kunh al-Akhbār*, needs further investigation, cf. C. Baltacı, 51-53; Repp, 293.

[28] See the important document published by M. Cezar, *Osmanlı Tarihinde Levendler*, Istanbul: Güzel Sanatlar Akademisi, 1965, 469-470, undated; internal evidence (accession to the throne of Pādishāh-i Suleymān-i Zaman) suggests early reign of Suleyman I (1520-1566).

judgeships[29]. Anticipating all the later critics, the reporter notes that under the circumstances, those who were studying the religious sciences were no longer held in esteem, and adds that, «no more serious failure can be imagined for a Sultan who is tolerant on the matters concerning the *Sharīʿa*, and does not bother to see whether his commands are executed.»

IV - DATA FROM THE *RŪZNĀMČE* REGISTER

Let us now examine a routine appointment case from the register. The record we have chosen for our purpose (11, Siroz)[30] says: «It was submitted to the Sultan (*ba'd al-'arḍ*): this *ḳaḍā'* of Siroz is granted (*buyruldu*) to Mawlānā Khalīl, who has left the *ḳaḍā'* of Ahyolu with three hundred *akča* and has completed his time of two years out of office (*infiṣāl*) and the time of presence in Istanbul (*Āsitāne*), on condition that Mawlānā Mehmed, son of Bahā' al-Dīn who is at present the cadi of Siroz, holding it for a limited time (*muwaḳḳatan*), complete his tenure period (*tekmīl-i müddet ettikden sonra*)».

The terms *takmīl-i müddet* (*mudda*), *muwaḳḳatan, infiṣāl* and *Āsitāne* are all connected with a quite complex procedure of appointment.

A judgeship was limited to a tenure period. The famous rescript of 1006/1597 stipulates (lines 74-77): «a new candidate (*mulāzim*) shall not be appointed before he completes three years (of waiting)... The cadis of small towns shall be in possession of their post for two full years.»

The *müddet* or *müddet-i 'urfiyya* determined the duration of judgeship at a post. Before 1006/1597, it was three years[31], and was shortened later on to two years, and then to twenty months, as attested in our

[29] Anonymous *Tawārīkh-i Āl-i 'Osmān* which was originally compiled under Bāyezīd II (1481-1512) gives interesting details on the appointment of cadis. It states (Giese edition, 30; a more complete text TKP Library, M.R. 700) that before Bāyezīd I (1389-1402)'s time whenever there was a vacant cadiship no appointment was made until the time when an able *dānishmend* from *madrasa*s was found. Also, considering great responsibility, candidates were not eager to become a cadi. But now, people, Anonymous says, kill each other to seize a cadi office. In our days merit is not considered important for the appointment. An ignorant person who happens to have been in the service of an influential man for some time obtains cadiship through his mediation... In those days, candidates used not to come in crowd to the kadiasker's service and to be in attendance (*mulāzemet*), humiliating themselves. This summarized text clearly shows that clientship, *mulāzemet* and keen competition among the candidates were already burning issues toward the end of the fifteenth century. Evidently, things had not necessarily been better in earlier times as our source claims.

[30] The *Rūznāmče* of the *kadiasker* of Rumeli, p. 11, reproduced at the Appendix No. II.

[31] Selānīkī, 223b. MS mentioned at note 20; around 1006 1597, tenure period was reduced to two years. However, those cadis who were active in the service of the collection of provisions for the army (*nüzül*) could stay for three years. Extension of the tenure for those who were performing such services was in force as late as the eighteenth century.

register (13. Kirebene). It was again further reduced to eighteen months during the second half of the eighteenth century. As a rule, tenure started on the first day of the month of Muharram. Establishing the period of tenure was called *'urfī* because it was based on the Sultan's order and could be changed at any time as he saw fit. The tenure period of the *mawlawiyyets*, i.e., the high *ulema* ranks, was one year in the seventeenth century[32].

Earlier we pointed out that as a rule, the number of *ḳaḍā*'s (*ḳaḍā'* meant the authority and area of jurisdiction of a cadi)[33] could not be increased at will. However, economic conditions as well as administrative expediency could bring about changes. In fact, towards the year 1057/1647, an order of the Sultan restored all the *ḳaḍā*'s which had previously been abolished and annexed to others. This meant an increase in the number of posts available to candidates, a measure which evidently made the incumbent *kadiasker* who initiated the change popular with the entire *'ilmiyye* group because the move (*hareket*) involved promotions at every level down to the *dānishmends*. On the other hand, partitioning signified smaller jurisdictions with reduced revenues. Sometimes a *ḳaḍā'* was united with the *arpalık* (pension) of a *molla*, which caused the incumbent cadi to lose his source of income (114, Izdin). This was another reason why lower level ulema were resentful of the *molla*s' privileged status.

