

**BETWEEN ORDER AND DISORDER:  
THE PROBLEM OF NATIONALITY AMONG OTTOMAN-IRANIAN TRIBES  
IN THE HAMIDIAN ERA**

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THE HAMIDIAN ERA

by

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ABSTRACT

BETWEEN ORDER AND DISORDER:

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This study investigates how citizenship was perceived and implemented along the Iranian border during the Hamidian era. While explaining the process of transition from subjecthood to citizenship, my aim was to assert how the Ottoman Empire built citizenship approach throughout its people along the border. In this thesis I wanted to focus on which difficulties the Ottomans were confronted on creating citizens especially in the areas that remote from the center. One of these difficulties was the sectarian divergence between the Sunni and Shi'a sects, which derived from the formation of Shi'i Safavid state in the 16<sup>th</sup> century. This sectarian divergence affected the Ottomans' nerves on creating loyal citizens in the Baghdad, Mosul and Basra provinces of the Empire. The second obstacle was the loose central control over these remote areas that produced local autonomous power holders. The last issue was the ambiguity of the borderline between the two states which made difficult determine the citizenship status of the nomadic tribes that wandering around the border.

Keywords: Citizenship, the Ottoman Law of Nationality, Prohibition of Marriages between the Ottoman Women and Iranian Men, the Ottoman-Iranian Relations

## ÖZET

### DÜZEN VE DÜZENSİZLİK ARASINDA: II. ABDULHAMİD DÖNEMİNDE OSMANLI-İRAN AŞİRETLERİ ARASINDA VATANDAŞLIK SORUNU

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Bu çalışma, II. Abdulhamid döneminde Osmanlı-İran sınırı boyunca vatandaşlık kavramının nasıl algılandığı ve uygulandığını araştırmaktadır. Tâbiyetten vatandaşlığa geçiş sürecini açıklarken, amacım Osmanlı İmparatorluğu'nun sınırdaki insanlarına karşı nasıl bir vatandaşlık yaklaşımı geliştirdiğini ortaya koymaktır. Bu tezde, Osmanlıların merkezden uzak bölgelerinde vatandaşlar yaratmaya çalışırken karşılaştığı zorluklara odaklandım. Bu zorluklardan biri 16.yüzyılda Şii Safevi devletinin kurulmasıyla ortaya çıkan iki devlet arasındaki Şii-Sünni mezhep ayrılığıdır. Bu mezhepsel ayrılık Osmanlıların Bağdad, Musul ve Basra vilayetlerinde sadık vatandaşlar yaratma çabalarını etkilemiştir. Bu çabanın önündeki bir diğer engel de merkezi kontrolün zayıf olduğu bölgelerde yerel otonom güçlerin oluşmuş olmasıdır. Son olarak da iki devlet arasındaki sınırın kesin olarak belirlenmemiş olmasından dolayı sınır boyunca hareket halinde bulunan aşiretlerin vatandaşlıklarını tespit edilmesi meselesidir.

Anahtar Kelimeler: Vatandaşlık, Osmanlı Vatandaşlık Kanunu, Osmanlı Kadınları ile İranlı Erkeklerin Evliliklerini Yasaklayan Kanun, Osmanlı-İran İlişkileri

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## INTRODUCTION

The aim of this thesis is to study a rather less researched aspect of late Ottoman history, namely the borderlands adjacent to Iran and the policies of the Sublime Porte to integrate its populations into the imperial administrative and political framework. These regions, stretching from Caucasus in the north down to the Persian Gulf, included to an important extent tribal populations of various ethnic origins. Despite the fact that these areas were conquered by the Ottomans already in the early sixteenth century by Selim I (r. 1512-1520), continuous warfare with the Iranians throughout the sixteenth, seventeenth and eighteenth centuries rendered these borderlands into an effective bufferzone between these two empires. The tribal and – partially – nomadic character of the local population constituted a major obstacle for the Sublime Porte to implement policies of centralization in the region. In addition, the geography of this border area, mountaneous as well as being located hundreds of kilometers away from Mediterranean or Black Sea ports, made it difficult for the Ottoman administration to reach the region. The lack of transportation means such as railroads or communication infrastructure like telegraph lines until the second half of the nineteenth-century rendered this locality a remote backyard of the Empire.

The *Tanzimat*-era (1839-1876) signified the policy of administrative centralization as well as the foundation of the state of law, which entailed a uniform, rational and institutionalized administration throughout the imperial provinces. To achieve these goals, measures such as orderly conscription, population census, taxation, and the introduction of the notion of Ottoman citizenship were introduced. However, these measures could be implemented within the Ottoman lands only in an uneven way. The Capitulations imposed legal limitations which created an extraterritoriality for a significant part of Ottoman urban non-Muslim population, whereas interventions by foreign powers in favour of certain non-Muslim communities formed a sphere of immunity from government policies of citizenship. Another obstacle to the state policies of centralization and the development of the state of law concerned the Ottoman State itself. Since the Ottoman State defined its official religion as Sunni Islam, and the Ottoman sultan bore the Sunni Islamic title of Caliph, non-Sunni Muslim populations

such as the Bektashis, Qızılbaşes, Zaydis and the Twelver Shiites, living in Anatolia, Syria, Lebanon, Yemen and Iraq, remained outside the legal reach of the state authority.

The Sunni character of the Ottoman Empire on the one hand, and the Twelver Shiite character of Iran on the other, regularly created problems in terms of civil issues related to marriage, birth, conscription, death, and inheritance. Since the Sublime Porte did not acknowledge non-Sunni Islamic communities as religiously legitimate, any civil relationship between a Sunni Muslim Ottoman citizen and an Iranian citizen bore the potential of major legal problems.

Examining the abovementioned issues in terms of borderland populations in the eastern parts of the Empire, the lack of a clearly settled borderline between the Ottoman Empire and Iran as well as its porosity created problems in defining the borderland tribes by means of their citizenship. Not only the transboundary migrations of regional tribes between the Ottoman lands and Iran, but also the possibility of marriages among the borderland populations of the Ottoman Empire and Iran were bound to produce legal issues of a considerable extent. These problems became exacerbated even more as a result of the reign of Abdülhamid II (r.1876-1909), who pursued the domestic policy of Islamism and was determined to extend administrative centralization to the borderlands.

Until now the issue of Ottoman-Iranian relationship and the problem of borderland has been researched mainly in terms of political history. There has been some studies, notably of Nejat Göyünç and Cezmi Eraslan concerning Ottoman-Iranian diplomatic relationship during the Hamidian period. However, these studies provide us mainly a general view of this issue, without going deeper into the problems of the borderlands.<sup>1</sup> J.C. Edmonds has focused on the issue of the Ottoman-Iranian borderland

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<sup>1</sup> Cezmi Eraslan, “İslam Birliği Siyaseti Çerçevesinde II. Abdülhamid’in İlk Yıllarında Osmanlı-İran Münasebetleri”, in *Prof.Dr. Bekir Kütükoğlu’na Armağan*, (İstanbul: İstanbul Üniversitesi Edebiyat Fakültesi Tarih Araştırma Merkezi, 1991); Nejat Göyünç, “Muzafferiddin Şah ve II. Abdulhamid Devrinde Türk-İran Dostluk Tezahürleri”, in *İran Şehinşahlığı’nın 2500. Kuruluş Yıldönümüne Armağan* (İstanbul: Milli Eğitim Bakanlığı, 1971).

mainly in terms of political developments.<sup>2</sup> The problems of inter-religious marriages between Sunnis and Twelver Shiites in Ottoman Iraq has been discussed by Karen M. Kern.<sup>3</sup> However, the topic of Ottoman-Iranian borderline has been dealt more thoroughly by Sabri Ateş, in his unpublished PhD thesis titled “Empires at Margin: Towards a History of the Ottoman-Iranian Borderland and the Borderland Peoples 1843-1881”.<sup>4</sup> This thesis is crucial in terms of discussing this issue for the period of the *Tanzimat*, i.e. the period which precedes the reign of Abdülhamid II.

This thesis has the object to demonstrate the political, social and legal difficulties borderland populations along the borderline of the Ottoman Empire and Iran had to face. Here the temporal concentration will be on the years between 1876 and 1908, i.e. the reign of Abdülhamid II until the Young Turk Revolution. It also aims to bring into light the voices of some of the members of the borderland tribes which have been hitherto remained in silence.

The study consists of four chapters. Chapter I, titled “The Issue of Citizenship in the Ottoman Empire,” discusses the development of the notion of citizenship as a part of the *Tanzimat*-reforms. After considering different European approaches towards citizenship, the policy of Ottomanism is taken into consideration as a binding element for Muslims and non-Muslims. In this context, the Reform Edict of 1856 and its effects are elaborated. Lastly, the Ottoman Law of Nationality of 1869 and its application are discussed.

Chapter II (“Historical Background of Ottoman-Iranian Relations”) elaborates the complicated history of the Ottoman Empire and Iran, beginning from the Early

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<sup>2</sup> C. J. Edmonds, “The Iraqi-Persian Frontier 1639-1938”, *Asian Affairs*, Vol.6, Issue.2 (June 1975).

<sup>3</sup> Karen M. Kern, *Imperial citizen: marriage and citizenship in the Ottoman frontier provinces of Iraq*, (Syracuse, N.Y.: Syracuse University Press, 2011).

<sup>4</sup> Sabri Ateş: “Empires at Margin: Towards a History of the Ottoman-Iranian Borderland and the Borderland Peoples 1843-1881” (unpublished PhD Thesis, New York University, May 2006).

Modern Era until the Young Turk Revolution. Here the emergence of the Safavid state in 1501 and its specific characteristics as well as its struggle with the Ottoman power in the west until the early eighteenth century is related. Then the era of Nadir Shah and his campaigns in Iraq and eastern Anatolia are discussed. This is followed by the era of the Qajar dynasty, where the Ottomans and the Iranians, forced by the British and the Russians, had to settle their border issues through the two treaties of Erzurum (1823 and 1847). Finally, the Hamidian period and its significance in Ottoman-Iranian relations are focused upon.

These topics are followed by Chapter III, which discusses the issues of marriage and conscription. Firstly, the sectarian differences and their effects upon the inter-religious marriages are scrutinized. This problem is treated within a historical perspective, which considers also the sixteenth, seventeenth and eighteenth-century developments. Another issue which concerned the Ottomans was the expansion of Twelver-Shiism in Iraq and its political effects for the Ottoman rule in the region. It is shown that the Ottoman administration introduced the prohibition law of inter-religious marriages in 1874, and its actual lack of effectiveness both in the region as well as in the Ottoman capital. Another topic of this chapter focuses on the issue of conscription, which created major tensions between the Ottoman Empire and Iran.

The final part of this thesis, Chapter IV (“Wandering Around the Border”), attempts to provide a more concrete picture of borderland populations which moved from the Ottoman to the Iranian side and vice versa. The chapter begins with the description of Ottoman government policies of sedentarization from the seventeenth to the nineteenth centuries. This is followed by the issue of rivalry of Ottoman and Iranian governments to gain the allegiance of the borderland tribes. At this point the concrete example of the Bilbas tribe is discussed in length. Finally the chapter comes to an end by focusing on the Beni Lam issue, where the Ottoman Empire and Iran tried to utilize the nomadic character of this tribe to expand their territories.

## CHAPTER I

### THE ISSUE OF CITIZENSHIP IN THE OTTOMAN EMPIRE

#### 1.1. An Introduction to Citizenship

Citizenship/nationality is the legal, political and social status of every person who belongs to a state, that is, is subject to its authority and may in return seek its protection. In describing legal character of citizenship there are two major aspects that must be taken into consideration. While one of them is the legal relations between the state and individuals, the other is individuals' legally defined status. In this regard it will be possible to define citizenship through its formal and concrete meaning conjunctively<sup>5</sup>.

Legal rules on citizenship constitute an integral unity and this unity includes rules about the acquisition, loss, naturalization and verification of citizenship. These rules differ from one state to another according to their legal, political and social considerations. Thus rules about citizenship are the subject of domestic law of each state. Although the relationship of individuals and state is same in principle, it can be perceived distinctively in different states.

On the other hand, due to the relationship among states citizenship is also the subject of international law. Legal and political relations between individuals and state may concern other states or international communities. By the reason of the fact that states cannot act independently in the issues related to naturalization of individuals, they are bond to some international rules<sup>6</sup>.

Acquiring citizenship is in principle inseparable from the time of birth. Time of birth is the most appropriate and the most exact time to confer the citizenship to an individual. To acquire citizenship by birth is called "natural/original citizenship". There

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<sup>5</sup> Ergin Nomer, *Vatandaşlık Hukuku*, (İstanbul: Filiz Kitabevi, 1989), p. 15.

<sup>6</sup> Rona Aybay, *Yurttaşlık, Vatandaşlık Hukuku: Ders Kitabı ve Temel Yasa Metinleri*, (Ankara: Ankara Üniversitesi Siyasal Bilgiler Fakültesi,1982), p.6.

are two systems to designate the citizenship that is acquired by birth. One of them is based on blood or descent *jus sanguinis*. The birthplace is not important and the child acquires both or any of he or she parents' citizenship, and particularly of the father. In the other system the birthplace or *soil jus soli* is determinant to indicate the citizenship of an individual. In this system child acquires the citizenship of a state where he or she was born.

Modern concept of citizenship takes its roots from the French Revolution. Hence the formation of modern concept of citizenship goes hand in hand with the historical process of state formation and nation building in the Western Europe. As from the midst of the 18<sup>th</sup> century states attempted to amass territories consisting ethnically and religiously heterogeneous populations under a centralized state. By doing this they followed two different methods: on the one hand they assimilated and integrated native ethnic and religious groups into equal citizens on the basis of *jus soli* principle, on the other hand they alleged as foreigner the individuals who did not have *jus soli* bond to the state according to *jus sanguinis* principle<sup>7</sup>.

From the point of different understandings of nationhood, states made peculiar descriptions of their own citizenry. For instance while France's state-centered and assimilationist policy affects the expansive and assimilationist citizenship law, Germany's ethno-cultural emphasis on nationhood makes her to define the citizenry as a community of descent<sup>8</sup>. France is one of the states that its citizenship policy is based on *jus soli* principle and state-loyalty. France has had religiously and ethnically diverse populations and powerful enough elites who can avert the peripheral interests designated for unitary state. States like France aimed to reduce individuals' loyalties to

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<sup>7</sup> Hakan G. Sicakkan, "State Formation, Nation Building and Citizenship in Western Europe", in *Changing the Basis of Citizenship in the Modern State*, Sicakkan, Hakan G. and Yngve Lithman (eds.) (Lewiston, NY: Edwin Mellen Press, 2005), p. 40.

<sup>8</sup> Rogers Brubaker, *Citizenship and Nationhood in France and Germany*, (Cambridge, Mass.: Harvard University Press, 1992), p.14.

their own ethnic or religious communities and thus ensure amalgamation of individuals to the state<sup>9</sup>.

However, Germany has a Volk-centered and differentialist way of understanding of nationhood that has an ethno-cultural basis. 19<sup>th</sup> century German intellectuals kept away themselves rational and cosmopolitan way of thinking of the Enlightenment and French Revolution and adopted cultural particularism<sup>10</sup>. Germans were advantageous having relative homogeneous territories and thus they were able to follow the *jus sanguinis* principle based on blood and descent. Their *jus sanguinis* identification was not restrained within boundaries, and so their policy was to include all the “blood brothers”<sup>11</sup>.

There are also some differences in the practice of ascription between the two states that we have cited above. For instance while France citizenship is ascribed to most individuals born on French territory of foreign parents, German citizenship is ascribed only on the basis of descent. For Germany birth or prolonged residence have no influence on citizenship status. On the other hand, in both France and Germany, surely on Continental Europe, citizenship is ascribed to children of citizens, in accordance with the *jus sanguinis* principle. But however, in Britain and the Americas, citizenship is ascribed to all individuals born within the boundaries, due to the *jus soli* principle<sup>12</sup>.

As the *jus soli* principle is regarded as an instrument to strengthen the state’s legitimacy in the eyes of religiously and ethnically heterogeneous societies, the principle of *jus sanguinis* is used as a tool of legitimizing ethnically homogeneous territories.

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<sup>9</sup> Hakan G. Sıcakkan, “State Formation, Nation Building and Citizenship in Western Europe”, p.40-41.

<sup>10</sup> Rogers Brubaker, *Citizenship and Nationhood in France and Germany*, p.1.

<sup>11</sup> Hakan G. Sıcakkan, *Ibid*, p. 42.

<sup>12</sup> Rogers Brubaker, *Citizenship and Nationhood in France and Germany*, p. 81.

## 1.2. Ottomanism as a Binding Element

Ottoman Empire was composed of various religious and ethnic groups and these groups were made to live in equilibrium with parameters designated by Ottoman political system. Within this political system, these groups were classified into religious-based communities known as “millets”. This term of “millet” did not have an ethnic meaning that we understand today; it was used to describe “religious community”, such as Muslim millet or Orthodox millet<sup>13</sup>.

The meaning of the term of *millet* changed in time. Before the Tanzimat reforms the term *millet* was used for community of Muslims in contrast to dhimmis, autonomous protected community of non-Muslim subjects of the Empire. Until the 19<sup>th</sup> century the Ottomans preferred to use the term *ahl al-dimma* for its non-Muslim subjects in its internal affairs, since they used the term *millet* for Christians in its external affairs. According to Benjamin Braude the main reason of this choice was sovereignty: there were two religious authorities who possessed sovereignty that the Islamic Ottoman sultans and powerful Christian rulers. Again for Braude, prior to the 19<sup>th</sup> century the Empire did not have an institutionalized policy toward its non-Muslim subjects. From this century onwards the European understanding of millet started to be used in the Ottoman institutional vocabulary.<sup>14</sup>

From the midst of the 18<sup>th</sup> century the parameters of the equilibrium started to change. From this time forth, a shift was observed within the Greek and Armenian communities. Rum and Armenian merchants, who had economic relations with European countries, while becoming acquainted with Western Enlightenment ideas, they also became dissociated from the traditional ties of their communities which made them bound to the Ottoman state. As a consequence, the emergent middle class eroded the traditional religion-based structure of the Ottoman society. Enlightenment ideas made the youth of emergent middle class to adopt a secular world view and to search for their ethnic identities in their national origins rather than in their religious

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<sup>13</sup> Şükrü Hanioglu, “Osmanlıcılık”, *Tanzimattan Cumhuriyet’e Türkiye Ansiklopedisi* Cilt V (İstanbul: İletişim, 1985), p. 1389.

<sup>14</sup> Benjamin Braude, “Foundation Myths of the Millet System”, in *Christians and Jews in the Ottoman Empire*, Vol.1.(New York:Holmes &Meier, 1982), p. 69-73.

communities<sup>15</sup>. This propensity eventually caused the separation of the non-Muslim millets as independent nations.

From the 19<sup>th</sup> century onwards the Ottomans sought to take remedial measures to prevent possible disintegration of its non-Muslim subjects. By the Tanzimat reforms in 1839, all individuals, who lived in Ottoman lands, would be regarded as Ottoman subjects regardless of their faith and language. As for the Reform Edict of 1856 each *millets* were allowed to reform themselves. From this point of view the Armenian, the Greek and the Jewish *millets* made several reforms within their communities. These reforms had paved the way for strengthening their national consciousness. According to Kemal H. Karpat, the reforms were, in fact, the last phase in the dissolution of the traditional *millet* system. By this reform, millets became subjected to the state's control and surveillance. By this means the state was quite easily expand its authority over secular activities of these communities. By the virtue of this intervention the millet had changed to "confessional groupings dealing strictly with religious matters".<sup>16</sup>

By being regarded as Ottoman citizens, non-Muslims wanted to benefit from the Ottoman law, but on the other hand they did not want to lose the privileges that were granted for them under the traditional millet system. Thus, at the same time, they became constantly complaining about the obligations violated by the Ottoman state as citizens and demanding their old privileges. Additionally, they were generally supported by European powers in their activities against the policies of the Ottoman state which made the Ottoman Empire vulnerable to foreign intervention.<sup>17</sup> It was in this environment the Ottomans sought for new measures to provide its unity.

