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THE STATUS OF THE GREEK ORTHODOX PATRIARCH UNDER THE OTTOMANS

It has been assumed that the document issued originally for Gennadius in 1454 was a kind of pact, similar to capitulations given to non-Muslim foreigners in Islamic territory, granting to them certain privileges and guarantees under oath[1]. The same document was also interpreted as a *charter*, organizing the Orthodox Christian community under Ottoman rule into an autonomous body under the Patriarch.

N.J. Pentazopoulos, the distinguished Greek legal historian[2], said that Mehmet II «recognized not only the ancient religious privileges of the Patriarch, but, beyond these, he granted them considerable political authority as well». The grant of such privileges, he added, carried with it *jus singulare* and *extraterritoriality*, as had existed in all the empires founded in the Mediterranean world since ancient times. Under the Ottomans, Pentazopoulos continued, the Patriarch's authority «was not only extended over all the Orthodox Christians of the empire, but this

[1] For S. Sidarouss, *Les patriarchats dans L'Empire Ottoman et spécialement en Egypte*, Paris, 1906, p. 5, *berāts* given to the patriarchs were simply «bilateral contracts concluded between Christian nations and Islamic governments». According to Theodore H. Papadopoullos, *Studies and Documents Relating to the History of the Greek Church and People under Turkish Domination*, Bibliotheca Graeca Aevi Posterioris-1, Brussels, 1952, pp. 7-10, the *berāt* given to Gennadius was a «constitutive chart and made the Patriarch millet-bashi or 'national chief'». It invested in him, Papadopoullos adds, «beside his spiritual jurisdiction with a civil jurisdiction extending over the whole nation of the Christians». This interpretation is basically shared by Byzantinists, most recently by G. Hering, «Das islamische recht und die Investitur des Gennadios Scholarios (1454)», *Balkan Studies* (Salonica), II, 1961, pp. 249-251; also see S. Runciman, *The Great Church in Captivity*, Cambridge, 1968, pp. 167, 170, 181. J. Kabrda, *Le Système Fiscal de L'Église Orthodoxe dans l'Empire Ottoman*, Brno, 1969, pp. 14-15, notes «la position prééminente des métropolites dans les éparchies au point de vue politique» which resulted from extensive jurisdiction of the ecclesiastical courts over civil matters as well as spiritual.

[2] *Church and Law in the Balkan Peninsula during the Ottoman Rule*, Thessaloniki: Institute for Balkan Studies, 1967, pp. 7-10, 19, 23, 86.

authority was further expanded by newly acquired «*politico*-religious jurisdiction» over all the orthodox reaya. Pentazopoulos agreed, however, that such power and «status of authority» was achieved only over time by the «tolerance or concession of the Turkish authorities»[3], or by encroachment upon the privileges granted them. Pentazopoulos emphasized the point that, by styling himself in the ecclesiastical documents as «the leader of the eminent race of the Romans» with the titles of the Byzantine rulers, *Afentis*, and *Despotis*, and by using the imperial emblem of the two-headed eagle, the Patriarch appeared as the embodiment of the «Byzantine political ideal» under the Ottomans.

It should be made clear at the outset that the Ottoman system by which the state's relations with the religious communities were governed followed closely the pertinent stipulations of Islamic law and tradition, both in its basic structure and in its details. As far as the *ahl al-dhimma* is concerned, in dealing with organization and practical matters, one has first to look at the authorities of the Hanafī school of law, a method which M. d'Ohsson wisely pursued in his *Tableau Général de l'Empire Ottoman*. On the other hand, during the formative period of the empire, the Ottomans introduced an independent body of practical rules and regulations based on the ruler's judgement of what the situation actually required. These were usually interpreted as temporary measures, based on *Sharī'a* principles as applied to particular situations. Sometimes, it is true, these practical regulations were hard to accomodate with the principles of the *Sharī'a*; for example, the maintenance of an organized Christian community in Istanbul was against the *Sharī'a* in principle since the city had been taken by force (*ḳahran*) as was the taking of *pīshkesh*, actually a disguised tax upon the clergy. In dealing with the so-called *millet* system in the Ottoman Empire, a primary task is to uncover and to find a historical explanation for those Ottoman practices and institutions which were actual innovations vis-à-vis the *Sharī'a*[4]. Furthermore, those institutions introduced by the Ottomans changed, even though their original names were retained, through the transformation of the empire itself and its policies.

Four principal periods are to be distinguished in the study of the conditions under which the non-Muslim communities and their institutions survived in the Ottoman Empire.

[3] *Ibid.* p. 10.

[4] See «Ḳānūn», *Encyclopaedia of Islam*, second edition, IV, pp. 558-562.

It is now a commonplace that in the early period of their expansion, the Ottomans pursued, primarily in order to facilitate conquest, or to make the indigenous population favorably disposed, a policy called *istimālet*. It was intended to win over the population, peasants and townspeople, as well as military and clerics, by generous promises and concessions, sometimes going beyond the limits of the well-known, tolerant stipulations of Islamic Law concerning non-Muslims who had submitted without resistance. Within this policy of *istimālet*, the Ottomans, especially during the first transition period, maintained intact the laws and customs, the status and privileges, that had existed in the pre-conquest times, and what is more unusual, they incorporated the existing military and clerical groups into their own administrative system without discrimination, so that in many cases former *pronoia*-holders and seigneurs in the Balkans were left on their fiefs as Ottoman *tīmār*-holders[5]. But the most fundamental and perhaps the most effective component of the *istimālet* policy was, from the beginning, the recognition of the Orthodox church as part of the Ottoman state. The Ottomans did not merely extend the protection stipulated by Islamic Law and practice to the Church, but they integrated it into their administrative system. The leaders of the Orthodox Church, the Metropolitans, were assigned *tīmār*s in the frontier provinces, a practice which meant their inclusion in the ruling class. We have records of this from as early as the *tīmār* register of Albania dated 1432[6], well before the conquest of Istanbul, the seat of the Patriarchate. There is every reason to believe that through such a policy towards the Orthodox clergy and monasteries the Ottomans established close ties with the Patriarchate in Istanbul before 1453. The fact that the Ottomans favored openly the Orthodox Church, restoring it everywhere they went to its former position of superiority vis-à-vis the Latin church, is a clear indication of the political intent of their attitude.

In a recent article, Nicolas Oikonomides has shown[7], on the basis of Byzantine sources, that, upon the Ottoman conquest in 1383, the monasteries of Mount Athos were left in possession of their properties, to which were even added new ones. What is more interesting, a

[5] See H. Inalcik, «Ottoman Methods of Conquest», in *Studia Islamica*, III (1954), pp. 103-129.

[6] H. Inalcik (ed.), *Sûret-i Defter-i Sancak-i Arvanid*, Ankara: T.T.K., 1954.

[7] «Monastères et moines lors de la conquête ottomane», *Südost-Forschungen*, XXXV (1976), pp. 1-10.

tradition survived on the mountain claiming that the monasteries had recognized the suzerainty of the Ottoman Sultans even *before* the conquest of the area[8]. A similar situation for the monastery of Saint John Prodrome near Serres is attested to by a document dated somewhere between 27 December, 1372 and 5 January, 1373, when the city was still under Byzantine rule[9]. Before the Sultan's conquest, asserts Oikonomides (p. 6), «ils lui offraient une grande victoire morale et s'assuraient en échange la sécurité de leurs monastères et l'inviolabilité de leurs privilèges». Evidently, the Ottoman government was taking advantage of the presence of Greek Metropolitans already within their domain to establish relations, within the policy of *istimālet*, with churches and monasteries beyond Ottoman state boundaries.

The second period of the so-called *millet* system began with the conquest of Istanbul in 1453. In accordance with his concept of an universal empire, the Conqueror re-organized the Ottoman state, published Sultanic codes of laws, and made his capital the seat of the heads of the three recognized non-Muslim communities, Orthodox Greek, Armenian and Jewish, who represented a large number of his *dhimmī* subjects. Considering the fact that no other Muslim state had had non-Muslim subjects in so large a number, and that the Conqueror's concept of Sultanic law and authority was so comprehensive, it may be appropriate to regard his reign as ushering in a new age for the non-Muslim communities in Ottoman history, perhaps even for the whole of Islamic history. The imperial structure as established by the Conqueror, and the historical position of the non-Muslim communities

[8] *Ibid.*, p. 5.

[9] The controversy about whether or not the document or its date is authentic and correct (see P. Lemerle, *Philippe et la Macédoine Orientale*, Paris, 1945, pp. 215-217; G. Ostrogorskij, «La Prise de Serres par les Turcs», *Byzantion*, XXXV (1965), pp. 302-319; I. Beldiceanu-Steinherr, «La prise de Serres et le firman de 1372 en faveur du monastère de Saint-Jean-Prodrome», *Acta Historica*, Societas Academica Dacoromana: IV, Munich, 1965, pp. 15-24; E.A. Zachariadou, «Early Ottoman Documents of the Prodromos Monastery (Serres)», *Südost-Forschungen*, XXVIII (Munich, 1969, pp. 1-12) stems from a misunderstanding. After the Ottoman victory at Chermanon in 1371, the frontier *ghazis* under Evrenos (Evrenuz) Beg invaded the Serres plain, but the city itself continued to resist. Evrenos placed there for the continuous blockade of the city, Delü Balaban (Idrīs Bidlīsī, *Heşht Behişt*, MS Topkapı Sarayı Museum, Section Murad I.). The monastery, apparently in the area fallen under Ottoman control already in 1372, obtained from the Sultan Murad I the document granting tax exemption and protection. E. Zachariadou (*ibid.*, p. 9) showed that the document is authentic and I. Beldiceanu-Steinherr's arguments are not acceptable.

within it, developed in what we call the classical age of the Ottoman Empire, until the seventeenth century when the first signs of decentralization appeared. When, with the rise of the *a'yāns* in the eighteenth century, decentralization[10] became a general feature of the Ottoman administration, the church organizations also partook in this trend. The Greek Orthodox Church in particular, consciously taking advantage of the new conditions, moved toward autonomous organizations in the capital and in the Metropolitanates in the provinces. In fact, the movement in the non-Muslim communities during this century was the rise of a new bourgeois class, which tried to dominate the Church and which led to, alongside the Church, the development of certain civil organizations with a certain degree of actual autonomy[11]. While these developments prepared the way for the emergence of the Christian states in the Balkans in the nineteenth century, within the Empire the *Tanzimat* and especially the *Khatt-i Humāyūn* of 1856 brought in absolutely new legal concepts for the re-organization of the non-Muslim communities. Special *nizāmnāmes*, regulations, were drawn up for the non-Muslim communities during this period, which came to a close with the treaty of Lausanne in 1923[12].