In 1078/1667, *Shaykh al-Islām* Minḳārī-zāde Yaḥyā Efendi ordered the *kadiasker* of Rumeli 'Abd al-Ḳādir Sinānī Efendi to revise all the *ḳaḍā'* posts in Rumeli and make a new list[34]. Accordingly, Sinānī Efendi convoked in his *dīvān* the high ranking cadis (*eshrāf-i ḳuḍāt*), revised the existing *ḳaḍā*'s, and made a new list by unifying the *ḳaḍā*'s of insufficient revenue. The new listing contained 361 cadiships (*ḳaḍılık*), divided into twelve categories. In 1660 however, the number was increased to 477.

We can establish the actual tenure periods from the *kadiasker*'s *rūznāmčes* (cf. table I). In general the shortening of the tenure period must have been determined primarily by the growing number of the candidates waiting for their appointment. The pressure becomes apparent by the fact that complaints were constantly expressed about appointments made against the *'ilmiyye* regulations through bribery or nepotism. Such malpractices which caused longer waiting periods for the candidates, sometimes gave rise to serious political crises which ended with the change of the *kadiasker* or the *shaykh al-islām* in office. Thus, having serious political implications, each new regulation was promulgated with the Sultan's strict order prohibiting such malpractices. This was issued in the form of a *khaṭṭ-i hümāyūn*, i.e., an order written personally by the Sultan himself.

[32] *Millī Tetebbu'lar Mecmū'ası*, I (Istanbul, 1331/1915), 541.

[33] Cadis are the agents of the Sultan, «their ruling power (*wilāya*) is derived from the Caliph's autorization». Abū's Su'ūd, «Ma'rūḍat», *Millī Tetebbu'lar Mecmū'ası*, I, 339-340.

[34] M. Kemal Özergin, «Rumeli Kadılıkları'nda 1078 Düzenlemesi», *Ismail Hakkı Uzunçarşılı'ya Armağan*, Ankara: Türk Tarih Kurumu, 1976, 251, 259.

Our register demonstrates (see table I) that even before large-scale revisions, new *ḳaḍā*'s were formed or abolished when a particular area experienced a considerable growth or decline in population and/or prosperity[35]. However, it appears that a merely administrative motive — to create new cadiships to alleviate the congestion at the lower levels, or to meet a high revenue jurisdiction for a particular candidate — was responsible for most of the changes (as mentioned earlier, a cadi's revenue was calculated on the basis of ten *akča* for every one thousand houses). The partition of a *ḳaḍā'* is called *ifrāz*, and its unification is called *'ilḥāḳ*. Both the *ifrāz* and *ilḥāḳ* created problems as far as the rotation period of the actual office holder was concerned. When a judge lost his *ḳaḍā'* because of its annexation to another jurisdiction, the cadi was usually transferred to a vacant *ḳaḍā'* to complete his tenure. But then, the remaining months out of the twenty months of *müddet-i 'urfiyya* had to be filled with a shorter appointment. There are many such arrangements to fit actual cases in our register.

When a cadi completed his tenure period (*takmīl-i müddet*) in a *ḳaḍā'*, he spent a certain period of time in «separation» (*infiṣāl*) before he came to Istanbul (*Āsitane*), and stayed there for a certain period of time in *mulāzemet* under the *kadiasker* he served. This *mulāzemet* period was three years in the rescript of 1006/1597. In our register (1647), the shortest *infiṣāl* (out of office) period was one year, and the *mulāzemet* in Istanbul also was one year. The duration of the «complete period» (*kāmil*) for both *infiṣal* and *āsitāne* cannot be determined from our source. The *mulāzemet* is considered to be a period during which the cadi could increase his knowledge and experience to qualify for a higher position.

If the cadi was dismissed for any reason from office before his *müddet* was completed, this was called the *'azl* or *raf'*, and he himself was included among the dismissed (*ma'zūl*). The reasons for dismissal varied: it might result from popular complaint, usually in written form, signed by the local notables (*'arḍ-i maḥḍar*)[36], or, from the cadi's failure to fulfill an important public assignment, such as collecting tax, or gathering men for some public service. For example, in our register, the cadi of Alasonya failed to gather oarsmen (*kürekçi*) in due time, so he was replaced by another who pledged to complete the service in

[35] For an actual case of creating a new *ḳaḍā'*, see the document published by Ö. L. Barkan, in *Istanbul Üniversitesi Iktisat Fakültesi Mecmuası*, II-2, p. 235, document no. XXI (41 villages were separated from the *ḳaḍā*'s of Vize, Hayrabolu, Baba-Eskisi, Çorlu and Pınar-Hisar and a new *kadılık* was established at the *nāhiye* of Burgoz). A *ḳaḍā'* may encompass from 50 villages to 300 or more.