Nineteenth century reforms opened a new era of extensive socio-economic and ideological transformation in the Ottoman Empire. During this transformation while

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<sup>15</sup> S.Akşin Somel, "Osmanlı Refom Çağında Osmanlılık Düşüncesi (1839-1913)", *Modern Türkiye'de Siyasî Düşünce. Cilt 1. Tanzimat ve Meşrutiyet'in Birikimi* (İstanbul: İletişim, 2001), p.90.

<sup>16</sup> Kemal H. Karpat, "Millets and Nationality: The Roots of the Incongruity of Nation and State in the Post-Ottoman Era", in *Christians and Jews in the Ottoman Empire*, Vol.1., in *Christians and Jews in the Ottoman Empire*, Vol.1.(New York:Holmes &Meier, 1982), p. 162-165.

<sup>17</sup> *Ibid.*, p.165.

traditional order was disintegrating, there occurred a need for “fundamental recasting of Ottoman society” that would help to cement the new order. In order to accomplish this strengthening project, *Ottomanism* was seen as the most influential tool whereby it would be possible to maintain loyalties of disparate populations of the empire to the state and the Sultan<sup>18</sup>.

Ottomanism regards all different religious and ethnic groups within the Empire as members of a single “Ottoman millet” and aims to integrate them into a common empire ideal. S. Akşin Somel indicates that between the 1839 and 1913 this idea of Ottomanism evolved into four different phases. In the first phase, from 1830s to 1875, we mainly observed the authoritarian centralist policies of the Sublime Porte (*Bâb-ı Âli*); the significant characteristics of the second phase were opposition of the Young Ottomans and constitutionalist pragmatism in between 1868 and 1878; in the Hamidian Era, as the third phase, Ottomanism was used as a tool of Young Turks opposition against Hamidian absolutism; and finally the fourth phase, Ottomanism during the Second Constitutional Period, until the Balkan Wars (1912-1913).<sup>19</sup>

Ottomanism also implies a radical disengagement from the traditional Ottoman state ideology. Ottomanism, in a sense, means the gradual appearance of modern political ideas, which are based on the principles of citizenship and equality before the law, instead of pre-modern political ideas which divided the people into compartments according to their status<sup>20</sup>.

The distinctive characteristic of Tanzimat discourse underlined the equality of all subjects before the law irrespective of religious affiliation. Sultan, as having indisputable power, was depicted as father figure that all the subjects- citizens had to

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<sup>18</sup> Meliha Benli Altunışık and Özlem Tür, *Turkey: Challenges of Continuity and Change*, (New York: Routledge, 2005), p.9.

<sup>19</sup> Selçuk Akşin Somel, “Osmanlı Refom Çağında Osmanlılık Düşüncesi (1839-1913)”, p. 88.

<sup>20</sup> *Ibid*, p.89.

obey him without any objection. However not all the subjects were only equal in the eyes of the Sultan, they were also equal to submit him<sup>21</sup>.

The Tanzimat-statesmen of the 19<sup>th</sup> century endeavored to establish a new, egalitarian definition of Ottomanism, a sort of “imperial supra-nationalism” as a sign of conceptualization of patriotism<sup>22</sup>. For Selim Deringil, Ottomanism presented much more supra-religious character during the heyday of Tanzimat era<sup>23</sup>.

In addition to Ottomanism, “*Ottoman patriotism*” was another approach, articulated in the ideas of *vatan* (fatherland), that stressed the adherence of all subjects of the Sultan to a territorially defined fatherland and its ruling dynasty. As the two prominent statesmen of the Tanzimat era, Âli and Fuad Pashas aimed to formulate a new political community that could include the whole population of the Empire, and to create a new nationality grounded on equal Ottoman citizens who reckoned the Ottoman Empire as their fatherland. For this purpose they anticipated to change the direction of the loyalty of the non-Muslims from the local religious community and Ottoman dynasty to the fatherland and state<sup>24</sup>.

### **1.3. The Reform Edict of 1856**

Orthodox Greeks won independence in the Peloponnese, a menacing example to the Empire’s other non-Muslim populations, encouraging Russia to look to the Ottoman Orthodox as a convenient fifth column.

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<sup>21</sup> Usama Makdisi, “After 1860: Debating Religion, Reform and Nationalism in the Ottoman Empire”, *International Journal of Middle Eastern Studies*, Vol 34, No.4, 2002, p.606.

<sup>22</sup> Carter Findley, “The Advent of Ideology in the Middle East, I”, *Studia Islamica* 55 (1982), p. 165.

<sup>23</sup> Selim Deringil, *The well-protected domains: ideology and the legitimation of power in the Ottoman Empire, 1876-1909* (London; New York: I. B. Tauris, 1998), p. 45.

<sup>24</sup> Butrus Abu-Manneh, “The Christians between Ottomanism and Syrian Nationalism: The Ideas of Butrus Al-Bustani”, *International Journal of Middle East Studies* Vol. 11 No.3 (1980), p. 287.

At the beginning of 1850s there was a contention among the Great Powers and Russia to strengthen their influence over the Empire's non-Muslim subjects. They were trying to accommodate particular protection for the priests of their protégés in the Holy Land. In 1853 Russia embarked on a religious dispute in Palestine as a plea to claim that Sultan recognized her right to protect all the Orthodox Christian subjects of the Ottoman Empire; claiming that the Orthodox formed the 25% of the Empire's total population, and this was enough to demand political patronage over the Ottoman Empire as a whole. After the refusal of her demand by the Empire, Russia seized Moldavia and Wallachia, and in July 1853 the Ottoman government declared war.<sup>25</sup> Since a possible Russian invasion of Ottoman lands would constitute a threat to the vital strategic interests of Britain, France and Austria, these powers took the side of the Sublime Porte

By the end of the Crimean War the Ottoman Empire and its Western allies Britain, France, Austria and Sardinia gained a clear victory, and with signing of 1856 Treaty of Paris the war was officially ended. In accordance with the articles of this treaty Russia was compelled to return occupied European and Asiatic territories to the Ottoman Empire, and was interdicted to maintain a fleet or fortifications on the Black Sea. Besides all these, with the treaty Ottoman Empire was admitted to the Concert of Europe, its independence and territorial integrity were guaranteed by the Great Powers. On the other hand, the Empire was made to guarantee the rights of its non-Muslim subjects and to maintain reforms which were pledged before and a Reform Decree was issued on February 4, 1856, guaranteeing equality and reforms for all subjects.<sup>26</sup>

With the Reform Edict of 1856 the legal equality of all Ottoman subjects was formally recognized and this was an attempt of an ascription of common citizenship to all subjects regardless of their religious belonging. By this means non-Muslims were granted access to careers in government service, and reforms imbedded the *millet* communities via which they had frequently benefited from a rule of self-government.<sup>27</sup>

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<sup>25</sup> Stanford J. Shaw & Ezel K. Shaw, *History of the Ottoman Empire and Modern Turkey*, Vol.I, (Cambridge; New York: Cambridge University Press, 1976-1977), p. 137.

<sup>26</sup> *Ibid*, 137-140.

<sup>27</sup> *Ibid*, 137-140.

Formal granting of equal rights guarantee would not be able to solve the problem brought by the political aspirations of the non-Muslim subjects of the Empire. The problem was two-fold; it had economic as well as social aspects. Non-Muslim communities, especially in the Balkan Peninsula, became wealthy and powerful through their cultural and economic contact with Europe. As a result of increasing foreign and domestic trade a new non-Muslim middle class emerged, including urban merchants and artisans. While these merchants and artisans were accorded with the new-established system, schoolmaster, priests and clerks were not. Because they were more open to revolutionary ideas, and especially to the new-imported ethnic nationalistic ideas.

The Reform Edict had opened a window of opportunity to the Ottoman government to integrate non-Muslim subjects into political and social structure of the Empire. Âli and Fuad Pashas', two of the most important Tanzimat reformers, aim was to establish a new political community which would circumscribe the whole population of the Empire and create a new nationalistic frame which consisted on equal Ottoman citizens<sup>28</sup>.

The modernization of devices of government were extended, with new ministries, legal reforms, Vilayet Law of 1867 to regulate provincial government, and with the object of centralization telegraph network was also expanded. In addition, in 1858 new Penal Code was issued and in 1860 commercial courts that had been combined with mixed courts was reorganized. All of these regulations were indigenous in character but 1861 Commercial Law and 1863 Maritime Commercial Law both were the product of a process of reception of French laws<sup>29</sup>.

Within the context of regulations on jurisprudence, one of the most important developments was the compilation of *Mecelle-i Ahkam-ı Adliye*<sup>\*</sup>, the master and civil

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<sup>28</sup> Butrus Abu Manneh, "The Christians between Ottomanism and Syrian Nationalism: The Ideas of Butrus Al-Bustani", p.287.

<sup>29</sup> Bernard Lewis, *Modern Türkiye 'nin Doğuşu*, (Ankara: Türk Tarih Kurumu, 2000), p. 118.

\* Compiled between 1870-1876.

code which would be executed in both mixed commercial courts and statutory courts (*nizamiye mahkemeleri*). Subjects of personal status such as marriage, divorce and inheritance were left out of this code and remained under the control of religious courts. The main reason behind this was the following necessity: *Mecelle* was written in a period where both mixed commercial courts and civil courts were lacking able jurists and so by compilation of it, it was aimed to instruct and teach these kinds of jurists. Besides this main object, there were additional reasons which why the subjects of personal status did not included in *Mecelle*. Firstly, the Ottoman Empire was consisted of peoples of various religions and sects and all of these had their own family law. So it made difficult to make a code including all details for each religion or sect and eliminate divergence among them. The second reason behind that is more or less related to the first one: during the compilation of family law there would be possible objections from the authorities of religious communities. So, within the context of all these reasons, like in other legislating examples, regulations were first done on less debated issues like law of obligations and commercial law, while regulations on family law, which would cause many debates and objections, was postponed.<sup>30</sup>

In the Hamidian Era, the meaning of citizenship was reinterpreted to adopt the Empire's Turkish-, Arabic- and Kurdish-speaking Muslims, who embodied nearly seventy five percent of the Empire's population. Within the context of Pan-Islamism Abdulhamid II's aim was to create a kind of spiritual citizenship compromising an imagined Muslim *umma* overlapped with modern political map.<sup>31</sup>

#### **1.4. Ottoman Law of Nationality**

During the first three quarters of the 19<sup>th</sup> century, the Ottoman state concentrated on individuation, enumeration and categorization of subjects in addition to mobilization

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<sup>30</sup> M. Akif Aydın, *İslam-Osmanlı Aile Hukuku*, (İstanbul: Marmara Üniversitesi, 1985), p.132-134.

<sup>31</sup> Ariel Salzman, "Citizens in Search of a State: The Limits of Political Participation in the Late Ottoman Empire", *Extending citizenship, reconfiguring states*, Hanagan, Michael and Charles Tilly (eds.) (Lanham, Md: Rowman & Middlefield Publishers, 1999), p.51.

of their resources and bodies associated with fiscal and military necessities. With censuses, by determining taxable rural populations and potential male conscripts, the state obtained new instruments to monitor its populations. By this means Ottoman statesmen aimed to reaffirm supreme claims over land, peoples and resources on the one hand and by giving basic rights and universal political identity to reinforce its subjects on the other.<sup>32</sup>

In 1869, the Ottoman Law of Nationality was promulgated in consideration of averting Empire's subjects to seek citizenship or protection of another state. The promulgation of the Law was a precaution and a reaction to non-Muslim subjects who acquired citizenship of other states by using the legal opportunities of Capitulations.

The capitulatory privileges enabled the Great Powers to confer their own citizenship upon Ottoman subjects. By means of these capitulations foreigners gained individual, legal and administrative privileges and also were entitled to have protégés.

By the Law, it was aimed to circumscribe legal Ottoman population and circumvent the increase of foreign residents and their protégés who did not hesitate to appeal international treaties for fiscal and legal privileges<sup>33</sup>.

The Law was based on *jus sanguinis* (blood) principle, i.e. only those born to Ottoman parents were regarded as Ottoman citizens and with a particular emphasis on the father. According to the Law, having a foreign father was out of concern. This is because an Ottoman woman who is married with a foreign man would acquire her husband's citizenship and their child would become foreigner. On the other hand, the child's situation was determined on the basis of her or his moment of birth; the changes of her or his father's citizenship after the birth would not affect her or his citizenship status.

The Law, which consisted of nine articles, regulated the terms of acquisition, loss and expatriation of citizenship. This Law was an adaptation of a French law of 1851 which itself took its roots from the 1804 French Civil Code. According to 12<sup>th</sup> and 19<sup>th</sup>

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<sup>32</sup> Ariel Salzman, "Citizens in Search of a State: The Limits of Political Participation in the Late Ottoman Empire", p.42.

<sup>33</sup> Ibid, p. 45.

articles of this Civil Code “the foreigner who shall marry a Frenchman shall follow the condition of her husband” and “a Frenchwoman who shall marry a foreigner shall follow the condition of her husband”. As understood from these articles the French law put women to a passive position and regarded them as beings who needed the protection and support of husbands. From this point of patriarchal authority, it is possible to say that French Civil Code is based on ancient Roman tradition, thus the father as the head of family had all rights over women. By the reception of French Law, the Ottoman Law of Nationality, while sharing the idea of patriarchal authority, the already existing patriarchal structure of Ottoman family was reinforced<sup>34</sup>.

In the Law, beside the *jus sanguinis* principle, the *jus soli* principle also used to determine citizenship. According to the second article of the Law, a person who was born in the domains of the Empire, in spite of her or his parents being foreigner, could apply for Ottoman citizenship within three years after he or she reaches maturity. Moreover, as for article nine, people who live continuously within the domains of the Empire, would be regarded as Ottomans and if there would be anyone who strove to disaffirm this, he or she had to prove his or her claim.

The status of married Ottoman women was also designated in the Law. As per article seven, if an Ottoman woman marries a foreign man, she would then be required to acquire her husband’s citizenship, and if her husband dies she could return to Ottoman citizenship within three years after her husband’s death.

The fifth article of the Law was a concrete step to obviate renouncement of Ottoman citizenship which stemmed from the Capitulations. This is because, as per this article, renouncement of Ottoman citizenship was attributed to the behest of the Sultan.

With regard to naturalization; a person who lived regularly in the Ottoman Empire for five years, could acquire Ottoman citizenship by applying to the Foreign Office (*Hariciye Nezareti*). In some instances this criteria could be ignored and Ottoman citizenship could be ascribed as long as they serve for the state and are Muslims.

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<sup>34</sup> Karen M.Kern, *Imperial citizen: marriage and citizenship in the Ottoman frontier provinces of Iraq*, (Syracuse, N.Y.: Syracuse University Press, 2011), p.91.

When we consider both the Law of Prohibition of Marriages between Ottoman women and Iranian Men of 1874 within the context of the Ottoman Law of Nationality, we come across some legal gaps between them. Thus, according to seventh article of the Ottoman Law of Nationality “if an Ottoman woman marries a foreign man, she would then be required to acquire her husband’s citizenship”, but on the contrary in the third article of Prohibition Law of 1874 “if an Ottoman woman marries an Iranian man against the prohibition, both the woman and her children will be considered Ottoman citizens and obliged to conscription, military tax, and other financial obligations”. So, this legal gap would always cause trouble to the Ottomans in her relations with Iran and Iran would never hesitate to use this gap in order to claim suzerainty over her Iranian subjects who lived within the boundaries of the Ottoman Empire.

## CHAPTER II

### HISTORICAL BACKGROUND OF OTTOMAN- IRANIAN RELATIONS

From the midst of the fourteenth century onwards there emerged a new state and religious sect in the east, while the Ottomans, especially Murad II and Mehmed II, were trying to establish centralized Ottoman control over eastern parts of Anatolia. At that time, under the leadership of Shaikh Safiuddin, the Safavid movement was found and took its shape by being transformed from Sufism to Shi'ism.<sup>35</sup>

The formation of the Safavid state in 1501 under the leadership of Shah Ismail was a defining moment in Persian history. First of all, they revived Persian suzerainty all over the area that was regarded as the heartlands of Persia for the first time since the Arab conquest of Persia eight and half centuries before.<sup>36</sup>

Shah Ismail declared Twelver Shi'ism form of Shi'i Islam as the official religion of the newly established state with the exception of the Fatimid Caliphate: this kind of step had never been taken by a major Islamic state throughout the history of Islam. Naturally, his advisors warned him because of this initiation, considering that Tabriz was composed entirely of Sunnis and they could violently resist to the Shi'i Muslims. So what made Shah Ismail take this initiation?<sup>37</sup>

This binary composition of Sunni-Shi'i sects emerged in Iran from the time of Mongol invasion, onwards and also in the 14<sup>th</sup> and 15<sup>th</sup> centuries, after the collapse of Il-Khans, it continued to give shape the religious stance of the people. At this point

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<sup>35</sup> H.R. Roemer, "The Safavid Period", in *The Cambridge History of Iran*, Vol.6, p. 195

<sup>36</sup> İsmail Safa Üstün, "İran: Safeviler'den Günümüze Kadar", *Türkiye Diyanet Vakfı İslâm Ansiklopedisi* Cilt XXII (İstanbul: İSAM, 2000), p. 400.

<sup>37</sup> Ibid.

there occurs another question: what did the people of 15<sup>th</sup> century understand from the terms of “Shi’a” and “Sunni”?<sup>38</sup>

Sheikh Safi, the founding father of Safaviyya, was in fact a Sunni and belonged to the Sha’fi sect, which is the closest to Shi’a among other sects of Islam. Therefore, it was easy to be adopted by Shi’is who felt uncomfortable themselves while disguising as Sunni. After Sheikh Safi we see Junaid, the grandfather of Shah Ismail, who lived in Konya at the same time when a famous theologian, Sheikh Abd al-Latif was there and acquired a pro-Shi cognizance from him. Additionally, Shah Ismail’s father Haidar had been brought up at the court of his uncle Uzun Hasan in Diyarbakır where it was impossible for him not to feel sympathy towards the Shi’ism. It is understood to this point that the worship of Ali was very common in Shah Ismail’s environment and in time it rooted strongly in him and an inclination towards Shi’a became prevalent.<sup>39</sup>

Shah Ismail’s religious beliefs took its shape in Lahican which followed his flee from the soldiers of Sultan Rustan Aq Quyunlu. From 1494 onwards he spent five years under the protection of Karkiya Mirza Ali, who declared to be a descendant of the Caliph Ali and was a Shi’i. During his life in Lahican, Shah Ismail became a student of Shams al-Din Lahiji who was a pupil of Ibn Fahd al-Hilli, a famous Shi’a jurist, who came from a tradition that believes the idea of the “necessity of imamate” – “a mode of justification of political authority in terms of the maintenance of public order through the enforcement of the shari’a” -.<sup>40</sup>

From this point of view it is plausible to consider the effect of religious beliefs upon Shah Ismail’s political intentions that he was affirming a Shi’i theocracy and claiming himself at its head. When he left Lahican in 1499 he was twelve years old. At that time political circumstances were convenient for his religious and political claims.

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<sup>38</sup> H.R. Roemer, “The Safavid Period”, in *The Cambridge History of Iran*, Vol. 6 (Cambridge: University Press, 1991), p. 194

<sup>39</sup> *Ibid.*, p. 197.

