

DA‘WAH AN-NAFS: ŐEHZADE KORKUD ON  RF AND SHARI‘A IN THE
OTTOMAN CONTEXT

by

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Submitted to the Graduate School of Arts and Social Sciences
in partial fulfillment of
the requirements for the degree of
Master of Arts

Sabancı University
Spring 2013

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OTTOMAN CONTEXT

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ABSTRACT

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History, M.A. Thesis, 2013

Thesis Supervisor: İ. Metin Kunt

Keywords: Œehzade Korkud, örf, shari‘a, kanun, kanunname

This study is on Da‘wah an-Nafs, a book written in Arabic in the first decade of the 16th century by Œehzade Korkud, an Ottoman Prince. The scholarly writings of the prince stand as exceptional endeavors among the members of Ottoman dynasty, but have not attracted much attention so far. This thesis attempts to situate the book within the biography of the prince, and argues that its production is strongly related to dynastic politics and the succession struggles of the period. This study offers a general and systematic analysis of the text, which reveals that it challenges several of the practices, institutions and legitimizing claims of the Ottomans. In this regard, it is suggested that the text stands as a very unique example of oppositional political writing in the Ottoman Empire. Furthermore, this study provides an in-depth analysis of the discussions on the relation between örf and shari‘a included in the text. It is revealed that, through these discussions Œehzade Korkud attacked customary law and kanuns. In the light of a thorough scrutiny, it is argued that the text severely criticizes the kanunnames in general, and recently promulgated general kanunname, Kanunname-i Al-i Osman, in particular from different viewpoints.

ÖZET

DA‘VETÜ’N-NEFS: ŞEHZADE KORKUD’UN OSMANLIDA ÖRF VE ŞERİAT ÜZERİNE DÜŞÜNCELERİ

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Tarih, Yüksek Lisans Tezi, 2013

Tez Danışmanı: İ. Metin Kunt

Anahtar kelimeler: Şehzade Korkud, örf, şeriat, kanun, kanunname

Bu çalışma, Osmanlı hanedanından Şehzade Korkud tarafından 16. yüzyılın ilk on yılı içerisinde Arapça olarak kaleme alınmış olan Da‘vetü’n-Nefs isimli kitap üzerinedir. Şehzadenin ilmi eserler kaleme alması Osmanlı hanedan mensupları için istisnai mahiyette olmasına rağmen şu ana kadar pek dikkat çekmemiştir. Bu tez, kitabın yazımını Şehzade Korkud’un hayat hikayesi içerisinde konumlandırmaya çalışmakta, ve kitabın yazımının dönemin saltanat ve veraset mücadeleleriyle kuvvetle alakadar olduğunu iddia etmektedir. Bu çalışma metnin genel ve sistematik bir analizini sunmakta, ve kitabın birçok Osmanlı kurum, uygulama ve meşruiyet kaynağını temelden sorguladığını ortaya koymaktadır. Böylelikle, kitabın Osmanlı muhalif siyasi yazımına çok özgün bir örnek teşkil ettiği önerilmektedir. Bundan başka, bu çalışmada, kitapta örf ve şeriat ilişkisi üzerine yapılan tartışmalar detaylı bir şekilde incelenmekte, ve Şehzade Korkud’un bu tartışmalar üzerinden örfi hukuk ve kanunları hedef aldığı ortaya konmaktadır. Bu detaylı inceleme sonucunda, metnin genel olarak kanunnameleri, özellikle de yazımından kısa bir süre önce genel bir kanunname olarak derlenen Kanunname-i Al-i Osman’ı çeşitli açılardan şiddetli bir şekilde eleştirdiği iddia edilmektedir.

ACKNOWLEDGEMENTS

First and foremost, I would like to express my sincere gratitude to my thesis advisor İ. Metin Kunt for his continuous guidance, suggestions and understanding throughout this process. I have always felt his wise supervision and ceaseless encouragement. I should also express my thanks to Y. Hakan Erdem for his comments and feedback for my work as well as his invaluable graduate seminars. I am especially indebted to Murteza Bedir who was very kind to read my thesis meticulously. His insightful comments and suggestions saved my work from many flaws and enriched my thoughts. I should thank to A. Cüneyd Köksal, who kindly shared his work with me before publishing, and whose comments and suggestions on my project were of much help to me. I am always indebted to Şerif Mardin and Şükrü Hanioglu for their support and encouragement in the early years of my education at Sabancı University. I would also like to thank to Hülya Canbakal, whose support I have felt, and whom I learned much during my undergraduate and graduate years.

My deepest thanks go to my friends Ali Kemal Çetinkaya and Zeynel Harun Alioğulları for their hospitality and friendship during the writing process of this thesis. I am also grateful to Seyfullah Özkurt for his suggestions, and his critical touch in editing of this work. My sincere thanks also go to my dear friend Stephen Bush for his diligent reading and review of this thesis. I must also state that it is beyond my ability and the limits of this academic work to express my gratitude and indebtedness to my family.

I should also express my thankfulness to TÜBİTAK, Türkiye Bilimsel ve Teknolojik Araştırma Kurumu (The Scientific and Technological Research Council of Turkey) Bilim İnsanı Destekleme Daire Başkanlığı for their scholarship support during my M.A. studies.

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INTRODUCTION

The Summons is of inherent interest because it is a critique of government, framed in religious terms, written by a member of the ruling house; it also represents one of the earliest instances of the kind of criticism of Ottoman institutions to which the later literature of reform was devoted.¹

This statement by Cornell Fleischer, the only scholar who has published a piece analyzing *Da‘wah an-nafs at-taliha ila al-a‘mal as-saliha bi al-ayat az-zahira wa al-bayyinat al-bahira*, (An errant soul’s summons to virtuous works, through manifest signs and splendid proofs)² in detail, and therefore the starting point for this study, summarizes the characteristics of the work, and points to the complexity of its nature, which makes it hard to put it solely in one genre of literary tradition. The book is a critique, a very harsh and fundamental one indeed, of the Ottoman state and its contemporary practices, put forward in traditional Islamic terminology, making an extensive use of Islamic works of law, prophetic tradition and exegesis. Moreover, it is a work addressed primarily to the sultan by a prince, trying to prove that at the time of its writing it is impossible to be both a good Muslim and a good ruler, with, at least ostensibly, the immediate aim of declaring the author-prince’s resignation from candidacy to the throne altogether, and administrative duties to a large extent. These aspects of the work also add to its complexity, which would not be the case had it been a work by a regular Ottoman *medrese* scholar or a jurist.

¹ Fleischer, “From Şehzade Korkud to Mustafa Ali: Cultural Origins of Ottoman Nasihatname,” 71.

² The title is abbreviated as *Da‘wah* in this thesis. For the title, Cornell Fleischer’s English translation is borrowed. However, all translations to English in this thesis are mine unless otherwise noted.

In *Da'wah*, Korkud deals with a number of issues, which are of critical importance in terms of the very bases of Ottoman legitimacy and practical existence. He enumerates five reasons; three of them are directly relevant to the political and public righteousness, for his decision of resignation from candidacy for the throne. He begins with an open attack against the *örfi* practices in politics of the empire, the worst of which is the *örfi* capital punishments without the sanctioning of the shari'a. In this section, we see a very early instance of an *örf/shari'a* or *kanun/shari'a* discussion. He continues with questioning the financial resources of the empire and sheds doubt on the legality of certain tax revenues. In this section, we again see a discussion of Ottoman tax system, which is later discussed in detail by Ebu's-suud. The last reason for his resignation, which is the inevitability of ultimate bloodshed among equals during the succession struggles, also continued to be a critical issue later on.

After narrating a brief account of Korkud's life and intellectual upbringing based mostly on secondary sources in the first chapter, the thesis aims to provide a systematic analysis of the content of this voluminous book (262 folios) as a whole in the second chapter, as the scholarship hitherto offered only selective, unsystematic and partial evaluations on it. In the third chapter, the statements on the relation between *örf* and shari'a as the most extensively discussed problematic of the book will be analyzed in depth. In this endeavor, an attempt will also be made to understand these discussions with the help of a contextualized reading of them with reference to the relevant developments in the Ottoman state system in general and Korkud's life in particular. Then, the questions that should be asked but could not be discussed within the scope of this thesis will be mentioned in the concluding chapter.

Until recently, Şehzade Korkud has been of interest to modern scholars mostly for his role in the succession struggle during the last years of Bayezid II and early years of Selim I. He has generally been presented as a politically weak, unstable and melancholic person inclined to arts, music and poetry rather than politics and governance.³ Hence,

³ Uluçay, Çağatay. "Yavuz Sultan Selim Nasıl Padişah Oldu?." *Tarih Dergisi* (1954): 6-9; M.T. Gökbilgin, "Korkut," (Islam Ansiklopedisi, vol. 6 (1954), 855–860; and Ismail Hakkı Uzunçarşılı, "II'inci Bayezid'in oğullarından Sultan Korkud," *Belleten* 30/120 (1966), 539–60.

although the archival material and narrative accounts pertaining to the details of his political activities have been analyzed in detail previously, his scholarly endeavors did not attract much attention. In particular, until very recently both scholarly and contextual significance of *Da'wah* were missed by the scholars, probably because it is the most voluminous and content-wise most complicated one among the books authored by the prince. It should be noted that the initial naming of the book wrongly as *Kitab al-Harimi fit-Tasawwuf* by some cataloguer could also have been instrumental in this continuing attitude as the text continued to be treated as a book primarily on Sufism.

As a work concentrating on the ascension of Selim to the throne Çağatay Uluçay's lengthy article offers a very fascinating account of the winner-centered historical writing, which would also be seen in the later authors to lesser degrees. His narrative always sides with Selim and considers Korkud a weak prince bound to lose and deserved to be killed because of his claims to the sultanate.⁴ To start with the works exclusively concentrating on Korkud, Gokbilgin's short article for the *İslam Ansiklopedisi* offers the basic summary of his biography and political activities, lists the names and subject matters of his existing books, describes *Da'wah* as a book touching upon theology, jurisprudence, Sufism and morality, but fails to capture the basic arguments of the text, especially the political ones, and instead concentrates on the mystical poetry included in it.⁵ In addition, he does not notice Korkud's renunciation of politics with *Da'wah* and therefore could not place the book in the biography of the prince. It seems that, the books of Korkud were of marginal attention to him. Uzuncarsili's more lengthy article on Korkud provides both richer material helping to create his biography in a more accurate way, and pays more attention to his scholarly production. Although it is still far from articulating a coherent analysis of *Da'wah*, he seems to appreciate the peculiar nature of the book as he states that it offers valuable information to understand Korkud's personality and motives behind his political activities. In addition, although he confuses the chronology, which would be repeated by

⁴ Uluçay, Çağatay. "Yavuz Sultan Selim Nasıl Padisah Oldu?." *Tarih Dergisi* (1954): 6-9. Especially the third chapter, which is titled as "Şehzade Korkud'un saltanat hırsı ve öldürülmesi".

⁵ M.T. Gökbilgin, "Korkut," (*İslam Ansiklopedisi*, vol. 6 (1954), 855–860.

later authors on the subject, he was able to link the writing of the book with Korkud's seclusion after his retreat from political life.⁶

After these general studies on Korkud, the first exclusive study on one of the scholarly works of him was done by Cornell Fleisher in an article relating *Da'wah* to the later works of *nasihatname* genre, and discussing the similarities and possible connections between *Da'wah* and the later ones. The article successfully catches the generally missed thesis of the book, and further attempts to situate it within a genre. Doubtlessly, it offers a well-founded ground to begin to study *Da'wah* despite its shortness and consequent limitations.⁷ In addition, the article inevitably discusses the text partially and selectively as it is employed as a new source offering new insights to the existing discussions of the time, especially the discussion around the famous "decline" issue.⁸ Nabil al-Tikriti's unpublished Ph.D. thesis is a genuine and a very valuable source as it is the first instance of a very systematic work on Şehzade Korkud, which pays to his scholarly works the deserved attention, and attempts to situate them within his political biography in a very meaningful way. By both employing new archival material, especially from the archives of the Knights of St. John of Jerusalem, illuminating Korkud's relations with them, and close reading of Korkud's existing scholarly works the thesis offers the most complete picture of Korkud.⁹ However, as the thesis undertakes an ambitious and holistic approach to Korkud's life, understandably the scholarly works of him, especially *Da'wah*, could not be analyzed in detail beyond providing a long and relatively unsystematic summary.¹⁰ As it is also stated by Tikriti, an intellectual biography of Korkud was yet to be written. His later publications

⁶ Ismail Hakkı Uzunçarsılı, "II'inci Bayezid'in ogullarından Sultan Korkud," *Belleten* 30/120 (1966), 539–60.

⁷ Fleischer, "From Şehzade Korkud to Mustafa Ali: Cultural Origins of Ottoman Nasihatname".

⁸ For details see, Kafadar, "The Question of Ottoman Decline".

⁹ Al-Tikriti, *Şehzade Korkud (ca. 1468-1513) and the Articulation of Early 16th Century Ottoman Religious Identity*.

¹⁰ *Ibid.*, 186–234.

of two articles¹¹ discussed two of Korkud's scholarly works in detail and depth, but a similar one for *Da'wah* has not appeared yet.

Recently, the works of Şehzade Korkud seem to be getting a new wave of attention in academia in Turkey. At first an insightful article on another book of Korkud, *Hall ishkal al-afkar fi hill amwal al-kuffar*, was published in Turkish, which summarizes the main arguments of *Hall* and attempts to situate it within the juristic literature of the Shafi'i School.¹² More recently, at last one of Korkud's works was made available to readers in print, as it was translated to Turkish, and published along with the facsimile edition of the text and a lengthy and valuable introduction.¹³ The introduction also provides a brief and concise summary of the *Da'wah* with translations of some important paragraphs of the text, noticing its oppositional stance towards the Ottoman practices. In addition, these recent studies also differ from the earlier ones with respect to the approaches of the authors to the texts, as these studies were done by scholars of Islamic law. Unlike the earlier more historical and contextual approaches, in these studies the works of Korkud are dealt with more textually. The means of the disciplines of Islamic studies employed in these studies contribute crucially to draw a more complete picture of the prince. Albeit they are primarily on another, relatively less ambitious but more consistently law-oriented book of Korkud, both of the works offer original insights on the *Da'wah* as well. It is because *Da'wah* offers the clearest and the sharpest articulations to analyze Korkud's intellectual and political endeavors. These recent works also succeed in identifying the critical approach that *Hall* and especially *Da'wah* takes against the Ottoman institutions, and point to the fact that it implicitly criticizes the *Kanunname* of Mehmed II.

Indeed, as it hopefully will be clarified by this thesis, *Da'wah* offers a more thorough and extensive criticism towards both Ottoman State in general and *kanunnames* in particular. In this way, partially differing from and partially resembling the above-

¹¹ Al-Tikriti, "The (H)ajj as Justifiable Self-Exile: Şehzade Korkud's Wasīlat Al-a(h)bāb (915–916/1509–1510)"; and "Kalam in the Service of State: Apostasy and the Defining of Ottoman Islamic Identity".

¹² Ahmet Hamdi Furat, "Osmanlı Hânedanında Şâfiî Bir Fakih: Şehzade Korkud (Ganimet Ahkâmıyla Alâkalı *Kitabu Halli İşkâli'l-Efkâr fi Hilli Emvâli'l Küffâr* İsimli Eseri Bağlamında)", *Ekev Akademi Dergisi*, 44, 2012, 193-212.

¹³ A. Cüneyd Köksal, ed., *Hallu İşkâli'l Efkâr Fi Hilli Emvâli'l Küffâr (İslam'da Ganimet ve Cariyelik: Osmanlı Sistemine İçeriden Bir Eleştiri)*, ISAR, 2013.

mentioned approaches, but certainly benefiting from them in several respects, in this thesis *Da‘wah* will be dealt primarily as a political treatise situated within the Islamic scholarly tradition, which also reflects the political and social milieu of its production. To put it briefly, with the help of the vast amount of valuable knowledge and insights provided by the scholarly tradition summarized very briefly above, this work aims to contribute to it by filling a gap and correcting some mistakes.

Şehzade Korkud as a Scholar

As stated above, Korkud’s intellectual side was not deemed worthy of in-depth analysis by modern researchers until recently although this peculiar side of him was appreciated more by his contemporaries and later Ottoman learned men. Among the scholars and biography writers, Kemalpaşazade’s account of him is of special importance as he is a contemporary, who seems to be familiar with the scholarly works of the prince. Kemalpaşazade praised the prince very generously and situated him as a qualified scholar who wrote with the capacity of selecting from divergent opinions among the scholars based on his own discretion. As Kemalpaşazade noticed too, in addition to the peculiarity of authoring scholarly texts as a prince Korkud also diverges from most of the scholars of high standing in the empire as he follows mostly the Shafi‘i School of Islamic law in his writings.¹⁴

In *Da‘wah*, Korkud explicitly states that he follows the Shafi‘i School, and mentions a dream of him, in which he said the Prophet implicitly guided him to this choice.¹⁵ Besides this story, he does not give any other explanation for this choice, but it is understood from the fact that the books on Shafi‘i School in his library greatly outnumber the books on all other Schools by the time of the writing of *Da‘wah*, that he must have been

¹⁴ Köksal, ed., *Hallu İşkali’l Efkar*, 8-13.

¹⁵ Korkud, “*Da‘wah*,” 216.

following this school for a while.¹⁶ Although, several reasons could have been instrumental in this choice, his appointment to the Teke region, which is in close proximity to the Mamluk lands, in 1502 could have facilitated this. Though the reasons behind this choice could not be perceived clearly, it should be noted that his choice of adherence to the Shafi'i School is well suited to his general stance of opposition. This is both because the ruling Ottoman elites were mostly Hanafis, and also because a mainstream group among the scholars of this School provided useful instruments to criticize and oppose to the rulers and political entities. This part of the story is to be dealt extensively in the third chapter of this thesis.

Concerning the scholarly activities of Korkud, although it cannot be dealt within the scope of this thesis, another aspect should also be pointed out at least. All the existing works of him, except the *Da'wah*,¹⁷ survived in single presentation copies, in the repository of the palace library. This means that it was probably available to only a number of readers close to the palace circles and was not circulated openly. Four of Korkud's scholarly works are found extant until now. These are listed below with brief summaries.

Hafiz al-insan 'an lafiz al-iman:

This work of Korkud could be placed within the literature of Islamic theology (*kalam*) as it discusses the issues of belief (*iman*), disbelief (*kufir*) and apostasy (*takfir*). The mutual references between *Da'wah* and *Hafiz* suggest that the books should have been written during the same time-period, and the internal structure of the book implies that it

¹⁶ Ibid., 202a–202b. Criticizing the low scholarly standards among the *'ulama* of Ottomans and their blind following (*taqlid*) of a law school, and demonstrating that he is not one of them Korkud lists the books in his library on Islamic sciences. He states that he had collected around 20 books on exegesis (*tafsir*), 70 books on the sciences of hadith and hadith criticism, more than 30 books on jurisprudence (*'usul al-fiqh*), more than 40 books on Hanafi School of law, 114 books on Shafi'i School, 5 books on Maliki and 3 books on Hanbali School, and 12 books on other schools and sciences. This should not be an extensive list, but only the list of relevant books, since as a poet and musician he should have had books of this sort too.