Periodizations of this type are not only convenient for the study of the non-Muslim communities in the Ottoman Empire but are also historically necessary in order to avoid controversy about generalizations made through the studies of conditions in a particular period. In each of the periods defined above, the circumstances of the individual member of the non-Muslim communities differed, in actuality and sometimes also *in jure*.

In arranging their relations with non-Muslims who had submitted without resistance the Ottomans were careful to follow the prescriptions of Islamic Law, in which these matters were governed by long tradition and precise rules going back to the time of the Prophet. The

[10] H. Inalcik, «Military and Fiscal Transformation in the Ottoman Administration», *Archivum Ottomanicum*, VI, pp. 311-337.

[11] N. Iorga, *Byzance après Byzance*, ed. Association Internationale des Études du Sud-Est Européen, Comité National Roumain, Bucarest, 1971, pp. 226-247; Th. Papadopoullos, *ibid.*, pp. 122-158; Runciman, *ibid.*, pp. 306-406; for changes in a provincial context see J. Hackett, *A History of the Orthodox Church in Cyprus*, London, 1901.

[12] For the *Nizāmnāme* (constitutive regulation) of 1862 see R. Davison, *Reform in the Ottoman Empire*, Princeton, 1963; the Turkish text in *Düstūr*, II, 902-938; cf. also Vartan H. Artinian, *A study of Historical Development of the Armenian Constitutional System in the Ottoman Empire*, unpublished PhD Dissertation, Brandeis University, 1968.

earliest contracts of this type were of such a nature as could only be classified as *'uhūd*, compacts, concluded between the non-Muslim communities and the Prophet or the first Caliphs[13]. During the Prophet's time the term *amān* was used as a synonym of *'ahd*, *dhimma* and the pre-Islamic term *djiwār*[14]. In the early period security pacts were generally called *'ahd*, agreement under *oath*. Later, when large numbers of non-Muslims came under Islamic rule, a special status as *ahl al-dhimma* was recognized for them, and the concept of *amān* was differenciated from that of *dhimma*. Eventually, it was established in Islamic Law that *amān* was the temporary pledge of security and safe-conduct to non-Muslims of the *Dār al-Ḥarb*, Abode of War, the conditions of which were usually defined in an *'ahd*, while *dhimma* was a permanent pledge of security to non-Muslims who had submitted and become the subjects of Islamic state. The conditions of this pledge were pre-determined by Islamic Law. Some Muslim jurists also accepted an intermediate territory between the *Dār al-Islām* and the *Dār al-Ḥarb*. This was called the *Dār al-'Ahd* and included those non-Muslim states which had submitted by treaty to an Islamic state but had not been incorporated into it[15]. Upon submission and pledge of a yearly tribute, such countries were granted *'ahd wa amān*, under which the Caliph or Sultan pledged peace, protection from internal and external enemies, no colonization by Muslim peoples, and no interference by Muslim officials in internal affairs. Thus, both the earliest Muslim pacts concluded with the non-Muslim communities as well as the *amān* documents given to people from the *Dār al-Ḥarb* and to autonomous princes accepted into the *Dār al-Islām* are called *'ahd*, *'uhūd* or sometimes, *shurūt*, or in Ottoman usage *'ahdnāme*. The distinctive character of an *'ahdnāme* is that it is guaranteed by oath, *'ahd*, which binds the Muslims before God to respect the provisions specified in the document. Observance of such a covenant is ordered by God as revealed in the Koran (XVI, 93 and 94).

An *'ahd* is out of the question for the *ahl al-dhimma*, subjects of an Islamic state. When certain special privileges were to be granted to the

[13] M. Hamidullah, *Documents sur la Diplomatie Musulmane à l'époque du Prophète et des Khalifes orthodoxes*, Paris, 1935; *idem*, *Medjmu'a al-Wasa'ik al-Siyasiyya*, Beyrouth, 1969, N; Khadduri, *War and Peace in the Law of Islam*, 2nd edition, 1969; A. Fattal, *Le statut légal des non-musulmans en pays d'Islam*, Beyrouth, 1958.

[14] J. Schacht, «Amān», *Encyclopaedia of Islam*, 2nd edition, pp. 429-430.

[15] see «Imtiyāzāt», *EI²*, «Dimma», *ibid.*, and «Dār al 'Ahd», *ibid.*

ahl al-dhimma, individually or collectively, the document by which this was done was called an *amr* or *hukm*, an imperial order from the ruler to the ruled. Special terms for such an order establishing privileges were *manshūr*, *mithāl* and *berāt*. Ottoman usage also included *nishān* and *biti*[16].

The document given by the Abbasid Caliph Muktafī II (1136-1160) to the Nestorian Patriarch, Abdīsho III (1138-1147), in 1138[17], is worthy of note for purposes of comparison with the Ottoman diplomas to the Patriarchs. It is called a *mithāl*, or diploma. It first ratifies the election of the Catholicos by the community, and established his authority over all the Nestorians as their Catholicos, and also establishes his position as head (*za'īm*) of the *ṭawā'if*, communities of Greeks, Jacobites and Melchites living in the lands of the Caliphate. It then enumerates the rights granted (*en'ām*) to him and to the members of his *milla*, promising protection of their lives and property, of their churches and monasteries, all in conformity with the conduct of the orthodox Caliphs and their successors. The Caliph also guarantees to ensure by threat of punishment respect for the authority of the Catholicos on the part of his subordinate clerics, and promises to intervene for the enforcement of judicial decisions. In return the Caliph demands obeisance and full payment of the *djizya*, and, again at the end, compliance with what had been ordered therein. This document and the ones given by the Muslim rulers in Egypt to the heads of the religious communities before the arrival of the Ottomans can be classified simply as diplomas granted by the sovereign.

The diplomas given to the monks of Sinai by *Al-Malik al-'Ādil*, the Ayyubid ruler of Egypt, in 1195[18], and by Selim I in 1517 hold a special interest for us. In Al-'Ādil's diploma, which in the document itself is entitled a *manshūr*, *mithāl*, and *amr*, the monks are considered to be among the Sultan's *re'āyā*. It is stated that «the Sultan appointed as their superior those whom they (the monks) preferred». It is further

[16] See below note 44.

[17] A. Mingana, «A charter of Protection granted to the Nestorian Church in A.H. 113 by Muktafi II, Caliph of Baghdad», *Bulletin of John Rylands Library*, Manchester, X (1926), 126-133: E. Tisserant, «Nestorienne (Église)», *Dictionnaire de théologie catholique*, XII; also see E. Khedoori, *Charters of Privileges granted by the Fatimids and Mamluks to St. Catherine's Monastery of Tur Sinai (ca. 500 to 900)*, Dissertation, University of Manchester, 1958.

[18] S.M. Stern, «Two Ayyubid Decrees from Sinai», *Documents from Islamic Chanceries*, ed. S.M. Stern, Cambridge, Mass., 1965, pp. 10-25.

ordered that the monks continue to live in their monastery according to their old established customs and rules, and, that they be protected against all harm and damage, all changes in their dues and taxation, all interference by the Bedouins, and finally, that free passage be granted their visitors from Syria. As is the case with all such diplomas, here too the privileges being established were specified and third parties were ordered to respect them. The ruler's will alone was the source of and the support for the privileges granted.

In the *hukm*, or *nishān*, given to the monks of the Monastery of Sinai in 1517 by Selim I[19], reference is made to the *'ahdnāme* (compact) of the Prophet, to the *marsūm*s and *murabba'āt*s (diplomas) and *temessukāt* (certificates) of the Orthodox Caliphs; in contrast Sultanic documents are simply called *amr*, *nishān*, or *berāt*[20]. Selim's *nishān* is more detailed than that of Al-'Ādil. It specified what kinds of damages were wrought by the Bedouins and what tax examptions the monastery was to enjoy. More details on these matters were to be included in subsequent diplomas. As also occurred with the capitulations granted to the *musta'min*, when specific points became the subject of controversy, new Sultanic orders were issued and their contents were finally introduced formally into new diplomas[21].