[36] For *'arḍ-i maḥḍar* see H. Inalcik, «Şikâyet Hakkı: *'Arz-i Ḥāl* ve *'Arz-i Maḥzar'lar*», *Journal of Ottoman Studies*, vol. VII-VIII dedicated to Professor John Walsh (Istanbul, 1987).

time. The loss of one's office before the expiration of the tenure period was considered unjust (*maghdūran*) when it occurred as a result of a bureaucratic mistake, or in violation of the regulations. In such cases compensations were arranged, such as deducting the remaining time of the *müddet* from the waiting period at the *mulāzemet*. In general, the *kadiasker* was sympathetic to a judge who lost his tenure, and who thus remained without income (*ṣifr al-yad*). The tenure period could be extended (*madd* or *ḍamm*), or shortened (*ḳaṣr* or *taḳṣīr*) under special conditions. When travelling became hazardous due to adverse weather conditions or other factors, the central government would agree to grant an extension of several months. Sometimes an incumbent judge agreed by his own free will to an extension in favor of the departing judge, and both judges would then, by mutual consent, submit for the government's approval. However, an early arrival of the new cadi often caused friction so that a general order[37] was issued so as not to offend the new comer. In addition to dismissal (*raf'*), death or resignation (*farāgh*) also entailed shorter terms.

The extension of a tenure for an incumbent cadi, usually of a few months, was not infrequent, and was made on the testimony that he conducted himself well (*husn-i sulūk*), successfully fulfilled a special order of the Sultan, or helped the tax farmer in his job (13, Platamona). In the special case referred to, the testimony came from the cadi who came to replace him.

In addition to the bureaucratic concern of finding employment for as many condidates as possible, considerations of a political nature also affected the governement's decision to grant a shorter period of tenure (*taṣarruf*). In any case, it was a kind of «constitutional» precept in the Ottoman patrimonial system not to allow government agents to hold a provincial position for too long, lest he establish local connections and be integrated into the community. In fact, having a key position in a town, a cadi could gain a particularly strong position, and thus secure economic advantages. Some of the dismissed cadis, taking advantage of the special conditions which arose in the eighteenth century, actually settled in the towns, and they, or their offspring became local notables. Many of the *a'yān*s then, were former *ḳāḍī*s or *ḳāḍī-zāde*s.

During the *mulāzemet* period in Istanbul, on Wednesdays, when the *kadiasker*'s council (*dīwān*) was convoked, all the cadis who were out of office attended the meeting in their ceremonial attire[38]. Those who had completed the *mulāzemet* period applied for a post with promotion.

[37] «بر قضا قاضیعکر طرفندن مهرلو مکتوب ایله توجیه اولنوب قاضینك صله مسی او لسه امور قضایه قاریشمیوب توقیتی (tawḳīt) حلول ایدنجیه دك واروب أونده عیالی ایله ساکن اولوب توقیتی تمام اولما دین کلدك دیو قاضی سابقه رنجیده ایتدر لماسی ایچون حکم ویره کلمشلر در قانوندر لکن فرمان ایله اولمق مناسبدر».
Ḳānūnnāme, I. Saip, Col. no. 5120, 147v.

[38] Uzunçarşılı, *op. cit.*, 104, but the day of *mulāzemet* was Thursday in the nineteenth century: see A. Cevdet, *Tā'rīkh*, I, 111.

Verifying his qualifications, i.e., his former service with income, his time in «separation» (*infiṣāl*) out of office, and *mulāzemet* (*Āsitane*), with the register called *ṭarīḳ defteri* or *aḳḍiye defteri*, the office of the *kadiasker* would prepare a register called *maṭlab* (register of requests), to be submitted for the Sultan's approval.

Then, the *kadiasker* would issue a signed order (*buyruldu*)[39] notifying the candidate of the Sultan's approval, specifying the *ḳaḍā'* jurisdiction, the daily revenue, the starting date and the duration of his tenure.

The *buyruldus* were copied chronologically in the *ṭarīḳ defteri*, also known as the *rūznāmče* (daybook), like our register. The appointment (*tawdjīh*) brought about the *ittiṣāl* (joining the office). A diploma of the Sultan (*berāt* or *nishān*)[40] established the possession of his *ḳaḍā'* jurisdiction and his authority over the community in the *ḳaḍā'*. Each *ḳaḍā'* had its definite boundaries where the cadi's jurisdiction, exercised in the name of the Sultan, was absolute. Another cadi could ask him to see to a matter by sending him a letter called *murāsala*.