¹⁷ For, "Da'wah" the presentation copy, MS Aya Sofya 1763, is consulted for this thesis as the other one, which is said to be the draft copy, is in private hands, and the MS İstanbul Üniversitesi A4874 is very late (1890-91) copy. Tikriti states that there are no significant differences among the copies of the text. See, Al-Tikriti, p.24.

could not reach its final complete form. Tikriti states that, the book resembles the general ideological tensions of the time, meaning the struggle between Safavids and Ottomans, and better understood in relation with the anti-*Kızılbaş* literature of the time. In addition, unlike *Da‘wah* this work of Korkud seems to stress positively the role of *kanun/örf* in application of shari‘a by the state.¹⁸

Hall ishkal al-afkar fi hill amwal al-kuffar:

This is a 58 folios long treatise by Korkud on the issue of the situation of concubines and booties in general, and in the Ottoman context in particular, according to the principles of Islamic law. Although without certainty, the internal references to the exchanges with contemporary Egyptian scholars suggest that it was completed sometime after Korkud’s arrival to Egypt in the summer of 1512. This work perfectly fits into the genre of treatises of *fiqh*, where Korkud discusses contemporary problems related to public morality and state policies, the issue of legal booty division and its consequent effects on material and immaterial booties, based mostly on the opinions of Shafi‘i jurists. The two authors, who wrote on this book extensively, conclude that based on this treatise Korkud appears as a *faqih*, whose contributions should also be situated within the general body of *fiqh* literature. It appears that, besides Korkud’s intellectual curiosity regarding the issue of the legal status of concubines within his own society, his political involvement with the Muslim corsairs operating in the Mediterranean could be stated as a motive behind the compilation of this book. It could also be read as an attempt to reach a more central and regulated organization of booty distribution in the Empire.¹⁹

Wasilah al-ahbab:

This is a very short treatise, which differs from the other existing works of Korkud as it is more personal and contextually oriented than the other ones. When Korkud reached Egypt as a self-exiled prince in the summer of 1512, he sent his father this treatise

¹⁸ Al-Tikriti, “Kalam in the Service of State: Apostasy and the Defining of Ottoman Islamic Identity.”

¹⁹ Köksal, ed., *Hallu İşkali’l Efkar*; and Ahmet Hamdi Furat, “Osmanlı Hânedanında Şâfiî Bir Fakih.

addressing him in a more personal way. He states that his real intention is the performing of the pilgrimage and because of the incumbency of this upon all capable Muslims he should have left his post. Supporting this, he discussed the incumbency of pilgrimage and his inevitable disobedience to his father because of the necessary superior obedience to the orders of God and calls of the prophet. As expected from his earlier actions, he again explained his motives behind his actions and supported his case by basing his claims on the legitimizing grounds of Islamic principles.²⁰

In addition, there exist references in the extant books of him to three other works, which have not been located yet. From the references, it appears that Korkud at least began to write down these works, and topically they were not far from his extant three books. However, whether these were completed and put into some sort of circulation or were left incomplete cannot be stated as the references are all what is known about them.²¹ However, Korkud seems to have completed a *fatawa* compilation, and put it in some sort of circulation as later historians, biographers and dictionaries write about it. It is reported that this work included both Hanafi and Shafi'i opinions on legal issues. It also seems that he owes most of his fame as an *'alim* based on this *fatawa*, which could not also be located as of now.²²

More than these scholarly works, Korkud was mostly remembered by later generations with reference to his artistic and literary production. He is said to have compiled a Divan of poetry under the penname Harimi, which too is no longer extant. However, examples from his poems were recorded extensively in dictionaries and his existing poetry was compiled later on by a modern collector at the beginning of the 20th century. Besides his Divan, a short collection of elaborate mystical poetry is attributed to him too. In addition, he is remembered as a well-versed musician and composer, who in addition to his patronage of talents was attributed with creation of a new musical instrument called "*gida-i ruh*".²³ In addition, a still extant Qur'an manuscript attests his

²⁰ Al-Tikriti, "The (H)ajj as Justifiable Self-Exile: Şehzade Korkud's Wasīlat Al-a(h)bāb (915–916/1509–1510)".

²¹ Al-Tikriti, *Şehzade Korkud*, 19–20.

²² *Ibid.*, 20–21.

²³ *Ibid.*, 30–34.

skills in calligraphy as he was recorded among the students of the foremost classical Ottoman calligrapher, Seyh Hamdullah.²⁴

²⁴ The manuscript of Qur'an copied by him is held and exhibited in Sabanci Museum. See: Derman, *Letters in Gold: Ottoman Calligraphy from the Sakıp Sabancı Collection, Istanbul*, 50–51.

CHAPTER 1

A BRIEF ACCOUNT OF ŞEHZADE KORKUD'S LIFE AND INTELLECTUAL UPBRINGING

In this chapter, a brief biography of Şehzade Korkud with particular attention to his intellectual endeavors is provided based on a comparative and critical reading of the secondary sources that are discussed in the introduction, and the original information that *Da'wah* provides. Therefore, in this chapter the primary objective is to build the contextual framework in which *Da'wah* is to be situated. By the same token, the original information that *Da'wah* provides is also utilized to build this framework in a more accurate way.

1.1. Childhood and Saruhan Years

Korkud was born sometime between 1467-69²⁵ in Amasya, where his father Bayezid II was acting as governor (*sancak beyi*) of the region. He received a courtly education of a very high standard, as the court of Bayezid in Amasya seems to be well established and prosperous. Among the teachers of Korkud from this time onwards were two scholars who would later rise as high as to act as the *Kazasker* of Rumelia. One of them, Müeyyedzade Abdurrahman Çelebi,²⁶ had also been a student of famous Dawwani

²⁵ Uzunçarşılı, "II. Bayezid'in Oğullarından Sultan Korkut," 539.

²⁶ The other one is Alaüddin Ali, or İmam Ali, personal *imam* of Bayezid and later *kazasker*, who acted in the capacity of negotiator between Bayezid and Korkud later.

for a while.²⁷ Müeyyedzade continued to stay within the circle of Bayezid after his ascension, and also seems to keep his intellectual communication with Korkud intact, as he later authored a short treatise on Korkud's demand on theology (*kalam*).²⁸

A second teacher, Molla Seyyid İbrahim, should be also mentioned, as he was a scholar with a strong Sufi orientation, whose father settled around Amasya coming originally from Iran and gaining fame because of his miraculous actions. Molla Seyyid İbrahim's teachings could have been influential in Korkud's later Sufi inclinations.²⁹

In addition to his first phase of education in the court of his father in Amasya, Korkud moved to İstanbul around 1479-80 for the imperial circumcision festival, held by his grandfather Mehmed II, along with his brothers of close age; Şehinşah, Ahmed, Selim and other royal princes. While Şehinşah and Ahmed headed towards their first posts and Selim returned to the court of his father, for some reason Korkud and a number of other princes stayed in the court of the sultan for one or two more years. It is very probable that he buttressed his scholarly and artistic skills during this period in the court of Mehmed II, who enjoyed utmost fame in terms of his patronage of scholars and artists of various sorts. However, the most crucial moment of this stay would come when Mehmed II died. The statesmen, who were supporting Bayezid against Cem, while waiting for him to come from Amasya to İstanbul, enthroned Korkud to placate the janissaries, who were terrorizing the city in the absence of a sultan.³⁰ Although, actually he was not more than a deputy for his father, this short but symbolic period (17-18 days) in Korkud's life would definitely leave a mark on him as he should have felt privileged among other princes, and it is hard to assume that he would lose this sense of privilege later in his life easily. The janissaries, who were appeased by the favors granted to them by Sultan Korkud in this period, also would remember these favors, as it will be seen later.

²⁷ Al-Tikriti, *Şehzade Korkud*, 61–66.

²⁸ Ibid., The relation between Müeyyedzade and Korkud is of importance as it shows that Korkud should be at least familiar with another tradition of writing on the same issues that *Da'wah* deals with, which are articulated in the works of Tusi and Dawwani. Tursun Bey's thoughts, influenced heavily by Tusi, will be compared with that of Korkud's later in the third chapter.

²⁹ Al-Tikriti, *Şehzade Korkud*, 64–65.

³⁰ Feridun Emecen, "Korkud," 205–207; and Al-Tikriti, *Şehzade Korkud*, 66–68.

After his father's arrival, as expected Korkud abdicated in favor of him and stayed a couple of more years in his court, now in İstanbul. In 1483 Korkud got his first *sancak* appointment to Tire, and in accordance with the routine, left İstanbul with his mother and his small circle of retinues. This period of Korkud's life is relatively underreported, but around 1497 he seems to get the *Sancak* of Saruhan as his new appointment.³¹

During his term in Tire and later Manisa, Korkud should have gradually built some ties with the Muslim corsairs, operating in the Mediterranean, as these posts are in the vicinity of their operational bases. Korkud's support for the corsairs, or sea "gazis" as he calls them,³² would be instrumental in shaping of his policies later. In Manisa, as the governor also responsible of the Aegean Front, Korkud was at the center of military activities, as around 1499 Ottomans began to engage in warfare in the sea with the Venetians and their allies, including the Knights of St. John of Jerusalem (then based in Rhodes), French and the Spanish naval forces. This engagement came to its climax around 1501, when the Venetians and their allies sieged the Island of Midilli (Lesbos). Korkud have deployed auxiliary forces to the island on time and warned the center against the danger. The island resisted and the siege was driven back. This siege and related issues are the parts where Korkud's name passes in the records from this period.³³ This could be parallel to what Uzunçarşılı reports, without mentioning a particular source, that even at that period Korkud mostly left the daily issues of governance to his men and occupied himself with artistic, literary, scholarly and leisurely activities.³⁴ At least a gift register from the early phases of this period (1485) attests that Korkud was somehow peculiar among his brothers in terms of his interests in scholarly pursuits, as he was the only prince to receive books on theology and legal theory included in his gift package.³⁵

³¹ Al-Tikriti, *Şehzade Korkud*, 70–75.

³² Korkud, "Da'wah," 116–117.

³³ Al-Tikriti, *Şehzade Korkud*, 75–78; Emecen, "Korkud," 205.

³⁴ Uzunçarşılı, "II. Bayezid'in Oğullarından Sultan Korkut," 544–45.

³⁵ Al-Tikriti, *Şehzade Korkud*, 65.

1.2. Antalya Years and the Writing of *Da‘wah*

Around six months after the siege, Korkud was relocated to Antalya as the governor of the Menteşe and Teke regions. This seems to be resulted by his disagreement with the grand vizier of the time, who was the most influential figure of the court, maybe even more influential than the sultan himself. The disagreement was on the situation of some land (*has*) allocations around İzmir. His persistent demands on the basis that these *has* lands include his hunting grounds and the dock of his ships (maybe also the corsairs’) were rejected and moreover he was relocated to Antalya, normally a more remote and less strategic region. Although his relocation seems to be related with this quarrel, it is also possible that the main reason behind this entire quarrel and his relocation was the power struggle between him and his elder brother Şehzade Ahmed, who was the governor of Rum based in Amasya. The Grand Vizier Hadım Ali Paşa was acting reportedly as a staunch ally of Ahmed in the court and he could have played against Korkud for the interest of Ahmed. Korkud was holding the Manisa post, the closest to the capital, and hence the most advantageous position among the princes in case the reigning sultan dies.³⁶ However, there could be also some strategic motivations behind this decision, as around 1501-02 the Teke region was being stirred by the influence of the recent Safavid revolution and the Knights were presenting a viable danger for the safety of Mediterranean trade of the Empire. Hence, Korkud could have been considered a strong prince to take the necessary precautions against both of the threats as the governor responsible from Menteşe and Teke. It is in this period that Korkud began to engage in diplomatic correspondence with the Knights and in active support of the Muslim corsairs operating in the Mediterranean, by reinforcing their legitimacy with state sanctioning and supplying them logistically.³⁷ Some of Korkud’s remarks in *Da‘wah* reflect his efforts to support the sea *gazis*.³⁸ However, if the first one

³⁶ Ibid., 79-83; and Emecen, “Korkud,” 205.

³⁷ Al-Tikriti, *Şehzade Korkud*, 80–85.

³⁸ Korkud, “Da‘wah,” 116–119.

(his quarrel with the grand vizier) is taken as the real reason behind his relocation, it might be possible to state that around 1502 Korkud's political demise began. Supporting this, Korkud seems to have never deemed his relocation permanent as he persistently asked to be relocated in Manisa, and consequently got additional regions as concessions.³⁹

Around 1507, when the prince holding the office in Manisa died, Korkud asked for the Manisa post again, this time more hopefully. However, at this particular juncture, Hadım Ali Paşa, the staunch ally of Ahmed, was holding the office of grand vizierate for a second term (which would last until his death in the hands of Şahkulu rebels) and expectedly rejected his demand.⁴⁰ It should be noted that in this period Bayezid's health condition was worsening in a serious manner. Korkud was certainly anxious because of the fact that both Ahmed and his younger brother, Selim, were preparing their moves towards the sultanate. Realizing that he was being defeated in the succession struggle and holding fierce resentments about the different coalitions in favor of Ahmed and Selim, Korkud protested the possible grant of Manisa to any of them.⁴¹ Probably feeling that he was bound to lose in the struggle, as he was definitely the least powerful among the three, as Selim held the support of powerful noble families in the Balkans⁴² and janissaries at the center, and Ahmed the support of the sultan and the grand vizier, he acted in a very surprising way.

Korkud denounced his title and service as *sancak beyi*, dismissed many of his men and retreated to Antalya castle with his household and close retinue. An emissary, İmam Alaüddin Ali, a former *Kazasker* of Anatolia and a long-time trusted man of the sultan, was sent by his father to "admonish" him in his place.⁴³ However, Korkud reportedly responded to different offers of new and alternative post allocations with just repeating that he was not in need of the sultanate or regional authority.⁴⁴ At this point, rather than continuing the

³⁹ Emecen, "Korkud", 205; and Uzunçarşılı, "II. Bayezid'in Oğullarından Sultan Korkut," 546–47.

⁴⁰ Uzunçarşılı, "II. Bayezid'in Oğullarından Sultan Korkut," 547.

⁴¹ Ibid.; and Al-Tikriti, *Şehzade Korkud*, 87–89.

⁴² Çıpa, *The Centrality of the Periphery: The Rise to Power of Selim I, 1487-1512*. 5-8.

⁴³ Al-Tikriti, *Şehzade Korkud*, 186–190.

⁴⁴ However, it is understood from Korkud's explanations in *Da'wah* that he thinks his statements were conveyed to his father, probably by İmam Ali, in a wrong way (or he modified them in the meantime), as he did not intend to retreat from political life altogether, but continue as much as he could, and this corresponds to the governance of the two *kazas*

fierce struggle with his brothers in a disadvantageous manner that he was bound to lose ultimately, Korkud seems to have decisively accepted his defeat and withdraw from the succession struggle altogether. The strong fear of ultimate death in this struggle, as it had been the case for most of the earlier defeated princes, should be pointed as a strong motivation behind the actions of Korkud after this time as his articulation of the issue in *Da‘wah* suggest too. It is after these developments during his retreat that he completed *Da‘wah* and many of his demands were clarified and conveyed to the court by the presentation of the book, as its last section consists of these demands.⁴⁵

The content of the *Da‘wah* will be analyzed thoroughly in the second and third chapters of this thesis, and this will hopefully enable us to understand the dynamics of this period of his life in a clearer way. However his demands should be mentioned here briefly. He humbly asked from his father to be freed from the burdens of ruling and authority in general as sort of a manumission of a slave. He demanded that a trusted man of him to be assigned to oversee the duties of the *sancak beyi*, and he should only be responsible from and authority over just the two *kazas* of Antalya and neighboring Elmalı. In other words, by this decision he gave up most of his authority as a former *sancak beyi*. Instead he asked to be granted a *müteferrika* or *‘alim* status, and to be financed by yearly allowances. He stated that, 1.5 million *akçe* would be enough for him and his retinue, after he gets rid of the oppressor and evil ones among them, and this allowance should accrue from the *cizye* taxes (he calls *kharaj*) collected from non-Muslims.⁴⁶ He further specifies that some 600 thousand of this allowance should come from the *cizye* revenues of the Island of Sakız (Chios), as its deliverance from there to him would be an easy task, and others from the

of Antalya and Elmalı. From that paragraph in *Da‘wah*, it is understood that he probably went retreat in a spontaneous manner, and clarified his aims and motives during this period writing *Da‘wah*. Uzunçarşılı and Tikriti seem to confuse the chronology as they consider the book written before Korkud’s retreat.

See, Uzunçarşılı, “II. Bayezid’in Oğullarından Sultan Korkut,” 547–50; Al-Tikriti, *Şehzade Korkud*, 188; Korkud, “Da‘wah,” 260b.

⁴⁵ Korkud, “Da‘wah,” 257–261.

⁴⁶ This is because he deems other taxes illegitimate by the standards of shari‘a, as it is to be explained in the third chapter.

cizye revenues of non-Muslims of Rumelia in general.⁴⁷ In addition, he of course still keeps the revenues from abovementioned two *kazas* that he would control. His selection of Chios could also be a strategic move as he already established strong relations with several sea *gazis*. However there is no indication that he asked and would be given any authority over the island. In addition, the unspecified localities of the larger share of his allowance in Rumelia or Anatolia makes it hard to think that it could be a strategic move. Either case, it seems that all his demands were granted; his *lala* was appointed as the governor of Antalya and more revenues than what he demanded (including the demanded Chios revenues) were assigned to him by a firman a couple of months after the presentation of *Da‘wah* to the court. He also received the first half of his yearly income from the *cizye* revenues a couple of months later.⁴⁸ In addition, it seems that Korkud endorsed his new status of an *‘alim* quickly and began to produce scholarly output, as a palace entry in February 1509 shows presentation of a new book by him.⁴⁹

1.3. The Last Phase of the Succession Struggle

However, before spending even a year in his new status, Korkud suddenly left with his close retinue (this time less in number) and personal slaves to Egypt by sea under the pretext of performing his pilgrimage service (hajj).⁵⁰ It was definitely an unexpected and sudden move for the statesmen at the center, as they had thought that he was satisfied after

⁴⁷ Korkud, “Da‘wah,” 258b. The actual phrase is “*ahl az-zimmah allati fi diyar ar-rum wara’ bahr al-qunstantiniyyah*”. The phrase is understood as Rumelia or Anatolia by different authors. I prefer Rumelia. In any case, he did not specify the exact locations.