To conclude, the documents given to the heads of the non-Muslim communities following the formative period of early Islam cannot be classified as compacts or covenants[22]. They were simply diplomas, granted by the ruler, to his subjects, *dhimmī re'āyā*. The Seldjukid state of Anatolia (1071-1308) maintained these institutions at the fullest stage of development. Metropolitans had existed in the large cities and most of the time normal relations had been maintained with the Patriarchate of Constantinople. In Konya, the capital city of the Sultanate, for example, the Metropolitan heard disputes among the members of the Greek community. The early thirteenth century, on the other hand, saw

[19] Klaus Schwarz, *Osmanische Sultansurkunden des Sinai-Klosters in türkische Sprache*, Freiburg-im-Breisgau, 1970, pp. 24-30, no. 45.

[20] Schwarz, *ibid.*; in later times distinction between *'ahdnāme*, *nishāh* or *berāt* for such privileges was not made clear cut, see, *ibid.*, p. 63, no 125; pp. 78-79, no. 138.

[21] See Schwarz, pp. 74-75, no. 131; pp. 78-80, no. 138; pp. 89-92, no. 211; pp. 97-100, no. 138.

[22] C. Cahen, *Pre-Ottoman Turkey, 1071-1330*, London, 1968, pp. 206-215. Cahen, p. 191, asserts that Muslim Law does not recognize corporate bodies, collective organizations intermediate between the individual and state.

an Armenian bishop, Ananias of Sivas, supported by Sultan Kaykhusraw, raise his bishopric into a rival Catholicate[23].

Mehmed the Conqueror did not have to innovate in establishing a system to handle relations with his non-Muslim subjects. There is documentary evidence from the Ottoman archives of the appointment of Metropolitans in Ottoman territories before 1453. The earliest known reference to the appointment of a Metropolitan is one concerning Antalya (Satalia) in the time of Bayezid I. This international trade center, which had a sizeable Greek population, was seized by Bayezid from the Teke Beg in 1399[24]. After the conquest, apparently, the Sultan appointed a Metropolitan, or perhaps re-affirmed the previous one, to head the Greek community[25]. In an Ottoman official register[26] we find records concerning the Metropolitans of the city in the times of Mehmed I and Murad II. There remained a sizeable Greek community in the area of Antalya down through at least the middle of the seventeenth century, as is attested to by the relatively large *pīshkesh*, 20 gold ducats, paid by the Metropolitan at that time[27]. Also, an Ottoman register of *tīmār*s dated 1432[28] contains documents concerning the appointment of a Metropolitan at Berat (Belgrad), Albania, under Mehmed I (1413-1421) and by his successor. It is evident from the records that a Sultanic *berāt* was necessary for such an appointment.

These historical facts, corroborating contemporary observations by Kritovoulos demonstrate that Mehmed the Conqueror did indeed give a *berāt* to Gennadius at the time of his appointment. It is inconceivable that while the Sultans had appointed Metropolitans by *berāt* before

[23] Cahen, *op. cit.*, p. 212. For the attitude of the Seljukid Sultans towards non-Muslims in general, see O. Turan, «Les souverains seldjoukides et leurs sujets non-musulmans», *Studia Islamica*, X (1953), pp. 65-100.

[24] *Ibn Battuta, The Travels*, trans. H.A.R. Gibb, vol. II, Cambridge, 1962, pp. 417-424; S. Vryonis, *The Decline of Medieval Hellenism in Asia Minor and the Process of Islamization from the Eleventh Through the Fifteenth Century*, Berkeley, Los Angeles and London, 1971, pp. 294-296, 316; W. Heyd, *Histoire du Commerce du Levant*, ed. F. Raynaud, vol. II, Leipzig, 1936, p. 355; B. Flemming, *Landschaftsgeschichte von Pamphylien, Pisidien und Lykien im Spätmittelalter*, Wiesbaden, 1964, p. 105.

[25] Vryonis, *op. cit.*, pp. 295-296.

[26] Flemming, *op. cit.*, pp. 107-108; the register is published by A. Refik, «Fatih Zamanında Teke-Eli», *Türk Tarihi Tedkik Encümeni Medjmu'ası*, XIV-2 (fasc. 79), 66-72.

[27] B. Braude and B. Lewis (ed.), *Christians and Jews in the Ottoman Empire*, I, New York, 1982, p. 442.

[28] *Sûret-i Defter-i Sancak-i Arvanid*, ed. H. Inalcik, Ankara, 1954, see Index: Medrepolid and Peskopos (*Peskopoz*).

1453, the Conqueror should abstain from doing so when appointing the Patriarch. Gennadius himself said that he was elevated to the Patriarchate following election by the Synod[29], and we know that the sultans always ratified the elections of the Synod with a *berāt*. True, the details about the «ceremony of investiture» and the allusions to the privileges granted are all contained only in a late sixteenth century text written by Macarius Melissenus. It has been observed, however, that Macarius used reliable sources for his history, long attributed to Sphrantzes[30]. In the original «diary» of Sphrantzes, there is not even a word about the appointment of Gennadius[31]. It must be true, as had already been claimed early in the sixteenth century, that the original *berāt* of Mehmed the Conqueror was lost, perhaps in one of Istanbul's frequent fires[32].

Historians of the Greek Patriarchate are unanimous in asserting that not only the Patriarch but also the Greek Orthodox population were given extensive «privileges» under this «charter». Recently, Gunner Hering[33], claimed to have come up with an explanation for why Mehmed the Conqueror had revived the Greek Patriarchate as an autonomous institution with extensive powers going well beyond the limits set by Islamic Law for *ḏhimmī* subjects. Mehmed the Conqueror, he argued, acted under special historical circumstances. In particular, when his attempt to repopulate the ruined city with Turkish deportees failed, in urgent need he turned to the Greeks for resettlement. I agree with Hering that the re-population of Istanbul was indeed among the major motivations of the Conqueror's revival of the Patriarchate, as in

[29] See G. Hering, «Das islamische Recht und die Investitur des Genadios Scholarios», *Balkan Studies*, II-2 (Thessalonoki, 1961), p. 248. The thesis that there is no positive historical evidence supporting the appointment of Gennadius by Mehmed II with a special diploma is discussed in B. Braude's paper, in B. Braude and B. Lewis (ed.), *op. cit.*, pp. 69-88.

[30] See V. Grecu, «Georgios Sphrantzes, Leben und Werk, die Ausgabe», *Byzantino-slavica*, XXXVI (1965), pp. 62-73.

[31] Cf. Hierax, *Threnos ou histoire de l'empire des Turcs*, composé vers 1597, trans. A. Dethier, Mon. Hungarica Hist. vol. XXI-2, p. 420; the latter asserts that Mehmed II's motivation for the appointment of a Patriarch was his concern to repopulate his new capital, for the same see especially Critovoulos, *History of Mehmed the Conqueror*, trans. C.T. Riggs, Princeton, 1954, pp. 93-95; H. Inalcik, «The Policy of Mehmed II toward the Greek Population of Istanbul and the Byzantine Buildings of the City», *Dumbarton Oaks papers*, XXIII-XXIV, pp. 231-249.

[32] See H. Mordtmann, «Die Kapitulation von Konstantinopel im Jahre 1453», *Byzantinische Zeitschrift*, XXI (1912), pp. 129-135.

[33] Hering, *art. cit.*, p. 249.

fact all the contemporary Byzantine and Turkish sources confirm[34]. But this situation would not necessarily have led to the creation of an organization with such extensive powers and to the renunciation by the Conqueror of his rights over his *ḏhimmī* subjects, all in defiance of the explicit provision of Islamic Law as well as the Conqueror's well known concern about his own absolute sovereign rights[35]. The whole argument is without foundation since it is based upon the supposition that the Conqueror's «charter», which is lost, just might have contained extensive concessions. None of the documents given to the Patriarchs before or after the Conqueror's time which are available for examination, excepting perhaps the *'ahd*s of the Prophet and the first Caliphs, contain anything like the concessions mentioned above. Some writers, rationalizing the situation of the *ahl al-ḏhimma* under the law of Islam or under the later Ottoman system of communal autonomy, have even gone so far as to say that «the right to life, property, religion and *extraterritoriality* were granted in exchange for economic returns»[36]. Extraterritoriality could never have been considered for the *ḏhimmī* subjects of an Islamic state. It is a right recognized only for people from *Dār al-Ḥarb*, foreign non-Muslims, who were settled temporarily in Islamic territory under guarantees of *amān*[37]. Perhaps the expression in the *berāts* which allowed such a loose interpretation was that «the Patriarch elect was to hold the office in complete freedom the way his predecessors had». In similar Ottoman diplomas this expression meant that the recipient shall be free from the interference of local authorities[38]. Kritovoulos[39], a contemporary and reliable source, informs us that Mehmed the Conqueror, in appointing Gennadius to the Patriarchate, had made it clear that he was to enjoy «all its power and

[34] See Inalcik, «... Mehmed II's Policy ...», *art. cit.*, pp. 238-249, where Critovoulos' observation is compared with the evidence from Turkish sources.

[35] See «Pâdişâh», *Islâm Ansiklopedisi* IX-2, p. 493.

[36] Pentazopoulos, *op. cit.*, p. 19; for a more cautious interpretation see Papadopoullos, *op. cit.*, 24. Against this persistent misinterpretation, a German orientalist, Fr. Giese, «Die geschichtlichen Grundlagen für die Stellung der christlichen Untertanen im osmanischen Reich», *Der Islam*, XIX (1930), p. 276, said: «Jedenfalls ist die Behauptung bei Sidarouss, S. 273, S.v.u. von einem 'contrat bilatéral des peuples chrétiens avec le gouvernement musulman' eine Verdrehung schlimmster Art».

[37] See «Imtiyāzāt», *EI*[2]. Pentazopoulos, *op. cit.*, pp. 13-15, is in a totally wrong direction when he compares the privileges granted in *berāt*s for Patriarchs with those given by non-Muslim rulers with extraterritorial rights.

