A PRACTICE IN OTTOMAN LAW: ACCUSATIONS AGAINST THE *KIZILBAŞ* IN THE SIXTEENTH CENTURY

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ABSTRACT

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This thesis deals with accusations against individuals and groups historically known as the Kızılbaş in Ottoman Anatolia in the sixteenth century, in particular those accusations which were made against the Kızılbaş by the Ottoman state. This thesis is interested in the relationship between the Ottoman state and its own subjects. It does not aim to explore the political struggles between the Ottomans and the Safavids, nor does it go into a religious analysis. This examination proposes a broad categorization for the accusations which were made against the Kızılbaş based on the type, content, and similarities of accusations. The examples studied here either reflect the religious sensitivities of the state or its political interests. The types, content, and similarities of accusations are asserted according to whether they breached the principles of Sunni Islam, public morality, or political interest. The present examination questions whether it is possible to categorize them and whether it is possible to attribute a "religious" or "political" quality to them in a clear-cut way. The introduction positions this study within Ottoman Sunni confessionalization and empire-building processes in the sixteenth century world. The second chapter examines how the Kızılbaş were defined by political and religious authorities. The third chapter explores the Ottoman criminal process. The fourth chapter categorizes the offences that were made against the Kızılbaş and examines each category in detail with multiple examples.

ÖZET

OSMANLI HUKUKUNDA BİR PRATİK: ON ALTINCI YÜZYILDA KIZILBAŞLARA KARŞI YAPILAN SUÇLAMALAR

FEYZANUR CEYLAN

TARİH YÜKSEK LİSANS TEZİ, EKİM 2019

Tez Danışmanı: Doç.Dr. Ayşe Ozil

Anahtar Kelimeler: Kızılbaş, Osmanlı Hukuku, Ceza Hukuku

Bu tez 16. yüzyıl Osmanlı Anadolu'sunda tarihsel olarak Kızılbaş diye bilinen kişi ya da gruplara isnad edilen suçları konu edinmektedir. Osmanlı devleti tarafından Kızılbaşlara karşı yapılan suçlamalar bu tezin merkezindedir. Bu tez Osmanlı devletinin kendi tebaasıyla arasında olan ilişkiyle ilgilenmektedir. Bu çalışmanın hedefi Osmanlı ve Safavi devleti arasındaki politik mücadeleyi incelemek ya da dini bir analiz yapmak değildir. Bu çalışma türlerine, içeriklerine ve benzerliklerine dayanarak Kızılbaşlara karşı yapılan suçlamalar için geniş bir kategorizasyon önermektedir. Burada çalışılan örnekler ya devletin dini hassasiyetlerini ya da siyasi çıkarlarını yansıtmaktadır. Suçlamaların tür, içerik ve benzerlikleri Sünni İslamın temel prensiplerini, toplumsal ahlakı veya siyasi çıkardan hangisini ya da hangilerini ihlal ettiklerine göre belirlendi. Bu değerlendirme bir kategorilendirmenin mümkün olup olmadığını ve suçları kesin bir biçimde "siyasi" ve "dini" suçlar olarak ayırmanın olası olup olmadığını sorgulamaktadır. Giriş bölümü bu çalışmayı 16. yüzyılda Osmanlı devletinin bir imparatorluk haline gelmesi ve Sünnileşme sürecinin içinde konumlandırmaktadır. İkinci bölüm Kızılbaş kavramının siyasi ve dini otoritelerce nasıl tanımlandığını incelemektedir. Üçüncü bölüm Osmanlı'daki cezai süreci incelemektedir. Dördüncü bölüm Kızılbaşlara isnat edilen suçları kategorilendirmekte ve her kategoriyi birden çok örnekle detaylı bir biçimde incelemektedir.

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1. INTRODUCTION

In the sixteenth century among the Mediterranean empires, there was a tendency towards state-enforced religious orthodoxy and politico-religious integration. These policies have been termed confessionalization and this age is often called the age of confessionalization. Scholars have asserted that Europe experienced confessionalization between the mid-fifteenth and the seventeenth centuries (Farr 2003, 276-293; De Boer 2003, 294-307; Craciun, Ghitta, and Murdock 2002). For the Ottoman Empire, scholars have recently advocated for a confessionalization period based on the parallels between the two regions. They have defined Ottoman confessionalization as the transformation of Ottoman religious perception and understanding according to the interplay between imperial politics and confession-building in the early modern period (Terzioğlu 2013, 304; Krstić 2011, 12-16).[1]

Other religio-political waves that influenced the empires at this time were millenarian and the idea of an impending apocalypse, as well as messianic ideas. The Ottomans, Safavids, and Hapsburgs also made claims of universal monarchy in the sixteenth century and employed messianic expectations and understandings of millenarianism to rally people behind these claims and to enforce and consolidate their power. They established their imperial claims in messianic terms (Krstić 2009, 39-40).

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[1] Some scholars such as March Baer argue against the claim that the Ottoman Empire experienced confesionalism in the way that Europe did.

The universalistic imperial ideology and messianic claims in the sixteenth century as well as religious confessionalization, influenced the state building process in the Ottoman Empire. The Ottoman state employed these notions and claims in its state-building and presented itself as the defender of Sunni Islam and a world empire and enforced confessionalization to support these claims vis-à-vis the similar claims of the Safavid and Hapsburg empires (Atçıl 2017, 49-59; Şahin 2013, 1-12; Krstić 2009, 39-40).

Regarding the claim of leadership of the Muslim world and the competition to become the ruler of the Middle East, the Safavids on the borders of the Ottoman Empire created a danger for the state not just militarily but also in terms of political and religious legitimacy. A radical Shi'i movement that evolved from Sufism had an appeal for Turcoman tribes. Politically, due to the Ottoman state's centralization and oppressive policies against Turcoman groups, the Safavid Empire was also seen as an alternative to the Ottoman state by the Turcoman groups who were struggling with these policies and were willing to support the Safavids not only religiously but also politically (Boyar 2013, 74, 131; Lewis 1995, 113; Imber 2006, 55; Shaw 1976, 76-78; Bacque-Gammont 1991, 206-207; Hodgson 1993, 24; Hadidi 1991, 385-386).

The sixteenth century was not a monolithic period for the Ottoman Empire regarding state policies that were adopted against the Safavids. Starting from the time of Bayezid II the Ottoman state was aware of the threat that the Safavids posed. Although Bayezid II refrained from entering into open war with the Safavids, he took precautions with the aim of increasing security and cutting the interaction between Shah Ismail of the Safavids and his adherents in Anatolia (Emecen 2009, 323-331; Shaw 1976, 78). The Safavid supporters who went to Iran were either killed or exiled to Mora (Emecen 2009, 329-331ü; Zarinebaf Shahr 1997, 6; Lewis 1995, 113; Imber 2006, 33; Basque-Gammont 1991, 207; Boyar 2013, 202). Prior to the sixteenth century there was not religious homogeneity in the Ottoman Empire or a unified Sunni Islam with clear-cut borders. There were mixed religious features, and a high degree of syncretism in religious attitudes (Terzioğlu 2013, 307-308).

By 1520, starting with the reign of Selim I the Ottoman state adopted new policies against the developments that threatened it. The state took on the religious and political mission of preventing the Safavid threat and the spread of its religious understanding that threatened Sunni Islam. Political and religious supporters of the Safavids were surveilled and recorded, and efforts were made to prevent their interaction with the Safavid state. Various trade and communication sanctions and prohibitions were applied by the Ottoman state, and a stricter religious understanding was brought into the political system. Sunni teachings and understandings were spread to all levels of the state and social life. By this aim certain precautions were taken. The Ottoman state reinforced Sunni Islam and developed discourses for religious polemics. The state tried to consolidate its official ideology and approach (Emecen 2009, 145, 171-173; Emecen 20015, 89-97, 101-102). Confessionalization attempts also gained momentum. In addition to an actual war between shah and sultan, a war of propaganda broke out between Sunni belief and Shi'i belief. Both the Ottomans and Safavids called each other heretics and rebels and tried to suppress Shi'i and Sunni Islam in their respective lands with confessionalization efforts as protectors of "true Islamic belief." (Imber 2006, 57-58; Lewis 1995, 113-114; Faroqhi and Fleet 2013, 11, 107).

In the Ottoman Empire the Safavid shah and his followers, and anyone who might sympathize with them, became heretics. Alliance with the Safavids by certain individuals and groups that were historically named *Kızılbaş* was seen as a heresy by the state from two dimensions: religious because it challenged the Sunni Muslim identity of the Ottoman sultan, and political because it recognized the Safavid shah as the legitimate political leader (Peirce 2003, 256-258, 262). In this context, the state started to define Sunni Islam and asserted it as the only form of Islam that was acceptable for the state. This put other interpretations and practices of Islam under the suppression and persecution of the state. The communities in Anatolia which were associated with the Safavid Empire were the main undesired groups in this regard and were subjected to various accusations and persecutions.

These policies were continued and strengthened in the reign of Suleyman I (the Magnificent). Prominent concerns in the discourse during this period were legitimacy,

the control of the newly conquered territories, and universalistic imperial ideology in the Ottoman Empire. Starting from the second half of the fifteenth century bureaucratic state formation gained momentum in the Ottoman Empire, and a program of centralization, bureaucratization, and consolidation of all areas of government was enforced. Power was increasingly concentrated in the hands of the sultan and his agents with new policies and institutional arrangements such as the establishment of a learned hierarchy. The military and bureaucratic structure were organized around the sultan as the sole sovereign in the imperial center. Absolute patrimonial rule strengthened with the combination of justice and authority. Resistance to the sultan and his authority was not tolerated, and all attempts in that direction were suppressed or contained (Barkey 1996, 46; Atçıl 2017, 49-59; Şahin 2013, 3).

As part of the empire- making process, new law codes were written, bringing systematization and standardization to the legal system. The system of courts and the police surveillance network were expanded to enforce the law. Local courts were integrated into the empire-wide legal system with a set of legal reforms and criminal law. The courts' legalistic posture had a religious orientation. Ottoman criminal justice policy and practice were applied in a combination of Sultanic law (*kânûn*) and Hanafi Islamic law (*sharia*). They became intertwined and mutually legitimized by Ebusuud's efforts. Through these developments Islamic legal posts of jurisconsult (*mufti*) and judge (*kadı*) were positioned ideologically and financially under the authority of the sultan. Order and the sultan's sovereignty were to be maintained and protected through the courts and legal system (Barkey 1996, 29). *Kadıs* not only guaranteed that society would preserve its Sunni identity, but they also weakened the heterodox and independent religious forces because of their centrist and legalistic character and their ideological connections to the center (Zilfi 1988, 26; Barkey 1996; 38-39).