⁴⁸ Al-Tikriti, *Şehzade Korkud*, 190–193.

⁴⁹ Ibid. 192–93. Actually Korkud states in the *talab al-murad* section of *Da‘wah* that he had already started to write some books, but could not finish because of governing duties, and intend to complete them in his retreat. See, Korkud, “Da‘wah,” 258b. His submission of two works (including *Da‘wah*) in a short time seems to confirm his statements.

⁵⁰ Not unusual for Korkud, he explained the reasons behind this travel by authoring a short treatise in Arabic, *Wasilah al-Ahbab*, addressed to his father, where he elaborates on the obligatory nature of hajj on every capable Muslim. See Al-Tikriti, “The (H)ajj as Justifiable Self-Exile: Şehzade Korkud’s Wasīlat Al-a(h)bāb (915–916/1509–1510),” for details of both Korkud’s stay in Egypt and *Wasilah*.

he was granted all his demands. It was also alarming as his uncle Cem's pilgrimage a couple of decades ago was remembered as part of a troubling period for the Empire. It is possible that he left after the false rumors of Bayezid's death had spread around, as he could have thought that the last decisive phase of succession struggle would begin soon and his newly created *sui generis* position would not save him from the aggressions of his brothers.⁵¹

Leaving his motivations aside, when he reached Egypt, he regarded the Mamluks with high esteem, and he was welcomed by the authorities. The Sultan, Qansu Ghawri, paid high respect to his guest, organized festivals, banquets and gatherings in honor of him as Ibn Iyas, the contemporary Mamluk historian and eyewitness to the events, records.⁵² Here, it should be noted that what was performed by Qansu Ghawri in honor of Korkud according to the account of Ibn Iyas, such as organization of banquets in each and every village he passes by, always offering him very luxurious gifts and a certain amount of monthly allowance during his stay, strongly resembles the actions of governors and rulers Korkud criticize in *Da'wah*, as they comprise a heavy burden on the *reaya*.⁵³ Whether this influenced Korkud's opinions on the Mamluks positively or negatively cannot be stated exactly, but as we understand from his letters he did not find what he expected in the lands of Arabs. His evaluations of the Mamluks included criticism and scorn, and he did not find the Arabs as pious and religious as he expected. In any case, Korkud stayed for fourteen months in Egypt as a guest of the sultan, and Ibn Iyas states that his stay was due of a controversy between him and his father Bayezid. However, Korkud stated the motives behind his sojourn as first performing his hajj service and then if possible later settling in Hijaz, Damascus or Jerusalem, as they are the Islamic centers of learning and piety. During his stay, Qansu Ghawri was in a continuous correspondence with Bayezid, and although Korkud was welcomed and treated with hospitality his moves were restricted and he was not allowed to travel. As a result, he could not go with the caravan of pilgrims to Jerusalem,

⁵¹ Al-Tikriti, *Şehzade Korkud*, 235–240.

⁵² Uzunçarşılı narrates the account of Ibn Iyas in detail, Uzunçarşılı, "II. Bayezid'in Oğullarından Sultan Korkut," 550–559.

⁵³ Korkud, "Da'wah," 130–134.

Damascus or Hijaz. In addition, as time passes, based on his letters he seems to lose his confidence in his hosts and began to feel less comfortable there.⁵⁴

After his 14 months of stay in Egypt, Korkud was reportedly persuaded by Sultan Ghawri to return home, although his intention was to stay permanently in Mamluk lands (according to Ghawri), and Korkud's pardon was granted by Bayezid with the intercession of the Mamluk Sultan. In addition, again by the intercession of Ghawri, Korkud asked the neighboring coastal regions of Alaiye and Manavgat, under the pretext that the climate there fits better to his health, additional to his last Antalya post, and exclusive rights of governance of these castles. He explicitly stated that he did not want centrally appointed *defterdars* and *lalas*, and *dizdars* of the castles would be appointed directly by him. In addition, he asked his yearly allowance to be increased to 3 million (from the earlier 2.5) *akçes* from the *cizye* revenues of Sakız. All of his demands seem to be granted again, except for his demand of Alaiye, as he later complains in a letter after his return.⁵⁵ It seems that, as he still does not ask for the office of *sancak beyliği* and a *sancak* post, but just the sole authority over some coastal castles and some more money, he tries to secure both his stay in small castles that he fully controls against the harm of his potential enemies, and his possible way out (or way in to İstanbul?) to the sea in case of emergency. It is obvious that the authority over those coastal castles alone would not supply him much to continue in the succession struggle. In addition, although at first sight his refuge in Egypt and the choices of coastal castles within easy reach from the Mamluk coast seem to imply a future plan of Mamluk collaboration with him, his weak position during his stay and his not very much victorious return to his home should have led the Mamluks not to count on him.

However, after his return it seems that Korkud, reassured of the impossibility of a peaceful escape from the trouble, again found himself in the midst of the succession struggle, now intensified with Selim moving towards Rumelia and Ahmed preparing to move towards the capital from the Anatolian side. Korkud began to participate in the struggle again by asking for extra *has* allocations around İzmir and Tire, but exclusively stating that he is not after Manisa, which was the source of previous controversy among the brothers. It should again be noted that, while asking for some *has* in İzmir and Tire he still

⁵⁴ Al-Tikriti, *Şehzade Korkud*, 256–268.

⁵⁵ Ibid., 268-75; and Uzunçarşılı, “II. Bayezid’in Oğullarından Sultan Korkut,” 555–559.

demands them without assigning him as the *sancak beyi* there. Korkud mostly stated his deteriorating health condition to be the reason behind his demands. Whether or not it was the real motive behind, his health was probably deteriorating at that point.⁵⁶ Another possible reason for his persistent demands of *has* there could be that, in the past he had established strong relations with the corsairs, especially Oruç and the abovementioned areas were also the operational bases of those corsairs. By this, he could have tried to re-establish his ties with the sea *gazis* in case he needs them for a move towards the capital, as travel by sea to İstanbul would be considerably shorter and securer from İzmir than Antalya. Alternatively, he could again use his ties in case he needed to refuge to the Knights or the Mamluks.

Around 1511 as Şehinşah, the governor of Konya, died the struggle intensified between Ahmed, Korkud and Selim. Around this time Korkud began to correspond with Selim as the rumors about Bayezid's decision to abdicate from the throne in favor of Ahmed intensified. As Ahmed, being in Anatolia, was a very close threat to Korkud began to ally himself with Selim to balance that threat. However, after he had learned that his father has the intention to invite Ahmed to the capital and meanwhile would grant the Manisa post, which would definitely include the areas he asked, to his younger brother Selim as a concession, he rapidly moved towards Manisa and issued himself as the de-facto ruler there. This rapid move is also of some mystery as just after he left the famous Şahkulu rebellion started, and even his retinues coming behind him were attacked and the rebels plundered most of his goods being carried after him. Indeed the rebels followed Korkud towards Manisa, they defeated the military force that he deployed, but Korkud stayed safe inside the castle.⁵⁷ The relation between the launch of Şahkulu rebellion and Korkud's sudden move towards Manisa is not clear. It could be the case that the supporters of Şahkulu read Korkud's sudden move as a sign of Bayezid's death and launched the rebellion, for which they are being prepared for some time, to take the advantage of a possible succession war between the brothers. Hence, Korkud's sudden move might have triggered the rebellion. However, it is also possible that Korkud got the news of the launch of rebellion on time and escaped from the Şahkulu as he was the closest royal target to

⁵⁶ Al-Tikriti, *Şehzade Korkud*, 289–295.

⁵⁷ Ibid., 295–300; and Uzunçarşılı, “II. Bayezid'in Oğullarından Sultan Korkut,” 563–564.

receive the first hit. Again his fear of death might have played a role in this sudden and surprising move of him.

Probably because of the immediate threat of the Şahkulu rebellion Korkud's de facto stay in Manisa was recognized at the center, and Ahmed's consequent attempt to march towards Korkud was appeased by Bayezid as he promised to invite Ahmed to the capital for enthronement. Meanwhile Bayezid ruled out the immediate threat of Selim as their forces engaged in battle and Selim barely escaped from death after the defeat. Afterwards as promised, Ahmed was invited to the capital but the janissaries, since they were stirred in favor of Selim and against Ahmed by Selim's supporters among them, launched a revolt, which forced Bayezid and the powerful statesmen around him to invite Selim to the capital this time. After Selim was invited to the capital, Ahmed felt betrayed; he invaded Konya and began to act as de facto independent ruler of the Anatolian regions. Ahmed's son marched towards Bursa, and Korkud took some precautions to defend his regions fearing from a possible attack by Ahmed's forces against him.⁵⁸

However, later again as a surprising sudden move, Korkud disguised himself and left Manisa to İstanbul by sea with a couple of his loyal men and reportedly with a huge sum of gold coins. Korkud directly headed towards the janissary garrisons, refused to surrender himself to the men of his father and stayed there for a couple of days. Here again it is not easy to read the motivations behind Korkud's sudden move. On the one hand, there are reports about his being invited to the capital by certain statesmen who are afraid of Selim's possible wrath against them if he succeeds. Accordingly, invited by them Korkud made his last bid to gain the hearts of janissaries by offering them money and more importantly reminding them of his earlier short reign (stating that he once had been a sultan and thus he has more right to reclaim it) and his very benevolent attitudes towards them by then. On the other hand, it could be also the case that Korkud refuged to the mercy of Selim-supporter janissaries in İstanbul and waited for him because he was afraid of Ahmed's possible attack to Manisa and his almost certain defeat by him, as an ally of Selim in this struggle. This latter reason, his fear of Ahmed, was also stated by Korkud himself when he was asked by his father about the reasons behind his arrival. In any case, his trust

⁵⁸ Uzunçarşılı, "II. Bayezid'in Oğullarından Sultan Korkut," 569–574.

in the janissaries proved to be partially true as they treated him with respect, protected him and got promises from the statesmen to not to harm him.⁵⁹ It should be noted that, both of the reasons could be behind his move, or his move could be very abrupt and unplanned as one report from one of Selim's informants among the Janissaries state; "his condition was miserable similar to his words."⁶⁰ Indeed lack of coherency and well studied plans could explain not only this move of him, but many of Korkud's actions, which carry the stamp of his abrupt, spontaneous and indecisive character reacting against the possibility and fear of a close death.

Korkud was among the dignitaries who welcomed Selim on his way to İstanbul. He paid Selim his allegiance, repeated that he is loyal to him, not after sultanate or worldly authority as he still presents himself as a retired prince occupying himself with 'ilm and preparation for the otherworld, and returned to his earlier Manisa post. While in Manisa, Korkud seems to have felt himself anxious and unsafe again from the threats of both Ahmed and Selim. He began to ask for additional lands under his authority, this time his old Teke region, stating that under these conditions he remains vulnerable to the attacks of Ahmed, who was still an active threat in Anatolia. In addition, Korkud seems to have kept his promise to be loyal to Selim as he informed him about the alliance offers of Ahmed and his rejection. However, while Selim was in preparation to go after Ahmed, he suddenly marched from Bursa towards Manisa. Korkud got the news of this sudden move of Selim, and as he certainly heard about Selim's policy of killing the sons of his brothers in Bursa he fled with a couple of his loyal men. He could run for three weeks, and finally while he was hiding in a cave near Antalya on his way to the Mediterranean coast, probably intending a refuge to the Mamluks or the Knights, he was captured together with his long-time companion Piyale and strangled by the order of his brother.⁶¹

The last move by him also indicates that his fear of death would explain some if not many of his actions. It should also be noted that, among his *tereke* was a copy of the Qur'an, a copy of *Qasidah al-Burdah* (a very famous Arabic poem supplicating the

⁵⁹ Ibid., 574-78; and Al-Tikriti, *Şehzade Korkud*, 308-9.

⁶⁰ Uzunçarşılı, "II. Bayezid'in Oğullarından Sultan Korkut," 577.

⁶¹ Ibid., 579-91; and Emecen, "Korkud," 206.

prophet) and a Turkish book on medicine along with money, clothes and other stuff.⁶² This could give us a hint that he was probably sincere about both his piety and his illness, which he offered as the reasons behind most of the actions he performed in his last years.

⁶² Uzunçarşılı, "II. Bayezid'in Oğullarından Sultan Korkut," 590.

CHAPTER 2

A GENERAL ANALYSIS OF ŞEHZADE KORKUD'S *DA'WAH*

2.1. The Structure of the Book

As this voluminous book lacks many organizational tools such as chapters, headings and sub headings, except for the use of red-color ink at important points, the flow of ideas could not be followed without a diligent reading and a systematic partition of the book into chapters as much as possible. At first glance, the book seems to lack coherence in terms of both style and content. In addition, similar issues are dealt with in different parts of the book, which makes it hard to read and remain topically oriented. It is hard to say that, this is a well-organized and easy to read text. However, after getting accustomed to the content and gaining a holistic view, the organization and the strategy behind it becomes more apparent.

In terms of the issues discussed, the types of discourse and the sources deployed for the development of the arguments, the book could be divided into four main chapters, which make it easier to follow the author's arguments and his strategies in writing of the book.⁶³

⁶³ Although they offer many valuable insights, the previous works (inevitably) approach to the text selectively and partially, and hence the reader is not able to make sense of the seemingly unrelated and unsystematic handling of issues in *Da'wah*. See Fleischer, "From Şehzade Korkud to Mustafa Ali: Cultural Origins of Ottoman Nasihatname"; and Al-Tikriti, *Şehzade Korkud (ca. 1468-1513) and the Articulation of Early 16th Century Ottoman Religious Identity*, 186–234.

After a page of foreword, where Korkud directly addresses his father, throughout the next 45 folios, which constitutes the first part,⁶⁴ Korkud elaborates on the five main reasons that preclude the possibility of observing the rules of shari‘a while fulfilling the duties of *imarah* (governance) at his time. This part could be seen as the backbone of the book, where Korkud attempts to classify the main arguments behind his forthcoming critiques systematically into five headings, and provides the majority of the thoughts and arguments that could be read as political criticisms. This more systematic part also functions as the author’s own introduction to the book, the rest of which mostly consists of long quotations and short interventions of the author between them. Hence, the later parts, which are less coherent and more eclectic, could only be understood in the light of the introduction. The first two reasons of the first chapter of the book, as they offer the most fundamental and strongest critiques, will be analyzed in detail in the third chapter of this thesis, whereas the others will be touched upon in this brief analysis of the crucial parts of the book in the following pages of this chapter.

Although at first reading, the smooth and indiscernible change of the subject from sharp criticisms towards *imarah* to the legal explanations and intricacies of the issue of repentance (*tawba*) seems confusing,⁶⁵ it becomes clear that after pointing out the intrinsic contradictions between shari‘a and *imarah*, and inevitable commitment of sins and oppressions by the ruler, the second part of the book⁶⁶ dwells on the consequently necessary obligation of repentance and its rules and regulations. As Korkud analyzes in detail, repentance requires desertion of sins and oppressions; it should be certain, immediate and wholesome. Hence, when read contextually, this long part’s function to serve to legitimize his immediate resignation from duties of *imarah* as repentance could be perceived. Throughout these 70 folios, while sometimes digressing from the main topic, Korkud details the nature and types of sins and oppressions, and discusses the ways of repenting from them. Although the arguments are built mostly on legal and mystical works, and the author mostly writes as a legist, the sins and oppression that a ruler is bound to perform could sometimes be of social and political nature. This part of the book relies on

⁶⁴ Korkud, “Da‘wah,” 1–45.

⁶⁵ *Ibid.*, 45–46.

⁶⁶ *Ibid.*, 46–113.

many sources of different sorts, such as books on law and jurisprudence, and some famous works of al-Ghazzali and an-Nawawi on Islamic morality.

The third part, which could be read between the folios 116 and 183, is like a commentary (*sharh*) of Korkud on two works of the 14th/15th centuries Shafi'i/Mamluk scholars. While throughout the book Korkud quotes extensively from the *Mu'id an-Ni'am*⁶⁷ of Tajeddin as-Subki (1320-1369) and *Qam' an-Nufus* of Taqiyyuddin al-Hisni (1351-1426), this chapter mostly consists of long quotations from them. These two works, especially the one of Hisni, is certainly understudied but they could be classified as harsh *nasihatnames* criticizing the rulers based on the high principles of Islamic piety.⁶⁸ They, especially *Qam' an-Nufus*, offer the harshest critiques to the rulers in the book, but of course in the Mamluk context. Korkud's contribution is minimal in this chapter as he mostly just quotes the criticisms extensively. Yet, it is significant as he modifies them to the Ottoman context by naming the corresponding officials to the criticized Mamluk ones in the Ottoman system and adding that those oppressions also exist in the lands of Ottomans (*diyar-i Rum*). Hence, this part, as Korkud also pointed out, enables him to demonstrate that just *imarah* is not possible in these later times based on the accounts of respected Mamluk scholars, as both of them, especially as-Subki, is trusted and authoritative figures in terms of Shafi'i School. The last ten folios of the third part consist of Sufi poems (of Rumi, Attar, Yunus, others and Korkud himself), where Korkud tries to show that he is also not suitable for and in search of *imarah* because of his Sufi inclinations. To put it in his words it goes as, "I therefore demonstrated that I am not suitable for *imarah* in terms of shari'a, reason and devotion (*shar'an 'aqlan wa 'ashqan*)."⁶⁹

The fourth part⁷⁰ consists of additional miscellanea and concluding remarks, touching upon some intricacies (*daqa'iq*) of the issues discussed and stating the demands of the author. In the last chapter, he mostly criticizes what he calls the ignorant *mujahids* (meaning the ruling elite, including his brothers) and worldly *'ulema* (who legitimize them)

⁶⁷ This work was translated into English and published early in the 20th century with a brief analysis and introduction: Subki, Taj al-Din 'Abd al-Wahhab ibn 'Ali, *Kitab mu'id al-ni'am wa mubid al-niqam*. ed. David W. Myhrman, 1908, London: Luzac.

⁶⁸ Mundy, *Law and Anthropology*, 150.

⁶⁹ Korkud, "Da'wah," 183.

⁷⁰ *Ibid.*, 183–263.

of his time. Later, as an offshoot of his *'alim* criticism he delves into the details of Sufism, especially criticizes the *'alims* who are enemy of the Sufis because of their arrogance and worldliness and the Sufis who engages in acts of heresy and disbelief because of their ignorance of the shari'a. There are also other harsh critiques to the latitudinarian Sufis scattered throughout the book. These also buttress the self-image that Korkud generates throughout the book as a capable and resourceful *'alim*, who does not hesitate to delve into the discussion of the intricacies of shari'a with utmost skill, who is also with utmost piety staunchly supporting adherence to each and every rule of shari'a, and who is also not superficial but sincere appreciating the higher value of knowledge and practice of the Sufis and declaring himself as a sincere traveler of the Sufi path by demonstrating a vast self-experience and depth of knowledge on the issue. The last part of the last chapter is the place where Korkud states his demands as summarized in the first chapter. After giving this brief summary of the book and offering a possible division of it to four parts with more inner consistency, now some important issues should be read in more depth.