There were two *kadiaskers*; the *kadiasker* of Anatolia was responsible for the cadis of Anatolia and Arabia, and the *kadiasker* of Rumeli, for those of the Balkans and the northern Black Sea. As a rule, a judge had to stay throughout his career under either of them. The cadiships of Rumeli were considered of higher status.

It was possible for a cadi to be transferred from Anatolia to Rumeli, after submitting for the Sultan's approval. For example, in our register, Ḫalīl who was appointed to the *ḳaḍā'* of Ladik in Anatolia, was transferred to Izdin in Rumeli, a *ḳaḍā'* of corresponding revenue and rank (*bedel*), upon the Sultan's approval (14, Izdin).

As explained earlier, the *mulāzemet* period was considered to provide additional training. Besides, the patrimonial character of the Ottoman administration required that, a report (*'arḍ*) by the immediate supervisor testify to the ability and qualifications of the candidate for any appointment. Similarly, a dismissed *sipāhī* who did not participate (*mulāzemet*) under a sandjak bey in the campaigns for seven years, would lose his qualification for military service, and be reduced to the status of *re'āyā* (tax-paying subject). However, it should also be noted that in all appointments, Ottoman bureaucratic rule stipulated that the candidate should qualify not only by keeping the company (*mulāzemet*) of his supervisor, but should also prove his ability and knowledge (*ehliyyet*) for the job. In other words, *istiḥḳāḳ* (right acquired by precedence) and *ehliyyet* were two basic qualifications which were required, as a rule, for office.

In our register, the previous service and the *mulāzemet* at the *kadiasker*'s office were mentioned in the document submitting (*'arḍ*) the case to the approval of the Sultan. By submitting it, the *kadiasker*

[39] A specimen is to be found in Uzunçarşılı, *op. cit.*, 90.

[40] A specimen in Uzunçarşılı, *op. cit.*, Levha XVIII; (for a *molla*), 112.

assumed the responsibility that the candidate had fulfilled the required conditions. The Sultan's approval was a formality.

Overriding the *istiḥḳāḳ* and the *ehliyyet*, the Sultan could, without formalities, order the integration of a member of the *'ilmiyye* community into the candidacy list by special favor (*'āṭifet* or *'ināyet*). But even then, the rules of appointment were not overlooked, because no one, not even the Sultan, could act arbitrarily in matters concerning the *Sharī'a*.

During the *infiṣāl* (separation) and *mulāzemet* (*āsitāne*) period the conditions in the capital of the empire actually imposed a costly lifestyle, with mounts, frequent visits of high dignitaries, etc. due to the patrimonial relationships which were necessary for future appointments and promotion.

The author of *Kitāb-i Muṣṭaṭāb*[41], exaggerating of course, wrote: «Those cadis who are present in Istanbul after their dismissal from office, live lavishly, having houses and country homes with gardens, servants and retainers all acquired by borrowed money. When he is finally appointed to a judgeship, this is obtained by bribery. He can hold this position for one and a half years, or at most two years if he has a supporter. Now to make money, enough to meet all these debts, including the bribe money given to the state dignitaries, and to save up for the years of dismissal ahead, he robs the *re'āyā*. If he does his job within the bounds of the *Sharī'a* and in justice, it is obvious that his revenues can never go beyond four thousand gold pieces a year.» On the other hand, a short tenure period, leading to the plundering taxpayers, was a major problem not only in the *'ilmiyye*, but also in governorship and in tax farming. Then, the bureaucrats, changing the system under pressure from those with vested interests, would introduce life tenure (*mālikāne*) in tax farming and landholding, especially during the eighteenth century. However, the tenure period for judges and governors did not change under the new regime. The cadis' rapaciousness became proverbial. Evliyā Čelebi, with candor or sarcasm, mentions that such and such a cadiship brought an annual revenue so much 'in justice' but twice as much 'in injustice' as if this were quite a routine case. Ottoman bureaucratic concern led to a strict definition in the regulations and laws of all kinds of service fees and other dues which the cadis were to collect for themselves and their assistants[42]. On the other hand, a cadi's position was quite precarious in the Ottoman patrimonial system. He could be deprived of his office at any time, despite the stipulation that the appointment had been made for a definite period of time. The diary of a relatively successful *mudarris-ḳāḍī*, Ṣidḳī Muṣṭafā[43], reveals anxieties due to such uncertainties. The

[41] *Kitāb-i Müstetāb*, ed. Y. Yücel, Ankara, 1974, 39-40.