The process of state centralization and bureaucratization contributed to religious orthodoxy and confessionalization. Following this ideology and policy, law, particularly the law of heresy, was reformed via new fatwas, with unique laws for Safavids and associated groups in Anatolia in a way that aligned with the aims of the state. Based on this renewed ideology, policy, and law the Ottoman state made certain accusations against

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the *Kızılbaş* communities in its territories, as a whole or individually, in accordance with the framework with which they defined them in the sixteenth century. In official legal documents people who are identified as *Kızılbaş, râfizî, murtadd, mülhid, ehl-i fesâd[2]*, or through a combination of these terms were ordered to be punished, investigated, or reported to the center. They were accused of debasing, denying, or not complying with Sunni Islamic values, practices, or individuals in various forms through acts or words. These acts were seen to be contrary or dangerous to Sunni Islam, the community, and the state, as well as not in compliance with state-prescribed Islam and thus non-Islamic or heretical. Also, they were accused of certain acts that caused a menace to state security.

1.1. Scholarly Works on the History of the Kızılbaş

Scholars have examined various characteristics and components of *Alevîlik*, *Kızılbaşlık*, and *Râfizîlik[3]* in Anatolia during the Ottoman period. In their analyses, they have mostly looked at the position of these groups in Islamic belief and practice, focused on tensions between these groups and the state, and highlighted political controversies, particularly with regard to the Safavids, and the groups' contribution to the establishment of the Safavid Empire and the problems that they caused to the Ottoman Empire.

In relation to the construction of Turkish history and the differentiation between orthodox and heterodox Islam, Fuat Köprülü wrote his work *Islam in Anatolia* as a counter thesis to Franz Babinger's work which claims that the Seljuks belonged to a heretical sect of Islam. They were *Alevî*, which according to Babinger was tantamount to Shi'i Islam. Babinger wrote that the Turks were Iranized and imbued with Shi'i beliefs, and that all aspects of their life existence were under the influence of Iran. Accordingly, the Ottomans

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[2] See section 2 for an explanation of these terms.

[3] See section 2 for an explanation of these terms.

and other *beyliks* whose origins were vague had in fact inherited the Seljuks' religious traditions. Forms of Sufism such as *Mevlevilik* and *Bektâşîlik* which were closer to *Alevîlik* in certain aspects had thus given shape to the spiritual life of the Ottomans. When the Ottomans reasserted their power as Orthodox Muslims, Iranian Sufis tried to undermine and eliminate the Ottoman state's Sunni religious discourse (Babinger 1922, 126-152; Köprülü 1993, 14-17). Looking at the issue from a political aspect, Köprülü shows that in the fifteenth century the emerging power in Iran, the Safavids, began to threaten the Ottoman state directly as their teaching spread through Anatolia. The political and religious incursions of the Safavids manifested themselves in rebellions and assassinations. The Ottoman state started the process of the elimination of Shi'is in the empire with the *Kızılbaş* communities in Anatolia (Babinger 1922, 126-152; Köprülü 1993, 14-17). Köprülü finds Babinger's identification of Turks with *Alevîlik* erroneous (Karakaya-Stump 2015, 18).

According to Köprülü, the Turkish folk Islam of the nomadic Turks, which was syncretic and heterodox, was a mixture of Islamic and pre-Islamic belief systems. It was an extension of Central Asian Shamanism and popular Sufism. Turcoman *babas*, mainly from the *Yesevîyye* movement, a branch of *Melâmîyye* from Central Asia, Khwarazm, and Khorasan, were thus seen as the Islamized version of the old Turkish *kam/ozan (*Köprülü 1993, 5-6, 11; Karakaya-Stump 2015, 186). Popular Shi'i doctrine and *Bâtınî* ideas found their way into the nomadic Turcoman clans by means of *babas* from various *tarîkats* because these *Melâmî*, *Kalenderî*, and *Haydari* movements were very close to the old religious practices of Turkish tribes (Karakaya-Stump 2015, 186; Köprülü 1993, 13; Köprülü 1996, 49-51). Although some of them eventually settled into Islamic cities, most of these *babas* remained in nomadic Turcoman clans and eventually led the politico-religious insurgencies starting with the *Babai* rebellion in Anatolia against first the Seljuks, then the Ottomans, who both followed a policy of favoring and defending Sunnism (Köprülü 1993, 11, 13, 31). Therefore, according to Köprülü, this polarized, and sharply divided "high" and "low" Islam eventually clashed in Anatolia in both the Seljuk and the Ottoman empires (Köprülü 1993, 31; Karakaya-Stump 2015, 186).

Ahmet Yaşar Ocak and Irene Melikoff follow a similar line of thought with Köprülü in separating between orthodox and heterodox Islam and relating this to Turkish history. Ocak considers the religion of certain Turcoman groups to be heterodox Islam. According to him *Alevîlik* and *Bektâşîlik* were the epitome of Turkish folk Islam (Ocak 2000, 131, 136, 138). Newly migrated Turcoman masses in Anatolia had not cut ties with their previous beliefs, and among them there were dervish groups from various *tarîkats* who also came to Anatolia to escape from the Mongol invasion and spread their religious-spiritual ideas. There were also dervishes who opted to settle in cities and appealed to the upper classes with their spiritual ideas. Spiritual Islam appealed to nomadic and seminomadic communities in Anatolia because it was seen to be similar to the old beliefs of these nomadic communities. Ocak has ideas similar to Köprülü regarding the Islamic beliefs of these communities and calls it folk spiritual Islam, and heterodox Islam (Ocak 1980, 41-42, 52).

Ocak also focuses on the political side of the matter as he demonstrates how this heterodox Islamic understanding, which was closer to Shi'ism than Sunnism, along with economic, political, and social reasons including taxation or the exclusion of these groups from governmental posts, caused clashes between heterodox Islamic groups led by dervishes and Sunni groups (Ocak 2000, 137, 154; Ocak 1980, 62-67). At the same time, folk or heterodox Islam which did not include the cult of Ali was transformed into *Kızılbaşlık* through Safavid propaganda and the influence of Shah Ismail's Safavid Empire (Ocak 2000, 137, 145). The centralization, settlement, and tax policies of the state towards nomadic tribes in Anatolia as well as the messianic propaganda of the Safavids pushed these communities towards the Safavids and created an affiliation with them (Ocak 2000, 147-148, 153-154; Ocak 1980, 62-65). Ocak further states that "heretical" movements in Ottoman society were not religious movements caused by theological discussions, but in fact seem to have been socio-political reactions of political and social discontent created by the dissolution of the classical regime. According to Ocak, the Ottomans were more interested in the political aspect of these movements rather than their religious aspect. The Ottomans were concerned about the threat that they posed to its sovereignty, but when dealing with them the Ottoman state utilized the language of religion (Ocak 2013, 386-387) Hence, the Ottoman central administration judged these

groups to be outside of Islam by identifying them as *kızılbaş* as well as *râfizî, mülhid, zındîk*, and *ehl-i fesâd* as they remained outside of Sunni Islam (Ocak 2000, 150).

Like Ocak, Mustafa Akdağ interprets the acts of *Kızılbaş* groups or individuals in the framework of a socio-political reaction. Akdağ considers the tension and aggravation between various segments of society, including the *Kızılbaş* and the central authority, through their socioeconomic dimensions. He attributes the cause of these tensions and uprisings to the socioeconomic conditions of the period, which had a negative effect on standards of living and security. Starting from the sixteenth century the internal order of the state deteriorated, and according to Akdağ the *Kızılbaş* segments could not integrate into the state and remained. Although they were excluded from socio-political life because of their beliefs, these segments became oppositional and a threat to the state mainly because of the economic constraints, sanctions, heavy taxation, and the bad administration that they faced in the Ottoman Empire. Because of this and in hope of finding new economic means they supported and migrated to Iran. They also revolted against the Ottoman state because for these same reasons. After the discontent started among the Turcoman segments, the peasant masses who left their lands and fief-holders who lost their fiefs due to bad economic conditions joined them in these revolts. *Kızılbaş* groups were part of these revolts which emerged by the common participation of the masses (Akdağ 1995, 15, 115, 117, 120, 122).

Following the Köprülü-Ocak line, Irene Melikoff and Ethem Ruhi Fığlalı make similar claims and evaluations. They have different analyses on certain points, and they give their attention to other matters which Köprülü and Ocak do not pay much attention in their work. Yet, both Melikoff and Fığlalı emphasize that nomadic groups had not lost their old beliefs and that they combined them with Islamic beliefs and developed folk Islam as a result. They agree that dervish groups had an impact on Turcoman communities and that with these groups they caused social insurgencies in Anatolia starting with the *Babai* revolt (Fığlalı 1996, 103, 105, 121-122, 126; Melikoff 1993, 55, 66, 101-102, 105-106). Fığlalı, like Köprülü drawing a distinction between high and low Islam, claims that Turcoman groups and their sheiks cannot be marked as heterodox, although they had remnants of their old beliefs (Fığlalı 1996, 87, 90, 109-110). He also states that the state

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tolerated these different dervish groups until the end of the fifteenth century. Unlike Köprülü and Ocak, he and Melikoff explain the different treatment that was shown to the *Bektâşî* order in contrast to the treatment shown to other Turcoman groups who were *Alevi* Turcomani They claim that while *Bektâşîlik* was associated with the janissaries and was accepted and elevated by the Ottoman authority with the purpose of containing and controlling elements in society, the main Turcoman group named *Kızılbaş* by the political authority were seen as heretical and persecuted in many ways. This might be the reason for their inclination to the Safavid side and Safavid sheiks' influence over them (Fığlalı 1996, 127-131; Melikoff 1993, 56-57). Mehmet Eröz in his work also follows the Köprülü-Ocak tradition in terms of the Turcoman communities' religion and offers the same analysis as Fığlalı and Melikoff regarding the different treatment of *Bektasilik* and *Alevîlik* by the Ottoman state and the adherence of *Kızılbaş* groups to the Safavids (Eröz 1990, 89-90, 95).

Faruk Sümer and Adel Allouche also write that the Ottoman-Safavid relationship and the issue of the *Kızılbaş* communities took shape because of political concerns and threats towards state security. These include rebellions that were orchestrated by the Safavid Empire employing *Kızılbaş* communities, the intervention of the Safavids in the struggles for the Ottoman throne, Safavids politico-religious propaganda targeting certain communities, the mass migration of these communities to Iran, the direct borders of the Safavid Empire in eastern and southern Anatolia that had been established with the active contribution of *Kızılbaş* communities, and the Safavid relationship with the Karamanoğulları, the Akkoyunlu-Karakoyunlu, the Mamluks, and Venice that disrupted Ottoman interests and control in the region. According to Sümer, without the *Kızılbaş* Turcomans in Anatolia, let alone emergence of the Safavid state, the sheiks of *Erdebil* could not even have had political aims (Sümer 1976, 16, 19, 22, 24, 29, 34-38; Allouche 1983, 87-91, 96-98, 100, 104-105, 114, 128). Certain Ottoman state policies towards these groups such as taxation and religious accusations regarding for not having the "true" form of Islam caused resentment among *Kızılbaş* groups and consequently gave way to new "security concerns" (Allouche 1983, 104). The outcomes of these security concerns were the aggressive offensive policies which were applied by the Ottoman state against the Safavids and their supporters' policies in political stance and the punishment of these

communities based on their religious features that were identified by the state via renewed laws and legal definitions and justifications (Allouche 1983, 100-105, 110-112; Sümer 1976, 40-41).