[38] See Papadopoullos interpretation, *op. cit.*, p. 6 («absolute freedom»), and p. 32 («exercise of authority»).

[39] Critovoulos, *op. cit.*, p. 94.

authority, no less than that enjoyed previously under the Emperors»[40]. The question remains to what extent the Patriarchs were able to take advantage of this license for their continued existence and to expand in later periods their authority within or beyond the limits of Islamic tradition. What is certain is that Greek influence with the Conqueror and his successors had its ups and downs, and, that the strength of the position of the Patriarchate depended on the situation at a given time[41]. In the sixteenth century, when under the pressure of an increasing Muslim population, a need was felt for mosques in districts of Istanbul that had previously had a Greek majority, the question was raised of the legality of the Greeks keeping their churches in a city which had been captured by force. The question was resolved legally in favor of the Greeks, and the whole affair recorded for reference in the Turkish documents[42].

Below is the translation of a *berāt* of appointment given to a metropolitan written under Mehmed II or Bayezid II which can give[43] an impression of the *berāt* of Gennadius:

> «The order of the imperial diploma (*nishān*), may God keep it in force until the final day, is this: Since the holder of this imperial diploma (*mithāl*), the monk by the name of (name not copied), delivered to my imperial treasury the *pīshkesh* in the amount of (blank) in florin, I have conferred upon him the Metropolitan See (*midrepolidlik*) of (name not copied). My order is that from now on he be Metropolitan there, and, as God ordered: 'Leave him in what they profess', he perform their rites as they have been performed, and that he exercise authority as a Metropolitan over the priests, monks (*kalyoros*), and other orthodox Christians of that district and place as his predecessors did, and that he enter into possession of the churches, vineyards, orchards and plots of land which were in the possession of his predecessors, and that he be exempt from the *djizya* and all extraordinary impositions such as the *ulaḳ* and the *djere-hōr* as his predecessors were, and that the priests, monks and Orthodox Christians of that place acknowledge him as their Metropolitan and bring to him all the litigations under the jurisdiction of the metropolitanate».

[40] For politico-religious jurisdiction of the Orthodox Church under the Byzantine emperors see Pentazopoulos, *op. cit.*, pp. 8-19; *The Cambridge Medieval History*, IV, The Byzantine Empire, Part II; Government, Church and Civilization, pp. 105-133 (E. Herman).

[41] From 1456 to 1473, the Conqueror appears to have been particularly favorable to Greeks. Mehmed II favored and brought to important positions Palaeologi and Greeks during this period; see F. Babinger, *Mehmed the Conqueror and His Time*, trans. R. Manheim, ed. W. Hickman, Princeton, 1978. Index: *Khass Murad, Mesih, Critoboulos*. See also my «Mehmed's Policy», *art. cit.* Gennadius lost the favor of The Conqueror and was replaced by Patriarchs more submissive to the Sultan's government: see S. Runciman, *The Great Church..., op. cit.*, pp. 194-196.

[42] J.H. Mordtmann, *art. cit.*; F. Giese, *art. cit.*, pp. 273-276; Ahmet Refik, *On Altıncı Asırda Istanbul Hayatı*, Istanbul, 1935, p. 45, document no. 4.

[43] *Ḳānūnnāme-i Sulṭānī ber Mūceb-i 'Orf-i 'Oṣmānī*, eds. R. Anhegger and H. Inalcik, Ankara, 1956, pp. 65-66, no. 46; its translation into French by N. Beldiceanu, *Les actes des premiers Sultans conservés dans les manuscrits turcs de la Bibliothèque Nationale à Paris*, I, Paris and The Hague, 1960; for corrections of his translation see H. Inalcik, «Notes on Beldiceanu's Translation», *Der Islam*, XLIII/1-2 (1967), p. 151.

This *berāt*, is the same as the earlier Caliphal or later Ottoman diplomas in its basic structure.

Diplomas from Islamic chanceries were of various types with respect to the authority or privileges they conferred[44]. In the Ottoman Empire, a *berāt*[45] given to a *serdār-i ekrem*, a commander-in-chief, was different in scope from that given to a simple *tīmār* holder. Furthermore, such *berāt*s appointing officials differed in substance from those granting tax exemptions to individuals or groups of *re'āyā* status and from those establishing particular social privileges or functions. *Berāt*s of the last category, which includes those given to the heads of the guilds, are of special interest for the topic under examination. The Sultan, as the highest and the sole source of authority in the Empire, issued such a *berāt* to the *ketkhudā* upon his election by the members of his particular guild, to ratify that election and to empower him with authority over the members of the guild. The Sultan ordered third parties, guild members and local authorities to recognize the *ketkhudā* as the head of that guild and to recognize his authority in matters governed by internal guild regulations or customs, and he promised to use the coercive powers of the state to enforce the orders of the *ketkhudā* if necessary. In light of this we can examine the situation in 1695 when the Patriarch of Peć complained of not being able to collect alms from the *re'āyā* because his *berāt* had not been renewed by the new Sultan. From the point of view of public law, there is a great deal of validity to

[44] For *berāt* or diplomas of investiture and appointment in pre-Ottoman Islamic states, see H.R. Roemer, *Staatsschreiben der Timuridenzeit*, Wiesbaden, 1952, Einleitung, pp. 1-20; S.M. Stern, *Fatimid Decrees*, London, 1964.

[45] For Ottoman *berāt*, see L. Fekete, *Einführung in die osmanisch-türkische Diplomatik der Türkischen Botmässigkeit in Ungarn*, Budapest, 1926; P. Wittek, «Zu einigen früh-osmanischen Urkunden», *WZKM*, XLIII (1957), pp. 300-313; XLIV (1957), pp. 240-256; LV (1959), pp. 124-141; LVI (1960), pp. 267-284; H. Inalcik, «Notes on Beldiceanu's Translation», *art. cit.*, pp. 140-141; «Berāt», *EI²*, I, pp. 1170-1171; but there is no detailed study on *berāt* with definitions of each type.

the comparison, as suggested by Pentazopoulos, of the organization of the Patriarchate with that of a guild[46].

The question of why the Ottoman Empire maintained the Churches, each to represent its own community, in a manner similar to that of other organized bodies, must be examined within the context of the peculiar social system of the islamic empires, in which socio-economic and religious organizations were the units through which the authority of the state was often mediated to the individual. The use by some scholars of the word «corporate» to describe this system has led to sharp controversy among Islamicists. But it is an undeniable fact that in these vast empires the central government had to operate, for practical reasons, through such already established social organizations, religious or professional, in which communal identity was essential. That is, in these medieval empires, individuals were not considered citizens in the modern sense of the word; rather they were perceived as members of a community, which was the only type of entity officially recognized within the larger political framework of the Empire. This system was based on the Sultan's recognition, through a diploma, of the existence and limited authority of such communities. The organization of such communities, at least officially, followed a given pattern. The *re'āyā*, however, always remained as *dhimmī*s, subjects of the Islamic state, enjoying the privilege of looking after their communal affairs in certain defined spheres of activity, in this case within the Church organization. Such a diploma did not confer total autonomy to a community. An autonomy established by diploma was to be found in the real sense of the word only in the *Dar al-'Ahd*, the Abode of the Covenant[48]. On the other hand, it is also an exaggeration to say that the Ottomans regarded the Patriarch as a «state official» during the classical period, that is, up until the turn of the sixteenth century. The Patriarch was elected by a Synod as a representative of the Church, and as such his position was legally very similar to that of a *ketkhudā* in a craft guild. The state always exhibited a concern to prevent local

[46] H. Inalcik, «The Appointment Procedure of a Guild Warden (*Ketkhudā*)», *Wiener Zeitschrift fur die Kunde des Morgenlandes*, Vol. 76, *Festschrift Andreas Tietze*, Vienna 1986, pp. 135-142.

[47] See *EI*², II, p. 116.

[48] State officials held authority and title through a sultanic *berāt*, but unlike the Patriarch, they received a salary (*'ulūfe*) or a benefice (*tīmār*) for services to the state. All of the state officials belonged to the so-called «military» (*'askerī*) class.

authorities from interfering in the elections for *ketkhudā* or for Patriarch and Metropolitans.

It must be emphasized that the basic legal status of the Patriarch and the Church did not change in the Ottoman state, not even in the eighteenth century when the decentralization policies of the government furnished them with new responsibilities towards their flocks in certain civil matters and especially in taxation. As, upon the request of the central government, the muslim communities, under *ayan* councils, headed by cadis, undertook this type of responsibilities[49], so too did the Christian communities under their religious leadership. In the *berāt*s granted in this period, for example, it was indicated that the newly nominated Patriarch, for whom the Sultan's approval had been sought, was not only favored by the community but had also been proven «fully able to collect the taxes due to the Imperial Treasury (*māl-i mīrī*)»[50]. The term *dhimmī*, used for the Greeks in all *berāt*s, clearly define their status under Ottoman rule. Emphasis upon the autonomy of the Greek «nation» under the Ottoman Sultans or upon the sovereign rights of the Patriarchs allegedly agreed to by Mehmed II, merely shows a distorted interpretation of Islamic and Ottoman legal concepts as well as of historical reality.

Notes on the Fiscal Status of the Greek Orthodox Church

In principle, men of religion — whether Muslim, Christian and Jew — who were not engaged in profit-making activities, were exempt from taxation including *dhizya*. However, with time non-Muslim clergy were required to pay various kinds of «gifts» and taxes to the Ottoman treasury, the earliest being *pīshkesh* (in vernacular *peshkesh*).