[42] See H. İ., «Adâletnâmeler», *Belgeler*, II (Ankara, 1967), 78.

[43] See M. Zilfi, «The Diary of a *Muderris*», *Journal of Turkish Studies*, I (1977), 157-174; for the executed cadis see, Uzunçarşılı, *op. cit.*, 106-107; on cadis' malpractices and abuses see H. İ., «Adâletnâmeler», 75-79.

revenue of the post might be too little. And, as Koçi Beg[44] puts it, «cadis have become extremely despicable and contemptible. Upon a complaint of a *subaṣḥı* or *ḫarādj* collector, they are dismissed from their office. So many of them are discharged without justification.»

The *kadiaskers* too, were accused of bribery, nepotism and favoritism. It was the Sultan's highest responsibility to see that «those who are his deputies in the administration of the *Sharī'a* did not abuse the power entrusted to them». Just as provincial cadis were inspected by secret agents assigned directly by the Sultan, the Sultan tested his *kadiaskers* by sending secret agents who would attempt to bribe them. The author of such an inspection reports[45] those cadis who obtained an office by being an assistant (*nā'ib*) at a cadi court, or through a minor religious appointment. He discloses those cadis who were known to be drinking wine, taking bribes, or simply, to be ignorant.

Similar criticisms of ignorance, of appointments outside the line and the regular promotion system, of bribery and favoritism were to be levelled later on by bureaucrats (Selānīkī, Muṣṭafā 'Ālī, Akhiṣārī, the author of *Kitāb-i Muṣṭaṭāb*, Koçi Beg and others)[46]. They all stress that two basic principles of *istiḥḳak* and *ehliyyet* should be followed in the appointment of judges, and that all cadis should be appointed from among the *madrasa* professors, and that they serve under the *mawālī* in the *mulāzemet* period. In other words, the bureaucratic tradition believed it was imperative that the rules and regulations be followed against personal and patrimonial favors, including those coming from the Sultan, to ensure that such a fundamentally important sector of the administration function properly.

Ferīdūn Beg's collection of state papers[47] includes an important document on the issues which the cadis were concerned about at the turn of the sixteenth century. The document is the Sultan's order to the *kadiasker* of Rumeli about a joint petition of the cadis in which they complained about the difficult times they were facing, particularly with regard to mistreatment by agents of the Sultan.

In this document they acknowledge the relief they had as a result of the careful observation of the tenure periods (*tavḳīt*) which secured an increase in the number of cadiships available. Prior to that time, those cadis who were in Istanbul to complete their candidacy (*mulāzemet*) period were stricken by poverty and hardships as a result of the *Djelālīs* looting their homes and properties in the provinces. At present, they said, when the collection of extraordinary impositions (*'awāriḍ*) such as wheat, barley, or flour from the *re'āyā* was ordered, they made every effort to collect and deliver the goods at the place ordered despite many

[44] Uzunçarşılı, *op. cit.*, 252.

[45] See above note 28; a similar report in Uzunçarşılı, *op. cit.*, Levha XVII.

[46] For these see note 10 above.

[47] *Munsha'āt al-Salāṭīn*, II (Istanbul, 1275/1858), 225.

difficulties. But the army agents to whom they made the deliveries were unwilling to issue the consignment documents unless the cadis agreed to pay an excessive fee. Some of the agents, claiming that an excessive amount was collected from the *re'āyā*, pressured the cadis for money and even caused the Sultan to order an investigation against the cadis, and without a court decision they broke into their homes and seized their properties. When a consignment document was obtained after the payment of a large amount of money, it was not accepted when they arrived in Istanbul; what is more, those agents in charge of collecting the arrears there imprisoned them and pressured them for extra payments.

Secondly, the cadis complained that the number of small cadiships had recently decreased because they had been combined with the cadiships of the ranks higher than 150 *akča* despite the Sultan's order. According to this order, these small cadiships should have been separated and assigned to those cadis who were entitled to them.

Thirdly, they requested the Sultan's specific order that only the *kadiasker* should be responsible for the appointment of the cadis, and that the vizirs, *defterdār*s or anyone else shall not interfere. The *kadiasker* should hear the case if a cadi is liable for punishment or prosecution for appropriating public revenue; and the judges and other officials in charge of the collection of taxes in the provinces should not interfere. The case should be examined in the presence of the *kadiasker* in the imperial council and the cadi should be punished when the charge is decided in due process of law. But, they said, what actually happened was that those officials who were empowered to protect the public interests in the provinces either initiated a public investigation and arrested the cadis and confiscated their properties, or inflicted severe punishments and even found a pretext to hang them, against the established rule that no cadi or ulema is subject to execution. So the cadis lost all respect and dignity and they became powerless in administering the commands of the *Sharī'a*.