<sup>40</sup> Said Amir Arjomand, “Conception of Authority and the Transition of Shi’ism from Sectarian to National Religion in Iran”, in *Culture and Memory in Medieval Islam: Essays in Honour of Wilferd Madelung*, ed. Farhad Daftary & Josef W. Meri, (London; New York: I. B. Tauris, 2003).

The power of the Aq Quyunlus was more or less in decline because of the quarrel over the succession that derived from the death of Sultan Yaqub in 1490. The effect of the Timurids in Persia had decreased after the fall of Abu Said. Both the Ottomans in the west and the Uzbeks in the east were incapable of interfering in the affairs of Iran in view of their domestic affairs<sup>41</sup>. Taking all of these into account, this political vacuum in Iran opened up a window of opportunity to Shah Ismail for establishing Safavid control over Iran.

Shah Ismail's army was mostly composed of Turkmen tribes which he had brought from Lahican and which joined him during his winter camp on Caspian Sea. Shah Ismail had affected these oppressed people with his personal appearance and religious ideas. Shah Ismail was commonly adored and idolized amongst many Turcoman tribesmen who united in their thousands under his standard. His pretention to semi-divinity was accepted by huge amounts of Turcoman tribesmen in Anatolia and he was supported in his claim to the throne of Persia<sup>42</sup>. On this basis, to look for further enhancement he launched a campaign towards Erzincan in eastern Anatolia, in the middle of March 1500 and consequently his army reached at 7.000 men. After this campaign, he made his way to Shirvan and at the village of Jabani he defeated Shirvan Shah on December 1500. His victory over Shirvan Shah had disquieted Alvand, the Sultan of Aq Quyunlu and a grandson of Uzun Hasan like himself; their clash resulted with the decisive victory of Shah Ismail, such that the way to Tabriz, the Türkmen capital, was opened up to him, in August 1501.

Soon after his arrival at Tabriz, Shah Ismail embarked upon to institute the Shi'i sect as the state religion. It is generally assumed that he made this decision because of his religious conviction, not because of political interests. Taking this decision, he

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<sup>41</sup> H.R. Roemer, "The Safavid Period", in *The Cambridge History of Iran*, Vol.6, p. 198-210.

<sup>42</sup> R.M. Savory, *Studies on the History of Safawid Iran*, (London: Variorum Reprints, 1987), p. 83-84.

planned to annihilate the Sunnis with their respect towards the first three Caliphs and to provide the hegemony of the belief in Ali and the Twelve Imams.<sup>43</sup>

The triggering factors underlying Shah's decisions were the religious beliefs and the idea of reinforcing his incipient state with an ideology that would make it different it from its powerful Sunni neighbor, the Ottoman Empire.<sup>44</sup>

The roots of the conflict between the Ottomans and the Safavids were based on something more than territorial. The Safavids were manipulating their large Kızılbaş followers which extended beyond the Ottomans' borders and throughout Anatolia. These circumstances comprised a crucial threat to Ottoman suzerainty.<sup>45</sup>

Before Shi'ism was declared as the state religion by Shah Ismail, Shi'ism was not regarded as a threat by the Ottomans. But when the Shah defeated the already collapsing Aq Qouyunlu state in Azerbaijan and took Tabriz in 1501, the direction and character of the Ottoman – Iranian relations changed considerably. There were two main reasons that led to this alteration. One of them was the unorthodox and heretic character of Shah Ismail's Shi'a that contained pre-Islamic Turkic beliefs. The second one was that Shah's power was mainly built upon the Turcomans of Anatolia and Azerbaijan who were nomadic or semi-nomadic tribes that were standing out against the settled Sunni governments since the Seljukid period. However, from the beginning of reign of Bayezid II, discontent among these groups reoccurred. The Shah did not miss this opportunity and succeeded to gather these disaffected groups around him.<sup>46</sup>

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<sup>43</sup> H.R. Roemer, "The Safavid Period", in *The Cambridge History of Iran*, Vol.6, p.210-212

<sup>44</sup> Roger M. Savory, "Safawids", *Encyclopedia of Islam*. Second Edition, Vol. IX (Leiden: E.J. Brill, 1986)., p. 765.

<sup>45</sup> Adel Allouche, *The Origins and Development of the Ottoman-Safavid Conflict (1500-1555)* (Berlin: K.Schwarz Verlag, 1983), p. 65.

<sup>46</sup> Jean-Louis Bacque-Grammont, "XVI. Yüzyılın İlk Yarısında Osmanlılar ve Safeviler", in *Prof.Dr. Bekir Küttükoğlu'na Armağan*, (İstanbul: İstanbul Üniversitesi Edebiyat Fakültesi Tarih Araştırma Merkezi, 1991), p. 205-206.

Although Sultah Bayezid II was aware of the expansionist policy of Shah, he did not take effective measures against this ever-growing trouble. According to Allouche the Ottomans' reaction under the Bayezid II was flexible since he was aware of the support which Shah Ismail enjoyed among the numerous Kızılbaş in Anatolia<sup>47</sup>. He only prohibited the migration of Turcoman populations to Azerbaijan, and instead relocated them to Morea. At the same time, he prohibited circulation of Safawid coins, that he regarded its circulation as a tool of propaganda, within the Empire<sup>48</sup>. The appeasement policy of Bayezid II, gave the Safavids free hand, thus they did not only spread Shi'ism within Iran, but at the same time took the initiative within the Ottoman Empire by fomenting rebellions and stirring trouble later on<sup>49</sup>. For example the rebellion of Şahkulu Baba Tekelü , supported by the Safavids, broke out in southern Anatolia in 1511 was suppressed by the Ottomans only with great difficulty. All these developments were not welcomed by Istanbul's military circles and they believed that only Prince Selim, the youngest son of Bayezid II, could avert this crisis and save the State. On the other hand, Bayezid II intended to leave the throne to his eldest son Ahmad. After brutal struggles, Selim I killed his brothers and nephews, who could turn into possible threats to his rule, and captured the throne in 1512.<sup>50</sup>

On 20 April 1514, Sultan Selim I left Istanbul at the head of a large army after having obtained a fatwa from Sunnite clerics of that time, supporting the legitimacy of the military campaign against Shah Ismail. Eventually, the Ottoman and Safavid armies encountered at the field of Çaldıran on 23 August 1514. The battle ended with the absolute victory of the Ottoman army, by virtue of its superiority in number, its innovative military tactics, and especially the extensive use of firearms. Shah Ismail, lost many of his followers and commanders, though he managed to escape wounded from the battlefield.

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<sup>47</sup> Allouche, *The Origins*, p.69.

<sup>48</sup> Grammont, "XVI. Yüzyılın İlk Yarısında Osmanlılar ve Safeviler", p. 207.

<sup>49</sup> Allouche, *The Origins*, p.89.

<sup>50</sup> Osman G.Özgüdenli, "Ottoman-Persian Relations under Sultan Selim I and Shah Esmail I", *Encyclopaedia Iranica* (Costa Mesa, Calif.: Mazda Publishers, 2006).

As a result of the battle of Çaldıran by occupying Diyarbakır and capturing Erzincan the Ottomans got the opportunity to create an Ottoman zone in the Upper Euphrates which was standing at the middle of the major routes linking Iran to Anatolia and northern Syria, especially Aleppo. By having this area under control the Ottomans would be able to launch future expeditions into both Iran and Syria with relative ease.<sup>51</sup>

The Ottomans' exact victory over Iran and their possession of Upper Euphrates alarmed the Mamluks, who wanted to build a control over the Taurus. In 1515 Ala ud-Dawla Dulqadir, the vassal of Mamluks in southern Anatolia was defeated by Selim I's armies and Dulqadir province was annexated. This was an event that triggering the conflict and wars between the Mamluks and the Ottomans. With the campaigns of Marj Dabiq (1516) and Raydaniyah (1517) Syria and Egypt were conquered and Ottoman sovereignty extended to the Hijaz. By this way, Ottoman authority was stretched from the plains of Central Europe to the shores of the Red Sea.

This newly-pictured suzerainty map changed the character of the relations between the Ottomans and the Iranians. From this time onwards, both sides were on the lookout for a suitable opportunity to defeat each other.

After the death of Selim I, his son Süleyman ascended the throne in 1520 and inherited a powerful and stabilized state from his father. On the other hand, when Shah Tahmasp I had ascended the Iranian throne in 1524, he had inherited a state that was almost ruined because of intrigues and disputes among Türkmen tribes on the one hand, possible threats of the Ottomans in the west and the Uzbeks in the east, on the other. The Iranian-Uzbek conflicts for Khurasan had lasted about twenty six years, from the very beginning of Tahmasp's reign to 1540.<sup>52</sup>

The Ottomans, surely, would not miss this opportunity to attack the Iranians. Süleyyman I, firstly, sent the Ulama Hüseyin to Hasankeyf, as a governor with the charge of conquering Bitlis and providing support to Ottoman campaign against Iran. Thereafter, in July 1534, the Ottoman Grand Vizier Ibrahim Pasha occupied Tabriz and two months later the Sultan himself entered the city. Then he advanced via Hamadan on

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<sup>51</sup> Allouche, *The Origins*, p.101.

<sup>52</sup> H.R. Roemer, "The Safavid Period", p.233-235

Baghdad and at the end of the November the city was surrendered without any struggle. This inclined the Sultan to launch a new campaign against Iran in the following Spring. The Shah was reluctant to fight a pitched battle, instead he preferred to attack the Ottoman guards and pull them in skirmishes. At the end of 1535, the Sultan started to return to Istanbul without gaining any benefits, except the conquest Baghdad. Suleyman I, was unable to reach his main goal that of freeing himself from the Iranian threat in his rear, while he was dealing with the western front.<sup>53</sup>

In the Spring of 1548 the Ottomans again attacked Iran. This campaign again lasted two years and again the Ottomans could not gain a decisive victory. While the Sultan retreated to winter camp at Aleppo, Tahmasp had been expanded on large territories of eastern Anatolia. When the Ottomans retreated in the late Autumn of 1549, shortly afterwards Tahmasp's son Ismail Mirza invaded eastern Anatolia, occupied various towns in the neighborhood of Van, captured Ahlat and then Erciş, and defeated the governor of Erzurum, İskender Pasha. Thereupon, in May 1554, Sulayman I left his Winter camp in Aleppo for Diyarbakır and marched as far as Qarabagh. When he came back to Erzurum in August all that had been gained was abundant pillage and considerably insignificant skirmishes. There was nothing to do except accepting the armistice proposal that was offered by the Iranian envoy. Thus, in the following spring, a peace treaty was signed in the Sultan's camp at Amasya on 29 May 1555, the first official peace between the Ottomans and the Safavids.<sup>54</sup>

After the death of Shah Tahmasp in 1576, his son Ismail II ascended the throne. Although his relatively short reign, only eighteen months, one of the most exceptional measures that he intended to achieve shortly after assuming power, was the implementation of the Sunni faith. There were several reasons which lie behind this initiation: Ismail had spent twenty years in prison because he was accused of attempting to overthrow his father. His years in prison might have affected his mind. As soon as he came to throne he executed both his opponents and some of his supporters. On the other hand he was certainly aware of the influence of Shi'i dignitaries upon the domestic

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<sup>53</sup> H.R. Roemer, "The Safavid Period", p.241-242.

<sup>54</sup> Ibid, p.243-244.

affairs of the state. For him, the extremely powerful position of them which have been only thwarted by a re-introduction of the Sunna.<sup>55</sup>

His death was followed by an area of discord in Iran and the Ottomans did not lose this chance: Although Grand Vizier Mehmed Sokullu Pasha was willing to abide by the Peace of Amasya, Sultan Murad III was determined to war and sent his army to invade Azerbaijan in 1578. A series of upheavals in the Iranian frontier areas among the Kurds and in Shirvan paved the way for the Ottoman plans. The defeat of the Safavids opened the doors of Georgia to the Ottomans. In 1585 they captured Tabriz, where was the capital of the Safavids for twenty years<sup>56</sup>.

The direction of the situation was changed for the favor of the Safavids in 1588 with the succession of Abbas I to the throne. When he came to throne Iran was struggling with both internal and external threats. Within the state, prolonged conflicts among the Turkmen tribes had caused the weakness of central government. On the other hand, the Ottoman and Uzbek threats were hanging over Iran like the sword of Democles. He, at first, embarked to defuse the internal pressure by breaking the monopoly of the Turkmen leaders and suppressing the constant quarrels among the tribes. During his reign, most of the Turkmens had lost their social status.<sup>57</sup>

By providing domestic stability Abbas I, at this time, had to take some initiatives to remedy his foreign affairs. He was rather reluctant to accept a peace with the Ottomans. But since it was impossible to defeat them as long as there were revolts in several provinces and the Uzbeks were invading Khurasan. Moreover, the Ottomans had already occupied large areas of Iran; parts of Azerbaijan together with Tabriz, parts of Georgia and Qarabagh, Khuzistan, Shirvan and Erivan. At the end of the negotiations a peace treaty was concluded on 21 March 1590. By this means, twelve years of enmity between the two states had been terminated. But, for Iran, the conditions of the Treaty were almost devastating. According to them, Iran had lost Azerbaijan and Qarabagh

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<sup>55</sup> H.R. Roemer, "The Safavid Period", p.252.

<sup>56</sup> Roger M. Savory, *Iran under the Safavids*, (Cambridge, New York: Cambridge University Press, 1980), p. 71-74.

<sup>57</sup> H.R. Roemer, "The Safavid Period", p.264

along with Ganja, Shirvan and Daghistan, her possessions in Georgia, parts of Kurdistan and Luristan, Baghdad and Mesopotamia. Even though they had lost vast amount of lands, for Iranians the most humiliating condition of the treaty was that the Iranians should dispense with probating the first three Caliphs.<sup>58</sup>

After evading the problems in the east, by 1603-4 Shah Abbas felt himself capable of fighting against the Ottomans. He conquered Azerbaijan, Nakhchivan and Erivan and defeated the Ottomans at Tabriz. After ensuing struggles, by 1607 the Safavids regained the territories which were demarcated with the Treaty of Amasya, in 1555. About two decades later, a new Safavid campaign was launched on Mesopotamia in 1623, as a result of which the Safavids were able to re-establish their control over the Kurdish territories of Daquq, Kirkuk and Shahrizor as well as Karbala and Najaf and surely above all they occupied Baghdad.<sup>59</sup>

The Ottomans did not seize the opportunity of political vacuum that occurred in Iran just after the Shah Abbas I's death in 1629. Because at that time Sultan Murad IV, who was very young, at the first stage, was not able to tackle with problems, such as revolts in northern Anatolia, Safavid invasions in Iraq and the murder of the Grand Vizier by Janissaries. But eventually the Sultan succeeded in concentrating power in his hands and put an end to the period of anarchy which lasted nearly ten years.

After settling internal affairs, Murad IV turned his face to the east, Iran. His main objective was to regain Baghdad, and for that purpose he dispatched Grand Vizier Hüsrev Pasha on Baghdad. At that time, Baghdad was contingent upon Safi Quli Khan, who was bent to hold out against the Ottomans. When Hüsrev Pasha encountered a heavy artillery bombardment, he conceded that attempt as a failure and retreated. Consequently, in the following four years, frontier skirmishes went on incessantly in which initiatives and outcomes were shifted from one side to another. In 1635 the Ottomans conquered Erivan and subsequently they marched on Tabriz but they could not be able to occupy it. Shah Safi I, in return, in the following spring mounted an attack against the Ottomans and re-conquered Erivan. At that point, the Safavids were

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<sup>58</sup> H.R. Roemer, "The Safavid Period", p.266-267.

<sup>59</sup> Roger M. Savory, *Iran under the Safavids*, p.87-88.

willing to parley with the Ottomans but the Sultan was reluctant to make peace. Because he was bent on re-conquering Baghdad, he launched a new campaign into Mesopotamia in 1638 and at the end of December he achieved his goal; Baghdad was again felt under the control of the Ottomans<sup>60</sup>.

While intermittent struggles were continuing with the Ottomans, Shah Safi was tackling with the Moghul expansionism in the east. So he was forced to offer an agreement to stop these struggles. On May 17, 1639 a peace treaty was signed, on the plan of Zohab, near Qasir-ı Shirin, which ended the war that continued for over a century and established the boundaries which were to endure up to the present time. By this Treaty the dispute over boundaries of the Middle East was resolved: the Tigris-Euphrates basin and eastern Anatolia remained under the control of the Ottomans and on the other hand Caucasus remained in Iranian hands<sup>61</sup>.

After the Treaty of Zohab, both sides abided by the terms of this Treaty, and afterwards there were no more wars between the Ottomans and Safavids for nearly eighty years.<sup>62</sup> From 1640 onwards to 1662 both the Ottomans and the Safavids sent only four missions to each others' capitals. In the succeeding three decades this exchange was carried on. Apart from their congratulatory missions of 1667 and 1691, the Ottomans have dispatched envoys to Isfahan in 1684-1685. Although there was a mutual pacifism on both states in the late 17<sup>th</sup> century, these envoys were portent of the new crisis that would be a threat for the peace.<sup>63</sup>

Moreover, the Treaty of Zohab provided the Ottomans convenience in the east and then they turned their face to west. In the sixteen years of continuous warfare

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<sup>60</sup> Martin Sicker, *The Islamic World in decline: from the Treaty of Karlowitz to the disintegration of the Ottoman Empire* (Westport, Conn.: Praeger, 2001), p.13-14.

<sup>61</sup> Stanford Shaw, "Iranian Relations with the Ottoman Empire in the Eighteenth and Nineteenth Century", in *The Cambridge History of Iran*, Vol. 7 (Cambridge: University Press, 1991), p. 297.

<sup>62</sup> H.R. Roemer, "The Safavid Period", p.285.

<sup>63</sup> Rudi Matthee, "Iran's Ottoman Diplomacy During the Reign of Shah Sulayman I(1666-94)", in *Iran and Iranian Studies: Essays in Honor of Iraj Afshar*, ed. Kambiz Eslami, (Princeton, NJ: Zagros, 1998), p.149.

following the Debacle of Vienna (1683-1699), while the Ottomans were waging fights against the European states, there did not arise any Iranian incursions on Ottoman lands, because, in the meantime, Iran was disturbed by several tribal struggles for royal succession. But on the other hand the Ottomans, by taking the advantage of an Afghan attack to Iran, engaged in several wars with the last Safavid Shah Tahmasb II and Nadir of Afshar, which continued almost twenty years.<sup>64</sup>

During the Afghan attacks to Iran Shah Tahmasb II asked the Ottomans for help, however he did not receive any positive reply from them. After Isfahan was saved from the Afghans, Shah Tahmasb II asked the Ottomans to give the occupied territories back, however, the Ottoman Sultan would only accept his demand if the Iranians compensated the Ottomans' expenditures during the occupation. Therewith the leader of the Safavid Army, Nadir, declared war against the Ottomans.<sup>65</sup> During the struggle at Hamadan Nadir repelled the Ottoman army back to Baghdad, and after refusing the Ottomans' peace demand he gained some of the occupied territories back. But, in the meantime, the Afghans had caused disorder at Horasan so that he was forced to retreat. On the other hand, the Ottomans became reluctant to maintain warfare against Iran because following of the death of Ibrahim Pasha, the Grand Vizier, there arose internal disorder within the country. The root of the disorder was based on Istanbul's need for reinforcing its legitimacy before the eyes of public because of the financial burdens due to modernization movements. While there several fruitless campaigns were launched against Iran by the Ottomans, a revolt was prompted in Istanbul in 1730 which interrupted the preparations for a new campaign to Iran. It was a new initiative for Nadir to take back Iraq from the Ottomans, and he captured the regions four times between 1732 and 1743<sup>66</sup>. He was looking for an approach of Sunni Muslims to admit Shi'ite

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<sup>64</sup> İsmail Hakkı Uzunçarşılı, *Osmanlı Tarihi*, Vol.IV (Ankara: Türk Tarih Kurumu, 1947), p.131.