Saim Savaş is one of the more recent followers of this approach. Savaş argues that various causes led to the emergence of the *Kızılbaş* as a problem for the Ottoman state in the sixteenth century. According to him the emergence of the *Kızılbaş* problem in the Ottoman state was the result of three factors. First, the emergence of the Safavids as a state with a different sect in Iran, and their expansionist policies towards Anatolia. Second, the harsh applications of the centralization policies of the Ottoman state in the eastern regions of Anatolia. Third, the social structure of the *Kızılbaş* elements that were suitable for Safavid religious propaganda due to their religious features, and which were in opposition to the centralization polices of the Ottoman Empire due to their tribal lifestyle in the territories which both states wanted to dominate (Savaş 2013, 147). This turned Turcoman communities and the *Kızılbaş* to the side of Shah Ismail, whom they saw as a savior and as similar to themselves in terms of religion, values, and lifestyle (Ocak 2016, 216; Savaş 2013, 8). The course of events ended with the persecution of *Kızılbaş* groups based on accusations that aimed to show them as marginal groups in the eyes of larger society, in order to intimidate and suppress them. Hence, according to Savaş, the accusations and persecution were related directly to the *Kızılbaş* communities' social life, relations, discourse, and beliefs (Savaş 2013, 28; Refik 1932, 23).

A revisionist line in historiography, on the other hand, argues against straightforward categorizations in terms of orthodox and heterodox groups, and against the linear development of sunnitization. This line of historiography finds certain approaches too normative and lacking in more nuanced dimensions. Ayşe Baltacıoğlu shows that *Kızılbaş* groups cannot be considered a single category and that the Ottoman state's measures against them varied from group to group depending on the conditions and the time. Baltacıoğlu claims that there was a more complex relationship between the state and the *Kızılbaş* with varying policies, from financial support to the *Safeviyye* order and some *Kızılbaş* subjects, to the execution of members of the same group (Baltacıoğlu 2014, 319-320). Baltacıoğlu also draws attention to the diversity in geography and ethnicity of

Kızılbaş groups. Therefore, by neglecting degrees of diversity among these groups, it is misleading to relegate all interaction between the Ottoman state and *Kızılbaş* groups to suppression and persecution. Baltacıoğlu writes against the argument of an uncompromising Sunni identity as a reason for the state's policies of suppression and focuses on the *Kızılbaş* threat against the state. According to her thesis, three main dynamics affected the various policies that were employed: the changing relationship between the Ottoman state and the Safavids, the *Kızılbaş*' tax evasion, and their conversion. Thus, Baltacıoğlu brings more of a "political identity focus" to the subject (Baltacıoğlu 2014, 319-320).

Likewise, Karen Barkey claims that the Ottoman Empire did not shift directly from a policy of toleration to a policy of persecution in its treatment of various non-conforming groups, and that non-conforming groups cannot be considered a single entity or a single group (Barkey 2008, 162-168, 175-178). Barkey argues that the policies of persecution of *Kızılbaş* and Safavid supporters were applied when these communities were perceived as a political threat to the security and stability of the Ottoman state and its consolidating Sunni identity. The religious character of these groups became oppositional for the state when the state became more rigid through centralization, bureaucratization, and ideological Sunnitization It persecuted those who did not accept these changes and new arrangements. Hence not all groups were persecuted, and certain groups such as *Bektaşi* and *Halveti* were incorporated into the normative order of the state because they accepted the new structure. The others that refused to be bound by the new order, namely the *Kızılbaş* groups, were persecuted as a solution (Barkey 2008, 162-165, 175-178).

Further stressing the political motives and context, Marcus Dressler argues that the "religious dichotomy" between the Ottomans and the Safavids was a product of the Ottoman-Safavid rivalry rather than its cause. The Safavids and the Ottomans employed similar discourses and arguments against each other, including millenarian Mahdism, charismatic leadership, and a mutual claim of the other as heretic-heterodox. Dressler claims that the fear and persecution of the *Kızılbaş* groups by the Ottoman state was not due to their religious understanding but because of their association with Iran and allegiance to the shah. Dressler also states that the definition of *Kızılbaş* is not well-

established, but rather is ambiguous, and that all the characteristics of a *Kızılbaş* as defined in Ottoman decrees ordering their persecution could also be attributed to other Shi'i groups and Sufi *tarîkats* (Dressler 2005, 151-152, 155-156, 159, 163-165, 169-170).

Ayfer Karakaya-Stump argues that the definition of heterodoxy and orthodoxy cannot be determined solidly and normatively for Islam due to the lack of a highest authority. Instead, the politically most powerful group had the means and the power to assert the borders of orthodoxy and define the others as heterodoxy. According to Karakaya-Stump, putting a solid border between high and low Islam is erroneous because it neglects the evaluation of different religious facts in their own context and de-historicizes the issue. It is misleading to put all these "heterodox" groups and their beliefs into a single category by stating that they had a superficial understanding of Islam vis-à-vis the commonly accepted Islamic understanding and by giving concrete definitions of orthodoxy and heterodoxy as if they are objective terms. According to Karakaya-Stump, the view of folk Islam as the continuation of pre-Islamic Turkic belief systems under the veneer of Islam is not correct (Karakaya-Stump 2005, 188-189).

Derin Terzioğlu argues that the shi'itization of Islam by *tarîkats*, the Mongol invasions, mixed religious practices, and understandings from previous beliefs led to the blurring of confessional identities so that we cannot talk about orthodox and heterodox Islam. She claims that there was a confessionalization of Sunnism to some extent in the early modern Ottoman period, but that it was a continuation of pre-existing tendencies and was a result of multiple causes such as centralization and bureaucratization, not just a political response to the Safavids and their Shi'ism. She states that the Ottoman state applied harsher policies to the groups that it identified as heretics by law and saw as a threat, including the *Kızılbaş*, but applied softer policies towards those which seemed less threatening to political authority like certain Sufi orders (Terzioğlu 2013, 305, 307-309).

1.2.   Aim of This Work

This thesis is interested in the relationship between the Ottoman state and its own subjects. It does not aim to explore the political struggles between the Ottomans and the Safavids, nor does it go into a religious analysis. It aims to categorize the accusations and offences that were made against the *Kızılbaş* by the state based on their type, content, and similarities. The examples studied here either reflect the religious sensitivities of the state or its political interests. The Ottoman state identified and defined certain acts as offences because they violated its "religious" and/or "political" goals. By "content" I refer to what the acts violated, which could be the main principles of the Sunni Islam, state-prescribed Islam in relation to public morality or state security, or both. I also identify those issues that show a likeness to each other in terms of their features, and produce a categorization based on similarity.

This work traces the direct and indirect connections between these offences and the *Kızılbaş*, and the commitment of these offences by *Kızılbaş* individuals or groups. The significance, connection, and meaning of the offences in the given examples either refer directly to the *Kızılbaş*, or the offender is directly identified as a *Kızılbaş*; in this sense I refer to direct and indirect accusations against the *Kızılbaş*. It is also possible to find both to be true in a single case. Based on these, rather than taking each offence or derivatives of one offence as a single category or presenting them without any categorization, this work offers a broad classification of the offences that were made against the *Kızılbaş*. The present examination questions whether it is possible to categorized them and attribute any "religious" or "political" quality to them offences in a clear-cut way. Within this framework, this thesis explores the possibilities of categorization. The thesis also examines whether there are any overlaps between the categories and if so according to what criteria.

1.3.   Sources That Contribute

This thesis uses transcribed and printed primary sources, mainly *Mühimme Defterleri* (MD) the fatwa collections of Sarıgörez Hamza, Ebusuud, and Kemalpaşazade and *Kadı Sicil* of Üsküdar. *Mühimme Defterleri* ontain the records of domestic and external that were seen in the great divan, and record the decisions made about important military, political, administrative, economic, cultural, and social issues (Başbakanlık Osmanlı Arşivi Rehberi 2010, 3, 7, 8). In the context of this thesis, they shed light on the relationship between the Ottoman state and the individuals and groups which were historically known as *Kızılbaş*. There are various and numerous *mühimme* records that deal with *Kızılbaş* individuals and groups as criminal suspects or offenders within a legal context. Through these registers, we learn about the various practices regarding the criminal procedure related to the *Kızılbaş*.

A fatwa is a jurist consult's opinion that is given about a particular issue. Hence, legally it is not binding. Fatwas have an important place in the functioning of Islamic and Ottoman law. Fatwas were given upon an individual's request regarding matters of private law, and upon the request of the state regarding matters of public law. The Ottoman state as an Islamic state also needed them for the explanation, legalization, and legitimization of all kinds of actions and regulations in the eyes of the religious authorities and the public. Therefore, fatwas that were issued in the Ottoman Empire, especially the fatwa compilations of the great *şeyhülislâms*, shed light on social, economic, administrative, political, judicial, private, and public life in the Ottoman Empire (Akgündüz 1972, 5-6; Inanır 2008, 62, 64, 67). Regarding the *Kızılbaş* issue and their treatment by the Ottoman state, these fatwas provide information on the legitimizing religio-legal grounds for the state and the ways in which the state took measures vis-à-vis the *Kızılbaş*.

1.4.   Outline of the Thesis

After this introductory chapter, the second chapter of this work explains the various religio-legal and religio-political terms that were used by the Ottoman *şeyhülislâms* and by the Ottoman state to define certain groups based on their beliefs and religious leanings. Here I focus on the Ottoman state's perception of apostasy, heresy, and unbelief vis-à-vis Sunni Islam, and how the state defined and categorized apostasy, heresy, unbelief, and other kinds of "unacceptable" conducts and legitimized and justified countermeasures against them. The second chapter also contains the practical measures that *şeyhülislâms* prescribed for these communities. The third chapter deals with Ottoman criminal law, focusing on its components, procedure, agents, and process, and examining how the state employed it. The fourth chapter analyzes the accusations that were made against *Kızılbaş* individuals and groups. Here I explore the various kinds of offences stated in the *Mühimme Defterleri* and offer a categorization of them. The last chapter offers some conclusions.