Fourthly, they said there were cadis who obtained their posts on a permanent basis (*ta'bīd*), or by bribery, or being present in Istanbul less than the legal candidacy period, or without any service in the provinces they were appointed. Such cadis should be removed and their posts assigned to those who were entitled to them.

When all these illegal practices were submitted to his attention, the Sultan ordered that no shortening of the tenure period was to be allowed without a just reason and, when the tenure period (*tawķīt*) was to be shorttened under certain circumstances, this should be restricted at most to a couple of months. Also he ordered that as far as the collection of *'awārid* taxes was concerned, the cadis should not be pressured when they held a delivery document, and that of those posts added to higher ranking cadi benefices, those which were created lately should be separated, because permanent appointment (*ta'bīd*) is not

permissible in the cadiship. This is permissible only for *madrasa* professors who hold tenure long enough and merit such a favor.

In the same edict the Sultan also ordered that those cadis whose unlawful acts may entail severe punishment or execution shall be heard by the *kadiasker* in the imperial council; but in cases in which investigations involved the rights of common people, and decisions were already given by the trustworthy judges, it was an old established rule that a general inspection was to be ordered against the cadis. The Sultan promised that in such cases inspection was to be entrusted to the persons whose reliability was commonly attested. The Sultan also ordered that a cadiship assigned by the commanders in chief during a campaign should not be actually occupied by the appointee unless he is added to the *kadiasker*'s appointment list (*rūznāmçe*).

This firman illustrates the widespread discontent among the lesser cadis who called for reform in the last years of Mehmed III's reign. The fact that it was included among the important state papers shows the significance attributed to it in the period.

This imperial order was promulgated during the *kadiasker*-ship of Rumeli of Akhī-zāde 'Abd al-Ḥalīm (his appointment was in 1010 Safer/August 1601). 'Abd al-Ḥalīm was a scholar highly acclaimed by his contemporaries[48]. He was known to be responsible for establishing a new list of candidates for the cadiship (*nöbet*) and for obtaining the Sultan's approval in Receb 1011/January 1602. He became very popular among the cadis and the ulema, and one of his contemporaries addressed him saying: «You are the *shāh* on the throne of justice with perfect religious zeal and virtue, and every order of the Sultan relies on your rolls and council.» Actually, to make the Sultan approve a new list of candidates for cadiships meant that the *kadiasker* had to create a new group of clients for himself.

H.İ.

[48] N. 'Aṭā'ī, *Ḥadā'iķ al-ḥaķā'ik fī takmilat al-shaķā'ik*, ed. M. Reḏjā'ī (Istanbul 1268), 496.

TABLE I

THE *ḳaḍā'* APPOINTMENTS MADE UPON THE SULTAN'S APPROVAL, BY THE *KADIASKER* OF RUMELI ACCORDING TO THE *RŪZNĀMČE* REGISTER OF 1057/1647

Ḳaḍā'	Müddet	*Infiṣāl* years	*Āsitāne* years	*Bā-berāt*	*Yawmiyya* Previous akča	New akča
Alasonya	after completion	2	complete (kāmil)	no	150	200
	after completion	4		yes	40 (*masrasa*)	100
Livadye	after completion	ca. 1	1	no	150	200
Siroz (Serez)	after completion	over 2	complete (kāmil)	no	300	300
Vodena	after completion	2	complete	no	100	150
Istifa	after completion	ca. 2	complete	no	80	130
Köstendil	because of his good conduct two months extension (*ḍamm*)					
Mundeniça	after completion	4	complete	no	40 (*madrasa*)	130
Bosna Brodu	after completion	2	complete	yes	130	150
Balya-Badra	after completion	complete	complete	no (*ifrāz*)	40 (*madṛasa*)	130
Sarta (?)	annexed to the *ḳāḍā'* of Akkerman					
Egri	after completion	3	complete	yes	40 (*madrasa*)	130
Akçahisar	after completion	complete	complete	no	80	100
Kızılcahisar	unjustly dismissed				150	?
Ilbasan	because of his good conduct two months extension					
Lipv	after completion	complete	complete	no	100	130
Karinabad	*mudarris* prepared for outside service			no	40	150
Delvine	after completion		complete	yes	40	100
Seksar	after completion	17 months	complete	yes	70	80
Pilevne	after Mas'ūd completed his time to be assigned to Mahmud and then to Ahmed					
Platamona	since the holder resigned the normal time shortened					
Izladi	annexed to the *nāhiye* of Etrepoli					
Kirebene (Grebene)	because of the good conduct of the cadi in office two months extension of his tenure					
Iskaradin	shortening because of death					
Maçin	after completion	3	2	no	50 (*madrasa*)	100
Arnavaud Belgradı	after completion	2	complete	no	200	300
Üsküp	extension because of previous shortening					
Pojega	after completion	—	complete	no	40 (*madrasa*)	150