<sup>65</sup> Rıza Şabani, "Efşariye ve Zendiye Döneminde (H.1135-1210/ M.1723-1796) İran-Osmanlı İlişkileri", in *Tarihten Günümüze Türk-İran İlişkileri Sempozyumu (16-17 Aralık 2002, Konya)*,(Ankara: Türk Tarih Kurumu, 2003), p.80-81.

<sup>66</sup> Michael Axworthy, *The Sword of Persia: Nader Shah, from Tribal Warrior to Conquering Tyrant* (London; New York: I. B. Tauris, 2006), p. 99-174.

Muslims as a “fifth madhhab”, or legal school of thought within Islam.<sup>67</sup> With this attempt Nadir seemed to be as if he was trying to give an end to long-lasting religious-based conflict between the two states, but on the other hand by capturing Iraq several times he wanted to seize religious legitimacy from the Ottomans. However, Shah Tahmasb II was in fright because of the ever growing successes and influence of Nadir, so in order to regain his power he declared war one more time against the Ottoman Empire. But at that time, the Safavid army was dealing with the Afghan revolt and so Shah Tahmasb II, without gaining any success, had to accept to make peace by which he conceded to give southern parts of Caucasia, which were under the possession of Iran, and some of the western provinces of Iran to the Ottoman Empire. Thus he lost most of the lands which were gained by Nadir. As soon as Nadir learnt the situation, he overthrew Shah Tahmasb II and enthroned Tahmasb’s little son, Shah Abbas II, in 1732 and declared himself as regent. After Shah Abbas II’s death in 1736, Nadir exactly usurped the throne and by this means the Safavid reign in Iran, which lasted more than two centuries, ended.<sup>68</sup>

Nadir was a member of Afshar tribe, one of the most prominent tribes of Iran. After gaining power as a regent, his main objective was to regain the territories which were lost during Shah Tahmasb II reign. Within three years, he recaptured all the territories that had been occupied by the Ottomans. In 1737, although he did not be able to capture Baghdad he conquered Tbilisi, Ganca and Yerevan. Besides, after defeating Russia, in 1735, he regained Baku and Debend with the Treaty of Ganca.<sup>69</sup> After the death of Abbas II, he summoned a country-wide council and declared himself as the Shah of Iran.<sup>70</sup>

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<sup>67</sup> Nabil al-Tikriti, “Ottoman Iraq”, *The Journal of the Historical Society*, Vol. 7, June 2007, p.202.

<sup>68</sup> Rıza Şabani, “Efşariye ve Zendiye Döneminde (H.1135-1210/ M.1723-1796) İran-Osmanlı İlişkileri”, p.81.

<sup>69</sup> Ibid, p.81

<sup>70</sup> Azmi Özcan, “Nadir Şah”, *Türkiye Diyanet Vakfı İslâm Ansiklopedisi* Cilt XXII (İstanbul: İSAM, 2000), p.276-277.

As the new shah, in 1736, he led a campaign against Qandahar and its conquest happened in 1738. Then, Nadir Shah, made his way to India and in 1739 the Indians were defeated, Mohammad Shah had to surrender to Nadir Shah. While returning to Persia, on his way back, Nadir Shah attacked Bokhara and Khwarazm, and having defeated the rulers of Turkistan, he was able to conquer the whole of Transoxiana. In 1741, Nadir Shah led an army against the rebellious people of Dagestan, the Lezgis in particular. But after this two- years long fighting, he did not attain a victory, and had to withdraw without suppressing the revolt.<sup>71</sup>

Apart from all these there was a flux and reflux kind of relationship between the Ottomans and the Iranians, during the Nadir Shah's reign. In the summer of 1743, right after the Dagestan defeat, Nadir Shah led an expedition to Mosul, on his way he plundered Baghdad's all harvest which then caused a deadly famine in this province. In the mean time, he met with a representative of Vali of Baghdad, Mehmed Agha, and suggested a religious agreement to the Ottomans by which Iran would become Sunni but in return the Ottomans should accept the Jafariyya as the fifth school of law, as equal as the four schools to which he Sunni Muslims obeyed. But his suggestion was not accepted by the Ottomans and used by them to legitimize the new war against Iran. After thirty days long siege of Mosul, Nadir Shah had lost his 30.000 men and thus having no more strength to stand, he retreated.<sup>72</sup> In the course of Nadir Shah's Mosul siege, there arose domestic rebellions in Iran. Soon after suppressing these rebellions, Nadir Shah again declared war against the Ottomans, but in the end the 1746 treaty confirmed the agreement of the 1639 Zohab Treaty regarding the frontiers between the two countries.<sup>73</sup>

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<sup>71</sup> Homa Katouzian, *The Persians: ancient, mediaeval and modern Iran*, (New Haven: Yale University Press, 2009), p.135-136.

<sup>72</sup> Joseph von Hammer-Purgstall, *Osmanlı Devleti Tarihi*, Vol.X. Çev. Mehmed Ata, haz. Mümin Çevik ve Erol Kılıç (İstanbul: Üçdal Neşriyat, 1983), p. 47-48.

<sup>73</sup> Homa Katouzian, p.136.

The assassination of Nadir in 1747 was followed by a period of peace that would last about thirty years between the Ottoman Empire and Iran<sup>74</sup>. Ottoman Sultans, Osman III (1754-57) and Mustafa III (1757-74), and grand viziers were reluctant to fight against the Iranians; this was not because they did not have opportunities for war, but because of pursuing a conscious policy to protect the empire from the kind of struggles that would diminish its sources and threaten its existence. On the other hand, Iran was dominated by anarchy in between 1750 and 1779 in which Afsharid, Zend and Qajar leaders were struggling for the throne.<sup>75</sup>

During the last years of his reign Mustafa III had been at war with Russia and his successor Abdulhamid I had to confirm the Treaty of Küçük Kaynarca with Russia that contained severe terms, in 1774. While the Ottomans were tackling with the Russian problem, in February-March 1774, Karim Khan Zand by using local dynastic struggles in the Kurdish areas of Shahrazur made several raids into eastern Anatolia and in March 1775 this time by using the alleged maltreatment of Shi'i pilgrims to Karbala, interceded in the Mamluk political struggles in Baghdad; his main goal was to appoint his own candidate. Meanwhile by benefiting from the power vacuum in these areas, he besieged and captured Basra. In consequence of that, Abdulhamid I, declared war on Iran in June 1776. In the first instance, he confirmed the Empire's connections with Azerbaijan and Georgia in order to prevent them from supporting Karim Khan. Additionally, it was a good chance for him to replace the Mamluk governors of Baghdad with regular Ottoman governors.<sup>76</sup> However, the struggles among the Mamluk and the regular Ottoman governors, prevented an effective campaign against Karim Khan, thus Basra remained in the Iranian hands.<sup>77</sup> Iranian possession of Basra lasted

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<sup>74</sup> Thabit Abdullah, *A Short History of Iraq*, (Harlow, England: Longman, 2010), p. 71-77.

<sup>75</sup> Stanford Shaw, "Iranian Relations with the Ottoman Empire in the Eighteenth and Nineteenth Centuries", p.311.

<sup>76</sup> For further information about the Mamluk governors of Baghdad, see Ebubekir Ceylan, *The Ottoman Origins of Modern Iraq* (London: I. B. Tauris, 2011), p. 37-41.

<sup>77</sup> Stanford Shaw, "Iranian Relations with the Ottoman Empire in the Eighteenth and Nineteenth Centuries", p.311.

three years and ended with the death of Karim Khan in 1779 which caused an internal turmoil in Iran.<sup>78</sup>

Karim Khan's death was followed by usual anarchy and scramble for the throne in between the Zand and the Qajar dynasties. Eventually Aqa Muhammad Khan of Qajar was able to take charge and in 1796 he was crowned in Tehran.<sup>79</sup>

## **2.1. Ottoman Iranian Relations during the Early Decades of the Qajar Dynasty**

The Qajars were one of the Turcoman tribes who lived mostly in Astarabad, Mazendaran and Tehran provinces of Iran and also spread out in Turkistan, Azerbaijan and Anatolia. The Qajars, partly settled and partly nomadic, as being one of the seven founding Turcoman tribes of the Safavid State, ruled Iran from 1796 to 1925.<sup>80</sup>

During the Qajar Dynasty, relations between the Ottoman Empire and Iran were concentrated around three main issues: the first was the Caucasian territories which of both countries had several fights for, the second was the Iraq-ı Ajam where exist several holy shrines sacred for Shi'is and the last one consisted of the problems that emerged because of the constant movements of tribal populations throughout the frontier.<sup>81</sup>

The reign of Mahmud II (1808-1839) coincided roughly with the reign of Fath Ali Shah (1797-1834) in Iran. This period was characterized by territorial conflicts that were ended with the Treaty of Erzurum of 1823. Iranian intervention across the Ottoman frontier although being intermittent, it was quite persistent. Fath Ali Shah had taken the advantage of Mahmud II's distractions in Europe and at home, in addition to resistant local leaders near the Ottoman-Iranian frontier to the Sultan's centralization

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<sup>78 78</sup> Rıza Şabani, "Efşariye ve Zendiye Döneminde (H.1135-1210/ M.1723-1796) İran-Osmanlı İlişkileri", p.86.

<sup>79</sup> Homa Katouzian, p. 139-140.

<sup>80</sup> Hakkı Dursun Yıldız, *Büyük İslam Tarihi: Doğuştan Günümüze*, Vol.XIII (İstanbul: Çağ Yayınları, 1989), p.567.

<sup>81</sup> Mehmet Saray, *Türk-İran İlişkileri* (Ankara: Atatürk Araştırma Merkezi, 1999), p.75.

policy. From 1812 onwards the Iranians started to raid into the areas of Baghdad and Shahrazur and continued relentlessly even though the Ottomans sent missions of protest and demanded for compensation. On the other hand, Fath Ali Shah's men overtly supported local leaders against the Ottomans and even helped the Baghdad Mamluks and the Muntefiqs, a local Arab tribe in the southern Iraq, against the Sultan. Their overt support to local leaders brought results and during the ravage of Van in 1817-1818, the Iranians were, in return, supported by some local Kurdish tribes. As a consequence, Mahmud II declared war against Iran in October 1820 that lasted almost three years.<sup>82</sup> Both sides were tired of these constant struggles and a subsequent cholera epidemic was followed by a series of revolts within the Ottoman Empire. The standing army of the Ottomans, therefore, had to tackle with internal discord and was unable to send troops to help the eastern border provinces. Eventually both sides agreed on armistice<sup>83</sup>. On July 28, 1823 the Treaty of Erzurum was signed. With this Treaty, the peace treaty of 1746 was reaffirmed and involved no changes in frontiers; abiding by the former agreements pertaining to pilgrims, merchants, the delivery of refugees, the free egress of all prisoners, and the presence of a minister at the individual courts, were accepted valid, and these stipulations were to be strictly observed.<sup>84</sup>

However, although this was the reaffirmation of the former agreements and there was no change in the frontier, this treaty was not exact enough and gave rise to recurrent disputes. In between 1833 and 1842 a series of incursions took place by one side or other, and Iran's intervention to Ottoman Iraq by claiming the protectorate over the Ottomans' Shi'i population brought the two states to the brink of war.<sup>85</sup> But with the mediation of Great Britain and Russia, in 1843 a mixed boundary commission was

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<sup>82</sup> Stanford Shaw, "Iranian Relations with the Ottoman Empire in the Eighteenth and Nineteenth Centuries", p.312.

<sup>83</sup> Graham Williamson, "The Turco-Persian War of 1821-1823: Winnig the War but Losing the Peace", in *War and Peace in Qajar Persia: implications past and present*, ed. by Roxane Farmanfarmanian (New York: Routledge, 2008), p. 89-90.

<sup>84</sup> J. C. Hurewitz, *Diplomacy in the Near and the Middle East*, Vol.I (Princeton, N.J.: Van Nostand, 1956), p. 90.

<sup>85</sup> C. J. Edmonds, "The Iraqi-Persian Frontier 1639-1938", *Asian Affairs*, Vol.6, Issue.2 (June 1975), p. 147.

formed in order to fix the frontier between the two states.<sup>86</sup> As a result of four years long negotiations and researches a boundary agreement was produced and on May 31, 1847 it was signed in Erzurum. Since precision was still lacking, emending of the contested claims was assigned to yet another commission again with the mediation of Britain and Russia. In terms of new detailed survey (1857-1865), the two states settled on a temporary frontier agreement.<sup>87</sup> However both states had plausible reasons for hesitating to define the frontier too precisely. On the one hand, the Ottomans did not wanted to lose large revenues that they collected from dependent tribes in the area. On the other hand the Shi'i rulers of Iran did not wanted to leave a region that contained prominent Shi'i shrines and being densely populated by the Shi'is, in the hands of a Sunni Sultan.<sup>88</sup>

The summer and winter pastures of tribes on both sides of the frontier had for a long time been a source of tension and conflicts. In 1867, the ordinary movements of the Kurdish Mangur tribe from Iran back to Ottoman lands caused disquiet; indeed, they had gone unnoticed for decades. In time a sense of territoriality of both sides was certainly, developing. In 1873 Tehran claimed jurisdiction over Iranian residents in the Ottoman Empire in regard to Article 7 of the May 1847 Treaty of Erzurum. For Iran these trans-boundary movements created an overt mistreatment of the 1869 status quo convention. Although a series of agreements and conventions were signed between the two countries, territorial conflicts remained unsolved for a long time. In July 1873, a territorial dispute was settled in Pusht-i Kuh, skirts of Kandil Mountains facing Ottoman lands, by which both sides agreed to withdraw their troops in the area. Additionally, with the 1878 Treaty of Berlin the territorial status of Khotur district, east of Van, was

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<sup>86</sup> For further information about the boundary commission please see Sabri Ateş, "Empires at Margin: Towards a History of the Ottoman-Iranian Borderland and the Borderland Peoples 1843-1881", unpublished PhD Thesis, New York University, May 2006.

<sup>87</sup> J. C. Hurewitz, *Diplomacy in the Near and the Middle East*, Vol.I, p. 90

<sup>88</sup> Richard Schofield, "Narrowing the Frontier: Mid-Nineteenth Century Efforts to Delimit and Map the Perso-Ottoman Boundary", in *War and Peace in Qajar Persia*, p. 151.

settled and the occupation of the Ottomans was ended which was lasting from 1849 onwards.<sup>89</sup>

## **2.2. Ottoman-Iranian Relations during the Hamidian Era**

Abdulhamid II's foreign policy was essentially based on providing the external peace security vital for the implementation of domestic reorganization and regeneration which the Empire's survival eventually depended.<sup>90</sup> According to Roderic Davison, Ottoman foreign policy, in a sense, was very similar to its domestic policy. Because its main principle was to preserve independence and integrity of the Empire

Starting his reign with a devastating Ottoman-Russian war of 1877-78 and as a result of this with an important territorial loss in the Balkans, Abdulhamid II had to drive his foreign policy's route in a way that would provide the security of his domain. In succeeding years of this war, the Ottomans did not feel comfortable in relations with Iran, because in the course of the war Iran's support to Russia was very well known by the Sultan and his officials. Moreover, after the war, Russia inserted article 60 into the Berlin Treaty putting an end to the conflict that bestowed the disputed territory of Khotur to Iran:<sup>91</sup>

“The Sublime Porte cedes to Persia the town and territory of Khotour, as fixed by the mixed Anglo-Russian Commission for the delimitation of the frontiers of Turkey and Persia.”<sup>92</sup>

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<sup>89</sup> Richard Schofield, “Narrowing the Frontier: Mid-Nineteenth Century Efforts to Delimit and Map the Perso-Ottoman Boundary”, p.163-165.

<sup>90</sup> F.A.K. Yasamee, *Ottoman diplomacy: Abdülhamid II and the great powers, 1878-1888* (İstanbul: Isis Press, 1996), p.41.

<sup>91</sup> Gökhan Çetinsaya, “Essential Friends and Natural Enemies: The Historic Roots of Turkish-Iranian Relations”, *Midde East Review of International Affairs*, Vol.VII, No.3, Sept.2003, p. 117.

<sup>92</sup> J. C. Hurewitz, *Diplomacy in the Near and the Middle East*, Vol.I, p.190.

Although the first years of Abdulhamid II's reign Ottoman-Iranian relations had started and developed in an atmosphere of resentment, there was a common point which attracted these two countries around: Islam.

The Iranians, while they, were politically ready to take side with the Ottoman Empire's enemies, and on the other hand regarded the Ottoman Empire as model for modernization. Meanwhile, Istanbul had become a center of attraction for Iranian political refugees, dissidents, opposition groups and intellectuals. There was another confluence point; the Shi'i sacred places in Iraq, known as the Atabat. As the center for Shi'i ulama the Atabat maintained its importance as a religious authority, and in the late nineteenth century Atabat mujtehidis became very effective in Iranian politics. This period coincided with the emergence of Pan-Islamic politics of the Ottomans in Iranian politics, especially among the ulama. During the Ottoman-Russian war of 1877-78 by distributing leaflets to Iranian pilgrims in the Hijaz, without mentioning any sectarian divergence the idea of importance of Islamic unity and Muslim brotherhood was underlined. This idea of Islamic unity and brotherhood was continued during the reign of Abdulhamid II and within the context of his Pan-Islamic policy, all moral possibilities and material sources were used according to changing conditions till the early 1880s.<sup>93</sup>

With the intention of staving the adverse events off that occurred after the Berlin Treaty of 1878 and conducting amicable terms with Iran, Abdulhamid II took the initiative: In 1878, the Empire's Teheran Envoy, Fahri Bey, had a meeting with Nasir-al din Shah in which both sides underlined the importance of facilitating consent and concord between the two Muslim states for their common interests against the Great Powers.<sup>94</sup>

Abdulhamid was not content with the degree of amity between the two Muslim states which was lasting for a while. For him this was because of the impassive behaviors of the erstwhile envoys and from now on the Empire would do her best for

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<sup>93</sup> Gökhan Çetinsaya, "Essential Friends and Natural Enemies: The Historic Roots of Turkish-Iranian Relations", pp. 117-118.

<sup>94</sup> BOA, Y.PRK.HR, 3/2, 1 May 1878.

the sake of Islamic Unity.<sup>95</sup> As a sign of this undertaking, the Empire had removed the restrictions which constrained visits of the Shiites' to the Atabat.<sup>96</sup> This gesture of the Empire was recompensed by Iran: during the commemoration of the Karbala events in 1878, for the first time, they blessed for the Abdulhamid II's wealth and the Empire's victory against her enemies after blessing for the Shah.<sup>97</sup>

These reciprocal goodwill gestures continued until 1881: from this time onwards the issue of the Kurdish tribes' bestriding the borderline, again began to trouble for both sides. They always took refuge at one state when they had trouble with the other and both states did not hesitate to use these tribes for their present purpose as against each other.<sup>98</sup>

Shiism was another point of dispute between the two states. Iran used *muchedtid*/ *ahund* as a tool of policy making. In the midst of 1890's, she intensified Shiism propaganda all around the Ottoman realm, but especially within borderline provinces of the Ottoman Empire, such as Baghdad and Basra. General social structure of these provinces was mainly based on tribes and the population was commonly Shii. Furthermore, throughout the nineteenth century, by virtue of the *ahunds*' activities there occurred a growth in this Shi'i population, mostly due to conversion. For the Ottomans this was not only a religious threat, but it had also a political aspect. Because the Shi'is were regarded as potentially disloyal, their growth would change dramatically the demographic map of Ottoman Iraq that this meant a direct threat to the Ottoman authority in the area. For that purpose from the early 1890s onwards, various measures were taken in order to avoid the growth of Shi'ism<sup>99</sup>, which will be comprehensively explained in the third chapter of this thesis.

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<sup>95</sup> BOA, Y.PRK.HR, 3/2, 1 May 1878.