2.2. Foreword and the Reasons

In the one-page long foreword, Korkud begins addressing his father with the traditional Islamic title of the commander of the faithful (*amir al-mu'minin*) and continues with a less traditional but meaningful one, the best of the compassionates (*khayr al-mushfiqin*)⁷¹ implying he was in need of this characteristic of his father. He continues by asking from his father to read the book from beginning to the end, and in case he does not like to read himself to make someone read for him while he was listening.⁷² This is because of the fact that the book certainly contains innumerable worldly and otherworldly benefits for His Highness and for the poor Korkud himself, and nobody but the ones who have

⁷¹ Korkud, "Da'wah," foreword.

⁷² In the manuscript, facilitating notes are occasionally added to the margins, such as Turkish equivalent of some less-frequently used Arabic words and grammatical explanations of some, implying that the manuscript is to be read by a person whose Arabic is not perfect, who could be Bayezid.

sacrificed their afterlife for this life would refrain from them. Whether Korkud was sincere or not in his presentation of the book as something beneficial for his father too, as a call to him for the righteous way, cannot be decided easily. However, Korkud implies the real reason behind his insistence on his father's reading all the book, by adding that if the book could not be read as a whole it could engender wrath in the eyes of the reader, meaning Bayezid, and the flames of his (Bayezid's) wrath could burn Korkud as the author of the book, and this would be an injustice (*zulm*) to the poor servant (Korkud) and would not suit to Bayezid's high qualities.⁷³ Thus, even in the foreword, Korkud gives a strong impression that he would be writing things that would result in anger in the eyes of the reader and punishment for him, especially if the reader only reads the harsh criticisms at the first parts of the book and does not relate them to Korkud's personal decision of leaving the state affairs, which is to be conveyed at the end. In other words, if not taken as personal excuses for his decision, Korkud is conscious that his criticisms towards *imarah* could be read as sharp and dangerous accusations threatening the legitimacy of the ruling elite. Therefore, it seems that Korkud takes high risks to achieve his unusual demands, notwithstanding the suspicious, unusual and complicated nature of his convey of the message.

After this foreword, the usual praises for God and supplications for the prophet, the book starts with quoting a number of verses from the Qur'an, all of them stressing temporary nature of the life in this world and certainty of death, trial, reward and punishment for every deed in the afterlife. It is easily noticeable that the general tone of the quoted verses is very harsh and they are all in the form of warnings.⁷⁴ After that, several hadiths of the prophet stressing the same issues and advising the reader to get prepared for the afterlife are recorded. However, a more specific issue emerges as the hadiths add up. Korkud specifically quotes the traditions on the issue of oppression (*zulm*), and the final trial to implement the justice for the oppressor (*zalim*) and the oppressed (*mazlum*). *Zulm*, which also is one of the frequently stressed issues throughout the book, appears as the key concept in this introduction. The hadith about the bankrupt (*muflis*), which is discussed in detail by Korkud, is of further significance in this regard. The hadith reads as follows:

⁷³ Ibid.

⁷⁴ Korkud, "Da'wah," 2a–2b.

Abu Hurayra reported Allah's Messenger (may peace be upon him) as saying: Do you know who is bankrupt? They (the Companions of the Holy Prophet) said: A bankrupt amongst us is one who has neither dirham with him nor wealth. He (the Holy Prophet) said: The bankrupt of my *'ummah* would be he who would come on the Day of Resurrection with prayers and fasts and Zakat but (he would find himself bankrupt on that day as he would have exhausted his funds of virtues) since he hurled abuses upon others, brought calumny against others and unlawfully consumed the wealth of others and shed the blood of others and beat others, and his virtues would be credited to the account of one (who suffered at his hand). And if his good deeds fall short to clear the account, then his sins would be entered in (his account) and he would be thrown in the Hell-Fire.⁷⁵

After quoting the hadith Korkud further cites commentaries on the meaning of the tradition, and strives to ascertain that the good deeds of an oppressor will not help him in the afterlife. It is not hard to realize that he considers rulers like him and his father to end up in the position of the bankrupt in the afterlife. Then, further enforcement of the temporality of this world and the harsh nature of the trial in the afterlife comes with several more hadiths.⁷⁶ For Korkud, from all of these verses and hadiths “the incumbency of observing shari‘a by performing all obligations and abstaining from all forbidden deeds, especially the grave sins, violation of the rights of human beings and other creatures (*huquq al-‘ibad bal wa sair al-hayawanat*)” becomes clear. However, he concludes that, “this is impossible with *imarah* in these times”.⁷⁷ This first statement and later conclusion, with some forthcoming modifications, comprise the basic argument of the book and for Korkud it is so for the following five reasons.

Korkud states the first reason briefly as the impossibility of application of shari‘a in political affairs in general and administrative punishments in particular, without recourse to the customary practices, some of which are evidently and some doubtfully against the principles of shari‘a. He cites the killing of the people without a *shar‘i* right as the most abominable of these customary punishments. As the second reason, Korkud states the impossibility of refraining from taking properties of people without a *shar‘i* right. Similar to the first one, Korkud relates this practice to the custom and juxtaposes the customary and

⁷⁵ *Sahih Muslim*, 6251. Translation is slightly modified.

⁷⁶ Korkud, “Da‘wah,” 3a–4a.

⁷⁷ *Ibid.*, 4b.

shar‘i bases of the practices. As the first two reasons will be analyzed in detail in the third chapter of this thesis it would be enough just to mention them and continue with the other three in more detail. Korkud formulates the third reason as follows:

Verily, with *imarah* it is not possible to escape from being dirtied (*talawwuth*) by the filth (*najasat*) of the sins between the servant (*‘abd*) and the lord, Glorified and Exalted be He, because of the lack of freedom (*khalas*) from mingling with the people who are dirtied by them (the sins). And since we are not deep enough (in terms of faith and piety) (*mutabahhirin*), (we are not in a position to expect) not to be dirtied by that filth, unlike the sea (*bahr*), which could not be dirtied by the filth (as it is vast and deep).⁷⁸

Then, he supports these claims by quoting from an authoritative Sufi text, *‘Awarif al-ma‘arif* of al-Suhrawardi, stating that the novice in the Sufi path (*al-mubtadi‘*) should leave his friends, family and beloved people to get closer to God.

As it could be understood from his statements, the third reason is based more on personal and social predicaments of governance rather than the political ones. In this section, unlike the first two reasons, Korkud dwells on the sins that are between man and God, meaning that they are the breach of the rights of God rather than the rights of people. *Imarah* necessitates socializing with people and for novices like Korkud himself (which probably includes Bayezid and other rulers), who are not deep enough in terms of piety, socializing will inevitably result in committing sins.

In this section, based mostly on hadiths, the works of al-Ghazzali (*Ihya‘* and *Minhac*) and Hisni, Korkud stresses the fact that salvation in the afterlife could only be possible by bearing things that are not desired by the self and avoiding from things pleasing the self. In other words, he states that salvation comes with giving up the worldly pleasures. Then he addresses the ordinary person, who socializes with people, and expectedly cannot refrain from ordinary sins in everyday life. However, insistence on these ordinary sins is very dangerous, as they could lead the person to fail on the final Day of Judgment. In this discussion, Korkud’s choice of metaphors seems meaningful. He considers the ordinary believer who is exposed to ordinary sins in everyday life similar to the person whose health deteriorates gradually without his noticing and finally causes an unexpected demise. This patient also does not listen to the skillful doctors, who warn the patient on the issue, since

⁷⁸ Ibid., 12a.

he does not realize the changes in his condition. This is the case of the believer, who does not take the advice of the preacher or scholar warning him of the perils of persisting on the small sins. The choice of the metaphor probably was made bearing in mind Bayezid's deteriorating health condition at the time. Korkud should have thought that, by reminding Bayezid of his own situation in terms of both health and near coming of death, the metaphor would soften his heart and he would empathize with Korkud's demands.⁷⁹

Then, Korkud's fourth reason comes as follows, "Verily, *imarah* and rank (*jah*) requires abundance of associations and ties, and this confuses the freedom (*faragh*) of heart (from worldly businesses)."⁸⁰ He quotes from the *Ihya'* of al-Ghazzali that breaking all associations and bonds is necessary for the novice *murid*, and although not prohibited by religion, pursuit of rank and standing implies weakness in faith. However, Korkud modifies al-Ghazzali's point adding that, that was the case where people could abstain from sins that come with associations and ranks. However, we live in "these late ages (which are) very far away from (*al-a'sar al-muta'ahhira al-ba'ida jiddan*) the age of the prophet, his guiding companions, their followers, the pious and the wise, who would influence the weak and the erring by their admonishments and advices." And in these late ages, weakness and inadequacy of those could lead to going astray.⁸¹ Korkud then supports his case from well-known Sufi texts of Qushayri and Suhrawardi.

Further elaboration on the issue comes in an interesting way, where Korkud narrates the accounts of mythical/historical figures from diverse sources, who reportedly leave *imarah* and the like because of the above-mentioned reasons. He begins this part with an older (ancient indeed) one by narrating the account of Alexander IV, the son of Alexander the Great of Macedonia, from *Tabari's* universal history. Accordingly, although he was to receive great fame and benefits, after his father's death Alexander (of course *Iskender* in his account) rejects succession to the throne and the sultanate of the world, and chooses occupying himself with otherworldly businesses. Coming to the age of Islam Korkud gives the example of Hasan b. Ali, who reportedly gives up his right of *imarah* against the claims

⁷⁹ Ibid., 12–16a.

⁸⁰ Ibid., 16.

⁸¹ Ibid., 17a–b.

of *Muawiya* to prevent chaos, corruption, bloodshed and anarchy among the Muslims.⁸² While narrating the sacrifice of Hasan, turning his face to his contemporaries and probably bearing in his mind what has happened between his father and uncle and what was then happening among his brothers Korkud adds that, “It is contrary to what happens between equals and peers in these times, since what happens these days happens as a result of obstinacy and promotion of the false (*tarwīj al-butlan*) by increasing the corruption (*fasad*).” Then comes the following verses from the Qur’an, which are actually quoted more than once in his book manifesting the strength of anxiety Korkud feels at the moment of writing of the book, “Nay, soon shall know with certainty of mind Ye shall certainly see Hell-Fire with certainty of sight!”⁸³ His stress on and frequent reference to these verses reflect the certainty of his belief that those days of inter-dynastic wars will come soon and strength of fear he felt because of this belief. As mentioned before, this anxiety appears as one of the key motivations behind his writing of this book and many of his other actions.

Korkud adds several more examples, mostly from the historical Sufi accounts, of members of royal families denouncing sultanate and worldly pleasures, such as the famous Sufi Ibrahim b. Adham al-Balkhi, who was a prince before venturing into the Sufi path.⁸⁴ Some of them seem to be of more significance as they offer resemblances to the particularities of his actual case. For instance, he narrates the account of a certain son of famous caliph Harun al-Rashid, who leaves his father’s palace because of pious reasons and begins earning his life by his own hands as a worker. In the end, the news about his death as a poor person reaches his father and as expected results in great grief and sorrow.⁸⁵ The implications of the story to Bayezid, as the primary reader of the book, are too clear to clarify.

From the same source, he narrates another symbolic account according to which a ruler called Ya’kub in Maghrib (Muslim North Africa) kills his brother during his struggle for *imarah* but later regrets his action. His repentance carries him to a long search of a Sufi shaykh, who could lead him to the right path, and finally when he found the shaykh he

⁸² His sources are the *Tabaqat* of Ibn Sad and *Tahzeeb al-Asma’* of an-Nawawi on this account.

⁸³ The verses 102/5-7 in the Qur’an; Korkud, “Da‘wah,” 17a–b.

⁸⁴ From the works of Qushayri and ‘Abd ar-Rahman as-Sulami’.

⁸⁵ From *Rawd ar-Rayyahin* of ‘Afif ad-Din Yafi‘i.

attaches himself to his lodge. This time, the story seems to be chosen to remind Bayezid of his struggle with his brother Cem during the early phases of his sultanate.

In another account,⁸⁶ Korkud tells the story of Musa b. Sulayman al-Hashimi, a young rich Umayyad prince living in all worldly pleasures. One day, he hears a young man reciting verses from the Qur'an depicting the pleasures of paradise and the sorrows of hell. Sulayman repents and gets rid of everything he owns including the fiefs (*ikta'at*) and begins a new life of a Sufi. This story certainly makes the reader think that the desired story of Korkud for himself should be something similar. Then come more accounts including the stories of scholars such as al-Ghazzali. In this part, Korkud explicitly states that he searched for and "extracted" these stories from different sources. He states the reason behind this endeavor in terms of a Sufi, as the stories were meant to reinforce the hearts in their search of the beloved (God). He concludes the part by stating that:

By narrating these stories I intended cautioning, in the way of the intelligent ones (*'ala tariq al-'uqala'*) on leaving the world (*tark al-dunya*), its leadership (*riyasatiha*), its *imarah* (*imaratiha*), and its government (*hukumatiha*). There is no weakness in the sight of the intelligent on the ugliness of desiring *imarah*, but most of them "are deaf, dumb and blind, so they do not understand."⁸⁷ As the Prophet said: "Your love for something blinds and deafens you."⁸⁸

Korkud then states the summary of the four reasons as, "then, all the above mentioned reasons are proofs of the impossibility of abstaining from the grave sins, unrightfully claim of various sorts of rights (of people) and abuses with *imarah* in these later ages (*hadhizi al-azman al-muta'ahhirah*)".⁸⁹ Then comes the fifth reason:

And the fifth is that, even if we suppose *imarah* free from these at the moment, certainly the end is bad, since there is no final end other than strife and controversy, a vehement shift from good to evil, a turmoil, a chaos (*harj wa marj*) between equals and peers, and provocation of sparks of evil in every country and village. To take lesson and advice on this issue suffice us battles and quarrels happened among our ancestors during their struggle desiring to obtain *imarah*. And the people have been in this manner since the old times.⁹⁰

⁸⁶ Again from *Rawd ar-Rayyahin of 'Afif ad-Din Yafi'i*.

⁸⁷ Referring to the verse 2/171 in the Qur'an.

⁸⁸ Korkud, "Da'wah," 28b.

⁸⁹ *Ibid.*, 29a.

⁹⁰ *Ibid.*

The fifth reason differs from the first four as it concerns with future more than the present and it puts forth history as the proof behind it. It is clear that Korkud's fifth reason is about the inter-dynastic succession struggles and wars, and the evils that come with them, which occur in almost every instance of an Ottoman sultan's death till his time. As an active part of it, Korkud perceives the coming of this struggle certain and as also reflected in several parts of the book seems to be very anxious about its outcomes. He considers that the events of his time prove the prophecy in the hadith, which state that an age, after when it gets worse and worse until the judgment day, would come. Similarly, Korkud adds, the historians (*ahl at-tawarikh*) have showed it (the certainty of succession struggle among the brothers) clearly in their chronicles until these days of ours. Hence the wise should be cautious about it before it happens, as the hadith says "all that is coming is close". It should be noted that Korkud tries to support his argument that they were living in a decadent age and it would definitely get worse by referring to both prophetic traditions and historians. In other words, he bases his argument on both sacred knowledge and human experience.

2.3. Jihad, 'Uzlah and 'Ilm

Korkud then relates the decadence of time to the issue of jihad, and states that jihad is a more virtuous act in the time of necessity and deprivation, but solitude and isolation (*'uzlah*) should be more virtuous in these decadent times. Here he engages in an interesting comparison between "times of jihad" and "times of *'uzlah* (self-seclusion and religious service in solitude)".⁹¹ For him, in these decadent times one cannot escape from sins while engaging in social affairs of the public, hence it is the time of *'uzlah*. Korkud deems the issue of jihad important and elaborates further. He adds:

Know that, jihad is not confined to making jihad against the enemies of religion by sword and spear; rather it is more general than that. Besides that, there is jihad with reasoning and explaining (*bayan*), and it cannot be concealed

⁹¹ He borrows the phrase "times of *'uzlah*" from al-Ghazzali and compares and contrast it with "times of jihad".

that the second is stronger and more important than the first, since the harm of neglecting it leads to the destruction of religion.⁹²

Hence, it seems that although he has already stated that it is not the time of jihad Korkud is still not content to give up the honor of it. He explains his statement as the second type of jihad is more important since if it is deserted the promotion of null doubts among Muslims would prevail and the religion would be destroyed from within. However, neglecting the first one (jihad in the meaning of fighting the infidels) would lead to perish of some believers in some regions of the lands of Islam. There is no doubt that repelling harm from fundamentals of religion (*'asl*) is more important than repelling harm from some believers. Korkud finally reveals his real interest in this discussion as he expresses his (humble!) pride in this regard: “praise to God for leading us to taking care of this important matter among our brothers. God bestows his favor to whomever he wants.”⁹³ It is clearly understood from the sentence that his elaborations on the meaning and types of jihad actually points to a comparison between him and his brothers. He perceives himself as an *'alim* who is performing the jihad of higher value than his brothers, who are supposedly engaged in lesser degrees of jihad.

Korkud clarifies his statements more and implicitly attacks his brothers further in this respect. He quotes hadiths about the broad meaning of the term jihad, and precedence and priority of *'ilm* (as a way of jihad) over the “famous, known” jihad. After quoting the classical verse, “Are those equal, those who know and those who do not know?”⁹⁴, he states that “most of the people of jihad (*ahl al-jihad*), especially in our times do not know, thus are not equal to the scholars (*'ulama*)”. Then come more hadiths, verses and quotes from Islamic sources⁹⁵ on the precedence of *'ilm* over jihad and *'alim* over *mujahid*. However, Korkud further specifies these general comparisons between *'ilm* and *jihad* by referring to contemporary issues. He states that, “If we also add the loss of rewards of the *mujahidin* of our age, since their jihad’s lack of conformity with *shar'*, the superiority of *'ulama* over

⁹² Korkud, “Da‘wah,” 30a–b.

⁹³ Ibid., 30b.

⁹⁴ The verse 9/39 in the Qur’an.

⁹⁵ On this issue he mostly quotes from a contemporary Mamluk scholar, as-Samhudi and his *Jawahir al-‘Aqdayn*.

them becomes evident.⁹⁶ This is mainly because of the desertion of the application of the principles of shari‘a in the process of the distribution of booties in his days. It is an issue that Korkud deems crucial as in the time of writing of this book he had already begun to write a treatise on that topic.⁹⁷ Similar to other main issues he criticizes in this book, Korkud takes this argument to the furthest possible point and finally accuses his opponents with apostasy. Korkud states:

Jihad of the people of our times’ lack of conformity with *shar‘* and the situation concerning the distribution of booties according to the rules and principles of shari‘a is evident in the eyes of *ahl al-‘ilm*. (Therefore) occupying oneself with a jihad like this is even forbidden (*haram*) unless its abandonment leads to a greater cause of corruption, and the person, who expects reward from a jihad like this, disbelieves without a doubt (*yakfur bila shakk*), similar to the one who disbelieves because of hoping reward by giving a forbidden (*haram*) property as alms (*tasadduq min al-mal al-haram*) as its explanation will come in the book.⁹⁸

The issue of Korkud’s stress on apostasy and possible motivations behind it will come in the third chapter in detail, where we will see his elaborations on the apostasy of the person who gives alms and hopes reward from an illicit property.