The imperial bureau created under the name *Peskopos Mukāta'ası* in the finance department dealt with such revenues. According to the register covering the years 1641-1651, the Greek Orthodox Patriarch paid as *pīshkesh* 20,000 groush and provided 105 okka of meat per day

[49] See H. Inalcik, «Centralization and Decentralization in Ottoman Administration», *Studies in Eighteenth Century Islamic History*, eds. T. Naff and R. Owen, London 1977, pp. 27-52.

[50] See for instance the *berāt*s published by Kabrda, *op. cit.*, pp. 36-58.

or its equivalent for the imperial gardeners (*bostāndjis*) for the latter see infra)[51].

Originally, *pīshkesh* was not a tax but simply «an offering» or a «gift»[52]. Since the time of the ancient Iranian empires, such customary offerings symbolized an expression of allegiance and dependence by a vassal or inferior to the ruler. The ruler responded by granting symbols of authority such as an imperial diploma or caftans bearing the ruler's emblem. Al state dignitaries customarily offered a *pīshkesh* to the ruler. *Pīshkesh* was established over time as a cash payment to be delivered in a fixed amount upon receiving the diploma of appointment. The governor generals, for instance, paid the treasury 10,000 *akcha* on the occasion. The *pīshkesh* paid by the high clergy was called *pīshkesh* of diploma (*berāt*). Over time, the rates of such *pīshkeshes* were elaborately fixed in a regulation for the Patriarch, Metropolitans, Archbishops and Bishops[53]. In order to pay the *pīshkesh*, these church dignitaries had to impose taxes on the faithful and the subaltern priests in the provinces (see infra: *mīrī rusūm*).

As enumerated in the *berāts*[54], the principal ecclesiastical taxes paid by the orthodox clergy or by the *re'āyā* in the seventeenth century were as follows:

Mīrī rusūm or *māl-i mīrī*
Patrikliķ and *Metrepolidlik* tax
Zitiye
Żarar-i ķassābiye
Taṣadduķ (alms)
Ayazma and *Ayasmoz*
Manastir resmi
Panayir
Marriage taxe

The origin and coverage of the *mīrī rusūm*, literally «taxes belonging to the fisc» is controversial. Joseph Kabrda[55] argues that it means the total of the ecclesiastical taxes and dues which the metropolitans levied

[51] H. Inalcik, «Ottoman Archival Materials on Millets», in B. Lewis and B. Braude, eds., *op. cit.*, p. 441.
[52] *Ibid.*, pp. 447-448.
[53] *Ibid.*, pp. 440-444.
[54] *Berâts* quoted by Kabrda, *op. cit.*, pp. 36-58, pl. XXVIII, XXXIII, XXXIV, XXXVII.
[55] Kabrda, *op. cit.*, p. 62.

in their dioceses to meet the annual payment to the patriarchate and for their own expenditures.

We know that the Patriarch was required to pay a certain amount of money to the fisc annually in addition to the *pīshkesh* paid at the time of investiture. When and how *pīshkesh* was converted to an annual payment is not known. But it is well known Ottoman practice to convert the customary payments and fees into regular taxes[56]. It was also an Ottoman practice to incorporate pre-Ottoman taxes into their own tax system as long as they did not conflict with the Ottoman principles of taxation. On the other hand, at every accession to the throne, all *berāts* throughout the empire had to be renewed in the name of the new Sultan. So, the Patriarch had to pay *pīshkesh* for the renewel of his *berāt*. In any case, each Patriarch had to pay *pīshkesh* at the time of his investiture as well as an annual *mīrī* tax. The annual *mīrī* tax existed already by the mid-sixteenth century. On the other hand, the Ottoman government demanded contributions from the members of the tax exempt «military» class in times of financial crisis as an «emergency tax»[57]. The 105 meat contribution required from the Patriarch was that kind of contribution used to satisfy the «military» divisions attached to the palace. There were various ways in the Ottoman system to introduce new regular taxes. Most probably the occasional *pīshkesh* was the origin of the annual regular «state taxes» (*mīrī rusūm*).

The Sultanic *berāt* was the official document authorizing Metropolitans to collect the state tax (*māl-i mīrī*) as well as the canonical dues from their respective sees[58]. It was also through a *berāt* that the possession rights of the church properties and administration of the metropolitan or Patriarch were legally established[59]. The taxes and the income from such properties provided the metropolitans the means to meet their financial obligations to the state, personal and ecclesiastical expenditures. Thus, from a legal standpoint, the Ottoman government considered all of the taxes collected by the clergy as belonging to the state (*mīrī*) and the clergy as tax-farmers. The word *iltizām*, tax farm, was used for the metropolitan's authority over his diocese. Actually, the Patriarch depended for his revenue on the metropolitans. Through their

[56] H. Inalcik, «Military and Fiscal Transformation...», *art. cit.*, pp. 317-322.
[57] *Ibid.*
[58] Kabrda, *op. cit.*, p. 61.
[59] See also Kabrda, *op. cit.*, pp. 36-37; cf. below, Appendix I.

agents the latter collected taxes owed by the subaltern priests and the faithful. Thus, in the last analysis it was the village or neighborhood priest who actually levied taxes or fees from the faithful.

Delays and arrears in payments to the Patriarch resulted in the government action including sending the Patriarch every four of five years to recover the arrears and punishing the recalcitrants (see Appendix I).

While Kabrda asserts[60] that all taxes and dues levied in a diocese, even such purely canonical taxes as the marriage tax, were included in the *mīrī-rusūm* or *māl-i mīrī*, we believe that the *Patrikliḳ* tax, also called *mīrī Patrikliḳ*, was a specific tax to cover the contribution to the Patriarch's annual payment to the fisc. Each *re'āyā* household had to pay 12 *akcha* and subaltern priests one gold piece annually to the Patriarch. *Metrepolidlik* tax, again 12 *akcha* for each *re'āyā* household and one gold piece for the priests must have been designed to make up the personal income of the Metropolitan[61].

Żarar-i ḳassābiye or *Ż. lahm* constituted part of the *mīrī* taxes for the Ottoman fisc. It was a tax introduced in the late sixteenth century to meet the enormous state expenditures covering the difference of the fixed state and market prices of meat supplied for the divisions of the standing army in the capital. The Patriarch alone had to contribute 105 *okka* of meat per day for the imperial gardeners (*bostanǧı*)[61]. *Mīrī* and *Ż. ḳassābiye* were the main taxes reserved for the imperial treasury.

One of the principal ecclesiastical taxes was the *zitiye*. It was a contribution in cash or in kind paid by the faithfull to the Patriarch and local Metropolitan to meet the expenditures of the church. It is identified as the Byzantine *kanonikon*[63]. An important source of revenue for the church *taṣadduḳ* (alms), in Slavic *milostinja*, consisted of voluntary contributions in cash or in kind. But expressions in the Ottoman documents give the impression that it was converted, like *pīshkesh*, into a regular annual tax. *Mīrī rusūm*, *zitiye* and *żarar-i ḳaṣṣābiye* were considered the most important taxes by the Ottoman government.

Apparently, being a local tax the *manastir resmi* was occasionally

[60] *Ibid.* pp. 62-63.
[61] *Ibid.*, pp. 39-40, facsimile 34, pl. 45.
[62] A. Greenwood, «Istanbul's Meat Provisioning», Ph. D. Dissertation, University of Chicago, NELC, 1988, pp. 8-61.
[63] Kabrda, *op. cit.*, p. 68.

included among the *mīrī* taxes in the *berāts* of the metropolitans. It was an annual tax paid to the metropolitan. The Metropolitan also took possession of the property left by deceased monks and nuns. *Ayazma* (*hagiasma*) appears to be another important source of revenue for the church. When the faithful visited a sacred spring (*hagiasma*) near a church or monastery looking for a cure, they gave alms or paid a fixed fee from which the metropolitan claimed a share[64]. *Panayir* or «fair» tax was also considered a religious tax since fairs were usually held near a place of pilgrimage or a *hagiasma* on the occasion of a religious festivity. An important part of the revenue realized at such fairs went to the Metropolitan who maintained his agent at the church or monastery in order to collect the revenue. It was a privilege granted by the sultan through a special *berāt* that a rural market or fair was organized. The tax revenue which accrued belonged to the holder of the privilege, which was not infrequently a church or monastery. The latter was considered a kind of tax farmer who paid the government a lump sum for the privilege of collecting the tax and a portion of the tax went to metropolitan who had the church or monastery within his diocese. In general, the revenue connected with a certain monastery or church was farmed out at a sum agreed upon by the clergy associated with the place. Thus, religious function and tax collection for the government were intimately associated under the Ottomans.

Established during the Byzantine time, the marriage tax, *nikāh resmi* in Turkish, was fixed at 80 *akcha* at the first marriage, 160 at the second and 240 at the third in the seventeenth century Ottoman documents. It was paid by the faithful and priests to the Metropolitan. Its rate increased as Ottoman silver coin, *akcha*, underwent a sharp inflation, reaching 400, 800 and 1200 *akcha* respectively by 1776[65].

Another source of revenue enumerated among those belonging to the Metropolitan was *bankā*, the sale of candles in the churches on a bank called *pangar* in Greek, *bankā* or *pankā* in Turkish documents. The Metropolitan took a share from this revenue realized in the churches within his diocese[66].

Other kinds of revenues exclusively reserved for the church included the taxes called *parasiye*, from Greek *parrésiai* and *portesi/protesi*, from

[64] *Ibid.*, p. 78.
[65] *Ibid.*, p. 76.
[66] *Ibid.*, p. 38.