<sup>96</sup> BOA, Y.A.HUS, 160/32, 9 Aralık 1878.

<sup>97</sup> BOA, Y.A.HUS, 160/44, 1 Ocak 1879.

<sup>98</sup> Cezmi Eraslan, "İslam Birliği Siyaseti Çerçevesinde II. Abdülhamid'in İlk Yıllarında Osmanlı-İran Münasebetleri", in *Prof.Dr. Bekir Kütükoğlu'na Armağan*, p.234.

<sup>99</sup> Gökhan Çetinsaya, "Essential Friends and Natural Enemies: The Historic Roots of Turkish-Iranian Relations", pp.118-119.

However, Abdulhamid II never gave up his objective of the religious rapprochement between the Sunni and Shi'i Islam. During the Tobacco Crisis of 1891-92 in Iran, the Atabat became an important opposition center in the Iranian politics, and the *mujtehid*s of the Atabat were engaged in Iranian internal affairs. This was a big chance for Abdulhamid II to unify Shi'is and Sunnis under the same umbrella and extend political influence over his subjects. For that purpose a prominent scholar of that time, Jamal al-Din al-Afghani, was invited to Istanbul to form a committee which would work for the elimination of sectarian differences between the Muslims. But this act of Abdulhamid II was not very welcomed by the Iranian authorities and they demanded the deportation of Afghani. In response, the Iranians gave support to Armenian revolutionaries inside Iran and on the border. Under these circumstances Abdulhamid II had to give up his project and his relations with Afghani worsened. Thus, until his death in March 1897 Afghani was put under probation in Istanbul.<sup>100</sup>

With the accession of Muzaffar al-Din Shah in 1896, the Ottoman-Iranian relations gained a new and cordial direction which would last for a few years. In the autumn of 1900, the Shah visited Istanbul, and Abdulhamid II treated him with respect and distinction.<sup>101</sup>

From the first years of 20<sup>th</sup> century onwards, both countries were shaken by various internal events that would affect the direction of their relations. First, Iran encountered internal disorder that arose from the Constitutional Revolution of 1905-1911 and right after the beginning of this movement the Ottoman army occupied several disputed territories on the frontier, from Bayazid to Vezne. These territories remained in the Ottomans' hands until the Istanbul Protocol was signed on October 17, 1913.<sup>102</sup>

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<sup>100</sup> Gökhan Çetinsaya, *Ottoman Administration of Iraq, 1890-1908* (London; New York: Routledge, 2006), p. 222-280.

<sup>101</sup> Nejat Göyünç, "Muzafferiddin Şah ve II. Abdulhamid Devrinde Türk-İran Dostluk Tezahürleri", in *İran Şehinşahlığı'nın 2500. Kuruluş Yıldönümüne Armağan* (İstanbul: Milli Eğitim Bakanlığı, 1971), p.164-166.

<sup>102</sup> Sinan Kunalp, "The Ottoman Drang Nach Osten: The Turco-Persian Border Problem in Azerbaijan 1905-1912", in *Studies on Ottoman Diplomatic History*, Vol.IV (Isis Press), p.71-76

## CHAPTER III

### MARRIAGE AND CONSCRIPTION

#### 3.1. On the Way to Prohibition of Marriages

The sectarian enmity between the Ottoman Empire and Iran took its roots from the very beginning of the 16<sup>th</sup> century. The rise of the Safavid state with sectarian claim of Shi'ism disquieted the Ottomans in both political and religious senses. They regarded the presence of a Shi'i state in their eastern border as a challenge to their political power. Thus they needed to define their own theory of empire based on orthodox Sunni Islam and the extinction of their Shi'i, heretic, neighbors on their eastern border. So, from the 16<sup>th</sup> century onwards the Ottomans issued several anti-Shi'i *fetvas* in which they regarded Shi'is as heretical, unorthodox and even infidel. One of those had been issued by Müfti Hamza, who was judge (*kadı*) of Istanbul in 1512, in which he identified Shi'is as infidels and heretics, and it was every Muslims' duty to kill them. The most important aspect of this *fetva* for our research was that according to him, likewise the marriages amongst them, the marriages with others, were not legally valid.<sup>103</sup>

From the point of this *fetva* it seems safe to search the main cause of prohibition of Sunni women- Shi'i men within the context of Islamic jurisprudence (*fiqh*). According to the Islamic jurisprudence (*fiqh*) the marriage of a Muslim woman with a non-Muslim man was prohibited. There are several verses of the Quran that support this idea of prohibition: "Do not marry your girls to unbelievers until they believe"<sup>104</sup> and "if you ascertain that they (women refugees) are believers, then send them not back to

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<sup>103</sup> Karen M.Kern, *Imperial Citizen Marriage and Citizenship in the Ottoman Frontier Provinces of Iraq*, p. 43.

<sup>104</sup> *The Quran*, Al-Baqarah, 221. (English translation: Ali Ünal, *The Quran with Annotated Interpretation in Modern English*, New Jersey, 2008, p.141).

the unbelievers. They are not lawful (wives) for the unbelievers, nor are the (unbelievers) lawful (husbands) for them".<sup>105</sup>

Because, in these kinds of marriages there was a threat that woman can convert and became an unbeliever. According to the general opinion, the husband would sooner or later invite his wife to his own belief. Whereas the wife would not stand up to her husband's invitation and finally became an unbeliever.<sup>106</sup>

Another important *fetva* pronounced by Ebussuud, the most prominent Seyhulislam during the age of Suleyman I and Selim II, in which marriage according to the Shari'a was prohibited with a heretic and who had married would be exposed to severe punishment. By this means the *fetva* of Ebussuud had confirmed and strengthened the Müfti Hamza's pronouncement about the prohibition of marriages between the Sunnis and Shi'is.<sup>107</sup>

During the 16<sup>th</sup> century the issuance of anti-Shi'i *fetvas* went hand in hand with the wars and political struggles for suzerainty between the Ottomans and Iranians. During the wars with Iran in accordance with *fetvas* the persecution of Shi'is was supported and the prohibition of marriages between the Sunnis and Shi'is was reasserted. In 1578, during the a Turkmen revolt in southeastern Anatolia, another *fetva* was issued which again underlined the importance of killing infidels and heretics and reaffirmed the prohibition of marriages between the Shi'is and Sunni Muslims.<sup>108</sup>

While the Ottomans were declaring the Shi'is as heretics and infidels on the one hand, on the other hand were trying to depict them as a threat to the existence of the Empire and for the orthodox Muslim people by virtue of their anti-Sunni and unorthodox ambitions. The Ottomans did not come across such a big political and religious threat from the very existence of the Empire. They now have to establish a

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<sup>105</sup> *The Quran*, Al-Mumtahana,10. (English translation: Ali Ünal, The Quran with Annotated Interpretation in Modern English, New Jersey, 2008, p. 1057).

<sup>106</sup> Vehbe Zuhayli, *İslam Fikhi Ansiklopedisi*, Vol.9 (İstanbul: Risale Yayınları, 2006), p. 122.

<sup>107</sup> Karen M.Kern, *Imperial Citizen*, p.46.

<sup>108</sup> *Ibid*, p.47.

strong theory of empire by which defined themselves as sole leader of Sunni orthodox Islam on the contrary Shi'is as infidels and heretics. According to Zarinebaf-Shahr in the 16<sup>th</sup> century the definition of heretics had built upon such a solid basis that there was for that reason no need to put out an official treatise on heresy which would introduce a prohibition of marriages.<sup>109</sup>

In the 18<sup>th</sup> century, the Chief *Müfti* of Damascus promulgated a *fetva* about the prohibition of marriage between Sunnis and Shi'is. During the reign of Zand dynasty, the two states had struggles for the Basra province of the Ottoman Empire. At the end of these struggles, in order to justify their attacks the Ottomans declared the Zand as heretics.<sup>110</sup> At this atmosphere local religious officials unearthed the prohibition of marriages between Ottoman women and Iranian men. From the second quarter of the 18<sup>th</sup> century onwards the relationship between the two states took on a new dimension and therefore the reaffirmation of the prohibition also had a new character. The struggle for the possession of the disputed areas and the border regions and for gaining loyalty of the people had affected the decision which would be made on the prohibition of marriages.

Before the 18<sup>th</sup> century there was no such a big amount of Iranian in Ottoman Iraq that could pose danger for the Ottomans. There were only Iranian merchants and other individuals who were seeking economic opportunities. From the 18<sup>th</sup> century onward Iranian *ulama* and students came to Iraq in huge numbers. There were several reasons that lay behind this influx: in 1722 Isfahan was captured by Sunni-Afghans and Nadir Shah while had been promoting Sunni-Shi'i rapprochement had expropriated many of the endowments financing Shi'I clergy in Iran. For that reasons the center of Shi'i learning had been removed from Iran to Iraq, first to Karbala then to Najaf. The Iranian

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<sup>109</sup> Fariba Zarinebaf-Shahr, "Qizilbash Heresy and Rebellion in Ottoman Anatolia During the Sixteenth Century", *Anatolia Moderna, Yeni Anadolu*, Vol.7, Issue 1 (1998), p.12.

<sup>110</sup> Stanford J.Shaw, *History of the Ottoman Empire and Modern Turkey*, Vol.1, p.254.

*ulama* used the opportunity of loose control of the Ottomans in the area which would be lasting till 1831.<sup>111</sup>

The ever growing Shi'i presence in Iraq had made the Ottomans take remedial measures against this threat to their control in the region. Sultan Mahmud II (1808-1839) was aware of the growth of Shi'is in number, so in order to obviate the problem he issued an imperial order about the prohibition of marriages with Iranians, in 1822. By the imperial order it was underlined that the prohibition of marriages with Iranians was effective as of ancient times. By emphasizing the principle of retroactivity of laws, the Sultan aimed to legitimize and strengthen the effect of the prohibition. According to the imperial order if the Muslims marry or make others marry, would be subject to disappointment both in this world and in afterlife. Getting married with an Iranian meant being an illegitimate because in the imperial order Iranians were regarded as persons of unknown lineage.<sup>112</sup> Within the context of these statements the Sultan's religio-political concerns can clearly be seen. However, his concerns would be shared by his successors till the end of the Empire in varying degrees.

After the issuance of the imperial order, the documents in the Ottoman Archive remained a bit silent and thus, it became difficult to describe how this law was implemented. However, I came across a petition which was written by the parents of a Sunni Ottoman girl in order to assert their permission his daughter's marriage with an Iranian man. As it was understood from the petition Sunni girls could marry to Iranian men with permission of their parents: Because in the petition they said "like precedents, we consent to our daughter's marriage with Iranian citizen, Celil Ağa". But, on the other hand, although they had permitted the local headman (*muhtar*) did not accept to contract the marriage because they did not have certificate of approval which was issued by governmental authorities. So, they had to apply to Meclis-i Vâlâ in order to take certificate of approval.<sup>113</sup> Because of the lack of documents we do not be able to know how this issue was solved and if there were or not similar issues.

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<sup>111</sup> Yitzhak Nakash, *The Shi'is of Iraq* (Princeton, N.J.: Princeton University Press, 1994), p.15-16.

<sup>112</sup> BOA, Ecnebi Defterleri, 43-1, p.36.

<sup>113</sup> BOA, MVL, 392-74, 18 June 1869.

### 3.2. Shi'i Influence in Iraq during the 19<sup>th</sup> Century

During second half of the 19<sup>th</sup> century ever growing of influence and numbers of Shi'is in Iraq continued. From 1722 onwards, with the rise of the Shi'i kingdom of Awadh (Oudh) in north India the shrine cities of Iraq gained profit because of the financial remittances made by Awadh officials and other individuals for mujtahis in the cities during the years 1786-1844. Among these, the Oudh<sup>114</sup> Bequest was the one of the most prominent donation that made for the shrine cities. It derived from the Third Oudh Loan which the British East India Company took from king of Awadh in 1825 for financing its war in Nepal. The seventy five percent of this Bequest was sent to mujtahids who lived in Najaf and Karbala in order to be distributed to poor people for the gain of religious merit.<sup>115</sup> Their financial support was reinforced with the influx of huge numbers of Indians to Iraq from 1860s, after the annexation of Kingdom of Awadh by British.<sup>116</sup> By these means the influence and numbers of Shi'is in Iraq was cemented which threatened the existence of powerful Ottoman administration in the region.

The conversion of Iraq's Sunni tribes to Shi'ism accelerated from 1831, after the Ottomans seized the direct control over Iraq. In parallel with the sedentarization process of the tribes and increasing centralization, newly settled tribes chose to convert Shi'ism. Especially during the second half of the 19<sup>th</sup> century conversion to Shi'ism gained momentum because of the Ottomans' lack of social base in Iraq and until the late 19<sup>th</sup> century they did not realize the increase in the pace of conversions.<sup>117</sup>

Religion as a piece in the state apparatus, have promoted and ideal of sedentarization and referred themselves more to the settled component than the nomadic

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<sup>114</sup> Oudh is a word which is used by British for Awadh.

<sup>115</sup> Meir Litvak, "The Finances of Ulama Communities of Najaf and Karbala 1796-1904", *Die Welt des Islams*, Vol.40 (2000), Issue. 1, p.49.

<sup>116</sup> Yitzhak Nakash, *The Shi'is of Iraq*, p.16.

<sup>117</sup> *Ibid.*, p.32-42.

ones.<sup>118</sup> Within the context of their approach to religion nomads and settled people can be separated. Because of the constant movement nomads do not have any sense of time and permanent residence as settled people have.<sup>119</sup> On the other hand, settled people were depended on time, schedule and place which a religion requires. So, when tribes intended to settle down, there possibly occur contradiction between them and settled people. Because the settled people unlike nomads had a sense of institutionalized religion and bookishness.<sup>120</sup> Thus, the settled people undertake to civilize nomads and instill orthodoxy among them. The Ottomans, although they referred themselves as the sovereign of Islam, did not pay enough attention to the religious issues while they were settling down tribes.

As reported by the governor of Basra the reason of the spread of Shi'ism among the tribes was that they were full with gloom of ignorance and far apart from the light of education and the fruits of civilization for many ages. However, in fact the people had converted to Shi'ism because of the lack of the orthodox Sunni *imams* who would instill them with true Islam that Iranian *ulamas* had leached into the tribes and infused their ideas. In addition to that these people were not aware of the necessities of the Sunni sect and did not have any religious authority who would teach them, they normally bent to Shi'ism.<sup>121</sup>

### 3.3 Prohibition Law of 1874 and Its Implementations

It was in this environment the prohibition of marriages had been reaffirmed and strengthened by the Prohibition Law of Marriages between Iranians and Ottoman Citizens that promulgated on October 7, 1874. The Regulation consisted of three

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<sup>118</sup> Gilles Deleuze- Felix Guattari, *A Thousand Plateaus- Capitalism and Schizophrenia*, (Minneapolis: University of Minnesota Press, 2005), p.383.

<sup>119</sup> Martin Lings, *Hız. Muhammed'in Hayatı* (İstanbul: İz Yayıncılık 1998), p.45

<sup>120</sup> For detailed information about bookishness, see, M.Said Polat, *Selçuklu Göçerlerinin Dünyası Karacuk'tan Aziz George Kolu'na* (İstanbul: Kitabevi Yayınları, 2004).

<sup>121</sup> BOA, Y.MTV, 43-117, 16 June 1890.

articles, which showed the Empire's demographic and political concerns about the provinces along Iranian borderline<sup>122</sup>.

1. Marriages between Ottoman and Iranian citizens, as in olden times, are strongly prohibited.
2. Those (officials) who are authorized to perform marriages and who act against the prohibition will be held responsible.
3. If a female Ottoman citizen marries a male Iranian citizen in contradiction the prohibition, both woman and her children will be continued to be regarded as Ottoman citizens and charged to conscription, military tax, and all other financial obligations.

According to Karen M. Kern, the Prohibition Law of 1874 was shaped as part of the shaping of nationality. Although there was a religious aspect, marriages between two states' citizens were outlawed with regard to citizenship which underlined the connection between marriage and citizenship. This itself was an important part of the Empire's centralization program<sup>123</sup>.

The third article of this Prohibition Law did obviously contradict with the 1869 Ottoman Law of Nationality. Because according to 1869 Law if an Ottoman woman married to a foreigner she would acquire her husband's citizenship.

During the Hamidian Era, the prohibition of marriages with Iranians was reinforced in a strict manner in harmony with geopolitical affairs and daily policies. In this era, the main subject of this prohibition still stemmed from the ongoing Shi'i- Sunni religious debate. But actually, although taking many measures, it was in fact very difficult to prevent such illegal marriages. In 1887, the Council of Ministers issued a report which declared that *imams* and *muhtars* were not allowed to give certificates these prohibited couples and would be punished who contracted such illegal marriages<sup>124</sup>. For instance, the *muezzin* of Tomtom neighborhood of Tophane, Istanbul

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<sup>122</sup> Karen M.Kern, *Imperial Citizen*, p.90.

<sup>123</sup> Ibid., p.92.

<sup>124</sup> BOA, M.V. 30-16, 2 Rebiyülahir 1305 (18 December 1887).

Hafiz Osman Efendi would be punished because of contracting the marriage of an Iranian man and an Ottoman woman<sup>125</sup>.

But this decision of Meclis-i Vala was not enough to forestall these marriages. This time couples started to apply local Iranian consuls to get marriage license. As a consequence in 1887 an Ottoman woman named Tuti succeeded to marry an Iranian man named Abdullah by getting a marriage license from the Iranian Consulate of Adana. Despite this license, the Ottoman government did not approve this marriage and asked both the Ministry of Foreign Affairs (*Hariciye Nezareti*) and the Population Registry Administration (*Nüfus İdare-i Umumusi*) to do what is necessary under given circumstances.<sup>126</sup>

Another example, related to this issue, is a marriage which contracted by Iranian *ahunds* at the Iranian Embassy of Istanbul: an Iranian man named Halil married an Armenian woman who was an Ottoman citizen, and converted to Islam short time ago, named Hatice. After an inquiry, the Ministry of Gendarmerie (*Zaptiye Nezareti*) kept Halil under surety and guaranty until the Ministries of Interior and Foreign affairs gave the final decision about his situation.<sup>127</sup> While the inquiry was conducting, the Iran Embassy asserted that Halil and Hatice had married before the promulgation of Prohibition Law of 1874 and so Halil could not be arrested and expelled from Ottoman lands. But, the Ottomans, as a result of inquiry, had decided the expulsion of Halil from Ottoman lands.<sup>128</sup> Here and all other issues pertaining to marriage and conscription we would see that the Iranians would be trying to use legal gaps between the three Laws, i.e. Ottoman Citizenship Law of 1869, the Prohibition Law of 1874 and Conscription Law of 1886.

In 1894, the Ministry of Interior received a petition signed by Ayşe Hanım, who had married with an Iranian man, Hasan. In her petition she was asking for justice to her husband that he wanted to acquire Ottoman citizenship but Iran vice consul of Adana had tortured him and confiscated his property. After an inquiry, Ministry of Interior

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<sup>125</sup> BOA, DH.MKT. 1620-58.

<sup>126</sup> BOA, DH.MKT. 1467-95.

<sup>127</sup> BOA, DH. MKT. 1606/121, 7 Mart 1305 (19 March 1889).