2. RELIGIO-LEGAL AND RELIGIO-POLITICAL TERMS AND PRACTICAL MEASURES

2.1. The Main Religio-Legal Terms in Ottoman Fatwas and Other Legal Documents

In Ottoman fatwās and other legal documents, *Alevî-Kızılbaş* communities were defined in the religio-legal categories of *Kızılbaş, râfizî, zındîk, mülhid, bâgî, kâfir, murtadd*, and *ehl-i fesâd.*

Even though each of these categories were different, all of them were defined as religious sins. They implied different religious misconducts and/or punishable acts and different penalties. There are two approaches in the historiography regarding the employment of these terms by Ottoman scholars to refer to the Safavids and their adherents i.e. the *Kızılbaş*. One approach claims that in the Ottoman legal context the accusations using these terms and their content were made for mainly political reasons, rather than religious ones. According to this approach, identification by these terms and accusations became widespread when the political authority could no longer tolerate dissenting thoughts and acts. There was a parallel between the increasing Safavid threat against the political integrity of the Ottoman state and an increase in the accusations of *ilhâd* (being mülhid) and *zendeka* (being zindîk) (Erünsal 2004, 129-130). While the second approach agrees that the Ottoman political appaatus used a Sunni identity and ideology against the Safavids, their supporters, and Shi'i Islam, it claims that Sunni identity as shaped by the Ottoman *şeyhülislâms* was not uniform. Also, the Ottoman *şeyhülislâms* identified these groups by the said terms independently from state policies. According to this view, they

were not acting as duty-bound state officials to legitimize the actions of the state but as independent producers and interpreters of the law. They employed and used these terms differently from each other in certain regards and accused specific groups from a religious perspective with religio-legal opinions and reasons (Atçıl 2017, 295-296, 310-311).

Both approaches have merits. On the one hand, the Ottoman state needed a justification for its political actions against the Safavid threat within its borders that might not be seen as legitimate by some segments of society. As an lslamic state, the justification of Ottoman acts such as war and the persecution of the *Kızılbaş* had to be through religious authorities i.e. ş*eyülislams*. In a continuously centralizing and bureaucratizing state structure, the ulema class, which became a part of the state apparatus, had to comply with state interests to a certain degree, willingly or unwillingly. On the other hand, different interpretations of the *Kızılbaş* issue from the religio-legal point of view by various Ottoman *şeyhülislâms* and their decisions regarding the treatment of the Safavids and *Kızılbaş* that did not fit well with the interests of the state shows that *şeyhülislâms* bypassed the state and its interests from time to time and acted more as interpreters of law with religious concerns rather than as official state agents with political concerns. The religio-legal definitions and approaches of particular Ottoman *şeyhülislâms* regarding the identification and treatment of the *Kızılbaş* issue need to be examined because the Ottoman state related to these various religious approaches in different ways throughout the sixteenth century.

2.1.1. Intertwined Religio-Legal Terms: Murtadd (Apostate), Kâfir (Unbeliever), and Mülhid (Heretic)

Prominent Ottoman *şeyhülislâms* of the sixteenth century offered a variety of explanations and usages of *murtadd* for *Kızılbaş* groups. *İrtidad* (apostasy) can happen through words or actions in Islam. When a Muslim openly speaks or behaves in a way that shows that he denies the rules of faith, mocks Islamic values or symbols, or enters another religion or relapses from Islam, that person commits the crime / sin of *irtidâd,* and hence becomes *murtad.* Although there are some disputes about what constitutes

irtidâd, some actions (and sometimes involving words) that are commonly considered *irtidâd* are: insulting Allah and the prophets, claiming to be a prophet, denying or disgracing the Quran or the other holy books and angels, dressing like a nonbeliever with the intent of looking like one, denying religious practices, and idolatry (İnce 2008, 89-91; Özçelik 2000, 347-348; Ince 1995, 12, 42-47). Quashing of the conviction, hence of the *hadd* punishment (punishment for the violation of the God's rights) is possible with repentance except in the case of insulting the prophet (Peters 2005, 65). In all *madhabs* (Sunni Islamic sects) except the Hanafi, the invitation of the *murtadd* to Islam is compulsory, while in the Hanafi *madhab* it is recommended as *mustahab* (an appreciated or a good act) because the *murtadd* was "honored" once by choosing the Islamic faith, so there is no compulsion to invite them again (Peters 2005, 65; Ince 1995, 69).

Some *şeyhülislâms* did not use the term *murtad*. Instead they used *mülhid, zındîk, kâfir*, and *ehl-i fesâd*, which became intertwined with the content and context of *murtadd.* First prominent *şeyhülislam* of the sixteenth century, Sarıgörez Hamza in his fatwas, defines the Safavids, as well as people who accept, support, and have sympathy towards them as *tâife-i Kızılbaş* (Kızılbaş groups/communities) and *kâfir wa-mülhid* (heretical unbelievers), because of their beliefs and actions that seriously diverged from the boundaries of shariah. He locates them outside of Islam. His understanding of *kufr wa ilhâd* (heretical unbelief) encompasses several offences that include *irtidâd, kufr*, and *ilhâd.* After enumerating their offences, such as debasing the Quran and insulting the four caliphs, he defines them and their sympathizers as unbelievers and apostates.[4] Although he does not use the term *irtidâd, kufr wa ilhâd* contains the crime of *irtidâd* for him. According to him the Safavids and *Kızılbaş* are not regular *murtadd* but *zındîk* (heretic), and therefore they do not have the right to repent. He categorizes the *Kızılbaş* not only as *kâfir* and *mülhid* but also as *ehl-i fesâd* and says that they threaten the basis of the Islamic community and deserve to be executed since "all of this community is both *kâfir, mülhid,*

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[4] "ol zikr olunan taife-i kâfirlerdür ve mülhidlerdür ve dahi her kimse ki anlara meyl idüb ol batıl dinlerine razı ve muavin olalar, onlar dahi kâfirler ve mülhidlerdür".

and e*hl-i fesâd*, [and the] killing of this community is necessary because they are both *kafir* and *mülhid* "[5] due to their crimes of heretical unbelief and brigandage (Tekindağ 1967, 54-55; Atçıl 2017, 299-300). [6]

Kemalpaşazade considers the *Kızılbaş kâfir* as well, but unlike Sarıgörez he puts the Safavids and their followers into the category of *kâfir wa-murtadd* (apostates and unbelievers) rather than *kâfir wa-mulhid* (heretical unbelievers). He lists similar offences to those stated by Sarıgörez, and claims that these offences are the clear signs of *kufr* and *ilhâd* and states that they are to be treated like *murtadd*.[7] He recognizes the right of repentance, however he makes a distinction between *kâfir wa-murtadd* and *zındîk* regarding repentance and states that the category of *zındîk*, which includes the *Kızılbaş* groups, does not have the right to repentance and cannot escape execution (Atçıl 2017, 302-304; Teber 2005, 202-203).

For Ebusuud, the Safavids and their supporters are *murtadd*, and therefore more despicable than other *kâfirs*. Ebusuud categorizes any sign of *kufr* or unorthodox practice within the category of *murtadd*. For example, he claims that if anybody does *raks* (dance) and a similar movement, d*evran*, as a form of worship he becomes *murtadd* (Düzdağ 1972, 85, 134; Akgündüz 1972, 122-124). By attributing to the *Kızılbaş* similar offenses as did Sarıgörez and Kemalpaşazade, and by claiming that "they took various wickedness and immorality from each sect and added them to the unbelief and innovation of their own choice" (Atçıl 2017, 307-308) he identifies the *Kızılbaş* groups as *murtadd*, as well as *kâfir, bâgî,* and *ehl-i fesâd* (Atçıl 2017, 307-308; Akgündüz 1972, 119-120; Düzdağ 1972, 109-111).[8] Regarding repentance, unlike Sarıgörez and Kemalpaşazade, Ebusuud underlines the primacy of the sultanic decisions by referring to two groups of early

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[5] "bil-cümle bu taife hem kâfir ve mülhidlerdür ve hem ehl-i fesâddur, iki cihedden katil(leri) vacibdür" in Ibid.

[6] Ibid.

[7] "Biz onların küfürlerinden ve mürted olduklarından asla şüphe etmeyiz... bunlara uygulanacak olan hüküm mürtedlere uygulanacak olan hükümdür" Fetevâ-yı Kemâl Pâşâ-Zâde Der Hakk-ı Kızılbâş.

[8] "Her birinden bir miktar şer ve fesâd alıp, kendiler hevalarınca ihtiyar ettikleri küfr ü bid'atlere ilhak edip, bir mezhebi küfr ü dalalet ihtira' eylemişlerdir".

şeyhülislâms; one that accepted the right of repentance and the other that did not, and stating that the imam or the sultan could choose from either approach, that is to accept or reject the right of repentance according to the situation (Atçıl 2017, 309).

Hence, by the sixteenth century Ottoman *şeyhülislâms* held that *murtadd* was similar to *kâfir* and *mülhid* as they encompassed one another's features, and *murtadd* could include many accusations and penalties in a way to serve as justification for the punishment of the *Kızılbaş* and the wars against the Safavids.

2.1.2. Separate Religio-Legal Terms (with Social Implications for the Latter Two): Zındîk, Ehl-i Fesâd, And Bâgî

A *zındîk* is someone who holds any kind of unorthodox or heretical belief and engages practices against the central orthodox Islamic dogma. At the same time the term is employed for free thinkers, agnostics, atheists, etc. Starting from tenth century the meaning of *zındîk* expanded and it became criminally offensive to hold beliefs and follow practices that were contrary to the central dogmas of Islam (Langer and Udo 2008, 284). Consequently, the term was similar to *kâfir* and *murtadd* (Lewis 1953, 55; Ocak 2013, 71).

The definition and explanation of *zındîk* by classical scholars such as Ghazali and Tamiyya provided a basis for later religious thinkers and ulema. Ghazali uses *zındîk* in a similar way to *murtadd* and states that *zındîk* hide their infidelity, i.e. the *kufr* (Ghazali 1993, 98-100). In the Ottoman Empire *zındîk* as a legal category was used for *Kızılbaş* for the first time by Kemalpaşazade in his *Risala of Zendeka.* He describes the *Kızılbaş* as people who have the appearance of Muslims and the souls of *kâfir*s (Üstün 1991, 46). According to him, a *zındîk* disregards Allah, does not recognize his uniqueness, and does not accept Mohammed's prophecy, while also hiding his denial (Düzenli 2007, 152). Kemalpaşazade also defines *murtadd* and *zındîk* and distinguishes them from each other. The difference between them is that a *zındîk* might be considered a *murtadd*, but a *murtadd* is not considered a *zındîk* since the former openly shows his *kufr*. The difference

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between *zendeka* and *ilhâd* is that *zendeka* is a deception of *kufr*, but *ilhâd* means refusing and leaving Islam (Ocak 2016, 406-414) According to Kemalpaşazade it is necessary to execute *zındîks,* and their repentance is not acceptable (Ocak 2016, 406-414; Üstün 1991, 182).[9]

Unlike Kemalpaşazade, Ebusuud uses *zındîk* in a broader sense. In his fatwas, being *zındîk* means being atheist, (Düzdağ 1972, 113)[10] and therefore it is necessary to kill them. He does not directly equate the *Kızılbaş* with being *zındîk* because he considers them *murtadd.* Consequently, he codifies *zındîk* and *murtadd* with a different specification: *küfür ilhâd ve zendeka üzere mürted olanlar* (the ones who became apostate over unbelief, heresy, and secret apostasy). He defines those who act against Sunni Islam to be *zındîk (*Akgündüz 1972, 122-123; Düzdağ 1972, 109). While Sarıgörez does not explicitly identify the *Kızılbaş* as *zındîk*, he still does not give them the right of repentance, which indicates that he did consider them regular *murtadd* but *zındîk*, who pretend to be Muslim but harbor kufr internally (Atçıl 2017, 300). Therefore, *zındîk* becomes another definition and context for being *murtad*.