Ḳaḍā'	Müddet	*Infiṣāl* years	*Āsitāne* years	*Bā-berāt*	*Yawmiyya* Previous akča	New akča
Segedin	shortening of the tenure because of death, then, it was learned that the news was not true, it was confirmed (*ibḳā'*)					
Preveze	four months extension because of good conduct					
Hezargrad	after completion	?	complete	yes	300	300
Kefe	no one was willing to assume, so it was annexed to the *ḳaḍā* of Alusta					
Akhisar	after completion	complete	complete	no	130	150
Inebahtı	after completion	complete	complete		150	150
Izdin	fallen vacant, it is assigned to Khalil who had the *ḳaḍā'* of Ladik of 130 akča in Anatolia					
Bereketli	fallen vacant, assigned to *mudarris* Mawlānā 'Alī				40 (*madrasa*)	150
Bac-afač	after completion	complete	complete	no	40 (*madrasa*)	150
Beckere'k	after completion	4	complete	no	40 (*madrasa*)	130
Ürgüp	after completion	complete	complete	no	40 (*madrasa*)	150

TABLE II

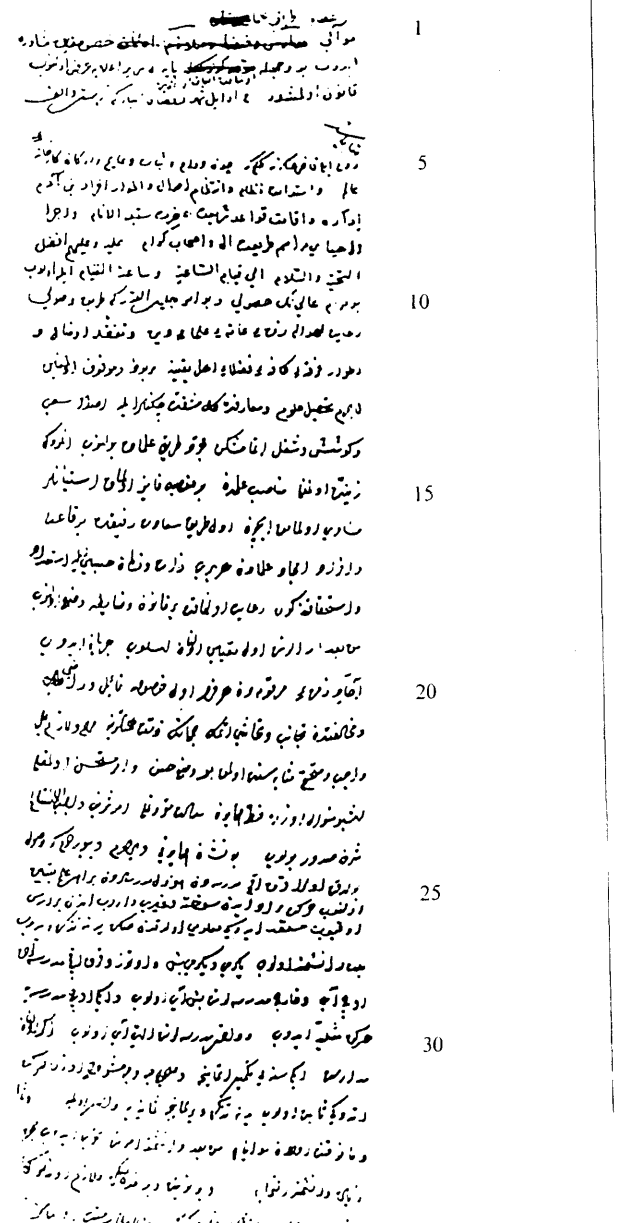
PROMOTIONS TO JUDGESHIP ACCORDING TO THE REGISTER OF 1057/1647*

Ḳaḍā' (Judgeship)		*Mudarrislik* (Professorship)	
Previous grade	Promoted to	Grade at madrasa	Promoted to *ḳaḍā'*
50	100	40	100
70	80	40	130
100	150	40	150
120	150	50	100
150	200		
200	300		

* It is obvious that a factor other than previous grade can always be valid. However, promotion from 200 leads regularly to a 300 *akča* judgeship. On the other hand, a *mudarris* of 40 *akča* could have a *ḳaḍā'* of 100, 130 or 150 *akča*. A *mudarris* of 50 *akča* did have a *ḳaḍā'* of 100. Most of the new appointments occured with a promotion (*tarakḳī*). If the appointment was made without a promotion, this was called *miṣliyle*, i.e., with the same (compensation). In this category were included the judges who wanted to be appointed to a specific *ḳaḍā'*, or who asked for some other kinds of favor.