<sup>128</sup> BOA, DH.MKT, 1630-41, 20 June 1889.

ascertained that there was no such an issue like torturing and confiscating and moreover they had married against the Prohibition Law so, they had to be punished: Hasan would be expelled to Iran and Ayşe Hanım would retain Ottoman citizenship status.<sup>129</sup>

### 3.4. Marriage with British Citizens

From the 1830s onwards, the British presence and influence in Iraq became very obvious. With the establishment of British India, they became the leading actor of the trade of Iraq and the Gulf. The Lynch Company took the concession of stream navigation on the Euphrates and the Tigris. They also constructed telegraph lines which connected Baghdad to India, Istanbul and Tehran. In addition to that, the influx of the British Indian pilgrims and students to the shrine cities of Iraq strengthened the British influence in the region.<sup>130</sup>

However, the British use Oudh Bequest as a tool of influence and control over the Shi'i *ulama* in Iraq and even Iran. Thus, in order to determine who would be a mujtahid in the shrine cities, they manipulated Shi'ism itself. They, while trying to raise hatred and animosity between Shi'is and the Ottomans wanted to weaken Ottoman rule in Iraq. Meanwhile, they were aware of the Ottomans' suspicion that they were financing Shi'i conversion.<sup>131</sup>

It was in this environment we came across the issue of marriages between the British citizens of Iraq and the Ottoman women. This time, instead of Iranian Embassy we see British consuls-general of Baghdad was in charge of marriages. In 1898, British consuls-general of Baghdad wrote a petition to the Council of State (Şûra-yı Devlet) mentioning British citizen Indian Mehmed Ali did not allow marrying to an Ottoman woman by the local Ottoman authorities. Although the prohibition of marriages between the Ottoman women and the Iranian men legalized, it was not exactly legalized

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<sup>129</sup> BOA, DH. MKT, 195-19, 13 January 1894.

<sup>130</sup> Gökhan Çetinsaya, *Ottoman Administration in Iraq 1890-1908*, p.127-128.

<sup>131</sup> Meir Litvak, "A Failed Manipulation: The British, the Oudh Bequest and the Shi'i Ulama of Najaf and Karbala", *British Journal of Middle Eastern Studies*, Vol.27, No.1 (2000), p. 69-70.

what would be done if the Ottoman women wants to marry with foreign citizens. After a long discussion between the legal and civil authorities it was decided that: according to the mandate of the *Fetvahane* which was issued on 5 April 1886, a Muslim Sunni woman could only get married to a Muslim Sunni man. If he was a Muslim Sunni, it was not important which state's citizen he was. So, the Council of State asserted that after an inquiry if it was inclined that Indian Mehmed Ali was Sunni, there was no harm his marriage with an Ottoman woman.<sup>132</sup>

Although the marriages between the Sunni Ottoman women and Sunni foreign citizens were allowed, it was decided what would happen in the marriages of Shi'i Ottoman women and Shi'i foreign citizens. According to the governor of Baghdad if these kinds of marriages were forbidden it would be inconvenient for the enlistment.<sup>133</sup> In response to question of the British consuls-general of Baghdad about the same issue, Grand Vizier wrote to Ministry of Foreign Affairs that the prohibition of marriages with Shi'i men would be retained even though these were British citizens.<sup>134</sup>

### **3.5. Sons in Arms**

In the 19<sup>th</sup> century, creating citizens was one of the major concerns of the monarchies which endeavored for centralization. The citizen as a member of a given community was obliged to pay taxes and perform military service. In return for these obligations citizens' common wealth, security and social stability was guaranteed by the state. However, military service is a citizen obligation that conscription system was embodiment of the idea of citizen obligation for national defense<sup>135</sup>.

Universal conscription system to build up a standing army was first used in the time of American and French revolutions. In August 1793, French state declared that

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<sup>132</sup> BOA, BEO 1206-90406, 6 September 1898.

<sup>133</sup> BOA, BEO 1628-122083, 28 February 1901.

<sup>134</sup> BOA, BEO 2104-157781, 1 July 1903.

<sup>135</sup> Morris Janowitz, "Observation on the Sociology of Citizenship: Obligations and Rights", *Social Forces*, Vol.59:1 (1980), p.6.

every citizen was obliged to serve in the military service. The length of the military service was eight or more years which caused economic burden in France because of the lack of young labor which transferred to the front. In 1814 the Prussian state issued a law of conscription, which was inspired from the French system, where conscripts were required to serve one or three at the front lines, followed by a period in the reserves, and finally service in the militia, which was only resorted to only at the time of warfare<sup>136</sup>.

Series of defeats, inflicted by Mehmed Ali Pasha on Ottoman troops were the milestone for the Ottomans to think about the creation of a standing army. Like France, the Ottomans were in economic burden due to lack of young and qualified labor that spent most of his life in the front. So in *Gülhane Rescript*, it was stated that, with the aim of agricultural and industrial florescence the length of the military service would be reduced to four or five years.<sup>137</sup>

For creating a universal military system, the Ottomans established in 1844 the *Nizamiye* army by taking the Prussian army as a model. At the beginning the length of the military service for conscripts (*muvaZZaf*) was five years, but in due course it was reduced first to four and than three and at last two. After active service conscripts and those who did not draw the lots served as reservists (*redifler*) for seven years. In 1848, the Regulation for Military Conscription (*Kur'a Nizamnamesi*) was issued and more detailed regulations were specified for the conscription system. In August 1869, these regulations were reviewed and revised and a new three-tiered system was found. According to the 1869 Regulation, the regular army (*Nizamiye*) soldiers were to serve for four years. Reservists, while serving seven years, now were to serve four years. Finally, there were guards (*mustahfiz*), serving eight years, who did not fight at the front but resorted to maintain law and order at a time when regular and reserve armies were at the front. In 1871, a new Conscription Law was promulgated to codify the whole

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<sup>136</sup> Jan Lucassen and Eric Jan Zürcher, "Introduction: Conscription and Resistance. The Historical Context," in: Erik J. Zürcher, *Arming the State: Military Conscription in the Middle East and Central Asia, 1775-1925* (London: I. B. Tauris, 1999), p. 7-10.

<sup>137</sup> See Tobias Heinzelmann, *Heiliger Kampf oder Landesverteidigung? Die Diskussion um die Einführung der allgemeinen Militärpflicht im Osmanischen Reich 1826-1856* (Frankfurt a.M: Peter Lang, 2004).

system of recruitment. This Law prevailed until the Young Turk Revolution of 1908 with some amendments in 1879; after defeat in the war with Russia.<sup>138</sup>

According to the amendments of 1879 the length of military service was increased to six years, of which three were spent under arms and three in the active reserve. Duration of serving as *redif* was reduced from eight to six years, of which the first three years would be classified as vanguard (*mukaddem*) and the last three years as rear (*tali*). The length of the service with guard (*mustahfiz*) was again reduced to six years<sup>139</sup>.

### 3.6. The Conscription Law of 1886 and Its Implementation

In 1886 a new Conscription Law was promulgated. According to this Law the duration of military service remained six years and length of *redif* service was again brought up to eight years and lastly serving as guard (*mustahfiz*) was six years. In other words, the man who served in the respective order would be regarded as fulfilled his military obligation<sup>140</sup>.

Apart from these more or less similar regulations there is something noteworthy which makes Law of 1886 unique among others. In the 32<sup>nd</sup> article it was indicated that “citizens of foreign states who reside in Ottoman lands would not be obliged to perform military service except residents who held Iranian citizenship”.<sup>141</sup> Because of this article there was a long-term controversy between the Ottoman and the Iran states which was derived from mostly demographic, religious and political concerns of each state.

To build a standing national army, human factor is very important. So states need to determine exact numbers of their citizens and of course the amount of the young

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<sup>138</sup> Erik Jan Zürcher, “The Ottoman Conscription System in Theory and Practice, 1844-1918”, in Zürcher, *Arming the State: Military Conscription in the Middle East and Central Asia*, p. 81-83.

<sup>139</sup> Erik Jan Zürcher, “The Ottoman Conscription System”, p.84.

<sup>140</sup> BOA, İ.MMS 85-3669, 26 Muharrem 1304 (25 Ekim 1886).

<sup>141</sup> Ibid.

population within their domains. In the 19<sup>th</sup> century Ottoman population witnessed a serious collapse due to the loss of territory and disastrous wars. For this reason it became an important issue to retain remaining the population. According to the Prohibition Law of 1874, children who were born from the marriages between an Iranian man and an Ottoman woman would be regarded as Ottomans and the woman would not acquire her husband's citizenship.

Just after the promulgation of Ottoman Conscription Law on 25 October 1886, there were a series of objections by the Iranian government. Their objections were focused on the 32<sup>nd</sup> article of this law. According to 32<sup>nd</sup> article of the law all foreign citizens who resided in Ottoman lands would be exempted from the military service except Iranians. For the Iranian ambassador this article was related to the 3<sup>rd</sup> article of Prohibition Law of 1874 and they had already protested it. But, the Ottomans had again brought to the forefront this humiliating issue by the 32<sup>nd</sup> article which contradicted with the international law asserting that sons were subjected to their fathers and wives were subjected to their husbands. Thus, the Iranians requested the abrogation of the 32<sup>nd</sup> article otherwise they would put it to rest.<sup>142</sup> Furthermore, there was another point that the Iranians protested: demands of the Iranians who wanted to acquire Ottoman citizenship would not be accepted because they could possibly request this only for getting married to Ottoman women. On the other hand, if the Iranians were naturalized they would not be allowed to get married for one year and if they got married against the law they would also be expelled to Iran. For the Iranians this issue was in contradiction with the 3<sup>rd</sup> article of Ottoman Citizenship Law which asserting that, foreign citizens who lived in Ottoman lands for five years could acquire Ottoman citizenship. But, for the Ottomans after their naturalization the Iranians would become Ottoman citizens and this issue would be the Ottoman state's internal affair.<sup>143</sup>

People who acted against the Prohibition Law would be expelled from Ottoman lands and they could take their families with them. But it was experienced that these people returned to Ottoman lands soon afterwards they were expelled. As a result of this movement, their sons, as their Iranian fathers, would not be obliging to perform military

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<sup>142</sup> BOA, İ.MMS 97/4111, 10 Cemazielahir 1304 (6 March 1887).

<sup>143</sup> BOA, İ.MMS 97/4111, 2 January 1888.

service. According to The Military Inquiry Commission's report, these kinds of families increased in number especially throughout the frontier provinces, i.e. Baghdad, Karbala, Najaf, Basra and Mosul. In relation to this issue, The Commission's another concern was about the decrease of Sunni population in the aforementioned provinces. For them, if the necessary regulations were conducted very carefully to avert the prohibited marriages, there would be no issue pertaining to increase in the birth rate of this kind of children.<sup>144</sup> To take more effective measures the Commission, in order to inquire about the demographic structure of the area, asked for the commanders of the 4<sup>th</sup> and 6<sup>th</sup> Armies and the governors of Baghdad, Basra, Erzurum, Van and Mosul provinces.

In his reply the governor of Baghdad it was asserted that in order to desert from the military service people claimed Iranian citizenship, many of whom could not be registered yet and although the Iranian consuls-generals asked for the registry they did not share the information. Nevertheless, there were about 20.000 people who were living in Baghdad for a long time that they were originally Iranian and their mothers were Ottoman. If these were put aside, there would be many others that claiming Iranian citizenship: because in Ottoman Iraq there were people, many of whom migrated and or fled to Baghdad from Iran and paid homage to the Ottoman state when the people of Ottoman Iraq were not obliged to perform military service. However, if this law did not have a retroactive effect, there would many of whom that would claim bogus Iranian citizenship in order to prevent their sons from military service. Furthermore, by the Prohibition Law of 1874 the principle of retroactivity of laws had been adopted that the marriages between Ottoman women and Iranian men was forbidden since time immemorial. So, according to governor before making an exact decision on this issue, it had to be determined that what the main cause behind their claim was and how long they have been living in Ottoman lands. For that purpose, he asked for the center to be entrusted with full authority to take a detailed census and persuasion of the Iranian consuls-generals for consenting during the census.<sup>145</sup>

According to the report of the 6<sup>th</sup> Army the number of the people who would possibly claim Iranian citizenship was not certain but there would be many Ottoman

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<sup>144</sup> BOA, Y.A.HUS, 212-24, 29 January 1888.

<sup>145</sup> BOA, İ.MMS 97/4111, 26 January 1888.

women, many of whom would prefer to marry with Iranian men in order to make their sons exempt from military service. In addition to all these there were 77 Iranian people in the Erzurum Province, 52 in the Mosul Province and 16 in the Hakkari Province. As it was understood from these reports Iranian citizens were mostly resided in the Baghdad Province and to avert the increase such peoples in number, they had to be expelled immediately after they got married against the prohibition. By the virtue of their expulsion there would be decrease in the number of future marriages and there would not be any problems on the recruitment issue.<sup>146</sup>

The recommendations of the Military Inquiry Commission were debated in the Council of Ministers and it was decided that the people who had married against the prohibition would be immediately expelled and the *imams* or local headmen (*muhtar*), who were responsible for the marriages, would also be punished. First and foremost, civilian and judicial authorities must act according to the right and good of the whole Ottoman citizens in order to prevent the eagerness of the Ottomans to claim bogus Iranian citizenship. After their expulsion if they left their sons in Ottoman lands, these sons would be obliged to perform military service when they turned 20. In addition to that if they return soon afterwards their expulsion to Iran, their sons would also, like who stayed in Ottoman lands, be obliged to perform military service when they turned 20.<sup>147</sup> On the whole, these recommendations were evaluated by the Sultan and approved on April 18, 1888.<sup>148</sup> Furthermore, on 28<sup>th</sup> June 1888, a circular letter was written to all provinces which clarifying that the sons would not be obliged to military service if they were born before the promulgation of Conscription Law of 1886. The same circular letter, above all, contained additional measures to the previous *irade*; the aforementioned measures was imposed for whom had no ambiguity in their Iranian citizenship status, but on the other hand there were several people who had migrated and settled in Ottoman lands long time ago and obtained “denizen” status. So, after

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<sup>146</sup> BOA, Y.A.HUS, 212-24, 8 March 1888.

<sup>147</sup> BOA, Y.A.HUS, 212-24, 15 March 1888.

<sup>148</sup> BOA, Y.A.HUS, 212-24, 18 April 1888.

inquiring their property and indicating their status if there was still an ambiguity, these kinds of people would also be suspended from Ottoman lands.<sup>149</sup>

As in the decision making process of this implementation, there arose several problems while putting it into practice. In the case of Arisan family, the governor of Beirut province had difficulties to make decision on recruiting this family's sons. Because the Iranian men of the family had married to Ottoman women and they had three sons whom had to be recruited in the first period of enlistment of 1887. The governor had two telegrams from the commander of 5<sup>th</sup> Army in which he ordered that according to the directions of Commander-in- Chief (*Serasker*) three sons of the Asiran family would be obliged to perform military service when they turn 20 because as per the 3<sup>rd</sup> article of Prohibition Law they had to be regarded as Ottoman citizens. Although these three sons were in the first period of enlistment of 1887, one of them, Emin, did not show up in the final military roll-call and he was now evasion of enlistment. Thus, he had to surrender otherwise he would forcibly be enrolled. But, on the other hand, the governor of Beirut was in a tight situation: because according to the circular letter that was issued on June 28, 1888 the sons would be exempted from the military service if they were born before the promulgation of Conscription Law of 1886 but the commander was ordering the opposite.<sup>150</sup> As a result of months-long correspondences the Commander-in-Chief clarified the issue: he again underlined that "the sons would be exempted from the military service if they were born before the promulgation of Conscription Law of 1886" and he added that the length of the Asiran family's residence in Ottoman lands had to be indicated and after that if there was no ambiguity in their Iranian citizenship they would be subjected to aforementioned implementation otherwise if they had migrated to Ottoman lands long time ago and became "denizen" they were obliged to perform military service.<sup>151</sup>

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<sup>149</sup> BOA, DH.MKT, 2002-59, 16 June 1888.

<sup>150</sup> BOA, DH.MKT, 1613-99, 12 January 1889.

<sup>151</sup> BOA, DH.MKT, 1613-99, 3 Nisan 1889.

### 3.7. Fear of Conscription: Issuance of Population Bulletins

Iran never gave up trying to profit by the legal gaps on the citizenship status of women who had married to Iranian men and their sons. In 1903 they were now manipulating the statement in the circular letter of 1886 and claiming that the Ottoman women who had married to Iranian men and their sons who had been born before the promulgation of Conscription Law of 1886 must be regarded as Iranian citizens. The statement was, certainly, related to recruitment was not pertaining to anything about the citizenship. The triggering factor that lay behind this was that in Kazimiye, a sub-district of the Baghdad Province, a register wanted to be taken in order to indicate the certain numbers of these kinds of women and their sons. During the registration Ottoman officials issued population bulletins to everybody. But the population bulletins had same meaning with the enlistment for that people. So, the Grand Vizier asked Ministry of Interior for getting in touch with the provinces and ascertains this issue.<sup>152</sup> According to the circular letter which was sent by the Ministry of Interior to the provinces, on the prohibition of marriages between the Ottoman women and Iranian men the principle of non-retroactivity of laws would not be executed and thus, the sons whom were born both before and after the promulgation of Conscription Law of 1886 and their mothers would be regarded as Ottoman citizens and population bulletins would be given both of them.<sup>153</sup>

As reported by the General Staff (Seraskerlik), in 1907, there were still many men, whom did not registered and not given population bulletins in the Baghdad, Basra and Mosul provinces. If they did not register anymore, there would be an increase in the numbers of who would claim bogus Iranian citizenship in order to desert from the military service.<sup>154</sup> Thereupon, the Ministry of Interior again issued a circular letter in which it was ordered that all the officials must show ultimate attention not to leave these men out of registration and issue population bulletins to them.<sup>155</sup>

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<sup>152</sup> BOA, DH.MKT, 779-45, 30 September 1903.

<sup>153</sup> BOA, DH.MKT, 779-45, 13 February 1904.

<sup>154</sup> BOA, DH.MKT, 779-45, 11 May 1907.

<sup>155</sup> BOA, DH.MKT, 779-45, 6 June 1907.

In response to the Iran's claims and protests, the Ministry of Interior informed the Ministry of Foreign Affairs that although these men, who was registered and given population bulletins, were inducted they were claiming Iranian citizenship by applying to vice consuls of Iran. So, Iranian government must be acquainted in the manner of these men would be inducted unless proved otherwise by the Iranian government.<sup>156</sup> As stated in the letter which was written by Ministry of Foreign Affairs to the Ministry of Interior, he received information that there were these kinds of men in the Canik Province and additionally he had asked the governor of Trabzon for detailed information.<sup>157</sup>

During the census the people, who had an ambiguity on their citizenship status, were subjected to the inquiry by both the administrative authorities and police force. As reported by the governor of Ankara, Sheikh Mustafa, who lived in the Haymana sub-district, had been arrested because of the ambiguity on his citizenship status. According to the inquiry of the local administrative authorities he had come to Haymana from Savuç Bulak through Adana twenty years before without any travel certificate and population bulletin except an Iranian passport which was given by the Adana vice consul of Iran. After the inquiry of the police forces his status was clarified: he had come to Haymana five years before and during his visit he got married to an Ottoman woman, named Zeynep. Abidin Efendi, had performed their marriage without asking his hometown and population bulletin only with the approval of the bride's father. One year after, however, it was realized that he was an Iranian citizen. But, in addition to that he had a bogus population bulletin indicating that he was an Ottoman citizen who lived in Suleymaniye district of the Baghdad Province. After an investigation it was understood that this bogus bulletin was issued and given by Hacı Osman, who lived in Bostan Hoyuk village of Haymana, in order to be shown by the Sheikh Mustafa when it was realized that he was an Iranian citizen. Although he was arrested, the governor of Ankara asked the Ministry of Interior for the final decision.<sup>158</sup> In his reply, the Minister asserted that according to the previous implementations he had to be expelled to Iran.

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<sup>156</sup> BOA, DH.MKT, 779-45, 25 June 1907.

<sup>157</sup> BOA, DH.MKT, 779-45, 26 December 1907.

<sup>158</sup> BOA, DH.MKT, 779-45, 13 May 1908.