After comparing jihad by sword with *‘ilm*, and stating the latter’s superiority, Korkud elaborates on the issue of *‘uzlah*. Mostly borrowing from al-Ghazzali and an-Nawawi, Korkud narrates the accounts of *‘uzlah* from the later time of companions and early Muslims (*as-salaf as-salihin*), and draws the conclusion that in his time it should be more obligatory. He supports his conclusion by referring to al-Samhudi again, who is a contemporary Mamluk scholar, quoting his opinions on the necessity of *‘uzlah* in those times. In addition, he borrows al-Ghazzali’s description of his time as “the time of *‘uzlah*” and contrasts it with “the times of jihad”. Korkud concludes that, “and in our time it (*‘uzlah*) is more obligatory and more binding (*awjab wa afrac*), since its (our time’s) essence is more evil (*li kawnihi asharr*)”. Then, for the second time he quotes the hadith

⁹⁶ Korkud, “Da‘wah,” 32a.

⁹⁷ Köksal, ed., *Hallu İşkali’l Efkar*.

⁹⁸ Korkud, “Da‘wah,” 35a.

from al-Bukhari, which foresees a continuous decadence after a certain time by stating that an age will come after which it will always get worse and worse.⁹⁹

After illustrating that it is the time of *'uzlah*, Korkud further elaborates on the benefits of *'uzlah* by discussing the sins, which a believer is bound to engage unless he retires into seclusion. Some among the forbidden acts of the social life are, backbiting (*ghiybah*), evil thought (*su' az-zan*) and engaging in illicit acts in banquets etc. No need to go into the details of these here, unlike Korkud, who discusses the nature of these sins in detail as a jurist by referring to verses, hadiths and the prominent jurists of mostly the Shafi'i School.¹⁰⁰ It should be noted that Korkud engages in a thorough discussion, goes back to the furthest source possible in the areas of law, exegesis and hadith, and chooses among different opinions of these authors based on his own reasoning.¹⁰¹

However, some of these discussions should be mentioned here as they are of significance in terms of representing his approach to the political issues while engaging in juristic discourse. For instance, while discussing *'uzlah* and other ways of abstaining from sins Korkud delves into the issue of lust, ways of curbing it (by referring also to the books on medicine) and the legality of cutting off progeny (*qat' an-nasl*). After narrating different opinions on the issue in general, Korkud makes a particular case from it concerning the princes like him. He says,

...even, it (cutting off progeny) could be stated as absolutely permissible regarding the princes and the like, the birth of children to whom, brings about disturbances (*mafasid*) of grave danger (*azimatu'l-khatar shar'an*) according to religion, such as shedding of blood, extortion of property, practice of forbidden intercourses (*al-mujama'at al-muharramah*), and other trespassing of the borders of *shar'*. They (the children) also become the reason why people make their father the sultan by force, and from his sultanate springs evils from his own or by the hand of the children he brought about, or the man around them, while the father knows or predicts it as probable outcome from them. What a nice saying of whom said in Persian: "The whelp of a wolf must prove a wolf at last, notwithstanding he may be brought up by a man."¹⁰² ... and the father's lot of punishment cannot be concealed because of, and as much as, those children,

⁹⁹ Ibid., 38b.

¹⁰⁰ Such as al-Ghazzali, an-Nawawi (*Al-Azkar*), Zarkashi (*al-Khadim*) and 'Abd al-Wahhab al-Subki (*Jam' al-Javami'*).

¹⁰¹ Korkud, "Da'wah," 38–46.

¹⁰² He does not name the source but he quotes the original Persian verse from the *Gulistan* of Sa'di. See, *Sadī., The Gulistān, or, Flower-garden, of Shaikh Sadī of Shiraz*, 122.

since his being is the reason of them, while his *'ilm* or prediction of what would come out of them in the form of evil and harm...¹⁰³

These harsh arguments illustrate how Korkud perceive being a member of royal family in his days. For him the princes and the like are harmful for the world, hence they should better not proliferate. The verse that he borrows from Sa'di is also of significance as it actually comes at the end of a story, where Sa'di shows that, although a vizier with very high quality of education raises him afterwards, a child captured from the bandits returns to his gang finally after several years. This perfectly reflects Korkud's alienation from his family and the least respect Korkud does not pay to the members of the royal family in his days. It seems that Korkud does not exclude himself from these general conclusions as he states:

Then, there is no doubt that those mentioned evils are what is accrued for any prince like my own sinful self... hence, it is necessary to allow to cut the progeny (*qat' an-nasl*), even it should be required, as the worst of two evils should be repelled by the lesser evil if one of them is to be definitely chosen, for, this is a well-established principle in shari'a.¹⁰⁴

After these harsh statements, Korkud returns to his discussion of the ways of abstaining from the sins; such as fasting, standing awake in the nights and performing long prayers. It should be noted that among these issues of *fiqh* and morality, his statements above, about contemporary individual, social and political issues seem very unplanned and abrupt. As another instance of this, while he talks about knowledge (*'ilm*) and sources of it, and discusses the sources of the thoughts that come to the mind, he narrates a discussion occurred between him and some other scholars. He tells the story as follows:

Know that once a dispute occurred between this humble weak servant and some *'ilm* affiliated people, who were preoccupied with carnal desires and pursuit of leadership of this despicable world, instead of (the goal of) attaining the everlasting otherworld. (They argued) that what become apparent to the humble from the disdain of this world could possibly be devilish insinuations rather than (divine) inspirations, and thus the action required by this presumption should be taken. (However, that claim) was false in its essence, and thus I responded by rejecting this presumption by the words of Hujjah al-Islam al-Ghazzali. And now it is appropriate to add to that. Thus I say, I surely do not claim that this thought (that have come to my mind) is of divine

¹⁰³ Korkud, "Da'wah," 78b.

¹⁰⁴ Ibid., 79b.

inspiration, but I say it surely is a rational thought (*khatir 'aqli*) in conformity with *shar'* without a doubt, and its denial is disbelief clearly. (It is because of the fact that) its denial means denial of the forbidding (*tahrim*) of many from the forbidden acts, while forbidding (them) is from the necessities of religion (*daruriyyat al-din*). However, there is no escape from performing them with *imarah* in these times because of the corruptness of its (our time's) people (*li fasadi ahliha*), the scarcity of the believers, the ascendancy of the tyrants (*ahl at-tughyan*), and the habituation of people with evil, as a result of which the evil becoming their nature. Thus, correcting them is not possible, and without any doubt there is clearly no righteousness (*salah*) for the ones who are together with them. The attire (costume) of some wicked '*ulama* and their camouflage of this with nonsense talk and their interpolation cannot hide this (fact) as they could not do before (in that occasion)...¹⁰⁵

This long quotation offers us crucial insights with several respects. On the one hand, by narrating a story Korkud refutes the existing and probable future doubts about his thoughts. If reported properly, it is understood from the story that Korkud had already put his thoughts in some form of circulation and his radical ideas were regarded by some scholars as devilish insinuations (*waswasah*). However, he refutes these doubts by pointing out the compatibility between his thoughts and the principles of shari'a. In addition, he raises the tone of his claim by arguing that as his thoughts are in accordance with shari'a, refuting them (meaning legitimizing *imarah* in his days) will lead to the refutation of some principles of shari'a, and this will lead to apostasy. However, the last part of the paragraph is more important as it gives strong hints to perceive the deeper reasons behind Korkud's critique. As he states, "corruptness of its (our time's) people, the scarcity of the believers, the ascendancy of the tyrants, and the habituation of people with evil, as a result of which the evil becoming their nature" are the main reasons behind the impossibility of performing *imarah* in conformity of shari'a in his days. In other words, he does not consider his age and his contemporaries qualified to be ruled by the right principles of shari'a. In addition, there is no hope as the "evil becomes their nature" and their correction (*islah*) is not possible. On this issue, Korkud's main opponents are some '*ulama* who, according to the book, try to disprove his claims against the legitimacy of *imarah*.

¹⁰⁵ Ibid., 88b–89a.

CHAPTER 3

ÖRF AND SHARI‘A IN ŞEHZADE KORKUD’S *DA’WAH*

As the context in which Şehzade Korkud wrote *Da‘wah*, and the general structure and argumentation style of the text were discussed in the previous pages, the statements on the relation between *örf* and shari‘a, as the most extensively discussed problematic of the book, will be analyzed in depth in this chapter of the thesis.

3.1. *Örf*, Shari‘a and *Siyasah*

It is not possible, in these times, to apply (*ijra‘*) shari‘a (*shar‘*) in *siyasat* (political affairs in general or severe punishments in particular) pure from doubts of the *örf* (*shubuhāt al-‘urf*, ‘*urf* or *örf* meaning customary law), even sometimes [pure] from being known in clear opposition with shari‘a. At the end, the impossibility of this and what is related will be explained from different aspects. And it will not be possible for us to be excused in the afterlife just because we have followed the customs (‘*urf*) of the sultans of this world, since they are miserable ones (*masakin*) of the afterlife.¹⁰⁶

In this above-quoted formulation of the first of the five reasons, which he argues are behind the impossibility of abiding by shari‘a while performing the duties of *imarah* at his age, Korkud concisely summarizes his concerns about *örf*, which will be the most

¹⁰⁶ Korkud, “Da‘wah,” 4b–5a.

أحدها انه لا يمكن في هذا الزمان إجراء الشرع في السياسات خالصا عن شبهات العرف بل عما يعلم صريحا مخالفته الشرع وسيأتي بيان عدم إمكان ذلك في آخر الكلام علي الوجوه وما يتعلق بها ولا يمكن الإعتذار في الآخرة بأن ما فعلناه من عرف سلاطين الدنيا فإنهم مساكين في الآخرة.

frequently problematized issue throughout the book. With a simple literal reading, the first reason seems to be, basically, about the application of customary practices in governance and their incompatibility with shari‘a. However, some key concepts and their use by Korkud need to be scrutinized thoroughly to understand what is really meant by him through this discussion. In this chapter, this scrutiny will be done by the help of Korkud’s systematic and to a large extent coherent use of these key concepts and record of some concrete, although relatively rare and scattered, examples throughout the book. At this point, it should be mentioned that, Korkud does not delve into the specifics as much as he does for the theoretical discussions of the issues in this book. Rather, *Da‘wah* emerges as a book, where he reaches into general and fundamental conclusions about *imarah*. He sometimes refers to his other works, some are his extant works and some are his works that are not available today, for details, or he just leaves them general. Therefore, the discussion here is to be more theoretical and less practice/detail-oriented as our source directs us so.

To put it in different words, but still by a general literal reading, the basic issue here in this first reason is the impossibility (*‘adam imkan*) of application (*ijra‘*) of *shar‘* in *siyasat* (politics, political affairs) without the opposition (*mukhalafah*) of *örf* to shari‘a, be it (the opposition) certain or doubtful (*sarihan* or *shubuhah*). Hence, here it should be asked what is meant by *siyasah* (pl. *siyasat*), *shar‘* and *örf* by Korkud in this context.

Although the original Arabic word *siyasah* and its plural form *siyasat* (Korkud always uses the plural) could denote a number of different meanings in different contexts and cultural-linguistic worlds (such as the Arabic, Persian, Turkic and Ottoman contexts) Korkud’s use of the term could possibly be read as denoting the original and broader meaning, i.e., the management of the affairs of the state, politics and administrative policies.¹⁰⁷ However, Korkud’s use of the word resembles the venture of the word itself, gaining particular meaning expansions resonating with the change of the *siyasat* itself in Islamic states.

In the early period of Islamic thought, the word *siyasah* is used for this general meaning, as its Arabic root also denotes, without necessarily implying a separation with or

¹⁰⁷ “Siyasa”, EI2.

a contradiction to the general principles of shari‘a;¹⁰⁸ however by the 11th century discretionary authority of the ruler and his officials, which they exercise outside the framework of the shari‘a at differing levels, was meant primarily by the term.¹⁰⁹ This development paved the way for differing stances towards *siyasah* among scholars of the age. For instance, the great jurist Mawardi, (he was a Shafi‘i like Korkud but his stance towards *siyasah* was not representing the mainstream position of the Shafi‘i/Ash‘ari scholars on the issue), whose ideas would be instrumental in shaping of a line of thought in Islamic political writing, used *siyasah* positively to point to the worldly functions of the caliph, which ultimately serves the sacred objectives of the religion. In his systematization, although as a relatively independent one, *siyasah* appears as an instrument in the hand of the ruler protecting the ideals of religion. Along with several other scholars from different schools of *fiqh*, Mawardi represented the pro-*siyasah* scholars who considered “*siyasah* as a friend” of *fiqh*.¹¹⁰ In other words, it was still understood as divine sanction as it is thought that the will of God is applied through the discretion of the ruler.

On the other side, there were scholars, mostly from among the adherents of Shafi‘i/Ash‘ari principles on the issue, who were taking an almost anti-*siyasah* stance. They began to perceive *siyasah* as the area, where the rulers practice policies and punishments based on their discretions beyond the limits of shari‘a. The anti-*siyasah* ‘*ulama* were also against the policies and procedures that transpassed the boundaries drawn by the diligent efforts of scholars over the centuries. Therefore, they wrote against the dichotomy between *siyasah* and *fiqh*, and argued that the former is nothing but the application of the principles of the latter in the corresponding areas.¹¹¹

Indeed, the reasons behind this restrictive approach to the *siyasah* maintained by majority of the Shafi‘i scholars and many from other schools could only be traced properly through the development of the discipline of jurisprudence and *kalam* over the formative centuries, which is beyond the scope of this thesis. However, it should at least be mentioned that the various stances that the *ulama* took concerning *siyasah* seems to be

¹⁰⁸ Anjum, *Politics, Law and Community in Islamic Thought : the Taymiyyan Moment*, 60.

¹⁰⁹ Ibid., 102.

¹¹⁰ Ibid., 98–102.

¹¹¹ Ibid., 102–107.

related with the strategies pursued to protect the domains of religious authority in addition to the theoretical and theological discussions on the issue. Since Korkud adheres to the Shafi'i school, certainly unusual for men in similar positions to him in the lands of the Ottomans, al-Shafi'i's approach to jurisprudence in general and its influence on the later generations should be mentioned briefly here. Anjum states that:

Al-Shafi'i's goal was to tie law to scriptural texts as tightly as possible in order to restrain the unending subjectivity of regional approaches; he was unwilling to allow teleological reasoning based on general goals or common sense, like the Hanafi *istihsan*, or potentially inconsistent and inscrutable sources like Malik's "custom of Medina." Every human act was to be governed by a scriptural text or a linguistic or analogical extension derived therefrom. This task came to require highly technical experts who were not merely scriptural exegetes or generally learned or pious men.¹¹²

This general approach should be influential in the shaping of the later view of a group of scholars among the adherents of Shafi'i School, which followed the more restrictive approach taken against *siyasah*. Al-Ghazzali's opinions on the issue represent the continuation of the holistic and strict approach that al-Shafi'i developed principally earlier in a clear way. On *siyasah* and *fiqh* al-Ghazzali states:

Men are overwhelmed by undisciplined desires leading to mutual rivalries, hence there is a need for a sultan to manage them (*yasusuhum*), and the sultan needs a law by which to administer (*ihtaja as-sultan ila qanun yasusuhum bihi*). A *faqih* is the scholar of the law of politics (*al-faqih huwa al-'alim bi qanun as-siyasah*) and the way to mediate between men if they disagree owing to their undisciplined interests. Thus, a *faqih* is the teacher and guide of the sultan in ways of administering and controlling men.¹¹³

However, the relatively positive and constructive tone in the above quoted statements of al-Ghazzali was still more concerned with the ideal and his actual stance against *siyasah* in practical domains was more negative as Anjum states:

He recognized that political choices in his time were far from glorious: Reduced to eating carrion or starving to death, his political program consisted in choosing carrion over death. On the whole remaining faithful to the Ash'ari

¹¹² Ibid., 89.

¹¹³ Ibid., 106.

political tradition, he too introduced his own peculiar flavor to it: a sense of helpless piety and strong cynicism toward power and politics.¹¹⁴

In the remaining parts of this chapter, the pervasiveness of this “scriptural and highly technical” approach to the problems intrinsically related to the social and political domains, and “a sense of helpless piety and strong cynicism toward power and politics” is easily traceable through the articulation of the issue in the *Da‘wah*. Establishing this intellectual link in a stronger way at the end will hopefully make the peculiar choice of Korkud’s adherence to the Shafi‘i school less obscure for us.

As a further extension, the term *siyasah* got the meaning (whether in Arabic, Persian or Turkish) of punishment in general, extending as far as capital punishment to preserve the ruler’s authority. It should be noted that, because of this extension of meaning, although famous Mamluk historian Maqrizi knew the etymology of the word very well, he referred to the word *siyasah* as a derivative of the Mongol *Yasa*, as if he was trying to denounce the Arabic roots of the word as its meaning was extended by the influence of secular authorities. It should be noted that, as it is shown clearly by Ayalon, there is no possibility of application of the Mongol *Yasa* by the Mamluks at the time Maqrizi was writing, and he was certainly being manipulative. However, although certainly not representative this exception is still meaningful as it points to the limits of critique that could be offered by the scholars, especially the *Shafi‘i* ones like Maqrizi, who were opposing the dichotomy of shari‘a and *siyasah*.¹¹⁵

However, contrary to what is argued in both the “siyasa” article of EI2 and by Heyd,¹¹⁶ the word could still be used in the general sense of governing in the Ottoman context at the time Korkud wrote his book. As Tursun Bey’s thoughts, which were put into writing just two decades before Korkud, will be compared with those of Korkud in detail later in this chapter, at this point, suffices us just to refer to his definition of *siyasah* to illustrate the point. In brief, Tursun Bey defines *siyasah* as *tedbir* (providence) in general to

¹¹⁴ Ibid., 127.

¹¹⁵ Ayalon, “The Great Yāsa of Chingiz Khān. A Reexamination (Part A), and (Part C2)”.