APPENDIX I

Source: Süleymaniye Library, Istanbul, Âşir efendi K. No. 1004, 69 b-71 a; see Baltacı, *op. cit.*, 630-634



APPENDIX II
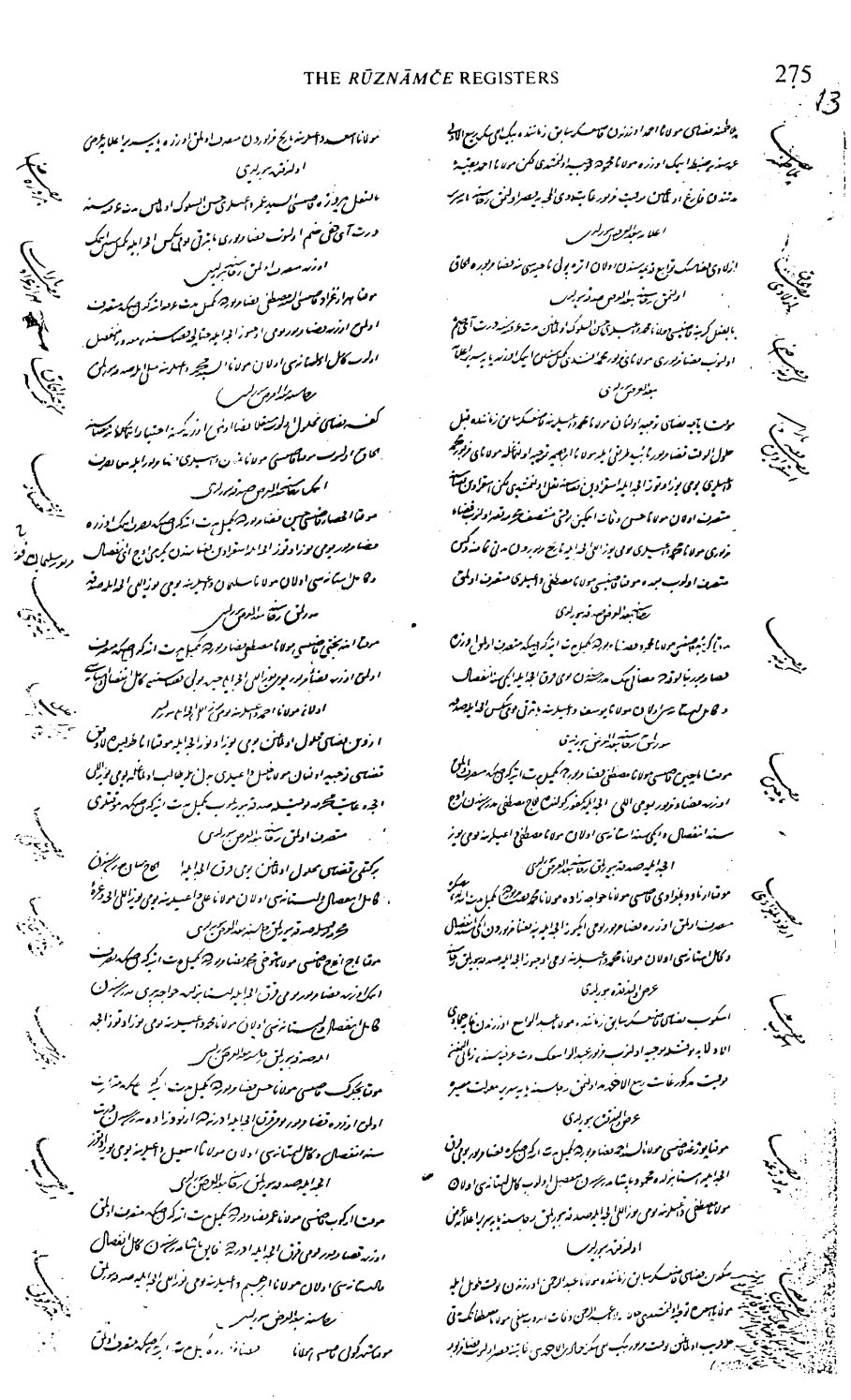
Rumeli kadiaskeri Rūznāmçe Defteri, 1057/1647