But, on the other hand, expulsion of anyone would not be pursuant to Kanun-ı Esasi anymore, so the new regulations were needed to be done in the long run.<sup>159</sup>

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<sup>159</sup> BOA, DH.MKT, 779-45, 11 August 1908.

## CHAPTER IV

### WANDERING AROUND THE BORDER

Early modern states were generally regarded their subjects as the potential revenue source, thus their aim was to provide security of them. But, on the contrary the modern centralized states' main objective was to create a monolithic community by classifying and generalizing its subjects and subduing the uncontrollable and unrestrainable ones. For this purpose states by taxing people and property, conducting literacy campaigns, recruiting soldiers and launching universal schooling made their intervention visible in the eyes of their subjects. By the virtue of all these operations they achieved to identify, record, aggregate, indoctrinate and control the people under their suzerainty.<sup>160</sup>

All modern states wanted to expand the tools of administrative discipline, related to the state or organized religion, to the areas that remote from the central authority. This administrative and cultural process was called as "internal colonization" by John C. Scott that defines the imperial project of the Ottoman Empire.<sup>161</sup> Within this context, the Ottomans' colonization of their periphery meant, first and foremost, transforming it into an entirely governed and economically productive area. In accordance with this purpose, they moved loyal populations to the frontier and relocate or repelled disloyal populations, opened frontier lands for agriculture and made cadastral surveys.<sup>162</sup>

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<sup>160</sup> James C. Scott, *Seeing like a state: how certain schemes to improve the human condition have failed* (New Haven: Yale University Press, 1998), p. 90-92.

<sup>161</sup> James C. Scott, *The art of not being governed* (New Haven: Yale University Press, 2009), p. 3-11.

<sup>162</sup> Ömer Lütfi Barkan, "Bir İskan ve Kolonizasyon Metodu Olarak Sürgünler", *İktisat Fakültesi Mecmuası* Cilt 13, Sayı 1-4 (1952), p. 57-59.

From the last decade of 17<sup>th</sup> century the Ottoman state undertook a policy for the settlement of its nomadic population. At the beginning the state's objective was to settle these groups to abandoned and forlorn parts of Anatolia in order to provide prosperity and introduce agriculture to these areas. Thus, it would be possible to end the continuous struggles between the nomadic and the settled population.<sup>163</sup>

At this juncture, this approach of settlement for a pre-modern empire seems more naïve and pragmatic than the intentions and activities of a modern, centralized state over its nomadic components. Modern state-crafters' aimed to create and extend spheres of public authority or neutralize the non-state spaces. Within this context the Ottoman state needed to develop a policy by which means it would be possible to strengthen its power on the region, i.e. tribal zone, and integrate it into its modern state building project.<sup>164</sup>

By the Tanzimat reforms, the Ottoman state aimed to reorganize provincial administration, thus the sedentarization of the nomadic tribes was a part of this process. Sedentarization contained both the top-down state policies of coercion and bottom-up strategies of mediation with the local leaders.<sup>165</sup> For example, in 1632 and 1633, several imperial orders were issued by Murad IV by which the hereditary nature of the Kurdish tribal chiefdoms would be strengthened and in addition to that the governors and local military commander would not be allowed to harass and abuse the Kurdish tribes. It was in this environment, the leaders of these kinds of tribes became as powerful as that could not be controlled. So, from the first third decade of the 19<sup>th</sup> century, the Ottoman state felt the need of restraining the growing independence of local leaders and for this purpose the *Fırka-ı Islahiye* was established, in 1863-6. It was a mobile military force

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<sup>163</sup> Cengiz Orhonlu, *Osmanlı İmparatorluğu'nda Aşiretlerin İskanı* (İstanbul: Eren Yayıncılık, 1987), p. 5.

<sup>164</sup> Janet Klein, *The Margins of the Empire-Kurdish Militas in the Ottoman Tribal Zone* (Stanford, CA: Stanford University Press, 2011), p. 11.

<sup>165</sup> Yonca Köksal, "Coercion and Mediation: Centralization and Sedentarization of the Tribes in the Ottoman Empire", *Middle Eastern Studies*, Vol.40, Issue.3 (May 2006), p.469.

whose task was to control and sedentarize the nomadic tribes, especially in southeastern Anatolia.<sup>166</sup>

There were other regularizations which were not directly pertaining but paving the way to sedentarization of tribes. The application of the Land Code of 1858 and particularly the Provincial Law of 1864 accelerated the process of sedentarization and de-tribalization, by enhancing central power over the tribal periphery.<sup>167</sup> It was also aimed that the state would also be able to expand its control over its governors in the provinces. Previously, the power of governors had been extended with an imperial order dated 1852 that provided more power over their subordinate officials and over the subdivisions of the provinces. Because of this the provinces were exposed to maladministration of some of these powerful governors. By the virtue of Provincial Law some degree of local participation was provided which could solve administrative problems and help to accomplish the official aim of establishing an amalgamated society in the empire.<sup>168</sup>

The promulgation and application of these two laws coincided with the border-making process of the mixed boundary commission, formed by the delegates of Ottoman, Iran, Britain and Russia states, in between 1843 and 1865. These two laws had paved the state the way for creating a more legible and more governable society and on the other hand the boundary-making process provided not only mapping and demarcation of the territory but also to map and classify the people within. At that time both the Ottoman Empire and Iran faced with a period of transition from borderlands to “bordered land”.<sup>169</sup> During this transition or transformation new identities appeared which were needed to be defined; this included the peoples who possessed the lands on

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<sup>166</sup> Reşat Kasaba, “Do States Always Favor Stasis? The Changing Status of Tribes in the Ottoman Empire”, in *Boundaries and Belonging - States and Societies in the Struggle to Shape Identities and Local Practices*. Ed. Joel S. Migdal (Cambridge: Cambridge University Press, 2004), p. 32-38.

<sup>167</sup> Ebubekir Ceylan, *The Ottoman Origins of Modern Iraq*, p.16.

<sup>168</sup> Roderic Davison, *Reform in the Ottoman Empire, 1856-1876* (Princeton, NJ: Princeton University Press, 1963), p. 170-171.

<sup>169</sup> For the term “bordered-land” see Sabri Ateş, “Empires at Margin”, *passim*.

either side of these borders. However, at the same time, their relations with one another and with the state had to be controlled. All these achievements enabled the states to gather more information about and thus monitor the activities and movements of these nomadic peoples. While having more information about them the states had the opportunity to collect taxes and recruits for the regular army from the peoples who otherwise were reluctant to cooperate.<sup>170</sup>

Above all, these gradual steps gave a chance to the state to introduce the sultan as a higher authority than the local chiefs. Most of the local peoples, especially the nomads, did know neither about the Sultan nor the central administration. Being in a major distance from the center they were used to live without being under any jurisdiction and were i.e. isolated. From the 19<sup>th</sup> century onwards, they had become vulnerable to state intervention; for the state they were now more accessible and governable. Thus they would easily be turned to a population of loyal citizens.<sup>171</sup>

Theoretically all these seemed feasible but when it came to the implementation it was not an easy task for the state; because the population of concern mostly consisted of pastoral nomads. Their way of life was primarily based on seasonal migration from low and river valleys to high mountains' peak or vice versa. They were always wandering around the frontier in order to exploit seasonal pastures. There were also other reasons which triggered their movement; political factors such as demarcation international boundaries, local governmental restrictions, and a desire to avoid taxation and conscription; economic factors such as the presence of markets and willingness of sedentary cultivators to lease potential pasture to nomadic populations. Although their movements, was sometimes, regarded as the territorial conquest, for nomads gaining free access to a place was more important than occupying it.<sup>172</sup>

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<sup>170</sup> Janet Klein, *The Margins of the Empire*, p.23.

<sup>171</sup> Thomas Kühn, "An Imperial Borderland as Colony: Knowledge Production and the Elaboration of Difference in Ottoman Yemen 1872-1918", *The MIT Electronic Journal of Middle East Studies* Vol. 3 (2003), p.9.

<sup>172</sup> Rada Dyson-Hudson & Neville Dyson-Hudson, "Nomadic Pastoralism", *Annual Review Of Anthropology*, Vol.9 (1980), p.16-18.

Additionally, the social structure was basically based on decency and kinship; therefore they paid homage to each other or to chiefs. Nomads, because of shifting residence and tribespeople due to their personal allegiance to each other or chiefs often created troubles to officials of sedentary states whose main objective was to control and classify them together.<sup>173</sup>

Due to their constant movements and ambiguous loyalty to neither state, both the Ottoman and Iranian governments had troubles to determine their permanent residences and thus their citizenships. As in the case of former wars between the two states, in the 19<sup>th</sup> century, they now were again looking for catching each other off guard in order to bring these groups into the fold. During that century the tribes were roaming along the border mostly because of the political vacuum in the area, dissatisfaction from the inconsistent policies of both governments and occurrence of religious struggles among them. For instance in 1894 a Sunni tribe which lived in a sub-district along the northern border of Iran, wanted to migrate to Ottoman lands because they were suffering from the oppressions of the Shi'is.<sup>174</sup> In the same year the Shekak Tribe had to stay under heavy snow for twenty days long, because the Ottoman government had not yet decided where to settle this tribe down. They desperately turned back to Iran to stay temporarily until their place of residence was decided and nevertheless they retained their allegiance to the Ottoman Empire.<sup>175</sup> In both cases the government had planned to settle these tribes far from the border, i.e. 8 or 10 hours distant, because if they stayed close to border, they would possibly get in touch with Iran and shift their allegiance.

#### **4.1. Ambivalent Belongings: The Bilbas Case**

The Bilbas tribe was one of the nomadic tribes of the Empire, which lived in the Köy Sancak district of Mosul Province. They were regularly migrating to Lahican for summer pastures and in addition to these they also had other winter and summer

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<sup>173</sup> Martin van Bruinessen, *Agha Shaikh, and State* (London; Atlantic Highlands, N.J.: Zed Books, 1992), p.130.

<sup>174</sup> İ.HUS,49, 1 April 1894.

<sup>175</sup> İ.HUS,60, 15 November 1894.

pastures in the Savuç Bulak district of Iran. Due to their constant movements among these areas, the possession of Savuç Bulak and Lahican and the citizenship status of this tribe caused always disputes between the two states.<sup>176</sup>

Lahican was a township (*nahiye*) of Raniye sub-district that was connected to Shahrizor district of Mosul Province.<sup>177</sup> As a fine open land lying on the foot of the Kandil Mountains it was plentifully watered, and having a rich fertile soil, it was very suitable for agriculture. Thus, it became the regional destination and had been settled at different times by tribes subject to either state. The Zerza, the Baban, the Mikri and lastly the Bilbas tribe had the possession of the territory; in 1838, although the Mikris were the proprietors of the land, it was inhabited mostly by the Bilbas, who paid annually 1000 tomans to the Mikris as the rent of the land.<sup>178</sup>

The district of Savuç Bulak was divided into two main administrative units: One of them was called as “Asıl (Major) Mukri where sedentary Mukri and Debokri tribes of Kurds lived. The second one was where the nomadic Bilbas tribe spent their summers. There were also other tribes who were staying permanently in the Iranian Land: one of them was the Mengurs, mostly settled and known for their nerve and bravery and others were the Piran and the Mamesh.<sup>179</sup> In 1905 the Savuç Bulak district was occupied by the Ottoman troops and remained under the control of the Ottomans until the Istanbul Protocol was signed on October 17, 1913.<sup>180</sup>

The Bilbas tribe, as a nomadic tribe confederation, contained twenty five sub-groups that some of them lived in Koy Sancak and Raniye sub-districts and some in

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<sup>176</sup> Mehmed Hurşid Paşa, *Seyahatnâme-i Hudûd* (Takvîmhâne-i Âmire, no date), p. 209.

<sup>177</sup> Şemseddin Sami, *Kamûs al-Âlâm*, Vol.6 (İstanbul: Mihrân Matbaası, 1316), p.4484.

<sup>178</sup> H.C. Rawlinson, “Notes on Journey from Tabriz, Through Persian Kurdistan, to the Ruins of Takht-i Soleiman, and from thence by Zenjan and Tarom, to Gilan, in October and November 1838”, *Journal of the Royal Geographical Society of London*, Vol.10 (1840), p.32.

<sup>179</sup> Vladimir Minorsky, “Savuc-Bulak”, *İslam Ansiklopedisi*, Vol. X (Ankara: Milli Eğitim Bakanlığı, 1997), p. 257.

<sup>180</sup> V.Minorsky & C.E.Bosworth, “Savuç Bulak”, *Encyclopedia of Islam*. Second Edition, Vol.IX (Leiden: E.J. Brill, 1986), p. 92.

Persian territory. The three prominent sub-groups were the Piran, the Mengur and the Mamesh; they consisted of respectively twelve, five and eight sub-groups. While the Mengur lived mostly in Pesve, in Lahican; the Mamesh lived in Terkush and Lala, villages in Lahican; the Piran continued to wander around and pasture their flocks in summer along the Persian frontier, and on the approach of winter went to the warm pastures of Beitush and Germiyan, on the banks of Lesser Zab.<sup>181</sup> As a confederation they certainly had a chief, but his status was titular that he was overlord of only five or six villages.<sup>182</sup>

The Bilbas tribe was known for their bravery and devoutness by the Ottomans; they had 7-8.000 mounted and armed men who were confessionally Sunni Muslims of the Shafi sect, and therefore they were welcomed by the state. But on the other hand, they loved their independence and were difficult to be controlled. Because of their devotion of constant movement they usually came into conflict with the state officials: in the summer of 1822 they attacked Tabriz and plundered agricultural populations. In the winter, when they came back to Köy Sancak, Ali Bey, the governor of Baghdad at that time, ravaged and plundered the tribe to earn reputation. But his violence act against the tribe did not deliver what was expected of it: the Bilbas tribe chose to take refuge and be loyal to Iran.<sup>183</sup> However this situation was not peculiar to them because in the late 1820s there were frequent public complaints about the local governors' unjust and arbitrary administrations.<sup>184</sup> In order to obviate their permanent subjecthood to Iran, the Sultan ordered that, the Bilbas tribe should be resided in Erbil and every measure must be taken in order to gain loyalty to the Empire.<sup>185</sup>

Due to the lack of precision of the border along Lahican and Savuç Bulak, this area became open to power struggles among the two states. From 1885 onwards the

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<sup>181</sup> H.C. Rawlinson, "Notes on Journey from Tabriz", p.33

<sup>182</sup> W.R. Hay, *Two Years in Kurdistan. Experiences of a Political Officer, 1918-1920* (London: Sidgwick & Jackson Ltd., 1921), p.66.

<sup>183</sup> BOA, Hatt-ı Hümayun 36182-C, 9 November 1822.

<sup>184</sup> Ebubekir Ceylan, *The Ottoman Origins of Modern Iraq*, p.46.

<sup>185</sup> BOA, Hatt-ı Hümayun 36182-C, 9 November 1822.

Iranians had started to attack and plunder Lahican and finally by capturing the district they erected some buildings on it. This time the aggrieved party was the Bilbas: throughout 1889, the Ottoman government received a series of telegrams from the leader of the tribe, Emin Bey, and his men in which they were listing their complaints about the Iranians.<sup>186</sup> After the capture of Lahican by the Iranians they had difficulties to provide their daily needs and were unable to feed their herds because they did not have any other properties and lands except Lahican. Furthermore, their sub-groups had already migrated to Iran and only 1000 households remained in Ottoman lands. On the top of it, Iranian officials were demanding sum total taxes of the whole tribe from the remaining 1000 households. Thus there arose grievances, combined with the circumstances of famine among the tribe member and they found no way out except for seeking the help of the Sultan. But they could not be able to receive an immediate reply because this was not a unilateral issue: on March 3, 1890 the Grand Vizier asked for the military inspection throughout the borderline.<sup>187</sup>

On July 17<sup>th</sup>, 1890, the General Staff (*Seraskerlik*) wrote a detailed report to the Grand Vizier, which was explaining the present situation of Lahican and the borderline. According to this report, because of the lack of the precision along the borderline, there were old and on-going disputes and therefore it was difficult to define which country had the possession of Lahican. But, on the other hand, this area was within the *uti possidetis* and Lahican was standing on the Ottoman side of the borderline.<sup>188</sup>

In addition to the disputes pertaining to the borderline, there was another aspect of the Bilbas issue concerning the 19<sup>th</sup> century Ottoman center and the periphery relations. Although the modernization process of the Empire had a top-down character, the center had some difficulties in maintaining authority over its provincial governors. In time, the provincial governors became more and more autonomous even though the center tried to reduce their power. It is possible to see its effects on the Sultan's imperial order; the Iranians had attacked and captured Ottoman lands as retaliation for the Ottoman governors' violent acts against them. Furthermore, the center was not informed about

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<sup>186</sup> BOA, I.DH 1295/5-102373, 1 May 1889.

<sup>187</sup> BOA, I.MMS 114-4884, 3 March 1890

<sup>188</sup> BOA, I.MMS 114-4884, 17 July 1890.

the situation and poor conditions of the Bilbas tribe until their leader sent a telegram to the Grand Vizier. In order to solve this problem, an official investigation was launched by which the governor or the officer, who was in charge of during the capture, would be determined and then be punished.<sup>189</sup> But due to the lack of documents and any other evidences it is impossible to about the outcome of this investigation.

Until 1894 historical evidences about the Bilbas tribes are silent. But from this time onwards the Bilbas issue re-emerged. As reported by Abdullah Pasha, the commander of 4<sup>th</sup> Army, this capture issue had now became an issue of loyalty and citizenship. Indeed, Lahican territory was used as a summer pasture by the Bilbas tribes for the last 3-400 years. But in the last 30 or 40 years, the Ottoman government did not send any administrative or military officer to the area and this situation had caused the capture of summer pasture of the tribe by Iranians in the winters. The Iranians were not contented with only capturing the area, additionally with military and monetary support they were able to bring the Mamesh tribe into the fold, and settled them in Pesve, neighborhood of Lahican.<sup>190</sup>

In 1830s the Mamesh were forcibly settled in Pesve by the Iranian government. The Ottoman governor of Rawanduz, a neighborhood of Lahican, in order to turn them back attacked the Mamesh and killed their leaders. This violent act brought the Mamesh fully loyal to Iran. In 1858, Pesve became a part of Iranian land, and its usufructary rights were delivered to the agha of the tribe in exchange of 1000 tomans that 200 tomans of it would be the salary of him and the remaining sum would have been collected annually. This attitude of Iranian government made Iranian side more attractive to Ottoman tribes which were agonized under the violent control of Ottoman officers.<sup>191</sup> By this means the Mamesh tribe, including 400 households became Iranian citizens. They were now settled and therefore by increasingly adapting agriculture and they passed from a nomadic to sedentary life.<sup>192</sup>

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<sup>189</sup> BOA, I.MMS 114-4884, 19 August 1890.

<sup>190</sup> BOA, Y.EE 158-53, 27 October 1894.

<sup>191</sup> Derviş Paşa, *Tahdîd-i Hudûd-i İrâniye* (İstanbul: Matbaa-i Âmire, 1286), p. 75.

<sup>192</sup> H.C. Rawlinson, "Notes on Journey from Tabriz", p.32.