The Ottoman *şeyhülislâms* also used the term *ehl-i fesâd* to identify *Kızılbaş* groups. Sarıgörez does not give a clear definition of *ehl-i fesâd*, however he might have associated it with the sharia crime of *hiraba* (disturbances to society) while identifying the *Kızılbaş*. This crime is punishable by execution. He considers not only their religious beliefs and deeds but also their social and political acts in justifying the all-encompassing penalties he prescribed for them (Atçıl 2017, 300-301). Ebusuud defines these groups as *ehl-i fesâd* but does not elaborate on it. By looking at his other fatwas that are related to *fesâd* (petty crimes, banditry, or *hiraba*) and habitual criminals it is understood that he considered the *Kızılbaş* likewise, i.e. *ehl-i fesâd* according to Hanafi law, who can be subjected to capital

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[9] *"zındiktır, katli vaciptir, azlolunduktan sonra tevbesi kabul olunmaz."*

[10] "Mes'ele: Zeyd Amr'a "bana Tanrı'yı buluver" dedikte Amr Zeyd'e "Kur'an ile amil olup, Peygamber'e iktida edicek bulursun" deyicek, Zeyd "anlara ne amel, ben anlarsız bulurum" yahut "buldum" dese Zeyd'e ne lazım olur?

Elcevap: Katli lazımdır, zındîktır.*"*

punishment by the head of the state (Gerber 1994, 63; Peters 2005, 58; Akgündüz 1972, 156).

Bâgî was also used by the Ottoman *şeyhülislâms* while defining the *Kızılbaş*. Ebusuud defines *Kızılbaş* groups as *bâgî*. The term is used for a Muslim who rebels against the legitimate ruler as the result of a divergent interpretation of scripture. If a non-Muslim subject rebels against a legitimate ruler, he is considered a *harbi* (enemy unbeliever) not a *bâgî*. Therefore, a person or a group cannot be a *kâfir* and a *bâgî* at the same time. It can be said that Ebusuud analyzed two groups that he gave different religio-legal status under the same category (Atçıl 2017, 308).

2.2.   Religio-Political Terms: Râfizî and Kızılbaş

While the Ottoman *şeyhülislâms* used the terms *murtadd, mülhid, kâfir, zındîk, ehl-i fesâd,* and *bâgî* to define *Kızılbaş* individuals and groups, which also provided the basis for accusations and charges made against them by the state, the state usually used the terms *râfizî, Kızılbaş, mülhid,* and *ehl-i fesâd*. In the state language, besides their religious connotations these words had non-religious meanings, such as being subversive to the state. Although each has its own specific meaning, in documents we see that *râfizî* and *Kızılbaş* were used synonymously and in an interchangeable way most of the time.

2.2.1. Râfizî

The term *râfizî* signifies a group or person who has deviated from or abandoned an opinion and is used for people of the Shi'i belief. There are various opinions about how the term emerged. The term's emergence in the rebellion of Zeyd bin Ali against the Umayyads is a very common opinion. Some of his supporters abandoned Zeyd on the battleground because he did not deny the caliphate of the first three caliphs despite his followers' wish for him to do so. Zeyd named this group *râfizîs* (abandoner) because they

abandoned him in front of the enemy on the battleground. There are also opinions that state that the term was given because these people did not accept the first three caliphs, abandoned the common *sahâbe* opinion, and claimed that the caliphate was the right of Ali after the prophet's death. When these groups became followers of the *imâmiyye* of Shi'i belief, they were also named *râfizî* by Zeyd supporters as a humiliating word. In time the term was and is used to define a branch of *imâmiyye*, a branch of Shi'i Islam, to refer to all Shi'is or *imâmiyye* of Shi'ism and for the people who deny the caliphate of first three caliphs. At the same time the term was used as a slanderous word by Sunni Islamic scholars. In return Shi'i scholars attributed positive meanings to the term and used it for themselves in a positive way (Benli 2008, 31-69; Öz 2007, 396; Öz 2000, 207-209).

Sunni ulema used the term *râfizî* for all Shi'i groups, particularly *imâmiyye* of Shi'ism because they refused to recognize the first three caliphs (Öz 2007, 396). The Ottoman ulema used the word *râfizî* to define *Bâtınî* groups that contained Shi'i features to categorize them as persons or communities who abandoned an opinion or a group. The word also could be used in the sense of community. Later, this term covered the dervish lodges such as those of the *Alevî* and *Bektâşî* order that remained outside of the widespread Islamic understanding, as well as those of *Acem, Kalenderî,* and *Kızılbaş* communities that were considered to be Shi'i and to be subversive to the Ottoman state (Ocak 1982, 514-516; Öz 2007, 396-397).

In one of his *risâles* Kemalpaşazade considers *râfizîs* similar to as *Haricis, Kaderiyye, Cehmiyye, Neccariyye, Zeydiyye, İmâmiyye,* and *Kızılbaş*. However, according to Kemalpaşazade*, râfizîs* are not equal to *Kızılbaş,* hence not every *Kızılbaş* is a *râfizî* because *râfizî* signifies the groups who are subversive to the current official religious understanding, and hence the term includes new religious ideas that refer to the *Kızılbaş* as well as those that do not (Teber 2005, 25, Teber 2007, 27). In the same work Kemalpaşazade defines *râfizîs* as heretic communities, and as *bid'atçı* (a person who has a bad innovation). He states that they need to be called to repent, and if they do not accept, they must be killed. According to him, most *râfizî* are *murtadd* because they treat Ali as a God. In his other *risâle "Risâle Fi Tekfiri'r-Ravâfiz"* Kemalpaşazade states that *râfizî*

were committing *kufr* and denounces them as *kâfir* (Teber 2005, 21-24; Teber 2007, 26-27).

Before the Ottoman period, we see that the term *râfizî* was used to define proto-*Alevî* groups in the fourteenth century by Ibn Battuta in his *Rihle.* In his account Battuta states that in Sinop people suspected he and his companions were *râfizî* and questioned them by asking them to eat rabbit. According to him, they ate the rabbit and were thus free from suspicion. By this story he shows that in Anatolia there were groups who would later be named *râfizî-Kızılbaş* and that they did not eat rabbit (Ocak 1982, 514-515). In the fifteenth century we see the term *râfizî* in the *Saltıknâme* of Ebu'l Hayr-ı Rumi who was under the patronage of prince Cem. In this account, during his visit to the Kaaba Sarı Saltık says that there were many *râfizîs* in Mecca and Medina, and that they followed the heretic path, and like *Mutezile* and *Harici* people they were factious and should be killed unless they repented. According to the account Saltık killed many of them who did not repent (Eb'ul Hayr-ı Rumi 2007, 58). In the part of the work in which he has a conversation with the devil, the devil says that he made people call Ali God and that *râfizîs* accepted it, gathering together and causing *fesâd* in public constantly (Eb'ul Hayr-ı Rumi 2007, 101).

From these sources we can see that the term *râfizî* was used at that time to define the religious inclination of the groups who considered Ali to be God, and hence were considered heretical by Sunni Muslims. In the part where Saltık states that *râfizîs* captured *Acem* land from İzzeddin, he says that they were malignant and tyrants, that they were not good people, and that the prophet cursed them. He also states that malignancy and tyranny would come from the land of *Acem* until the apocalypse and that these people came to the land of *Rum*. He also states that *râfizîlik* was a part of the *Acem* community and that all *Acems* were *râfizî* and should be killed (Eb'ul Hayr-ı Rumi 2007, 137-139, 143). These show that the term *râfizî* was used to refer to Iranians who had *imâmiyye* understandings of Shi'ism (Ocak 1982, 515).

Through Ottoman historians and their accounts, it is possible to see how the term *râfizî* was used in the Ottoman Empire. Aşıkpaşazade in his account, while telling the story of

Cüneyd, states that because of his debate with sheik Albdullatif regarding some religious issues in the *Konevi* lodge, Cüneyd and his followers were declared *kâfir* by Sheik Abdullatif. According to Aşıkpaşazade in his letter to the bey of Karaman, sheik Abdüllatif stated that the aim of Cüneyd was not about *sofuluk* (asceticism), he violated sharia and dictated his own Islamic understanding. While describing the features of Shah Ismail's *mürîd* (follower), Aşıkpaşazade states that they did not use the greetings of God but said shah instead of it, and that they did not pray or fast. They used the words in relation to *rafz* (belief of râfizîs), and thus they had obvious *rafz.* Aşıkpaşazade also describes cruelties that Shah Ismail did to Muslims in Tabriz and how he breached the Islamic laws (Aşıkpaşazade 1949, 250-252). From this it can be understood that the term *râfizî* was used to refer to the religious inclination of certain groups who were not considered Muslim by the Ottomans. At the same time, it is understood that these groups who were defined with *rafz* were the *Kızılbaş* in Anatolia and Iran.

Lütfi Paşa in his account states that Ismail chose the *râfizî madhab* (Lütfi Paşa 2001, 194). Prior to the Çaldıran war*,* Lütfi Paşa describes Selim's explanation for the war to his high state officials thus: that Shah Ismail had chosen the *râfizî madhab*, made it *halal* to kill Sunnis for himself and his devil followers, destroyed madrasas and masjids, and degraded Islam. Therefore, Selim said that he would fight with him and his army (Lütfi Paşa 2001, 199) According to Celalzade the Safavids had *rafz* and *ilhâd*, had created a heretic *madhab* and named it Shi'i, and had spread it around and gathered adherents. He calls them *kâfir,* describes some of their actions, and says that religion orders him to fight with them, which is why the ulema gave a fatwa in that direction prior to Selim's campaign (Celalzade 1990, 59, 129, 272-273). He also states that around Nakhchivan a city was destroyed because although its community looked like true Muslims, in reality they were not from clean a *madhab* but, they were *râfizî* and had breached the principles of the sharia (Celalzade 1990, 383). In all these accounts we see that while the term *râfizî* was used to assert a religious understanding of the *Kızılbaş* groups, at the same time the term was also used to refer to *Kızılbaş* groups i.e. adherents of the Safavids in Anatolia and the Safavids in Iran because in the accounts those who are defined with this religious understanding are *Kızılbaş* communities.