Greek *prothésis*, alms for the dead or testamentary donations or fees taken at the ceremonies for the dead[67]. In the Sultan's *berāt*s or orders the local Muslim judge is required to secure such alms and donations for the church from the inheritance of the dead.

In addition to the taxes reserved for the Church mentioned in the Ottoman documents, there were others which were referred to exclusively in the ecclesiastical sources, namely *filótima*, *embatikia* and *cheirotoniai*[68].

Briefly speaking, various taxes paid by the *re'āyā* as well as by the local priests and monks can be classified into three categories: Taxes going directly into the Ottoman treasury, those reserved for the Patriarch and Metropolitans, and those which were exclusively levied for the local clergy and never mentioned in the Ottoman documents.

The taxes and *pīshkesh*, which the Patriarch and Metropolitans had to pay to the Ottoman fisc, constituted for the *re'āyā* a heavy addition to their tax burden as a whole since all of the payments had to be eventually met by the faithful. Annual *mīrī* tax increased by such additional Ottoman taxes as *ḳaṣṣābiye* in the late sixteenth century and by *imdādiyye* in the late seventeenth century. It appears that the Orthodox Church became another instrument for the Ottoman fisc to expand its tax basis to meet the rapidly increasing state expenditures.

In general, the Patriarch used to send an agent (*vekīl*) to the provinces to collect taxes from the Metropolitans[69]. The agent had the power to punish or dismiss from his post the priests or monks who refused to meet their tax obligations. When the Metropolitan of Salonica did not pay the *māl-i mīrī* to the Patriarch for two years the Sultan, upon his request, sent a *chawush* to force his compliance.

The Sultan provided protection and immunities for the agents of the Patriarch and Metropolitans in their tours; there was to be no harrassment and no imposition of commercial dues on the taxes in kind collected for the Church.

Metropolitans were fully empowered by the Sultan's *berāt* to deal independently with the clergy in the churches and monasteries under their jurisdiction. They were also authorized to dismiss and punish the priests and monks, to place the Patriarch's agents at the churches and

[67] *Ibid.*, pp. 80-84.
[68] *Ibid.*, p. 89, pl. LII, dated 1755.
[69] *Ibid.*, pl. 32.

monasteries to levy taxes due and to see to it that marriages, divorces or inheritances were executed in accordance with the canonical laws. Since many Greeks preferred the cadi's court to evade ecclesiastical taxes or enjoy extra security[70], Sultan gave orders in favor of the Metropolitans to prevent such interferences. The Metropolitan's *berāt* also promised that he would receive aid from the local cadi against the recalcitrant Greek *re'āyā*. A Metropolitan had the authority to punish the priests and monks who did not fulfill their tax obligations. Canonical penalties included shaving the head or being dismissed from the post[71].

The cadi helped the metropolitan to use his powers over the priests and *re'āyā*. The cadi could also bar, upon the Sultan's order, a Metropolitan from taking possession of his office[72].

The imperial *berāt* of a Metropolitan stipulated that the local cadi should help the Metropolitan to levy the arrear taxes from the bishops, monks and priests or *re'āyā*. When necessary, he was given a specific sultanic order to this effect[73].

The will of a Greek subject in favor of the Orthodox Church or clergy was executed by the local cadi under the testimony of the Greek witness[74].

In general, the Ottoman government considered it to be a public duty to protect the churches and monasteries against the abuses of local authorities. One frequent subject of complaint was that governor's men, equipped with a special order to investigate crimes and recover runaway slaves exacted food and money in the course of their tour[75]. Another abuse often mentioned in the documents was that *tīmār*-holders or *wakf* trustees did not permit the agents of the Metropolitans to levy taxes on the Christian peasants and workers in their territory.

It was not easy for the poor to find money enough to pay ecclésiastical taxes which were added to *djizya* and other governmental taxes. As Ottoman documents[76] make clear, not infrequently the *dhimmī re'āyā* rendered their tax obligations in grain or fabrics. Alms in particular were given in goods — wine, butter, olive oil or honey.

[70] Pantozopoulos, *op. cit.*, p. 80.
[71] Kabrda, *op. cit.*, pl. XLVI.
[72] *Ibid.*, pl. XXXI, dated 1715.
[73] *Ibid.*, pl. XXXVI, dated 1715.
[74] *Ibid.*, pl. LII, dated 1755.
[75] *Ibid.*, pl. 43; F. Bayraktarevic, *Turski Dikumenti*, Sarajevo, 1935, doc. 24.
[76] Kabrda, *op. cit.*, p. 38, and facsimile XXXIV; pl. XLIV, dated 1755.

Under the high dignitaries of the Church, the village and parochial priests appear to have shared the hardships of the poor in meeting the ecclesiastical taxation. As explained earlier the priests were obliged to pay one gold piece to the Patriarch and one gold for the Metropolitan each year.

Interestingly enough, it was the Ottoman government that came forward to protect the *re'āyā* against the illegal and excessive demands of the high clergy. The Ottoman government pursued those Metropolitans who overtaxed the faithful and took action when a complaint was received[77].

Examining ecclesiastical taxes and fiscal administration of the Greek Orthodox Church, Josef Kabrda concluded[78] that the Church came actually to cooperate with the Ottoman government in consolidating Ottoman rule over the Christian masses while at the same time the Church succeeded in preserving and developing the national cultural traditions and Christian spiritual values.

H.I.

APPENDIX I

Sultan Suleyman's Order to Governors and Cadis of Rumeli about the Patriarch Joasaph II's Inspection Tour[1]

To the *sandjaḳ begi*s and *kadi*s of the province of Rumeli: when the imperial order arrives may it be known that the Patriarch over the infidels of Istanbul by the name of Yuvasif has sent to my exalted Porte a letter which says that it has been a requirement for the Patriarchs of a long standing practice to make an inspection (*yoḳlama*) every four or five years of all the Metropolitans, bishops, 'goumenos' and other priests of the aforementioned province, and accordingly asked for permission to carry it out. In the letter he also said that he is owed back payments from these priests out of the dues of the past years including the present year which were to be collected in accordance with their religious law

[77] *Ibid.*, pl. XXXVI, dated 1715.

[78] *Ibid.*, pp. 101-103. It is argued that in Bosnia the Church dues imposed by the Orthodox Church might be one of the causes of the conversion to Islam of the followers of the Bosnian Church; «Bosna», *EI*², I, p. 1265.

[1] This document comes from a collection of state papers in a manuscript preserved in the Âtif Efendi library, no. 1734, ff 121ᵛ-123ᵛ, see facsimile I.

by the Patriarch as laid down in his diploma of appointment (*berāt*) and he requested permission to go and to collect them in person. Upon the receipt of this letter I order that you, the *kadi*s, will summon in your presence the metropolitans, bishops, priests, 'goumenos' and monks within your jurisdiction when the Patriarch arrives with my imperial order and bring them to face with him and make your investigations in accordance with the *Sharī'a*. You will let him collect in full the back payments from the past years and the present year in the amounts which will be established by your examination.

On his way back to Istanbul with the *mīrī aḳcha* which he has collected, the Patriarch shall not be forced on the routes and stopping places to surrender either his own mules and pack horses or those belonging to his retinue. You will help him through the mountain passes and dangerous places under the best conditions so that no harm will come to the public revenues (*māl-i mīrī*). He reported that some metropolitans and bishops make excuses for not paying the tax due by saying that we still have fifteen or twenty days until we are liable to pay. You will not listen to their excuses and will make them pay their debts in their entirety to the Patriarch. When metropolitans, bishops, monks and priests die without any apparent heirs those estates of 5000 or more *akcha* are to be claimed for the state treasury and those less than 5000 are to be taken by the Patriarch. The *beyt'ül-māldji*s used to interfere and claim both the estates belonging to the Patriarch and black robe of the priests, scepter, silver cup, cap and mule which belong to the church. You will see to it that when one of the above mentionned priests dies without apparent heir and his estate belonged to the state treasury the estates of 5000 *akcha* or more shall be handed over to the *mevḳufdjus*. As to those estates of less than 5000 *akcha*, you will let the Patriarch take them in accordance with the established practice.

As for the belongings, clothes, and other things which the priests carry, the old regulations followed until now will be applied as before. You will see that those priests who acted against their canonical law and custom (*āyīn*) are dismissed and replaced by another priest through the action of the said Patriarch and you will submit your report on the proceedings to my Porte. While the said Patriarch is on his way to and from Istanbul you shall prevent *yava kharādjdjis* or collectors of slave *kharādj* from taking this tax from him and the men in his company. The Patriarch complained that local *sandjaḳ-begi*s, *su-bashi*s, *sipahi*s, janissaries and others prevent him from collecting the arrears which (the priest) owed him. You shall forbid those who want to interfere with his collection of the arrears, and report to my Porte a list by name in writing of those who do not obey the prohibition. Each of you *sandjaḳ-begi*s and *kadi*s should be properly concerned with this matter. And if the said Patriarch, during his inspection tries to take from the metropolitans and bishops money in addition to the dues which they had to pay according to their religious law and custom (*āyīn-i bāṭila*), you shall forbid him to inflict such an injustice. If he does not hear your warning you will immediately report to my Porte. You shall help the said Patriarch with the purchase by his own money of the things which are necessary for his sustenance and fodder for his horses during his travelling and lodging. You shall see that he shall not

unlawfully demand things from the *re'āyā* and that he thus shall not oppress them. You shall be the one to answer if later the *re'āyā* come and complain that the said Patriarch extorted from them. You will be properly concerned with it. I will not condone the extortion of any of the *re'āyā*. I want you to always show proper concern. You should be forewarned and trust in my imperial seal put above.