The favourable conditions that were provided by Iran to the Mamesh tribe had affected the future decisions of the Bilbas tribe on shifting their allegiance from the Ottoman Empire to Iran. Although Emin Agha, had sent a series of telegrams to the center in 1890 he had no response to his complaints for four years. Because of that, in 1894 they had to contend for an armed struggle against Iranians by themselves. In the course of this struggle the Mamesh tribe with the support of the Iranian government would be able to push the Bilbas tribe through the Kandil Mountain. Having lost their summer pasture to Iran, they had financial difficulties and now 700 households of the tribe became Iranian citizens. According to Abdullah Pasha, commander of 4<sup>th</sup> army, if the remaining 200 households of the Bilbas tribe could not be able to find a summer pasture for their flocks, which were their means of existence, they would prefer to become Iranian citizens.<sup>193</sup>

The Zodis, one of the sub-groups of the Mengur, was very impressed by the Iranians treatment to the Mamesh tribe. Due to that reason after capturing the Peshder district of Lahican they gained the possession of the land and then they became citizens of Iran. According to Abdullah Pasha, in contrast to Irans' polite policy against these tribal peoples the Ottoman officials regarded them as if they were not human. Because of this clear stance, half of both the population and land of Lahican had fallen into the hands of the Iranian government.<sup>194</sup> This stance was not peculiar only to these tribes. Throughout the end of the 19<sup>th</sup> century like other modern imperial powers the Ottomans represented the subjugation of the tribal peoples as a mission of civilization. For most of the 19<sup>th</sup> century Ottoman officials the terms both "nomad" and "nomadism" had a pejorative meaning; they were the synonyms of "savagery".<sup>195</sup> On this frame their main object was to "civilize" these peoples: "civilizing the local peoples in this context meant turning them loyal Ottoman citizens through the institutions and the homogenizing

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<sup>193</sup> BOA, Y.EE 158-53, 27 October 1894.

<sup>194</sup> Ibid.

<sup>195</sup> Selim Deringil, "They Live in a State of Nomadism and Savagery: The Late Ottoman Empire and the Post-Colonial Debate", *Comparative Studies in Society and History*, Vol. 45, Issue 2 (April 2003), p. 312.

practices of the modern state”.<sup>196</sup> At this point the stance of Abdullah Pasha towards this issue was remarkable: According to him if a census was taken among these tribes, it would be seen that the Government had lost more people than what it lost in Rumelia.<sup>197</sup> He insisted on the necessity of census because it could bring meaning and order what was an irregular, indistinguishable mass, converting the local population more governable and controllable body. On the other hand, census would mean the polarization of the population which could serve as a tool for the legitimization of the Ottoman claims over territory.<sup>198</sup> If this census were taken successfully among the tribes then it would be easier to tame and civilize them. Otherwise their ignorance and nomadic way of life would render them open targets of foreign states, and the Ottoman government could not claim any sovereignty over them.<sup>199</sup>

#### **4.2. Struggle for Sovereignty over the Disputed Lands: The Ben-i Lam Case**

The Ben-i Lam tribe was one of the nomadic tribes of the Empire, which lived in the Kutt al Ammara district of Baghdad Province. Their regular residence was in the Pusht-i Kuh skirts of the Kebir Kuh mountain chain and around its offshoots.<sup>200</sup> Being composed of a series of sub-groups, some parts of this tribe had migrated to Iran while others mostly stayed in the Ottoman Empire. From 1789 to 1849 seven sub-groups of the Ben-i Lam tribe fled gradually to Iran for several reasons: over-exploitation by the local shaikhs due to tax burden, famine and the willingness of Iran to settle these groups.<sup>201</sup>

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<sup>196</sup> Thomas Kühn, “ An Imperial Borderland as Colony”, p. 9.

<sup>197</sup> BOA, Y.EE 158-53, 27 October 1894.

<sup>198</sup> İpek K. Yosmaoğlu, “Counting Bodies, Shaping Souls: The 1903 Census and National Identity in Ottoman Macedonia”, *International Journal of Middle East Studies*, Vol.38, No.1 (2006), p. 63-64.

<sup>199</sup> BOA, Y.EE 158-53, 27 October 1894.

<sup>200</sup> Mehmed Hurşit Paşa, *Seyahatname-i Hudud*, p. 65.

<sup>201</sup> *Ibid*, p.60.

The Kebir Kuh mountain chain was regarded for centuries as a natural boundary between the two states from the very early times. But on the other hand, with the Zohab Treaty of 1639 there arose a need to at least an approximate demarcation of the borderline. That was because this chain contained important gulleys that connected the two states to each other and by this means constant trespassing became easier. With the Zohab Treaty, the chain was again acknowledged as the boundary but at this time Pish-i Kuh, lands before the chain, was given to Iran and Pusht-i Kuh, lands beyond the chain, was given to the Ottoman Empire. Although the border was designated in this way, the disputes over these lands continued. In the Treaty of Erzurum of 1823 both sides agreed on abiding by the terms of the Treaty of 1639, while an article was added: according to the first article of the Treaty of Erzurum, Iran would not interfere or intermeddle in Baghdad and Kurdistan within the boundaries of Ottoman side and would not let any act of molestation, or claim any authority over the present or former possessors of those countries.<sup>202</sup> In addition to this statement, it was agreed that “on that frontier, should the tribes of either side pass the boundaries for a summer or winter residence, the Agents of His Royal Highness the Heir Apparent, with the Pasha of Baghdad, shall arrange the tribute customary to be paid, the rent of the pastures lands, and other claims, in order that they may not cause any misunderstanding between the two governments”.<sup>203</sup>

Although they were divided into two possessions, both Pish-i Kuh and Pusht-i Kuh were actually two sub-districts of the Lur-i Kuchik district of the Luristan province of Iran.<sup>204</sup> However, Luristan was ruled by a semi-autonomous governor of Iran, Huseyin Quli Khan, who had put claims on Pusht-i Kuh. Luristan comprised an entire belt of mountainous area, stretching from the plains of the Tigris and the frontier mountains on the west towards the borders of Isfahan and Fars on the east, and from the

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<sup>202</sup> J.C. Hurewitz, *Diplomacy in the Near and Middle East*, Vol.I, p. 91.

<sup>203</sup> Ibid.

<sup>204</sup> Major Rawlinson, “Notes on a March from Zohab, at the Foot of Zagros, along the Mountains to Khuzistan (Susiana), and from Thence Through the Province of Luristan to Kirmanshah, in the Year 1836”, in *Journal of the Royal Geographical Society of London*, Vol.9 (1839), p.49.

districts of Kermanshah and Hamadan in the north to the plains of Arabia in the south.<sup>205</sup>

Husein Quli Khan, according to Curzon, with his status seemed to be more independent than any other subject of the Shah. His summer pasture was at Dehbala, an isolated valley, very difficult to access, and easily defensible by a small amount of men, at the foot of a mountain, named Manisht Kuh. He had 2.500 servants who were camped around his tent and had 2.700 armed forces, 700 of them being horsemen, well mounted and armed, and of 200 were infantry. These armed forces were equipped by Martiny rifles which were pillaged from across the Ottoman borderline. Although the governor was subjected to Iran, their direction during their seasonal migration never turned towards Iran. He and his people mostly preferred to move through Ottoman lands to relocate their tents. Their winter pasture was Huseinieh, at the foot of the Pusht-i Kuh, just within the Ottoman border. The Vali was trading with Baghdad via Kut al-Ammarah, on the Tigris. His raids mainly concentrated on upon Ottoman lands, and there were constant disputes occurring about the occupation of Seyyid Hasan and its neighborhoods. His old and long standing rivals were Ben-i Lam peoples, who were citizens of the Ottoman Empire.<sup>206</sup>

Seyyid Hasan territory, although it was within the boundaries of Baghdad Province and under the possession of Ben-i Lam tribe for a long time, became an area of dispute, disorder and molestation. In accordance with the title deed that was given by the state to Seyyid Hasan territory, in 1870, it belonged to Sheikh Muslim and from five generations onwards this territory was rented by auction by different sub-groups of Ben-i Lam tribe. By the virtue of their possession of this land the Ottomans claimed sovereignty because the Ben-i Lam people were their subjects.<sup>207</sup> From especially the second part of the 19<sup>th</sup> century, the Ottoman state used tax-farming system to expand authority over its provinces. While the tribal sheiks were appointed as tax-farmers, the government could collect taxes from the tribesman. By means of auction there arose

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<sup>205</sup> Major Rawlinson, "Notes on a March from Zohab", p. 102.

<sup>206</sup> George N. Curzon, *Persia and the Persian Question* Vol. II (London: Longmans, Green & Co., 1892), p.280.

<sup>207</sup> BOA, HR.SYS 682-1/ 163, 12 October 1891.

many tribal sheiks who gained control of agricultural estates (*muqataa*).<sup>208</sup> Due to the convenience provided by the state on tax-farming system the Ben-i Lam tribe gradually became settled in the Baghdad province. In 1885 the usufructary rights of Garibe, a sub-district of Kutt al Ammara, was given to Ali al Mehmed by auction, and its fixed annual sum was 80.000 liter wheat and 9.600 liter barley.<sup>209</sup> Although tax-farmers once had been appointed by the center, in later times the office was sold by the state. For the land under their responsibility, they paid a fixed annual sum to the state as the revenue and their salary consisted of whatever they could exploit from the peasants.<sup>210</sup>

Although these lands were in the jurisdiction of the Ottoman state through tax-farming system, they became an open target of Huseyin Quli Khan. From 1886 onwards he ventured to attack and plunder the peoples who were wandering around these territories; because of constant movements of these peoples, the land had remained uncultivated. However, a few of sub-groups of the Ben-i Lam that lived in Iran came to Seyyid Hasan to work as fellahs in the field in the summers. But these temporal movements did not change the reality of the Ottomans' possession over the land. Furthermore, some Iranian tribes had used Seyyid Hasan as winter pasture and grazed their flocks, consisting of 650.000 cattle, without paying any taxes.<sup>211</sup>

In 1889 Huseyin Quli Khan came up with a request of shifting his allegiance to the Ottoman Empire because of the internal turmoil in Iran. According to the report sent by the governor of Baghdad; during his meeting with him, the son of the Khan said that his father wanted to buy a land within Baghdad province whether his demand was accepted or not. Although at the first glance the Khan was seemed as a traitor and an unreliable character, Iran had almost lost its control over Luristan and the land and its border had become open targets of Kurdish tribes' incursions. Thus, if the demand of the Khan would be accepted there would be an opportunity to create a buffer zone

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<sup>208</sup> Ebubekir Ceylan, *The Ottoman Origins of Modern Iraq*, p.161-62.

<sup>209</sup> BOA, DH.MKT 1556-102, 22 October 1888.

<sup>210</sup> Martin van Bruinessen, *Agha, Shaikh, and State*, p. 157.

<sup>211</sup> BOA, HR.SFR(20), leaf 17, 8 January 1888.

against the Kurdish tribes.<sup>212</sup> His request was discussed at the The Council of Ministers and the following decision was taken; His demand would be accepted if the Khan consented to be settled anywhere along the Euphrates River, except for Baghdad.<sup>213</sup> However, it seems to be that nothing came out of this proposal.

From a broader perspective, the proposal of the governor of Baghdad was in many aspects right; because after 1889 the power struggles between the Kurdish tribes and notables had accelerated. By the creation of Hamidieh regiments in 1891, the Kurdish tribes had the impression that their ordinary neglect for authority was now legally confirmed and that paved the way of violent acts. Since a tribe accepted Hamidieh status it would then not be in the jurisdiction of the local governments. The violent events between 1893 and 1894 were generally an inter-tribal nature. The organization of the Hamidieh regiments had caused jealousies and changed old balances of power, all of which could be worked out in the traditional way.<sup>214</sup> For that reason by actualizing the proposal of the governor the Ottomans could be able to ensure security of the border to some extent.

In 1891 Mohammed Ali Khan, one of the tax-farmers of Seyyid Hasan, fled to Huseyin Quli Khan by leaving the cultivated harvest on the land. There were several reasons for leaving the land uncultivated and vacant, such as high expenses of tax, high irrigation costs and the extinction of ownership in default of inheritance. All these reasons gave the opportunity of capturing and plundering the area to Huseyin Quli Khan. In order to claim sovereignty he also forced the indigenous people to accept Iranian citizenship.<sup>215</sup>

In 1893, Huseyin Quli Khan started to settle the Iranian Sekevend tribe, a subgroup of the Fili tribe, down in Seyyid Hasan. His aim was to gain territory by settling Iranians down. The Sekevend was not a small tribe, consisting of 300 households that

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<sup>212</sup> BOA, Y.A.RES 49-4, 2 August 1889.

<sup>213</sup> BOA, Y.A.RES 49-4, 1 September 1889.

<sup>214</sup> Stephen Duguid, "The Politics of Unity; Hamidian Policy in Eastern Anatolia", *Middle Eastern Studies*, Vol.9, No.2 (1973), p.140-141.

<sup>215</sup> BOA, HR.SYS 682-1/ 163, 12 October 1891.

scattered around eighty different parts of Seyyid Hasan and started to get involved in agriculture.<sup>216</sup> In order to prevent their ever growing expansion throughout the territory, the 6<sup>th</sup> Army was ordered to send one of its military units against the Khan. The Ottomans worried that if the Sekevend tribe settled down completely then they would possibly claim sovereignty over the land.<sup>217</sup>

Meanwhile, the Ambassador of Ottoman Empire at Tehran was in negotiation with the Ambassador of Iran at Istanbul about the Huseyin Quli Khan issue. Iran had already declared him as brigand and refused to take any responsibility pertaining to his acts. However, she would recognize any armed attacks that were launched by the Ottoman troops against the Khan.<sup>218</sup> Furthermore for the Ottoman Foreign Minister, Said Mehmet Pasha, believed that Huseyin Quli Khan was supported by a foreign state; otherwise he could not be able to undertake this kind of a comprehensive and planned act.<sup>219</sup>

On April 11<sup>th</sup>, 1893 the commander of 6<sup>th</sup> Army, Nusret Pasha sent a report to the center about the present situation of Iraq. According to his report, things were worsening in the region. Although it was known that there was an internal turmoil in Iran, the Iranians exploited these developments in order to compensate their situation in the region by using the invasions of Huseyin Quli Khan of Mendeli and Kutt al Amara. The news was received that the governor of Baghdad had moved to Najaf, although he was informed and ordered for an armed struggle against Iran. Under these circumstances, commander Mehmed Pasha of Daghestan was able to reach Zorbatya by only taking two cannonballs and 400 men with him. However, although Huseyin Quli Khan retreated, he was still present in Seyyid Hasan. Meanwhike in the Vezne sub-district of Suleimania district the Iranians intensified their incursions. The Mosul province was also in turmoil. In the Baghdad province there were inter-tribal struggles

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<sup>216</sup> BOA, Y.A.HUS 269-138, 27 February 1893.

<sup>217</sup> BOA, Y.A.HUS 272-11, 20 March 1893.

<sup>218</sup> BOA, Y.A.HUS 271-83, 15 March 1893

<sup>219</sup> BOA, Y.PRK.HR 16-86, 15 March 1893.

among the Kurds whereby they plundered each other. Finally in the Basra province the molestations of the Müntefiq tribe were continuing. <sup>220</sup>

The Ottomans were determined to terminate the presence of Huseyin Quli Khan in Seyyid Hasan and its neighborhoods. At the same time, it became clear that for a few years several sheikhs and tribes had been migrating from Ammara to Iran. The underlying reason of that was the maladministration of the local governors and their reluctance of dealing with the people who wanted to come back to the Ottoman Empire. In order to obviate this demographical loss an Imperial decree was issued whereby the status of Seyyid Hasan and its neighborhoods would be elevated to sub-district and the people who lived there would be taken under the control of governmental apparatus and additionally a fair amount of troops would be resided there. <sup>221</sup>

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<sup>220</sup> BOA, Y.PRK.ASK 89-69, 11 April 1893.

<sup>221</sup> BOA, İ.HUS 117, 15 May 1893.

## CONCLUSION

This thesis discusses three interrelated issues which determined Ottoman-Iranian relationship in the nineteenth and early twentieth century. First, foundation of a modern state apparatus with its control mechanisms to establish full supervision over its subjects; second, confessional disagreement between the Ottoman Empire and Iran in terms of Sunni Islam versus Twelver Shia; and finally, the issue of borderlands with its freely migrating tribal and nomadic populations.

One conclusion, reached at this study concerns the lack of consistency in the application of citizenship policies in the Ottoman Empire. Whereas the citizenship ideals of the *Tanzimat*-era underlined the principle of equality in the application of citizenship laws irrespective of religion or race, Ottoman subjects of non-Sunni origin were not treated as full citizens in marriage issues. The same was true for Iranian males who married Ottoman women. Their marriages were considered to be illegitimate, and an actual law was promulgated in 1874 to prohibit marriages of Ottoman female citizens with Iranian males. However, as this thesis also shows, such prohibitions lacked actual efficiency. Several documentary examples prove us that in the real life this ban was often violated by Ottomans and Iranians.

The apparent inconsistency of the Sublime Porte policies in terms of equal citizenship leads us to think about the policy of Ottomanism itself, which was officially declared with the Reform Edict of 1856. It takes the main non-Muslim communities as well as the Muslims into consideration. However, the fact that the edict uses the term “Muslims” in a general sense without making any distinction between Sunnis and various non-Sunni populations actually indicates the continuation of the centuries-long policy of ignoring the existence of communities such as the Twelver Shiites within the Ottoman realm. Therefore it could be claimed that despite the seemingly secular and liberal approach of Ottomanist policies, the actual Sunni character of the Ottoman State remained deep-rooted, which in turn displays the limits of Ottomanism.

This segregative attitude of the Sublime Porte towards the Twelver Shiites should also be understood in the background of the rather hostile Ottoman-Iranian

relations. As seen in Chapters II and IV, the borderlands of Kurdistan and southern Iraq continued to remain contested terrains from the sixteenth until the late nineteenth centuries. Here we understand the importance of the local tribes for the Ottoman-Iranian relationship; the Ottoman State, Iran and the Kurdish tribes (such as the Beni Lam case) constituted three political factors which used each other for their own respective political gains. The fact that Iranians used Shiism as a means of gaining political influence in the borderlands as well as in Iraq strengthened Ottoman enmity towards the Shiites, which reflected itself in policies of citizenship and marriage.

Another issue which was a source of tension between the Ottoman Empire and Iran was the conscription of Iranian subjects by the Ottoman army. The Conscription Law of 1886 specified that while citizens of foreign states would be exempted from conscription, residents with Iranian nationality were to perform military service. This law in fact was in harmony with the Prohibition Law of 1874 where it was stipulated that children born from the marriages of an Iranian man and an Ottoman woman would be considered to be Ottoman citizens. Such legal measures were in harmony with the long-standing Sunni Ottoman hostility vis-à-vis the Twelver Shia. However, an additional factor promoting these policies even further was also related to the expansion of Twelver Shiite belief among the tribes of Irak and increasing mixed marriages along the border regions. These developments created security concerns among the Ottoman governing circles; it was feared that the Sunni population was decreasing and the demographic basis eligible for military conscription was shrinking in regions such as Iraq.

An additional source of Ottoman administrative weakness in the borderlands adjacent to Iran was related to Ottoman misgovernment; the case of the Bilbas tribe shows us how a population group, despite its Sunni Islamic belief and traditional loyalty to the Ottoman State, was eventually forced in the 1820s to seek for the protection of Iran due to the arbitrary administration of the Ottoman governor of Baghdad. However, the increasing pressure from the Iranian side in the 1880s led the same tribe again to take side with the Ottomans. These shifts in political allegiance in turn were closely related to the Ottoman and Iranian struggles to gain control over border territories which were still undefined in terms of border delineation.

Another aspect of Ottoman misgovernment was related to the Orientalist attitude of the administrators vis-à-vis local populations of the borderlands. The condescending approach towards the nomadic lifestyle and the policy of subjugation with the aim of civilizing the tribal populations led local tribes to move towards Iran. Certain Ottoman administrators believed that measures such as population census would be sufficient for gaining control over such population groups.

To conclude, factors such as the foundation of a modern state apparatus with its control mechanisms, the confessional disagreement between the Ottoman Empire and Iran in terms of Sunni Islam versus Twelver Shia, and finally the issue of borderlands with its freely migrating tribal and nomadic populations created local conflicts and tensions which could not be completely solved even until the present time.



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