In *mühimme* records we see that the term *râfizî* was used in two ways. First, as a religious understanding of the *Kızılbaş,* to express the religious characteristics of these groups, their religious activities, and beliefs. The term was also used together with the terms *ilhâd* and *mülhid* in various forms such as "to be known for *rafz* and *ilhâd*" (*râfizî ve ilhâd ile meşhur olub*), "acting through *rafz* and *ilhâd*" (*rafz u ilhâd üzere olan*), and "one who is *râfizî* and *mülhid*" (*râfizî ve mülhid olan*) to emphasize their religio-legal status in the eyes of the state (Başaran 2019, 29-31; Şener and Hezarfen 2002, 191). Second, it was used to define *Kızılbaş* individuals and communities who supported the Safavids and those who engaged in subversive acts against the Ottoman state. In this respect, in the official documents groups and individuals who acted subversively to the general functioning of the state and society, and who had a different way of social and religious conduct, were termed *Râfizî-Kızılbaş* in a slanderous and humiliating way (Teber 2005, 21-27, 29).

Overall, in the Ottoman discourse and legal language the term *râfizî* was used as one of the religious umbrella terms and as a political identity primarily for the *Kızılbaş* and *Kalenderî* communities who were influenced by Shi'ism, and other communities who were considered outside the prescribed *ehl-i sunnah* and subversive to the Ottoman state authority (Teber 2005, 29; Ocak 1982, 154-156).

2.2.2. Kızılbaş

There are various opinions about the origin of the word *Kızılbaş*. According to one explanation, Ali had a red *sarık* (headdress specific to Muslims men) during the conquest of Hayber Castle and was thus called by the name of *Kızılbaş.* According to another, Ali made his soldiers wear a red *sarık* in the Sıffin war to separate them from Muaviyye's soldiers (Üzüm 2002, 546-557; Eröz 1990, 87-88; Fığlalı 1996, 11-12). There are also various explanations that are not related to the history of Islam. According to one, the ancient Turks had headgear in various colors and a red headdress was one of them. Previously the Turcoman groups had worn a red one, but after they had accepted Islam,

they had abandoned its usage (Üzüm 2002, 546-557; Eröz 1990, 80-82; Fığlalı 1996, 9-10).

Another explanation is that the term first emerged during the time of sheik Haydar, the father of Shah Ismail, based on the red headgear that he and his followers wore. The Turcoman groups who were his followers were thus called by this name (Gündüz 2016, 32; Melikoff 1993, 52, Dalkıran 2002, 100-101). According to another explanation, some groups were named after the color of the cloth they wore, and so the Safavids were called *Kızılbaş* and the Ottomans were called *Akbaş* (Savaş 2013, 8; Eröz 1996, 81-82; Dalkıran 2002, 100-101). Overall, it could be said that the term *Kızılbaş* was used to define Turcoman communities or members of these communities who were members or follower of the Safavid monarchy and the Safavid religious order. These groups had a particular religious and social structure that were not contained within the political and religious boundaries established by the Ottoman state.

The Ottoman state and historians have used the term *Kızılbaş* as a common name for all the Turkish groups that supported Shah Ismail and the Safavids starting from period of Sheik Haydar. In the beginning the term did not contain any humiliating meaning. While initially the term referred to the affiliation of these communities to the *Safeviyye* order and the Safavids, later on with the emergence of the Safavid Empire and Safavid propaganda it also gained meanings that referred to the particular religious beliefs and political actions of these communities, not solely in Anatolia but also in other territories that the Ottoman controlled. The term was also used for the Safavid Empire and its subjects. The Safavids also defined themselves as *Kızılbaş* (Teber 2005, 32-33; Onat 2003, 111, 113; Ocak 2000, 133, 150; Uluerler 2014, 27-33).

Through the course of events between the Ottomans and the Safavids it is possible to see how adherents of the Safavids in Anatolia and the Safavids in Iran were named and identified in fifteenth and sixteenth century Ottoman historiography. By looking the following examples from several accounts, it can be said that groups who supported Shah Ismail and the Safavids were called by various names but were mostly called *Kızılbaş*. Aşıkpaşazade, as an early example, names these groups as *Erdebil sofuları* (ascetics), and

mürîds (followers) of Cüneyd in his *Tevârih.* According to his account, the *mürîds* of Cüneyd also became *mürîds* of Haydar when he was still an infant. After that they became *mürîds* of Ismail, son of Haydar. He also states that Bayezid II exiled the disciples (individuals that were sent to Anatolia by the Safavids for propaganda and to rally supporters) of *sofu* and *sofus* who went to Erdebil, from Anatolia *to* Rumeli (Aşıkpaşazade 1949, 250-251). In a *mühimme* record dated 1501 they were called *sufi* and the *sufi* followers of *Erdebiloğlu.* This record relates to the capture of *sufis* and disciples who ran away to Erdebil's side (Zarinebaf Shahr 1997, 6). Although practical measures were taken, like putting men on the borders and preventing migration to Iran, it can be said that the relationship between the Ottoman Empire and the Safavid Empire was not so tense compared to later periods. Until Bayezid II, official financial help was sent to the *Safeviyye* order annually under the name of *çerâğ akçesi* (Babinger and Köprülü 1996, 19). This help later continued from time to time (Baltacıoğlu 2014, 32). Sümer states that Shah Ismail called Bayezid II "father" in his letters and in one of them asked him not to prevent visits from members of the order. Bayezid II answered that he would not apply this ban to those who promised to return after their visit, since otherwise it would cause him tax problems. Also, Bayezid II let Shah Ismail and his army pass through Ottoman lands to go to *Dulkadir* lands (Sümer 1976, 25-26, 29). Therefore, it can be said that both the Ottomans and the Safavids were cautious about each other and tried not to create obvious tension or enmity at this period.

By the time of the Şah Kulu rebellion, Safavid propaganda and movements into Ottoman lands, coupled with Selim's aggressive policies against the Safavids, the perception and identification of their adherents in Anatolia had changed and the term *Kızılbaş* had begun to be applied. In the anonymous *Tevârih-i Âl-i Osman* that ends with the enthronement of Selim, Şah Kulu and his followers are defined as *Kızılbaş* and it is stated that many *Kızılbaş* migrated to Tabriz as a result of this rebellion. Also, in this account it is stated that the *Kızılbaş* caused *fesâd,* insulted the four caliphs, and killed many people (Anonim Osmanlı Kroniği 2000, 139-141). In the anonymous *Tevârih* of Giese edition, the author states that Şah Kulu, to whom Bayezid II sent annual financial help, was in fact a *Kızılbaş.* He rebelled and his hidden *Kızılbaş* followers and coreligionists joined to him. They plundered places, caused many *fesâd*, and insulted the four caliphs. This account also says

that many *Kızılbaş* ran to the *Acem* side and to Tabriz after the rebellion was suppressed (Anonim Tevarih-i Al-i Osman 1992, 132-133). In this account the name *Kızılbaş* is used for the Safavids and their soldiers in the narration of Selim's Çaldıran war (Anonim Tevarih-i Al-i Osman 1992, 136). In the account it is sated that the *Acem* people had a heretical *madhab*, insulted the four caliphs and the prophet, and that they were an *azgın tâife* (disorderly community). According to the account it was for these reasons that Suleyman decided to advance towards them (Anonim Tevarih-i Al-i Osman 1992, 143).

Şükri-i Bitlisi also defines these groups and the Safavids as *Kızılbaş*, *evbâş* (rabble), *sürhser* (*Kızılbaş* in Persian), *Kızılbaş-ı şâki* (bad *Kızılbaş*), and *Kızılbaş-ı gümrâh (Kızılbaş* who lost his path*)* and he uses the name *Erdebiloğlu* for Shah Ismail in addition to the word shah while describing Selim's Çaldıran campaign and other confrontations with the Safavid Empire when he was a prince in Trabzon (Şükri-i Bitlisi 1995, 29, 30-31, 64, 184, 186, 189, 220, 250). Lütfi Paşa in his account describes the coming of Shah Ismail to Erzincan and his collection of many followers there. He defines Shah Ismail's followers as *müfsid-i bi-din* (unbeliever seditious people), *mülhid-i zındîk* (heretic apostates), and *Kızılbaş* while describing his rebellion (Lütfi Paşa 2001, 193-194). He says that Bayezid II asked Selim to take revenge for the *ehl-i Islam* on the *Kızılbaş* and of the Ottomans from Egypt as a last wish while leaving his throne to his son (Lütfi Paşa 2001, 196). By this it can be said that in addition to their adherents in Anatolia, the Safavids were called *Kızılbaş* by the Ottomans. According to Lütfi Paşa in his letter to Shah Tahmasp before advancing towards him Suleyman accused him of gathering various *etrâk* (Turks) and *evbâş* (rabble) and causing *fisk u fücr* (immorality) and *tahrîb-i bilâd* (damaging countries) (Lütfi Paşa 2001, 274). Lütfi Paşa calls the adherent of the Safavids *Kızılbaş*, Shah Ismail's *etbâ* (followers of Shah Ismail), *bi-din mezhebsiz-i etbâ* (unbeliever followers of the person who has no madhab), *mürîd* (follower), *bi-din melâhide* (unbeliever heretics), *Kızılbaş-ı bed ma'aş* (*Kızılbaş* who has evil life), and *bi-had halk* (community who does not know limits) while narrating the Çaldıran campaign of Selim and the Iran campaigns of Suleyman (Lütfi Paşa 2001, 69, 82, 87, 205-207, 213-214, 218, 221, 253, 291). He also uses names like *Erdebiloğlu, şah-ı bi-din* (unbeliever shah), *şah-ı bed râh* (shah in the wrong path), *şah-ı gümrâh* (shah who lost his way), *asâkir-i şeyâtin* (soldiers of devils), *sürhser*, and *Kızılbaş-ı şâki* (evil *Kızılbaş*) for the

Safavid rulers and their soldiers (Lütfi Paşa 2001, 199, 205, 208-209, 212-214, 221, 253, 272, 291, 309).

Kemalpaşazade calls Shah Ismail *bed-nihâd* (wicked natured) and *müfsid-i mülhid* (apostate seditious) while describing his rebellion and states that he gathered many people around himself. Kemalpaşazade says that because many parts of Anatolia were full of his *hulefây-ı bed ray* (ill-minded disciples) Ismail hoped to gather many *Kızılbaş-ı vesair evbâş* (*Kızılbaş* and other rabble) around himself while waiting on the border before going over *Dulkadiroğlu*. While describing the Şah Kulu rebellion he defines Ismail as *gümrâh* (one who has lost his path) and states that by sending his men to *hulefâ* (disciples) and *ehibbâ* (friends) in Anatolia he caused a revolt among the *Kızılbaş* people (Sümer 1996, 27-29). He says that Ismail tortured and killed many Sunni Muslim and ulema, filled cities with *bid'at* (bad innovation*), zındîka* (heresy), and *dalâlet-i zulmet* (heretic darkness). He says that Ismail went on a path of heresy, invited people to heresy publicly, and spread the unfounded heretic *madhab* of Shi'ism and that the common people believed this (Dalkıran 2002, 70-73).