¹¹⁶ “Siyasa” EI2; and Heyd, *Studies in Old Ottoman Criminal Law*, 259–260.

keep the order of the world, and while elaborating on the meanings and types of *siyasah* he does not mention punishment at all.¹¹⁷

Returning to the use of the term in the Ottoman context, as Heyd puts it, “*siyaset* is one of the most equivocal terms in Ottoman legal language”.¹¹⁸ In the narrower meaning, it could point to punishments as a whole including strokes and banishments, however as it gets more technical in terms of criminal law it means harsher punishments, execution, severe corporal punishment, such as amputation of the hand or execution with or after severe corporal punishment. *Siyaset* does not mean necessarily severe punishment by *örf*, as *kisas*, as a purely *shar‘i* punishment, is sometimes called *siyaset* too. However, the term generally implies the application of *örf* and also some punishments are explicitly stated as they are done *siyaseten*, meaning as an administrative punishment.¹¹⁹ In this sense of the word, in the formulation of the first reason Korkud might have also pointed to punishments in general or severe punishments by using the term *siyasat* as it will be more clarified in the following pages.

As understood from his formulation, for Korkud the problem lies in the ways of the application/enforcement of these *siyasat*. The word Korkud uses here, *ijra‘* is also of significance, because *ijra‘* or enforcement of the law, be it religious or customary, is always under the supervision of the officials, the *askeri* class in the Ottoman Empire. In other words, *Kadı*s always rely upon other *askeri* men for the enforcement of the judgment (*hüküm*) in a particular case. Therefore, by pointing out that the issue is primarily about enforcement, rather than the formulation or codification of the law, Korkud points his fingers to the *askeri* class, the state apparatus in general. This makes us understand the primary audience in Korkud’s mind in a clearer way. Then, in the issue of enforcement of the *siyasat*, there come the concepts of *shar‘* and *örf* to the fore. *Shar‘* and *shari‘a*, the Arabic words derived from the same root, are frequently used synonymously, meaning broadly rules and regulations governing the lives of Muslims derived from Qur’an, hadith

¹¹⁷ “...zaruri nev-i tedbirden gerekli oldu ki her birini mustahak olduğu menzilde koya, kendi hakkına kani edip dest-i tasarrufunu hukuk-i gayrdan kutah kıla. Ve ben-i nev’ arasında umur-i teavünü mütekeffil şuğl ne ise ana meşğul eyleye. Ve bunun gibi tedbire siyaset derlet.” Tursun Bey, *Tarih-i Ebu’l-Feth*. p.12.

¹¹⁸ Heyd, *Studies in Old Ottoman Criminal Law*, 259.

¹¹⁹ *Ibid.*, 259–265.

or other sound sources, the complete list changes depending on the particular law school and scholar. However, *shar‘* is more frequently used for a more specific meaning, divine law or system of these laws, in juristic literature.¹²⁰ In addition, these two terms, when come together, point to another crucial development in the Islamic history, *as-siyasah ash-shar‘iyyah* (which could be seen as an attempt to reconcile *shar‘* with *‘urf*). However, it should be noted that Korkud never combines these two words, which is quite meaningful bearing in mind his stance on the issue, as he does not try to reconcile since he apparently follows the restrictive approach within the Shafi‘i school.

The third concept, in the Arabic form *‘urf* as Korkud uses, and its relation with the first two are of more complexity and significance both in Islamic law in general and in the Ottoman context, as this book of Korkud attests, in particular. *‘Urf*, literally meaning custom and considered as a source of shari‘a in varying degrees with respect to different Schools and periods, has a very complex relation with *siyasah* and *shar‘*, which changed over time and with respect to localities. Related to this first and more juristic use of the term, *‘urf* also meant customs of princes and sultans applied in governance in general and administrative law in particular, and it appears throughout the text Korkud’s use of the term denotes this second meaning.¹²¹ This second meaning of the term is conveyed by the word *örf* in the Ottoman context, hence the term is transcribed as such in this thesis, unless referring to the jurisprudential discussions, to prevent confusion.

Although, with respect to their origins and developments customs of princes and sultans appear as more or less secular and independent from the religious law,¹²² it would be safe to assume that the use of the term *örf*, which is an Ottoman derivative of the original Arabic, instead of more Turkic terms such as *yasa* and *töre* already points to an attempt to reach a synthesis between *örf* and Islamic ideals.¹²³ At this point, Tursun Bey’s definition and discussion of *örf* would be illuminative in this respect.

After defining *siyaset* in general, Tursun Bey divides *siyaset* into two types. The first type is certain and based on the principles of philosophy (*hikmet*) aiming at perfection

¹²⁰ “Sharia”, EI2.

¹²¹ “Urf”; and “Ada”, EI2.

¹²² Imber, “How Islamic was Ottoman Law?”.

¹²³ “Yasa”, EI2; and “Örf”, DIA.

of men and achievement of felicity both here and otherworld. *Ehl-i hikmet* (the philosophers) call this one *siyaset-i ilahi* (divine *siyaset*) and its legislator (*va'zii*) *namus* (nomos). And the jurists (*ehl-i şer'*) calls it *şeriat* and its legislator *şari'*, who is the Prophet. However, if the providence (*tedbir*) is not at that level, and based on pure reason for the order of this world, such as the one of Chingiz Khan, they relate it to its source and call that *siyaset-i sultani* or *yasağ-i padişahi*, and according to our custom it is called *örf*. Tursun Bey continues with stating that the enforcement of both types of *siyaset* needs the existence of a sultan. Every age needs a sultan as he has full authority over the lesser matters for the sake of the interests of the people. His non-existence could even lead to non-existence of the humanity in general, which could lead to the failure of the order (*nizam*). The failure of the order would not only have worldly outcomes, as the reason behind the creation of the order, which is veneration of God by his servants, would not be fulfilled.¹²⁴ Indeed by this account, Tursun Bey points to worldly and rational origins of the *örf* but quite eloquently relates it to the will of God, and in a way attributes a secondarily sacred face to it. His account perfectly illustrates the perceived quasi-sacred nature of *örf* by the Ottoman statesmen despite its known worldly origins.

Clearly pointing that he is using the term *örf* to denote a particular derivation of the second meaning of it, Korkud particularizes his first general use by explicitly specifying it to the customs of the sultans of the world (*'urf salatin ad-dunya*) in his second use. Hence, as it appears from his formulation that he does begin the discussion of *örf* as a possibly applicable general customary institution in *siyasat*. In addition, he does not specify whether or not these are customs of a particular ethnic or religious group. He then points to the contradictions resulted by the application of *örf* in *siyasat*, since it has clear or doubtful

¹²⁴ Tursun, *Tarih-i Ebu'l-Feth*.

“Ve eğer şöyle ki bu tedbir ber vefk-i vucub ve kaide-i hikmet olursa –ki mueddi ola bir kemale ki bi'l-kuvve beni-nev'un eshasında konulmustur ki ol kuvvet iktisab-ı saaddeteyndür ana ehl-i hikmet siyaset-i ilahi derler ve va'ziina namus derler. Ve ehl-i şer' ana şeriat derler va'zına şari' itlak ederler ki peygamberdir. Ve illa, yani tedbir ol mertebede olmazsa, belki mücerred tavr-ı akl üzre nizam-ı alem-i zahir için, mesela tavr-ı Cengiz Han gibi olursa sebebine izafet ederler, siyaset-i sultani ve yasağ-i padişahi derler ki örfümüzce ona örf derler. Herhangisi olursa ikameti elbette bir padişah vücuduna mevkuf, her ruzgarda bir padişahın vücudu hacettir ki anun tasarruf-i cüziyatta, ber haseb-i maslahat, her karn u her ruzgar vilayet-i kamili vardır. Ve onun tedbiri münkatı olsa baka-yi eşhas fena bulur. Ve ol nizam (wa ma khalaqtul jinna wal-insa illa liya'budun) fevt olur.”

oppositions to the shari‘a. By his second use, he takes a further step and refers to the worldly political origins of the *örf*. As a result, he seems to deem *örf*, probably because of its worldly-political origins, and *shar‘* incompatible and exclusive to each other. Hence, it is understood that Korkud primarily perceives *örf* as “*‘urf salatin ad-dunya*” meaning customs of the sultans of the world, and as such the relation between *örf* and *shar‘* will stay as one of the key problems throughout the book. This particular use of the term is also in parallel with the Ottoman use in general, as the writings of Tursun Bey suggests. In other words, it is understood from the flow of ideas that Korkud takes a negative position towards *örf* applied in *siyasat* in the Ottoman context, as he is conscious of the worldly political non-shari‘a origins of it.

Korkud concludes the formulation of the first reason with specifying what is meant above with an example, “...and the most abominable of customary policies (*as-siyasat al-‘urfiyyah*) is the killing (*qatl*) of the people without a legitimate right (*haqq shar‘i*).”¹²⁵ What follows are the verses about unjustly killing and retaliation (*qisas*) in this world and hellfire in the afterlife as its punishment. As is usual for the sequence of argumentation of his book, Korkud then supports the case with several verses and prophetic traditions stressing the protection of life, including the lives of non-Muslim subjects of the Muslim state (*mu‘ahidin*) under the shari‘a.¹²⁶ All these verses and hadiths comment on the actual killing and the killer, although the rulers generally do not commit murder by their own hands. Hence, Korkud adds that, although the scholars dispute over the just punishment, whether retaliation or compensation, for the one who ordered the killing, they are all in agreement that the coercion and order for killing is also a grave offense.¹²⁷ Hence, from this example, it is clearly understood that, as the most abominable of the *siyasat*, one of the concrete Ottoman practices that Korkud criticizes here is the extra-shari‘a practice of capital punishment by *örf*.

We should first note that Korkud perceives the *shar‘* as “the” source of right (*haqq*), therefore he deems extra-shari‘a killings unrightful. Therefore, the extra-shari‘a killings in

¹²⁵ Korkud, “Da‘wah,” 5a. وافحش السياسات العرفية قتل النفوس بغير حق شرعي

¹²⁶ For an extensive evaluation of this issue, see: Şentürk, “Adamiyyah and ‘Ismah: The Contested Relationship Between Humanity and Human Rights in Classical Islamic Law.”

¹²⁷ Korkud, “Da‘wah,” 5b–6a.

siyasat are situated within these unrightful killings. If we try to contextualize what Korkud says and look for a practice he attacks, this would be the institution of *siyaseten katl* (killing by the order of the ruler). The institution was not peculiar to the Ottomans as it was applied in Islamic history in general since the Abbasids. It could be roughly defined as the capital punishment by the jurisdiction and absolute authority of the ruler. However, it is not easy to tell whether *siyaseten katl* is an extra-shari‘a killing or not, as some scholars put it under the category of *ta‘zir* punishments that is left to the jurisdiction of the ruler by shari‘a. In any way, it seems that Korkud does not deem *siyaseten katl*, at least some of them, reconcilable with shari‘a. In addition, we should also note that, although *siyaseten katl* is to be applied for the *askeri* class, especially the “*kul taifesi*” of the sultan, in practice it was not necessarily exclusive to them. In exceptional situations, the *reaya*, whether individuals or in groups, were subjected to *siyaseten katl* from time to time as examples of breach of law.¹²⁸ Since Korkud is not necessarily writing strictly theoretically, he could as well be mentioning to these breaches in practice too.

What Korkud narrates to illustrate how grave an offense this practice is is also noteworthy demonstrating that he does not only mean *siyaseten katl* of the “*kul taifesi*” but rather the killing of the people without a *shar‘i* right (*haqq shar‘i*) in general. He quotes al-Ghazzali’s warning against the practice of making the lives and properties of the believers legally unprotected (*istabaha*); even if they are from among the innovators/heterodoxy (*mubtedi‘a*). For al-Ghazzali, notwithstanding their innovations in the realm of religion, if they still say the *shahada* and perform the prayers, killing one of them by mistake would be a greater offense than keeping a thousand unbelievers alive by mistake.¹²⁹ To put it more directly, al-Ghazzali tells that, although they do follow and embrace some innovations against the shari‘a, one should avoid declaring the innovators unbelievers and their lives and properties legally expendable, if they still hold the fundamentals of religion. Although, it could not be dealt within the scope of this thesis, Korkud’s choice of this reference to the heterodox groups while discussing the *örfi* killings is noteworthy considering the

¹²⁸ A. Mumcu, *Osmanlı Devletinde Siyaseten Katl*, esp. 120-40.

¹²⁹ Korkud, “Da‘wah,” 5b.

contemporaneity of the *Kızılbaş* issue with the writing of the book.¹³⁰ It appears that, Korkud does not only criticize the summary punishment (*siyaseten katl*) of government officials and possibly some *reaya* individually in practice, but also has the punishment of heterodox groups and *zimmi* communities in his mind. This points to another facet of the *örf* in the Ottoman context, where harsh and extraordinary measures are taken against groups deemed harmful to the *nizam* (order) of the society or the state by the “*ehl-i örf*”.¹³¹

As the first reason becomes clearer, with the discussion of the details and examples provided by Korkud, it seems to be that he is critiquing a particular derivation of *örf* in the Ottoman context, the criminal code of *kanunnames* in general and the *siyasetname* part (in the meaning of the codes that define severe corporal punishments) of it in particular. As it is put for the criminal law of the shari‘a in general, there does not exist fixed punishments for many crimes, and many are not dealt at all. In addition, regarding the procedural law the rules of evidence are also so strict, which make even the few existing ones unpractical.¹³² For a large part of Islamic history till the Ottomans, a kind of courts of complaints, i.e., the *mazalim* or divan courts acted to fill this gap in the judicial sphere. These courts seem to combine the role of *qadi* with the power of sovereign authority by varying degrees of compatibility with the shari‘a and custom of that ruler or locality. As expected, these were not ordinary court procedures, and unlike the ordinary ones, they were mostly headed by the ruler or his representative. In due process, the customary law was applied as *örf* in varying degrees. It should be added that, besides the criminal cases, these courts were the places where administrative offenses of officials and grave offences against the political authorities are dealt with by the help of *siyasa*, in the meaning of political expediency.¹³³

However, Ottomans made efforts to eliminate this dichotomy in the areas of separate jurisdictions, the administrative and judicial ones. To achieve this unity, as a first step they laid down the *kanunnames* in administrative and criminal law, one of the first systematic instances of codification of law in Islamic societies based on customary

¹³⁰ For the elaboration of the issue through another text *Hafiz al-Insan* of Korkud see, Al-Tikriti, “Kalam in the Service of State: Apostasy and the Defining of Ottoman Islamic Identity.”

¹³¹ “Ehl-i örf”, DIA.

¹³² Heyd, *Studies in Old Ottoman Criminal Law*, 15–18.

¹³³ İnalçık, “Türk Devletlerinde Kanun Geleneği.”

practices. While doing this, they justified the aims of promulgation of these *kanunnames* as protection of the subjects from the oppression of the officials (*himayah ar-ra'iyah min mazalim al-hukkam*).¹³⁴ In this way, they seem to continue to uphold the self-promoted reason of the older mechanisms, such as the *mazalim* logic. In other words, as it was done before, *örf* is deployed for the interest of the people, i.e., *maslahah*. At this point, an intriguing question appears as to the Korkud's opposition to the very same *örf* and *kanuns* by referring to the very same reasons, the protection of the people from the oppression of the power holders. Korkud's stress on oppression (*zulm*) and justice (*'adl*) is expressed harshly and clearly at the beginning of the book, which was touched upon in the introduction of this thesis. So, why does Korkud take the exact opposite stance on this issue? At this point, looking at the dynamics in the development of the law in the Ottoman Empire could render us some answers. However, first we should discuss the second reason to get a more complete picture.

3.2. Imperial Financing and Shari'a

He expresses the second reason in the following way:

Verily, with *imarah* there is no doubt that it involves collecting (accumulating) properties unrightfully (*bila haqq*). This is either because there is no escape from it because of the reasons and the related [issues] we will explain at the end of the book, or because of the unrightful nature of this [collecting], since when I scrutinized (*am'antu fi an-nazar*) the collected properties, I found that some of them were collected out of any legal (*shar'i*) authorization and some of them were collected in a mix of the shari'a authorized [properties].¹³⁵

After criticizing the *siyasat*, Korkud now takes the issue of financing of the ruling class/Empire and argues that in terms of financing too there is no escape from engaging in unrightful action. Similar to the first reason, Korkud stresses that it stems from the very

¹³⁴ Heyd, *Studies in Old Ottoman Criminal Law*, 1–7.

¹³⁵ Korkud, “Da‘wah,” 6a.

nature of *imarah*, but leaves the issue of inescapability to the later parts of the book, and tackles with the unrightful practices of collecting these properties.

Thus, the second part of the formulation is of more significance here. Korkud explicitly states that he scrutinized those collected properties (*al-amwal al-ma'khuzah*), meaning that he analyzed the types of these financing mechanisms, which are probably taxes and fines taken as punishments. What he exactly means by this scrutiny and how he did this is not clear. However, as he acted as a governor (*sancak beyi*) for a long time, it should be assumed that he is more than familiar with the *sancak* level *kanunnames* in general, and the recent imperial *kanunname* in particular. In addition, as a member of the ruling family and a possible heir to the throne, he should be also knowledgeable about the general financial structure of the Empire. This should be noted, because at first reading his juristic argumentation method and terminology of *fiqh* obscure the fact that he points to certain state institutions in all of these arguments. In this sense, his mention of the scrutiny of the taxes enables us to see the context. In other words, if his concerns had been different and had not preferred to write on the issue as an '*alim*, Korkud could have formulated these as a governmental treatise on finances as well, such as the one done by later *islahatname* authors. Turning to his arguments again, after the scrutiny Korkud concludes that some of them are out of shari'a and some are mixed with them. In other words, Korkud could not find a type among them, which is purely shari'a authorized. However, he seems to loose this strictness on finances a little bit at the end of the book when he comes to the issue of his own financing as it is mentioned in the first chapter of this thesis. By that demand of him, we know he should have perceived at least *kharaj* (*jizya*) taken from *zimmis* as a legitimate tax.

After reaching that conclusion, Korkud questions the possible outcomes of the statement: "If we collect what is not authorized by law (*shar'*), be it purely unauthorized or mixed, we deserve punishment, and if we leave it (the property) it will not be possible to abide with the requirements (*masalih, s. maslaha*) of *imarah* in these times."¹³⁶

Hence, the issue cannot be solved easily. On the one hand, financing of *imarah*, as it is practiced at the time of Korkud, is not legitimate by the standards of shari'a and will

¹³⁶ Ibid.

result in punishment in the afterlife. On the other hand, forsaking the finances will disable the rulers to perform their duties. At this point, Korkud's use of the term *masalih* is crucial, since it demonstrates that Korkud recognizes the main reason behind the recourse to these non-shari'a financing and the rulership in general: *maslaha*, the interest of the people. In other words, Korkud is well aware of the fact that these practices were legitimated by the *maslaha* principle of shari'a and did not observe to this reality. Indeed, he agrees with them on the fact that, at this time *maslaha* necessitates these practices. However, it appears that he does not deem *maslaha* as a sound source of shari'a, at least with such a degree as it was applied in his times.