Comment

Under Suleyman I (1520-1566) patriarchs, equipped with authority through the Sultan's diploma, traveled widely and made their presence felt in their sees all over the empire. By his travels «Jeremia I», Iorga (Jorga) notes[2] «appears to have the intention to review the Orthodox world and to have his supreme authority recognizes as an ecumenical one. He visited Cyprus, then still under Venetian rule, and Jerusalem, recently annexed to the Ottoman empire. Since Mehmed II's time, the Ottomen sultans recognized the Greek Church as the highest among the Christian churches and supported re-establishment of the unity of the Orthodox Church under their protection. For the Ottoman sultans who considered themselves as the heir to the Eastern Roman Emperors and assumed the title *Ḳayṣar* (Ceasar), such a policy appeared quite normal, and obviously aimed at exploiting the title for their political goals. For exemple, Suleyman's Grand Vizir Ibrahim (1523-1536) extended a special favor toward Jeremia[3]. Taking advantage of this favor, Jeremiah fought against the attempts of the Patriarchate of Ochrida which was seeking to extend its jurisdiction over all Slavic speaking subjects of the Sultan in Rumili. In 1545 we find him trying to consolidate his authority over the clergy in Wallachia and Moldavia.

Joasaph II (1555-1565), our Patriarch in the document, continued the same policy as his predecessors. The Ottoman sultans, then at the zenith of their power, and confident that their Greek subjects would never think of an alliance with the enemies of the empire, looked rather benevolently at the extention and consolidation of the Patriarch's authority[4].

At his accession to the Patriarchate, Joasaph II was able to persuade the Porte to reduce the *pīshkesh*[5] from 3000 gold ducats to 2000, but, after he left office it would be raised again to 3000[6]. The reduction might be connected with a financial difficulty as our document suggests.

Iorga[7] suggests that the patriarchal tours of the provinces were primarily

[2] Iorga, *op. cit.*, p. 93.

[3] *Ibid.*, p. 94.

[4] *Ibid.*, p. 98.

[5] For *pīshkesh* see H.Inalcik, «Ottoman Archival Materials on Millets», in Lewis and Braude, *op. cit.*, pp. 447-448.

[6] Runciman, *op. cit.*, 202; it was raised in 1526 to 5,600 and in 1730 to 15,000 gold pieces; in the mid-seventeenth century, it was 20,000 *groush* or about 12,500 gold pieces (see H. Inalcik, *ibid.*, p. 441).

[7] *Ibid*, p. 96.

motivated by a need to fill the treasury of the Patriarchates. By 1580, the Patriarch needed an annual revenue of 20,000 «thaler» or 13,300 gold pieces to supply the Patriarchate with a staff of about twenty persons.

Joasaph was involved in the negociations with the Lutheran church to reach an agreement[8]. At that time the Ottoman government was encouraging the Protestants all over Europe in their opposition to the Papacy and the Habsburgs[9].

An interesting episode during Joasaph's Patriarchate is Ivan IV of Muscovy's attempt to obtain the Patriarch's confirmation of his title of Tsar (Ceasar)[10].

Michael Cantacuzenus, the Sultan's powerful *khāṣṣa* merchant with the monopoly of fur imports from Russia, caused Joasaph's dismissal from the Patriarchate in 1565. Joasaph's contemporaries describe him as «one of the most distinguished and learned of Patriarchs, personally popular among all the Orthodox and fully supported by the monks of Mount Athos». After a successful reign of ten years, he was deposed because he would not further one of Michael's ambitious family-marriage schemes, on the ground that it infringed canon law[11].

APPENDIX II

*Ottoman Official Translation of the Patriarch's Petition**

In this petition submitted to the Sultan the Patriarch says: A number of metropolitans had left their sees and taken refuge in Istanbul because of the oppressive acts. Thereupon, the Sultan had sent orders to all the provinces to stop such acts and asked eight metropolitans to stay in Istanbul to hold Holy Synod in accordance with the tradition of the Orthodox Church and the rest to go to their respective sees. So, they all immediately left Istanbul except the eight metropolitans. Since it is not possible to hold the Holy Synod with eight metropolitans, the Patriarch is requesting that two more metropolitans be allowed to stay and (if this is approved) the Sultan's order to this effect might be added in the form of a comment on the decree already issued and its copy be rendered to the Patriarch in the way of certification.

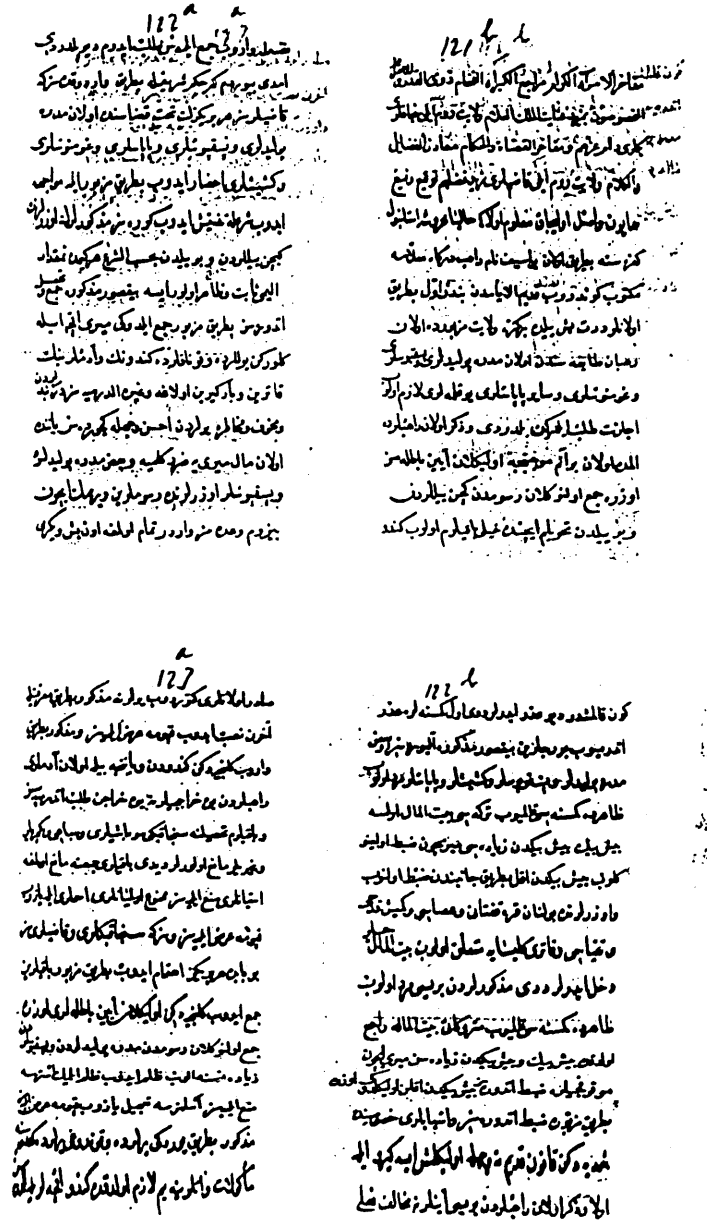
[8] Runciman, *op. cit.*, pp. 245-247.

[9] H. Inalcik, *The Ottoman Empire: The Classical Age, 1300-1600*, London, 1973.