Celalzade Mustafa in his *Selim-nâme* defines Shah Ismail and his followers in Anatolia and Iran as *Kızılbaş, tâife-i Kızılbaş* (*Kızılbaş* community), *etbâ-ı evbâş* (follower of the rabble), *etrâk-ı bi-idrâk* (unintelligent Turks), and *Kızılbaş-ı evbâş* (*Kızılbaş* of rabble). He states that Ismail should have followed the right path, but he went to the path of heresy and some *bi-idrâk* Turks followed him (Celalzade 1990, 59, 148, 150, 162, 129, 272-273). According to this account, Selim stated that many people had an inclination to the *tâife-i Kızılbaş* and asked the administrators of various provinces to refrain people who had this inclination towards the *Kızılbaş* and the *Kızılbaş Cânib* in Anatolia from having inclination towards the *Kızılbaş* (Celalzade 1990, 61).

Hence, it can be said that in the Ottoman sources *Kızılbaş* meant those groups or individuals who supported the Safavids, disrupted order, harmed Sunni Muslims and the Ottoman state, and followed and obeyed the Safavid shah or his disciples, as well as those who were considered apostate or heretical, or who followed a heretic path or *madhab*. Similarly, in the *mühimme* records from the sixteenth century we see that the word

Kızılbaş was used with two meanings. First, as the name of every community or individual who had a political relationship with Iran, who were considered to be in opposition by the political authority; and second as the name of groups of religious origin and movements that disrupted the social peace and behaved contrary to public morals. They were named *Kızılbaş* because of their opposition to religious and social values (Dalkıran 2002, 73; Başaran 2019, 14-15; Şener and Hazerfen 2002, 191).

Therefore, in parallel with the unfolding events that occurred within the Ottoman Empire and between it and the Safavid Empire, the slow evolution in the definition of certain Turkish groups from *mürîd* to *Kızılbaş* and other negative religious and socio-political names such as unbeliever, wicked, and unintelligent can be traced in the Ottoman sources. By looking the Ottoman sources and the course of events, it can be said that certain Turkish groups who were followers of the *Erdebil* lodge became known as *Kızılbaş* when they evolved from mere *mürîds* to active contributors to the Safavid Empire's political aims of sovereignty in the process of the emergence of the Safavid Empire; and when the Safavid religio-political activities and aspirations in Ottoman lands, described in various Ottoman chronicles, became dangerous for Ottoman state security and the wellbeing of the Sunni Muslim community. Other factors contributing to this process include Sarıgörez Hamza's fatwa identifying the *Kızılbaş* and the Safavids as *kâfir* and *mülhid*, thus justifying war and their severe persecution during the reign of Selim I; the Safavids' increasing political threat to the Ottoman existence; both parties' political aims and religious discourses; Selim's self-attributed role as the protector of Sunni Islam that was continued by Suleyman; and the messianic and imperialistic discourses of the time among the large empires. Thus, the term *Kızılbaş* gained stronger religious and political connotations when the struggle between the two sides intensified. The term *Kızılbaş* started to denote opposition against Sunni Islam and subversion against the state, and was associated with rebels, apostates, and heretics as an identifying, humiliating, and slanderous word like the word *râfizî* in the Ottoman discourse and legal usage (Onat 2003,

121-123; Teber 2005, 32-33; Ocak 2000, 133, 150; Uluerler 2014, 32; Teber 2007, 29-30, 36; Üzüm 2002, 547).[11]

2.3. Ottoman Şeyhülislâms' Practical Measures towards Kızılbaş Individuals and Groups

As the Ottoman *şeyhülislâms*' religio-legal identification of *Kızılbaş* groups differed from oneanother in certain regards, the practical measures that they advocated against them also differed. Their opinions about what could and could not be done against these groups defined the constraints and the legal and socially accepted elbowroom for the Ottoman state in dealing with the *Kızılbaş* issue. The Ottoman state developed its policies vis-à-vis these groups based on these opinions in the war against the Safavids and the punishment of their adherents.

Sarıgörez's interpretation of Sunni doctrine made it mandatory in his eyes to fight against the Safavids and their supporters. Also, his explanation legitimizes many kinds of harsh measures against them, including the execution of men and the enslavement of women and children. They were to lose the right of any legal status, their marriages and previous legal acts were to be invalidated, and they were not to receive inheritance. According to him, the *Kızılbaş* threatened the foundations of the Islamic community hence it was *vacib* and *farz* (necessary and compulsory) for all Muslims to fight them. In this opinion he does not make any differentiation between Safavids in Safavid lands and in Ottoman lands but considers the *Kızılbaş* group as a whole. In Sarıgörez's interpretation since they had heretical beliefs and recognized Shah Ismail, followers of the Safavids who were Ottoman

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[11] Müslümanlar. Bilün ve âgâh olun. Şol tâife-i Kızılbaş ki, reisleri Erdebiloğlu İsmaildir.." Mevlana Sarı Görez Nureddin Hamza's fatwa in Tekindağ 1967,54-55.

subject were the enemy of the empire and were guilty as much as others and equally subject to the harshest punishment, without exception (Atçıl 2017, 300-301).

Kemalpaşazade, unlike Sarıgörez, distinguishes between Safavids outside of the Ottoman Empire and their supporters within the Ottoman lands. Kemalpaşazade does not make an explicit statement regarding whether the Ottoman authorities had the right to capture and castigate individuals associated with the Safavids. "However, his treatise, which contains supporting excerpts from Hanafi jurisprudential works, indicates that the state could capture and castigate individuals associated with the Safavids and their belief." (Atçıl 2017, 303-304). He prescribes the same treatment as Sarıgörez for apostate unbelievers: their marriages are invalid, their children are illegitimate, their land is *dar-ul harb* (land of war), and hence it is *vacib* for the sultan to fight against them, and it is *farz* for every Muslim to provide support for that effort. However, he gives protection to Safavid supporters who are in Ottoman lands. According to his approach, the land of the adherents of the Safavids in Ottoman Empire can become a *dar-ul harb* and thus permissible for plunder by the Muslims only if they secede from Ottoman control and establish their own control in their cities. Therefore, as long as the Ottoman state has control over the region it has no legal right to assault Safavid supporters in its lands (Atçıl 2017, 303-304).

Ebusuud in this respect, adopts a similar approach to that of Kemalpaşazade. He gives priority to the sultanic decisions on critical issues, while at the same time recommends a lenient treatment towards former supporters of the Safavids who show willingness to conform to Sunni society. According to him, fighting with them is *mubah* (merely permissible) and it is bound to the command of the sultan. Unlike Sarıgörez and Kemalpaşazade, he does not describe the penalties that could be given to this group, but in his treatment of enslavement he does not legitimize the enslavement of women and children from this group (Atçıl 2017, 306-308).

3.   CRIMINAL LAW

3.1.   Criminal Law in Islam

Islamic law, upon which Ottoman law was mainly based, does not have a separate section or single category for crimes and criminals in the modern legal sense (Akbulut 2003, 167; Hallaq 2009, 308). The part of the sharia that deals with various offences consists of interpretations of religious scholars based on the Quran, hadith, and sunnah, and the consensus of the first generation of Islamic scholars who determined what the law should be (Peters 2005, 1).

Most Islamic law scholars evaluate the offences in three distinct categories as *hadd, kısas*, and *tazîr* offences (Hallaq 2009, 310-311; Peters 2005, 6-7; Uslu 1998, 36, 45-50; Akgündüz 1999, 1; Cammack 2012, 2; Keskioğlu 1969, 286). There are also some scholars who evaluate criminal law in two categories: *hadd* and *tazîr* (Maydani 1964, 64; Çalışkan 1990, 272-273). Groupings are made according to how scholars define these offences. The former group makes the categorization on the basis of whether offences are considered a violation of the claims of God (*hadd*), claims of individuals/worshippers (*kısas*) or both (*tazîr*). The latter group divides into *hadd* offences and *tazîr* offences according to whether the definition and the punishment (amount/kind) of the offences are prescribed and fixed in the Quran or hadith or not. Offences in some works are described in both ways so these two definitions are not mutually exclusive (Akbulut 2003, 167-168; Uslu 1998, 36, 45-50).

Islamic law gives a certain scope to the ruler to define and determine laws in the name of preserving public security, order, and morality. Ottoman rulers were able to inject their own administrative laws to the criminal law. Sultanic law might be separated from the sharia in some aspects but it was legitimized and permitted by the religious law itself to a certain extent. Within the scope of this work and in relation to our topic, *kısas* and *diya* as the punishments for homicide and bodily harm are not our area of interest. For our purpose, we will be looking only at *hadd* and *tazîr* offences and punishments.

Hadd offences are described as God's claims and are regulated with fixed penalties in the Quran or hadith (Peters 2005, 53; Lange 2008, 20; Akgündüz 1999, 2; Cammack 2012, 2; Keskioğlu 1969, 286; Akbulut 2003, 168; Çalışkan 1990, 374). It is not straightforward to punish an offence as a *hadd* offence and to apply a prescribed *hadd* punishment because *hadd* punishments are mostly capital punishments or severe corporal punishments such as amputation, execution, severe beating, or death by stoning. The verification of an offence can be done only with a confession or the testimonies of eyewitnesses. No other type of witnessing, including that of the victim, or an oath is valid in the *hadd* accusations and their verification. Any kind of doubt, or withdrawal of the confession or testimony makes a *hadd* accusation null. The good character or the social standing of the accused person is not taken into consideration in *hadd* offences. Circumstantial evidence cannot be used. They cannot be pardoned, and their punishment cannot be changed, decreased, or increased by any authority. However, repentance is effective in the quashing of *hadd* punishments (Uslu 1998, 77-80; Çalışkan 1990, 376; Peters 2005, 11-20, 27, 66-67, Schacht 175-187; Cammack 2012, 3-4; Pate and Gould 2012, 45-46; Keskioğlu 1969, 286; Ansay 2002, 316-317; Schacht 1982, 175-176).

Although there are some disagreements about which offences fall into the category of *hadd* offences, all *madhabs* consider theft, highway robbery, adultery, unfounded accusation of adultery, and alcohol consumption to be *hadd* offences (Schacht 1982; 178-181; Uslu 1998, 37-38; Cammack 2012, 3; Pate and Gould 2012, 46; Keskioğlu 1969, 286; Ansay 2002, 316-329). Besides these, Hanafi scholars also consider apostasy as a *hadd* offence (Peters 2005, 53; Akgündüz 1999, 2-3). When an offence cannot be

prosecuted as a *hadd* offence due to lack of evidence or procedural problems, the accused is subjected to a *tazîr* punishment.