After stating clearly his stance on the issue, Korkud attempts to refute possible criticisms to his stance by referring to what are probably the actual arguments he is familiar with:

I have heard some people claiming that what is extorted (*yughsab/ n. ghasb*) from the subjects (*reaya*) by the custom of the kings (*bi 'urf al-muluk*) disregarding law (*dun ash-shar'*) is permissible (*halal*) since they give with their own consents. This is a false claim (*zu'm fasid*) since their consent (*rida*) in giving is not incontestable (*musallam*). How, when left alone on their own (nature, *tab'*) the people of our time do not consent to give what is required from them by law (*shar'an*) in daily affairs (*mu'amalat*) and the like, could they consent in giving what is not required? If they (the claimers) show the lack of discontent (*'adam al-karahah*) in [subjects'] giving, and demonstrate that it is because of their habit (*i'tiyad*) to be tried (*ibtila'*) by such loss (*khusran*) in their properties [irony!], and we accept the existence of their consent, this does not necessitate permission. On the contrary, as it is the case with unconsented giving, it is forbidden (*haram*) since their consent is not a genuine one, rather it is with a concealed discontent. (*rida ma'a karahah al-batin*).¹³⁷

This discussion gives us further possibilities to understand the issue in a more detailed way. Here comes the conceptual framework behind Korkud's ideas, the features of the taxes he is attacking at, and other actors/agents of the discussion to the fore. Till now, we did not know that the issue is discussed by others in some form of exchange of opinions too. By this discussion, the reader is able to follow the arguments of others, although in Korkud's own formulations. In addition, the medium of exchange of opinions, whether it is discussed in public, among the ruling elite in general or among the *'ulama*, cannot be

¹³⁷ Ibid., 6a–6b.

clarified just by this example since he just mentions them as “some people”. However, at the first part of the paragraph, probably as he includes voice of the other side, he sharpens his arguments, and directly labels the taxes as extortions (*ghasb*) that cannot be read positively in any ways. The issue is clarified further, as we learn that Korkud is talking about the properties, according to him, extorted from the subjects (*reaya*) by the custom of the kings, (this time *‘urf al-muluk*) and in a way disregarding shari‘a. *Örf*, as discussed above in detail, comes here again as the main legitimating force behind this institution of state. In this way, both the first and second reasons of Korkud are critiques of applications of *örf* in state practices. Hence, it becomes clear that he is talking about the financing that comes from the *reaya*¹³⁸ and the taxes that are based on the *örf*. This mostly corresponds to the taxes collected from the *reaya*, (the term meaning the flock in the original Arabic, and similarly denoting the tax paying subjects in the Ottoman context), under the general heading of *raiyyet rüsumu* in Ottoman terms, at least some of which Korkud deems legitimated by *örf* against the shari‘a.¹³⁹ He does not give details as to which taxes are legal and which are not according to shari‘a, but we get a hint from his demands at the end of the book. One of his demands from his father is that, after he is granted a *müteferrika* or *‘alim* status, all the money that is to be yearly sent to him should be from the *kharaj* payments of the non-Muslim subjects of the Empire. Thus, we understand that he deems probably just *kharaj* payments of *zimmis* as a legitimate way of taxation in the Ottoman Empire. It should also be noted that consistent with his arguments, he demands it purely from *kharaj* money as he considers mixtures also prohibited.¹⁴⁰ However, before going into the details of *raiyyet rüsumu* and its relations with *örf* and *kanunnames* we should first look at the issue of consent that Korkud discusses above.

Korkud’s problematization of consent in this discussion could point, although implicitly, to an actual discussions in the development of Islamic law concerning tax-yielding lands. In this section, Korkud does not give substantial references to strengthen his claims from the juristic literature, probably because the discussion of the issue of contract

¹³⁸ In his other book *Hall ishkal al-afkar*, he deals with another form of financing, the booties (*ghanaim*). See, Köksal, ed., *Hallu İşkali ‘l Efkâr*.

¹³⁹ For details see, İnalçık, "Osmanlılar’da Raiyyet Rüsûmu".

¹⁴⁰ Korkud, “Da‘wah,” 258b.

and consent is too wide and well known to require a reference. Hence, we could assume that he could as well be addressing both the Hanafi and Shafi'i doctrines on land while engaging in this discussion. As the developments within the Hanafi doctrine are discussed below, Korkud's reference to the issue of consent becomes more meaningful.

To put what Johansen discusses in detail briefly, in the classical Hanafi doctrine, tax and rent differ from each other clearly with the existence of the necessary condition of contract, and consent as constituent part of it. However, in the postclassical period what is collected from peasants took the form of rent instead of land tax. In the meantime, the rent-yielding property became state property as the rent was paid in the form of taxes to the state. There is no need to delve into the details but in this novel argument that differs from classical theory neither contract nor consent is deemed to be necessary obligations in this relationship any more. This process paved the way to the differentiation of peasants' use of landed property from the "rentier classes". This theory began to be articulated in Balkh and Bukhara at the end of the classical period, but in time it became the dominant doctrine to look at land-tenure issues in Mamluk/Ottoman Syria and Egypt.¹⁴¹ In addition, we know from the Ottoman experience that taxing *reaya* this way had already become the de-facto practice by the time of Korkud's writing.¹⁴² This development was surely influenced by the structural changes in the rural society of the Near East, and Ottomans tackled with these issues during the 16th century, as later articulations of Ebu's-suud demonstrate parallels to this development.¹⁴³

Hence, Korkud's elaboration on the lack of consent in this discussion could mean that he is aware of the fact that, in juristic terms *reaya* is taxed mostly in the form of rent in his days. Hence, he attacks by pointing to the lack of consent, as the necessary constituent of the classical contracts of tenancy. However, as Johansen puts it, in the post-classical doctrine, which is the de facto theory embraced in the time of Korkud, neither consent nor contract is required by jurists. Hence, his argumentation could mean that he opposes to the development of this new theory differing from the classical one in the Hanafi School. In this way, he could very well be addressing his primary audience of Hanafis by pointing to

¹⁴¹ Johansen, *The Islamic Law on Land Tax and Rent*, 122–124.

¹⁴² İnalçık, "Osmanlılar'da Raiyyet Rûsûmu".

¹⁴³ Imber, *Şeriattan Kanuna*, 2–3.

the discussions within the Hanafi doctrine. However, from another viewpoint, he could as well be writing as a Shafi'i, who is opposing to these developments within the Hanafi doctrine as an outsider. Hence, we cannot be sure about these possible implications, as he does not give enough references to these juristic discussions. However, we could safely state that, at least in terms of taxation, Korkud perceives the relations between the state and *reaya* as contractual relations, which necessitate consent of the parties. It also fits into the general argument of the book as Korkud approaches to the discussed issues with the viewpoint, by which he offers the principles of shari'a as a source of constitutional measures against the oppressions of state.

Korkud further argues that, even we suppose that there is consent, this does not make the taxation legally allowable, as consent of the debtor does not make usury, consent of the briber does not make bribery and consent of adulterers does not make adultery legally allowable. This time, the source of this *hukm*, on which Korkud bases his analogy, is a prominent Shafi'i book of law, *Sharh Jam' al-Jawami'* of az-Zarkashi, although it is certainly the same for the Hanafis. Afterwards, Korkud adds that, the prohibition of "what we (the ruling elite) are on" is more concerning since in the other cases the payer gets something in return. On the contrary, the *reaya* do not get some profit or service, in return of what they pay to the ruler.¹⁴⁴ Certainly, a conclusion cannot be reached just by this example, it should at least be noted here that, although at first Korkud recognized the *maslaha* principle behind the practice of *örfi* taxes above, now it seems that he does not take these *masalih* as something the tax-payers receive in return of their taxes. In other words, Korkud deems the taxes both against the shari'a and the interests of the taxpayers, thus simply puts it just as ways of extortion.

Afterwards, while responding to a hypothetical interlocutor who raises a question about the analogy, Korkud advances his claim further by adding "the sultans and governors (*umara*) probably collect what they collect to spend on prohibited affairs, as it is known from their habits".¹⁴⁵ Similar to the many of the issues Korkud discusses theoretically, he refers to as-Subki's work, one of the two Mamluk *nasihatnames* he borrows heavily in the third section of his book, for further elaboration of this issue. Later, when he discusses the

¹⁴⁴ Korkud, "Da'wah," 6b.

¹⁴⁵ *Ibid.*, 6b marginal notes.

practices of the ruling elite based on as-Subki we see the examples of prohibited spending. For instance, Korkud criticizes the habitual and prestigious rewarding of poets, dancers and musicians and other entertainers as such from the public treasury (*bayt al-mal*), and narrates a report of the caliph ‘Umar giving just his own shirt as a reward to a poet as he did not perceive the use of public treasury for this a legitimate action. In addition, Korkud points to the prohibited nature of some of these activities (such as some forms of dancing and singing) at the first place.¹⁴⁶ As another example, the critique of luxurious spending of the ruling elite could also be referred here. For these reasons, Korkud concludes that, it is not also legally permissible for subjects to give their property to the rulers, since they will probably spend this for unlawful acts.¹⁴⁷ This is a small but crucial addition as until now Korkud’s addressee were the ruling *askeri* class, however by stating that the tax-payers’ action is also illegitimate Korkud brings the *reaya* as the responsible active participants into the discussion. In other words, he looks at the issue from the viewpoint of the *reaya* implying that he considers *reaya* responsible too for their actions vis-à-vis the state. In addition, his statement also implies that the *reaya* will deserve punishment for their tax payments in the afterlife; hence the pious ones should not pay these taxes. Thus, there is an implicit call for disobedience (or at least a demonstration of possibility and legitimacy of it) to the *reaya* in terms of taxes, which is the main area of interaction between a pre-Modern Empire and his subjects.

In addition, as a secondary outcome of the issue of spending, since sultans and governors probably will use them for prohibited affairs, the payments, which would normally be the right of the rulers (meaning legitimated by shari‘a), are also prohibited, which leads to “prohibition of all properties collected from the subjects”.¹⁴⁸ So, although he primarily begins with the prohibition of *örfi* taxes only and considers all other taxes prohibited because of their mixture with the *örfi* ones, Korkud finally offers a certain, wholesome and twofold delegitimization of the taxation system, both from the aspect of collecting/spending and the aspect of collector and payer. This means that, he deems the financial base of the empire (financing is the strongest facet of an empire in the pre-Modern

¹⁴⁶ Ibid., 116–117.

¹⁴⁷ Ibid., 6b marginal notes.

¹⁴⁸ Ibid.

world) illegitimate. It should be noted that, while elaborating on the issue of the legal situation of the property collected by government, Korkud writes as a pure legist, who claims to be (and probably is) very knowledgeable about the actual Ottoman practice, making use of general principles of Islamic law and trying to build sound analogies between the issue in question and legally uncontested cases to analyze these practices.

After concluding that the properties collected from the subjects are of prohibited nature, as a secondary critique to the enforcement branch of the state, i.e. the ruling elite, Korkud takes the argument furthest possible and does not leave an open way for them to escape. He delineates an exhaustive and exhausting chain of necessary actions, which are in his words, “incumbent upon us”, meaning the tax-receiving rulers, to make up this wrongdoing. Again as a pure legist whose first concern is not the practicability of the verdict but holding the principles of shari‘a intact, he lists the necessary actions starting from returning the property, in this case the taxes that were already collected or accumulated, or an equivalent to the original owner and begging his pardon, if his whereabouts is unknown finding him, if he is not aware of the situation making him aware, if he is dead compensating the heirs, if there are no heirs, giving to a trusted judge and if this too is not possible donating to the poor. Korkud discusses the details of this chain of compensatory actions based on the works of famous Shafi‘i scholars such as al-Ghazzali, al-Yafi‘i, an-Nawawi, and az-Zarkashi.¹⁴⁹

Further elaboration of this argument on spending of the collected taxes by making reference to the actual practice comes later in the second section of the book, where Korkud narrates what is necessary to repent from the sins against the rights of the people (*bayn al-‘ibad*), especially from the sins resulted by breaching the rights of property. After repeating the above-mentioned chain of necessary actions in detail, he criticizes, in the harshest way possible, one of the legitimacy-related practices of the rulers, which is their engagement in charity/benevolence practices by spending from the collected properties, and threatens them with apostasy.¹⁵⁰ He says:

¹⁴⁹ Ibid., 7a.

¹⁵⁰ For the relations between charity, society and politics See, Singer, “Soup and Sadaqa: Charity in Islamic Societies.”

Surely, almsgiving (*tasadduq*) is not permissible from illicit property if its or its value's return [to the original owner] is doable (here comes a hadith to support the argument)... But, the people of the time (*ahl az-zaman*) differ on this as [understood from the fact that] although there is possibility of return [the property or its value] to the owner, they give alms from illicit property and hope reward (*thawab*) and getting closer to God [from this almsgiving], though in *al-Fusul al-Imadiyyah*, from among the respected books of the Hanafites, if [someone] gives something from illicit property as alms to some other hoping reward [from that] disbelieves (*kafara*), and *Jami' al-Fusulayn*¹⁵¹ approves it. Hence it is the truth, no doubt in it... It is because, by consensus, it comprises [implicitly] (*yatazamman*) making an unlawful thing lawful (*istihlal al-haram*)... And this is so, since the property is illicit according to the creed (*i'tikad*) of the alms giver¹⁵² by consensus, even if some 'ulama deems it lawful [it does not break the consensus], and by doing so he rejects the legislation (*mashru'*) and this comprises implicitly rejecting the legislator (*shari'*).¹⁵³

This paragraph is of significance, as by this Korkud both makes reference to the actual practice and takes his criticism to a new level. As it will be discussed through other examples below, Korkud does not refrain from attaching disbelief to the people, who practice some of the actions he criticizes. As it is known from the Islamic tradition, accusing a Muslim with apostasy, *takfir*, is one of the harshest critiques that could be made for someone, as it would devastate all the social standing of the person and if proved could end up even with punishment of the accused person by death. In fact, one of Korkud's other extant treatises, *Hafiz al-insan*, deals with the issue of apostasy in a very detailed way.¹⁵⁴ Therefore, we should assume that Korkud is well aware of the possible consequences while he accuses certain people with apostasy. In other words, the accusation of apostasy should be regarded as an ideological and strategic means Korkud deploys to attack his enemies.

As a derivative of his critique of financing of the ruling class, the issue of the use of illicit money is frequently discussed by Korkud throughout the book. To understand what he means in this paragraph, we should note that in the second section of the book, in a more general way, he claims that a person who sustains his life by means of illicit money endangers all the good deeds he makes. This includes the prayers, the fasting and the

¹⁵¹ The famous *fiqh* book of Şeyh Bedreddin.

¹⁵² Meaning the Hanafites and their School.

¹⁵³ Korkud, "Da'wah," 56b–57a.

¹⁵⁴ Al-Tikriti, "Kalam in the Service of State: Apostasy and the Defining of Ottoman Islamic Identity."

pilgrimage, as he is able to survive and perform all these by means of illicit money.¹⁵⁵ In addition, while he is discussing the wrongdoings of the statesmen, in a more particular and meaningful manner, he also points to the members of the ruling class who engages in building of the mosques by illicit money for ostentatious reasons as if they are making good deeds. Korkud explicitly states that this will not be accepted by God as it is done with dirty money.¹⁵⁶ Hence, there is also this aspect of almsgiving in Korkud's mind, as he particularizes this later. Therefore, the almsgiving issue in this paragraph, probably also includes the establishment of *awqaf*, including even the *waqfs* of the members of the imperial house, such as the imperial mosques, colleges, hamams, imarets etc., hence again aims at delegitimizing another facet of imperial policies.¹⁵⁷

Despite being a Shafi'i himself, it is remarkable that in this section Korkud brings his references from one classical Hanafi book¹⁵⁸ and one recently written and later classicized Ottoman Hanafi book¹⁵⁹ on *fiqh*. Based on the accounts in them, he states that by consensus this action leads to apostasy based on the opinions of the Hanafi jurists. His reference to the Hanafi School is crucial because of two reasons. On the one hand, it demonstrates that he does not talk theoretically and just for juristic curiosity. Rather, he attempts to directly aim at the practices of certain contemporary people he deems illegitimate. It is safe to assume that, although he uses a general identification, *ahl az-zaman*, these people are the ruling elite of the Ottomans who, at that time, mostly adheres to the Hanafi doctrine. On the other hand, his later reference to "some 'ulama", who consider this practice permissible, shows that he tries to marginalize them in the mainstream Hanafi doctrine. In other words, he again attacks some Hanafi 'ulama by demonstrating that their *hukm* is not legitimate as it is against the consensus (*ijma'*) within their own school. Implicitly he also accuses them with apostasy too as they legitimize the action of the people, which he considers disbelief in the first place. The vagueness in the last sentence regarding the subject of the rejecter; the 'ulama, the almsgivers or both, also

¹⁵⁵ Korkud, "Da'wah," 136.

¹⁵⁶ Ibid., 124a.

¹⁵⁷ For significance of the institution of Waqf for the Ottoman State see; Kunt, "The Waqf as an Instrument of Public Policy: Notes on the Köprülü Family Endowments."

¹⁵⁸ *Fusul al-'Imadiyyah*.

¹⁵⁹ *Jami' al-Fusulayn* of Şeyh Bedreddin.

supports this conclusion. Hence, *ahl az-zaman* means probably both the contemporary people in general and contemporary *'ulama* in particular.

However, there is also another issue worth questioning. Before this paragraph, he does not explicitly refer to the Hanafis. So, why does he need to do at this particular point? One possible reason for this could be the fact that as he gets into more dangerous zones, meaning implicit *takfir* of the ruling elite, even the sultan could be situated under this group, he needs to base his arguments on more solid and objective grounds to give the impression that he does not make this for political opposition and opportunism, rather for the sake of pious reasons. In other words, as he states, he tries to show that this practice implies disbelief in the particular belief system of the opponent himself.

As we have finished the discussion of the first and second reasons by themselves, now we should compare the two and discuss the possible meaning of them together. Similar to the first one, the second reason again deals with a practice legitimated by sultanic *örf* (*'urf al-muluk*) against *shar'*. However, unlike the first one Korkud does not use the word *siyasat* here. Hence, in the first reason it becomes clear that he particularly uses the word *siyasat* meaning the punishments or the severe ones. He might have taken into consideration that his audience is Ottoman and so dealt with *örfi siyasat* and *örfi* taxes in different contexts.

However, if a more contextual reading is to be done for the first two reasons, by attacking the *örf* as the legitimating source behind them, Korkud actually criticizes the *kanuns* in general and the first imperial, general *kanunname*, *Kanunname-i Al-i Osman*, which is promulgated around 1500, in particular. Although he does not use the word *kanun* anywhere in the discussion of the two reasons, his persistent references to *örf* and his systematization of the issues should certainly remind the reader *kanunnames*. That is so, as the first reason is mostly about the punishments, which is dealt within the first part, the criminal code that Heyd analyzes¹⁶⁰, of the *Kanunname*, and the second reason is about the land regime and the taxes, which is dealt within the second part of *Kanunname*, in other words the *reaya kanunnamesi*.¹⁶¹ Hence the two reasons together aim at delegitimizing the

¹⁶⁰ Heyd, *Studies in Old Ottoman Criminal Law*, 18–24.