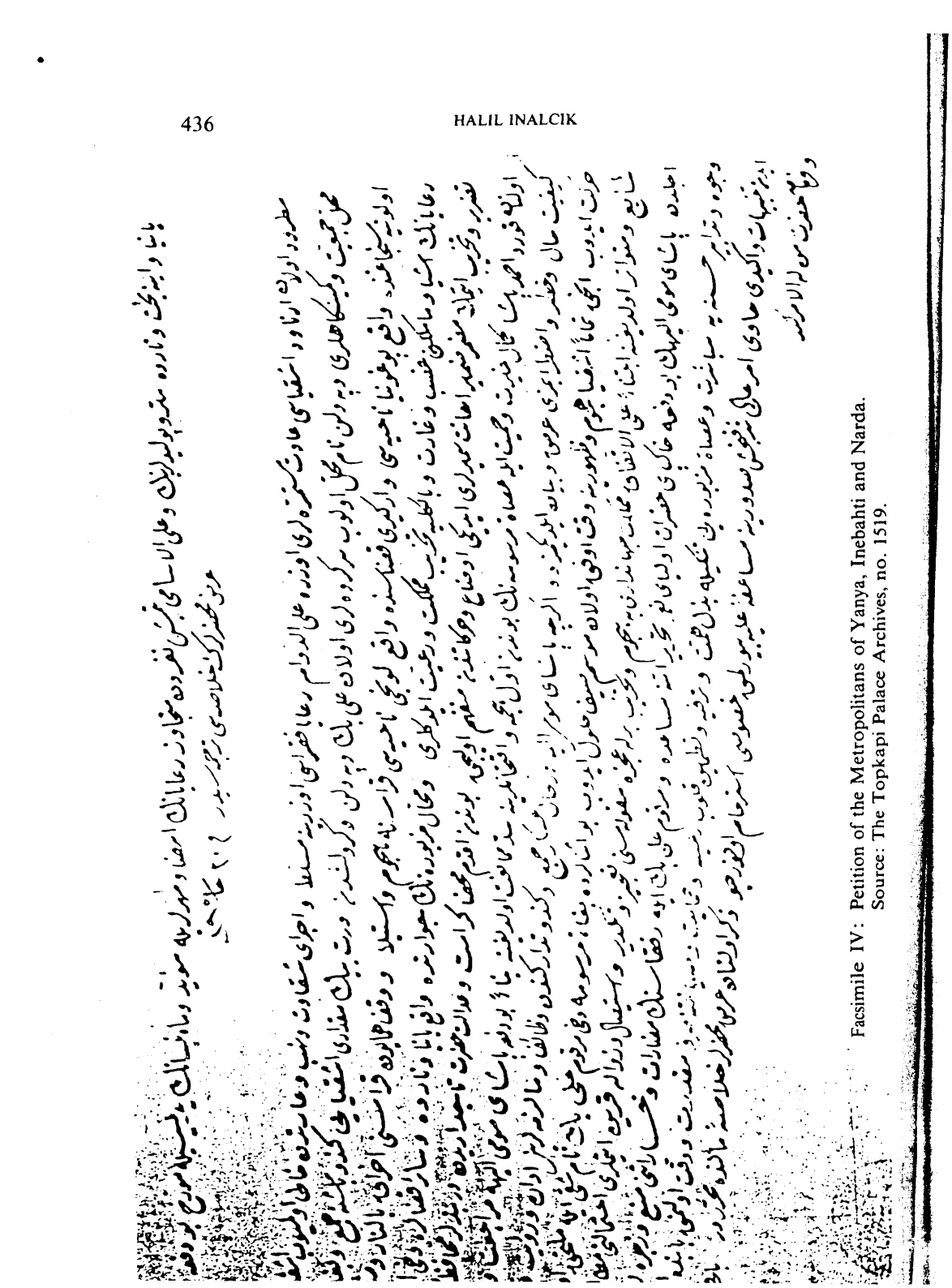
[10] Runciman, *op. cit.*, p. 330; H. Inalcik, «Power relationship between Russia, the Crimean Khanate and the Ottoman Empire, as Reflected in the Titulature», in Ch. Lemercier-Quelquejay, G. Veinstein and S.E. Wimbush (eds.), *Passé turco-tatar, présent soviétique*, Etudes offertes à Alexandre Bennigsen, Louvain-Paris, 1986, pp. 175-186.

[11] Runciman, *op. cit.*, p. 98.

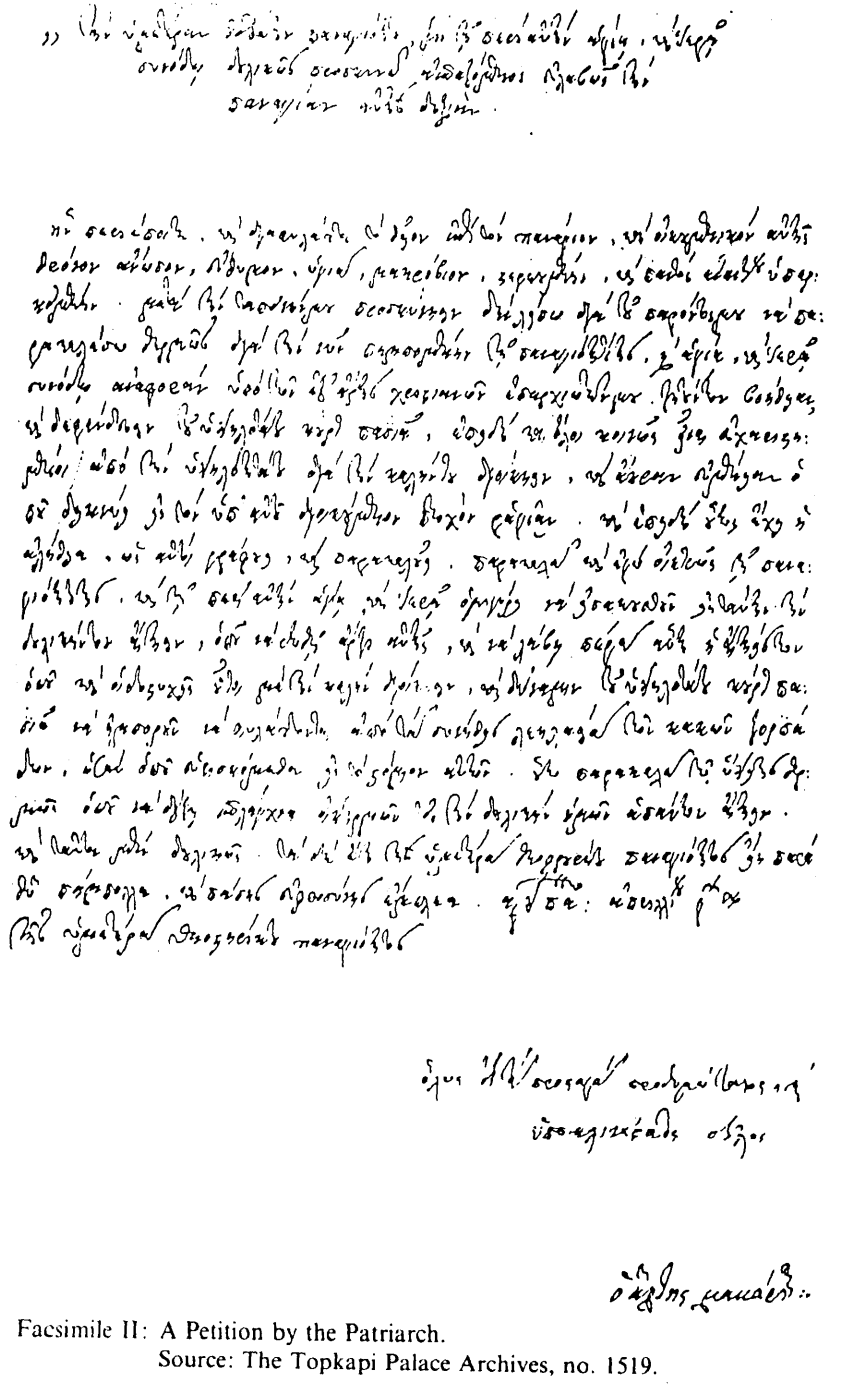
* See Facsimile II and III; Gabriel IV was the Patriarch of the Greek Orthodox Church in the years 1780-1785. I am indebted to Professor Speros Vryonis for this information.



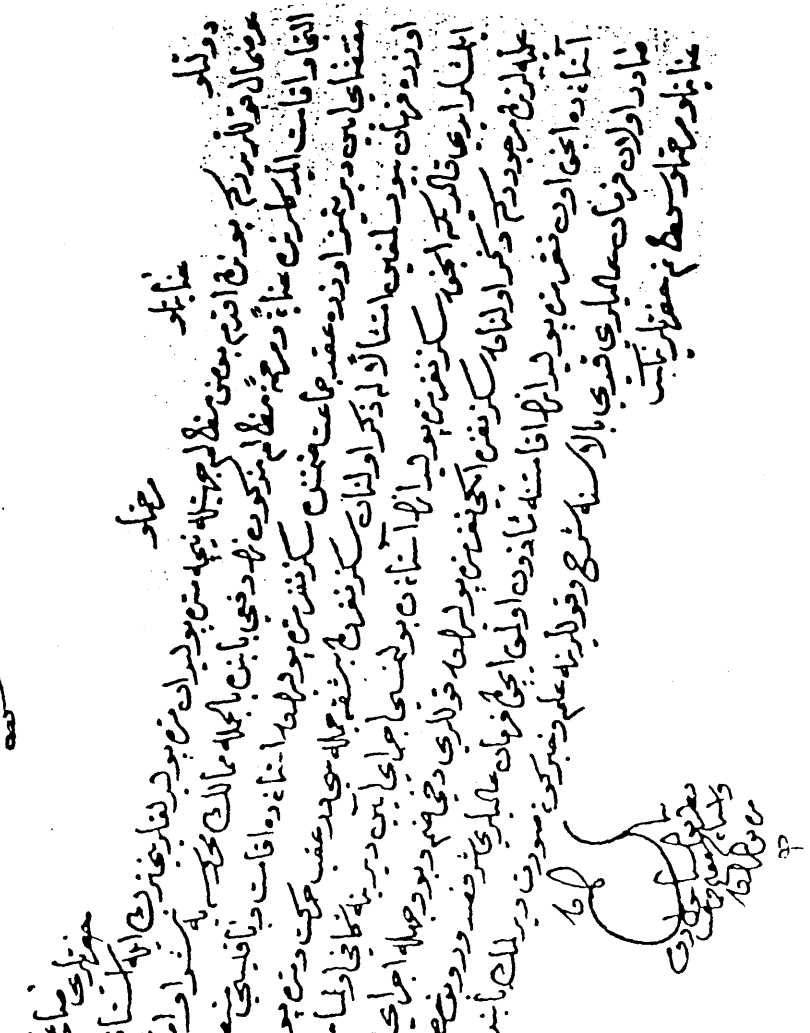
Facsimile I: Suleyman I's Order for the Patriarch's Inspection Tour in Rumeli.
Source: Ätif Efendi Library, no. 1734, 121v-123v.



Facsimile IV: Petition of the Metropolitans of Yanya, Inebahti and Narda.
Source: The Topkapi Palace Archives, no. 1519.



Facsimile II: A Petition by the Patriarch.
Source: The Topkapi Palace Archives, no. 1519.



Facsimile III: Official translation of the Patriarch's Petition.
Source: The Topkapi Palace Archives, no. 1519.