¹⁶¹ Inalcik, "Suleiman the Lawgiver and Ottoman Law."

famous *Kanunname-i Al-i Osman*. Now to assess the issue further, we need to look at the development of *kanuns* and *kanunnames* in the Ottoman Empire.

3.3. *Da'wah, Kanuns and Kanunnames*

The origins of *kanun* have been and still are foci of debate among scholars. However, it is certain that the process began at the provincial level and thus it was related to the provincial administration of the empire. We should note that, before their unification and centralization, *sancak kanunnames* were being written at the beginning of the *tahrir* registers, which are of significance while searching for the origins of *kanuns*.

A rough definition of *tahrir*, in the Ottoman context, is that they were surveys done in certain provinces of the Empire in different intervals in order to write down the revenues, the revenue generator subjects for the purpose of setting the taxation policies related with them.¹⁶² However, *tahrir* is certainly more than just a survey, as the more extensive explanation below witnesses.

Although the oldest register available to us dates back to 1431, it is not the first one since it includes references to the older registers. In fact, referring back to the earlier registers, *defter-i atik* and *defter-i köhne*, in the new register, *defter-i cedit*, is a common feature of *tahrir* registers, which clearly shows continuity in the process.¹⁶³ In *tahrir*, a further continuity between the old regimes before the conquest and the new ones is also witnessed. The distribution of lands, revenues and tax regimes carried the influence of old local rules and customs in the new ones.

The practice of *tahrir* is directly connected to the *timar* system, which is also a very complicated system that cannot be explained within the scope of this thesis. The system covers almost all the spheres of provincial administration of the Empire. As a practice within this system, *tahrir* has financial, legal, military, and administrative aspects. In the registers, financial sources of the provinces are written down in detail. Rules related with

¹⁶² “Tahrir”, DIA.

¹⁶³ Inalcik, *Suret-i Defter-i Sancak-i Arvanid*, 13-15

the revenues such as taxation rates, customs of land usage and fines and punishments concerning *reaya* are also recorded.

Hence, local tax regimes, taxation rates for different commodities, customs specific to the regions and fines and punishments concerning them were recorded by the surveyors. Afterwards, these local customs were corrected at the center, and this process paves the way for the formation of the provincial laws (*sancak kanunnameleri*).¹⁶⁴

Correctly pointing to *timar* system and *tahrir* registers while discussing the origins of *kanunname*, Imber states that although it could be formulated within an Islamic terminology, Ottoman *kanun* is not originated from shari‘a, rather from the necessities of the *timar* system and systemic division between *timar* holders and tax-paying subjects. In this way, Imber suggests to search the origins of Ottoman *kanun* within the predecessors of Ottomans, meaning the Byzantines and Saljukids. However, while doing so he seems to overemphasize the Byzantine influence and underestimate the Saljukid, hence possibly Islamic, constituents of *kanun*.¹⁶⁵ In any ways, despite differing in terms of the origins and ways of legitimization, all the theories on *kanun* share the common opinion that its development was influenced by the customs of the peoples, rulers or ruled ones, in different degrees.¹⁶⁶ After this mention of origins briefly, the key points in the development process of the *kanunname* should be mentioned here.

The first systematic general *kanunname* was probably written down during the reign of Mehmed II including the chapters on penal law, tolls (mostly fines relating the transgressions of these laws) and taxation of the *reaya*. The codification of the *Kanunname* perfectly fits into the general political activities of the Mehmed II as he is remembered by his bold endeavors strengthening the feudal nature of the state by increasing the public revenue, incorporating large lands of *waqfs* into the feuds, thus enabling the state apparatus to accommodate more military and administrative personnel enabling the control of greater power. At this point, the ascription of codification of the *Kanunname* to the famous Karamani Mehmed Paşa supports this intention behind the *Kanunname*, as the Paşa and his activities were remembered in terms of reforming the general structure of the state. We

¹⁶⁴ Ibid., 20.

¹⁶⁵ Imber, “How Islamic was Ottoman Law?”

¹⁶⁶ İnalçık, “Türk Devletlerinde Kanun Geleneği.”

should note that, similar to many of the *nişancı*s and others participated in the codification process, the Paşa who acted as *nişancı* and Grand vizier, was a *medrese* graduate and worked in the capacity of *qadi* as well, which also should be taken into consideration while discussing the *örf-shar‘* relations in the *Kanunname*.¹⁶⁷

The codification process of *Kanunname* does not end with the end of the reign of Mehmed II, rather with addition of several chapters it appeared as the well-known, but mostly attributed to the Süleyman falsely, *Kanunname-i Al-i Osman*. Before this time, criminal law in the *Kanunname* of Mehmed II envisaged only fines and strokes as the punishments, but with the addition of *siyasetname* (here the word is used as a legal term, the code which prescribed *siyaset*, i.e. capital punishment or severe corporal punishments) to the *Kanunname*, it became more severe. *Siyasetnames* probably had already existed before the time of Bayezid as separate documents. However, before Bayezid unlike the *kanunnames*, *siyasetname-i sultani* (also called *yasakname*) were not sent to the *qadi*, but to the ruler of certain provinces, though it was again applied through the office of *qadi*. Later, it was added to the *kanunname* in time of Bayezid, probably around 1500-1501 as the fourth chapter, which started with the sub-heading “*mücerred siyasetin beyan eder*”.¹⁶⁸ Hence, the more severe punishments as derivatives of *örf* found its way into the main *örfi* body of law of the Empire in these times. In addition, again similar to Mehmed II’s *Kanunname*, there appeared two chapters on agrarian (*reaya kanunnamesi*), feudal and military law, taxes etc., and the whole body of law made up the *Kanunname-i Al-i Osman*.

In this context, it seems that *örf* was considered as the major constituent of and legitimating factor behind *kanunname*, and therefore subjected to the heavy criticism by Korkud. It should also be noted that *kanunname* is also called *Örfiye-i Osmani* in different contexts.¹⁶⁹ Hence, it could be argued that many arguments in the book of Korkud, especially the first two might be best understood as criticisms against both the criminal law and land regimes envisioned by *kanuns* and *kanunnames* in general, and *Kanunname-i Al-i*

¹⁶⁷ Heyd, *Studies in Old Ottoman Criminal Law*, 7–24.

¹⁶⁸ *Ibid.*, 15–18.

¹⁶⁹ *Ibid.*, 18–24.

Osman in particular, which marked the climax of *kanunname* tradition a couple of years before the writing of the book.¹⁷⁰

Throughout the book, Korkud adds further reinforcements by engaging in new theoretical discussions or making references to the actual events related with *örf* /shari‘a and therefore implicitly *kanun*. For instance, in the third part of the book, where he mostly borrows from the Mamluk authors, Korkud adds to the part about the qadis that, in the lands of Rum (*diyar-i Rum*) they settle the cases with *örf* rather than shari‘a.¹⁷¹ Similarly, at another point he adds that our qadis confuse *shar‘* and *örf*, and apply them indiscriminately in their cases. They start the process as if they were engaging in a *shar‘i* case but apply the rules of *örf* to their decision-making process before concluding the case with shari‘a again.¹⁷² Since Korkud does not delve into the details the actual practice he is criticizing cannot be delineated exactly. However, it is clear that he is against the application of *örf/kanun* mixed with well-established rules of shari‘a for the cases brought to the jurisdiction of qadis. In other words, additional to the promulgation of *kanuns* he also criticizes the application and enforcement of *kanuns* by qadis in the Ottoman lands. In addition to the qadis, while narrating the Mamluk accounts on the oppressions of rulers, he adds that more important than those oppressions are the rulers’ disrespect for shari‘a while they are deciding on issues in general.¹⁷³ Close to the end of the book he also states that there are things that are considered and applied as justice (*‘adl*) by *örf*, which are actually injustice (*zulm*) by the standards of shari‘a. Therefore, among the practices he criticizes in this respect are several instances where *kanuns* were applied by the qadis or the ruler where the shari‘a should be applied according to Korkud. These criticisms to concrete practices also support the conclusion that he is writing against the *kanuns* in general.

In addition to the practice-related critiques, the following more theoretical discussion could be seen as the climax of Korkud’s criticism, and it deserves attention as it

¹⁷⁰ Actually the writing process of this voluminous book could have taken years. Hence it could have been commenced as early as the time of the codification of the *Kanunname-i Al-i Osman*.

¹⁷¹ Korkud, “Da‘wah,” 147a.

¹⁷² *Ibid.*, 155b.

¹⁷³ *Ibid.*, 148b.

both offers a possibly actual conversation and elaborates on the issue of *takfir*. Korkud says:

And I used to hear time to time from the ignorant ones that “if the customary policies, (*al-siyasat al ‘urfiyya*) that the kings (*al-muluk*) make (*vada‘aha*), were abolished the affairs of people would not have been regulated and their living conditions would deteriorate. Likewise, if the properties collected from the people by the customs of sultans (*bi ‘urf al-salatin*) were left to the subjects (*reaya*) the properties, collecting of which is allowed regarding the *shari‘a* (*al-ma‘zun akhzuha min jihat ash-shari‘a*), would not be enough for the multiplication of troops, obstruction of the frontier access of the country and the like.” There is no doubt that this thought is a disbelief (*kufri*) clearly since it is deeming the exalted God ignorant, how so when he is remote from imperfection. Surely, the *shari‘a* is put (made, *vudi‘a*) for the order (*nizam*) of the people, and who claims that their order cannot be achieved by that means; his claim as such is like his saying that the exalted God has not known with what their order could be achieved. And such is the thought on the collecting of property, as it is comprehended with a bit of contemplation.¹⁷⁴

Here what Korkud narrates as what he heard from the “ignorant ones” are exactly the same reasons behind the sultanic authority in general and codifications of *kanunname* in particular. These ideas are expressed even in the texts of *kanunnames*.¹⁷⁵ The order “*nizam*” is also the reason behind all *kanuns*, *kanunnames* and even the primary legitimating concept behind the necessity of existence of the sultan.¹⁷⁶ However, in this respect Korkud conceives *shari‘a* and *örf* exclusive even opposite to each other and argues that *shari‘a* and only *shari‘a* is laid down for the order (*nizam*). Hence, what he narrates as the opinions of ignorant is probably the common opinion among the ruling elite in general. This is not surprising as he considers himself an *‘alim*, and many of the other ruling elites as ignorant ones as it is mentioned in the first chapter of this thesis. In addition, it illustrates that he addresses certain contemporary concerns through these discussions, and the following is a very vivid example of this:

Once, a quarrel between me and a certain one, whom men of the state (*arkan ad-dawlah*) regarded best of the viziers suited to perform as my vizier, occurred on this issue. I declared that abiding by the *shari‘a* precedes abiding by the

¹⁷⁴ Ibid., 115b.

¹⁷⁵ Heyd, *Studies in Old Ottoman Criminal Law*, 7–33; İnalçık, “Şerî‘at Ve Kanun, Din Ve Devlet’.”

¹⁷⁶ See ft.124 above for Tursun Bey’s articulation of the issue.

custom of the sultans (*'urf as-salatin*), and the one, who says that the order (*an-nizam*) cannot be achieved without the custom, disbelieves. He replied: “The sultans, is God not their Creator?” meaning thus the authority of the created should precede the authority of the Creator. And I gave him his answer: “The devils (*ash-shayatin*), is God not their Creator?, and by this I meant being a creature of God does not convey such a meaning. If not, the devils’ quality of being creatures of God would convey such a meaning, which even a person with least reason and religion would not agree. Then, the flow of heedless words towards his mouth intensified, hence I knew that he is from among the ones, about whom the exalted God said (from the verse) “They have hearts wherewith they understand not” till “They are like cattle,- nay more misguided: for they are heedless (of warning).” So, I left him walking by himself. Let us beg the pardon of the wise (*al-'uqala'*) for deliverance of such words from us on this occasion. However, this is not by our own will rather (it is because) “the truth prevails and it cannot be prevailed.”¹⁷⁷

In this paragraph, Korkud again tackles the issue of *örf*-shari‘a; not something new content wise. We see that Korkud pursues the restrictive approach within the Shafi‘i School, taking a very harsh oppositional stance to the application of *siyasa*h for the sake of the maintenance of the order.¹⁷⁸ He argues that, because of the holistic and perfect nature of the shari‘a the sultanic custom cannot be applied for the maintenance of the order of the world, as shari‘a is necessarily sufficient for it. Then, as usual he deploys his sharpest weapon, an accusation of apostasy (*takfir*) to refute the claims of his opponent as certain as possible.

This paragraph perfectly illustrates a remarkable style of argumentation on the side of Korkud. He applies a sharp argumentation style, which he uses decisively and mercilessly to destroy the opponent’s argument. If it is narrated without distortions, we could also get some clue as to the subjects discussed between Korkud and the statesmen, whom were sent to help Korkud in the management of the state affairs. The last sentences, where Korkud engages in a “humble” praise of himself is also of significance, as it pictures self-perception of the Şehzade as a victorious *'alim*, who is fighting against the false beliefs of ignorant people, very sure of himself, and thus easily labeling his opponents with the worst labels possible.

¹⁷⁷ Korkud, “Da‘wah,” 115–116a.

¹⁷⁸ Anjum, *Politics, Law and Community in Islamic Thought : the Taymiyyan Moment*.102-107

CONCLUSION

In this study an attempt has been made to analyze and contextualize some aspects of a text written by an Ottoman prince in the first decade of the 16th century. This study does not claim in any ways to be a complete and final assessment of *Da'wah*. Rather it aimed to provide a general analysis of the text and an in-depth discussion of one of the important subjects that the text problematizes.

By means of a parallel reading of *Da'wah* and the intellectual and political biography of Şehzade Korkud through secondary sources, the first chapter was designed to situate the text within the biography of the author and make some of his actions and experiences more understandable and meaningful for the reader. Similarly, this chapter hopefully provided the reader with some familiarity with the environment in which the author wrote down the text, and therefore reduced the otherwise inevitable wholly textual approach. It was argued that the actual concerns of the author, such as the anxiety and fear of a close possibility of a succession war and a consequent death, were certainly related to the production of the text, and the almost apocalyptic descriptions of these possibilities in *Da'wah* are witness to that. Likewise, although it ultimately failed, the authoring of the book and the related retreat of the author from most of the governing duties appeared as unusual and alternative strategies to deal with the established practices of imperial succession among the Ottomans.

In the second chapter, through a holistic reading of the text and a general analysis of the major important themes, it was illustrated that the author had a very complex strategy and complicated argumentation style employed throughout the book. It was demonstrated that the text strongly challenged the very basic claims behind the legitimacy of the Ottoman

State and the Sultan. Ottomans' claims of being the utmost champions of *jihad* and *gaza*, the most generous patrons of the Islamic sciences and the *'ulama*, the providers of *'adl* and fighters against *zulm*, and the maintenance of the *nizam* as the primary reason behind the existence of the sultan are all challenged. In addition, the instruments that the state deployed to sustain this legitimacy, such as the spending by the state elite in charity and public welfare (*tasadduq* and establishment of *awqaf*) were delegitimized too. However, it was also demonstrated that the author did not provide alternatives and the text was not hopeful at all. Rather, all the criticisms primarily served and designed to create personal excuses for the author to give up the duties of governance and step away from the succession struggle. In other words, the general and seemingly objective arguments of the text ultimately converged around the personal and subjective motivations and conditions of the author.

In the third chapter, the discussion of *örf*-shari'a relations in the Ottoman context by the author throughout the book is analyzed in detail, and it was stated that the author challenged some of the essential institutions of the Ottoman Empire. Delving into an in-depth textual analysis and contextual reading of the arguments that this analysis provide, it was argued that Şehzade Korkud actually challenged the *kanun* tradition and the recent promulgation of the *Kanunname-i Al-i Osman* as the ultimate and most advanced outcome of this tradition. It was also suggested that by attacking the concept of *örf* (customary law) as the legitimizing force behind the sultanic will, which was instrumental in the development of these *kanuns*, Şehzade Korkud was representative of a particular tradition, which was adhered mostly by Shafi'i ones, among the Islamic scholars rejecting the distinction between shari'a and *siyasah*. In this way, a possible explanation behind the Şehzade's adherence to the Shafi'i School, which was certainly unusual for him, was offered. It also revealed some of the motivations and sources behind his oppositional stance. In addition, the close scrutiny of the discussions of the issue revealed that Şehzade Korkud engaged in uncompromising and decisive attacks against his opponents in these discussions accusing them even with apostasy (*takfir*) in times he considered it necessary and useful.

Overall this thesis aimed to make contributions to the literature in several respects. As an analysis of a text authored by a Şehzade, a possible heir to the throne and a graduate

of the palace education system, it hopefully provided an example enabling the reader to perceive the intellectual formations of these individuals. More important than that, this study tried to convey, to the possible extent, the self-expression of a member of the dynasty through a relatively less common type of personal document, a scholarly text. Similar to the other kinds of personal documents, such as the frequently studied letters and poetry, this scholarly text also revealed many of the personal concerns, thoughts, and feelings of the author. However, it is another task, and beyond the limits of this study, to ask to what extent all these characteristics revealed through the text were either unique or common among the members of the dynasty.

Moreover, this study also discussed the text as a political treatise, which heavily employs a language and discourse dominated by the influences of Islamic scholarly tradition, offering open and harsh criticisms against the governance in general, and certain Ottoman institutions and practices in particular. Hence, this thesis hopes to contribute to the literature on the history of political writing and political thought in the Ottoman Empire, as it deals with a very early example of this tradition of writing. On the other hand, as this study also demonstrated the text's clear and exceptionally rigorous oppositional stance, it provided a very particular instance of oppositional writing, which is not common to such an extent for the period.

However, certainly there exist a number of issues that could not be discussed or even touched upon in this study. To start with, the biography of the author could not be analyzed extensively and the sometimes-conflicting accounts of the secondary sources could not be checked from the primary material, except the issues *Da'wah* sheds light on. In addition, as *Da'wah* is a voluminous and complicated text, several of the arguments of the book were only mentioned briefly in the second chapter and many minor ones were not mentioned at all. In addition, although a glimpse of the argumentation and narrative style is provided through translations of some crucial chapters, and the most frequently referred sources are pointed out, an extensive analysis of sources and the strategies in selecting them and borrowing from them could not be undertaken.

However, at the time of the writing of this thesis any study on *Da'wah* is bound to be incomplete and partial. As discussed in the introductory part of this thesis, there are not many studies on the life or works of Şehzade Korkud, and they recently began to be less

biased and more thorough. As only one of his works was very recently made available to the reader in print and extensive studies on them are very rare, a complete picture of the Şehzade and his intellectual formation could not be drawn. By providing some new material by Korkud that could be of interest to the scholars, this study also hopes to be followed by the appearance of more detailed researches on the scholarly works of Şehzade Korkud.

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