__Tazîr__ is a category for those offences in which the content and amount of punishments are not prescribed in the Quran or hadith and are left to the head of state or the political authority to determine. *Tazîr*, also known as discretionary punishment, encompasses three different kinds of punishments: a) punishments for offences described in the Quran without specific punishments; b) punishments that are given for *hadd* offences in case of lack of evidence or as an additional punishment to a *hadd* punishment; c) punishment of the offences or acts which are determined and seen as a threat to public security and order (it is up to the ruler to determine which actions threaten state security and public order and hence should be considered an offence) (Akgündüz 1999, 8; Çalışkan 1990, 375; Maydani 1960, 68; Cammack 2012, 5-6; Keskioğlu 1969, 297-298; Pate and Gould 2012, 47-48). Thus, the scope of *tazîr* is extremely broad. It ranges from sodomy to embezzlement and the refusal to perform religious duties such as daily prayer or fasting (Peters 2005, 66). In contrast to *hadd* offences and penalties, those for *tazîr* are more flexible and they can be pardoned. *Tazîr* punishments include flogging, imprisonment, exile, fines, deposition, being scorned in public, scolding, and warning in court. Also, more than one *tazîr* punishment can be applied for a single offence (Akgündüz 1999, 8-9; Cammack 2012, 6-7; Pate and Gould 2012, 48).

3.2.   Ottoman Criminal Law

Besides Islamic law, there was also *kânûn* law in the Ottoman legal system. Scholars have different points of view regarding the relationship between Islamic law and *kânûn*. The first group argues that although theoretically it was supposed to complement the sharia and be harmonious with it, there were many articles and laws that contradicted the sharia or even went against it (Heyd 1969, 633-634, 641-645; Imber 2006, 317; Barkan 1946, 19, 42-45; Üçok 1946, 125-126). According to the second group, Ottoman law consisted solely of sharia law. Only a small portion was established and regulated by the political

authority and it was done within the limit and scope that the sharia legally and legitimately granted to the political authority in the area of administrative law. It was meant to complement the sharia and give the authority the discretionary means to provide public order and security (Aydın 1993, 478; Akgündüz 1999, 5; Yurtseven and Şahin 2016, 166-170; Peters 2005, 71-75; Gerber 1994, 61-64). The third group defines the relationship by defining the borders between the two parts of the law. According to this approach the Ottoman rulers saw themselves as rule makers and the absolute authority, and so created public rules based on the tradition and ö*rf (*custom). As the absolute authority and law maker of customary law they made rules side by side with sharia (Mumcu 1963, 40-42; İnalcık 2000, 41-45; Acar 2001, 54-57; Jennings 1979, 164; Benton 2002, 104-105).

Regardless of the differences in their understanding of this relationship, all scholars recognize the *kânûn.* As a major element of Ottoman law, *kânûn* was an "enacted written law" (İnalcık 2000, 27, 31-33, 40-41; Barkan 1946, 20-2) that was established by the ruler based on society's needs and traditions. *Kânûns* could consist of a single article or set of articles regarding a single or different topics, and they were either to be applied throughout the empire or to be restricted to a certain region or a certain community. *Kânûn* covered public law, tax law, criminal law, and administrative law. It was a crucial component of Ottoman law because it was established for dealing with offences and punishments that were left undetailed by the sharia (Barkan 1946, 20-2; İnalcık 2000, 27, 31-33, 40-41).

Regulations issued by the state were crucial in providing justice. In the Ottoman Empire besides the application and preservation of Islamic ethical principles, providing and preserving "the circle of justice" (Darling 2008, 505-531) were also very important. There were two traditions on which the Ottoman understanding of justice was established. The first was the tradition of the circle of justice inherited from the Seljuks and the Ilkhanids, which formed the legal philosophy of the Ottoman law codes, and the second was the tradition of Islamic ethical principles regarding morality, equality, and social justice that evolved from the Quran, hadith, and sharia (Darling 2008, 505-531; İnalcık 2000, 49-55, 75-80; Zarinebaf 2011, 22-23).

The first criminal legislation was enacted by Mehmed II, and revised and extended by Bayezid II. Mehmet II's *teşkilât kânûnnâme* had only one article on criminal law (fratricide), while his second *kânûn* contained military, criminal, and administrative laws which were taken as the basis for impending *kânûns* ones and had criminal law in its first part in three articles regarding the regulations of *tazîr*. These *kânûns* were referred as *Kânûn-i Âl-i Osman*. Bayezid II's *kânûn* was almost the same as his father's, with the first three articles about criminal law, specifically the regulations of *tazîr* punishment. The public *kânûnnâmes* of Suleyman that contained the previous legislations with additions remained in force until the end of seventeenth century with minor changes and adaptations. The first part of the first general *kânûnnâme* of Suleyman (1520) was arranged in four sections about criminal law. In the second general *kânûnnâme* (1566), these articles and others were expanded and systematized (Akgündüz 1999, 12-13; Heyd 1969, 636-637; Acar 2001, 57, 59, 62-63; Imber 2006, 323-325; Schacht 1982, 90-91).

Overall, only a small portion of the *Kânûn-i Âl-i Osman* was about criminal law. The Ottoman criminal code consisted of rules for judicial procedure and the duties of the *kadıs* and executive officials in the judicial system. The vast majority of the criminal law section of the *Kânûn-i Âl-i Osman* however dealt with the substantive penal law. It defined punishable offences and referred to their penalties. However, the code did not list a punishment for each offence, but rather gave indirect references to the type of penalty incurred. Offences not mentioned in the criminal code could still be punished at the discretion of the *kadı* or the executive officials by *tazîr* or *siyâsa (*Peters 2005, 72-74; Heyd 1973, 178).

The Ottoman criminal code had two main categories of punishment: grand offences (*cürm-ü gâliz*) that necessitated capital or severe corporal punishments (*siyâsa*), and others that required chastisement (*tazîr*) or fine. Petty crimes were within the latter category for which the sharia gives *tazîr* as a punishment (Heyd 1973; 259).

3.2.1. Siyâsa and Tazîr Punishments in the Context of Ottoman Penal Law

The term *siyâsâ* in Islamic legal parlance means administrative justice (Gerber 1994, 80, 100, 170). In relation to administrative justice it was both governance and punishment (Lange 2008, 14; Peirce 2003, 312-314; Schacht 1982, 54). It referred to the area of actions, regulations, and jurisdictions about security, taxation, and other issues, that the ruler established and regulated through an independent legislation as he saw fit to protect order and security in a broader sense (Schacht 1977, 64; Mumcu 1963, 43-49; Katgı 2013, 182-183; Yurtseven and Şahin 2016, 184, 196-197). *Siyâset* was recognized within the limit of sharia by Islamic scholars because in order to be effective sharia requires the executive arm of the state. Also, it was seen necessary for the preservation and application of law and order with the principles of sharia (Schacht 1982, 54; Peirce 2003, 312-314). While it included the preservation and application of the sharia and was recognized by it, *siyâsa* contained all the administrative law, criminal law, legal enforcements, and justice that were established by the ruler and his representatives for the sake of the public good (Schacht 1977, 64; Mumcu 1963, 43-49; Katgı 2013, 182-183; Yurtseven and Şahin 2016, 184, 196-197).

In the Ottoman legal penal language *siyâset* meant punishment in the wider sense. All kinds of administrative punishments could be called *siyâset*, including monetary ones (Peirce 2003, 304). *Hadd* punishments were also called *siyâset* because their application was the duty of the state (Akgündüz 1999, 8-9). However, in technical terms it usually referred either to the death penalty or to severe corporal punishments like amputation (Heyd 1973, 260; Schacht 1977, 64; Mumcu 1963, 43-49; Katgı 2013, 182-183). The state could execute all kinds of disruptors who threatened social security, peace, and justice, although they might be subjected to lesser punishment under sharia as in the case of habitual thieves) (Peirce 2003, 312-314). Execution by the decision of the ruler was named *siyâseten katl* (execution by *siyâsa*) or *tazîr-i bil katl* (execution by *tâzir*) (Yurtseven and Şahin 2016, 184, 196-197). It was justified by Islamic jurisprudence as an addition to *tazîr* punishments but it was not completely restricted by the sharia and could also be imposed directly without being subjected to Islamic judicial procedure in the case of punishment of state officials (Peirce 2003, 312-314; Yurtsseven and Şahin

2016, 196-197; Koç and Tuğluca 2006, 20; Akgündüz 1999, 8-10). Thus *Siyâseten* indicated punishment either for offences which could not be proven in accordance with the sharia's strict rules of criminal procedure, or for offences not covered by the sharia, (Heyd 1973, 192-193, 199; Ergene 2003, 159) as well as for the administrative punishments that are not stated in the sharia (in the strict sense) and that are born out of the necessity of preserving the public wellbeing, order, and justice, that is, administrative offences and public offences (Heyd 1973, 260; Peters 2005, 68; Gerber 1994, 80, 100; Peirce 2003, 312-314; Ergene 2003, 159-160). So *siyâsâ* punishments could be enforced for social order, or because religion required it.

Orders that were established by the administrative authority were called *siyâset-i şeriyye*, *kavânin-i siyâset*, or *kânûn* (Yurtseven and Şahin 2016, 166-167; Schacht 1982, 54; Akgündüz 1999, 8-9; Heyd 1969, 198-200). The *kânûns* that regulated execution and severe corporal punishments were also called *siyâsetname* and were in fact independent *kânûnnames* and separate from other criminal *kânûnnames* that regulated *tazîr* (discretionary) punishments and fines. By the addition of *siyâsetname* to the criminal law of Mehmet II, the criminal law code (*ceza kânûnnamesi*) that composed the first part of the *Kânûn-i Âl-i Osman* emerged (Heyd 1969, 636; Barkan 1946, 25). However, the criminal code did not list all the offences that could be classified as *siyâseten* and their penalties, which could be found in individual *fermâns* or other administrative/legal documents. The penalties could either be given through religious law, like amputation, or by the *kânûn*, such as castration (Heyd 1973, 260).

While *siyâset* had more than one meaning and some of them were not defined or were related to punishment as mentioned above, *tazîr* also referred to various kinds of offences and punishments. *Tazîr* meant discretionary punishment by the order of the ruler including execution (*tazîren katl*), but in Ottoman legal usage it referred to corporal beating or stroke. The term *tazîr-bi'l-darb* (stroke by bastinado, lash, stick, or scourge) was especially used to separate it from other *tazîrs* such as *tazîr-i bi'l-mal* (fines), and *tazîr-i bi'l teşhîr* (being scorned in public) (Heyd 1973, 271-273; Akgündüz 1999, 8-10; Koç and Tuğluca 2006, 20; Yurtseven and Şahin 2016, 184, 196-197; Schatch 1982, 175).

3.3. Ottoman Judicial Procedure and Agents

3.3.1. Judiciary Officials, Kadıs and Executive Officials, and Ehl-i Örf

Judiciary officials, *kadıs* and their personnel were the main group of officials in the Ottoman judicial system. *Kadıs* were the head of districts (*kazâ*) as civil and judicial administrators. Their main duty was to judge civil and criminal cases, but they were also responsible for various tasks typical of municipal governors. *Kadıs* were responsible for the investigation of all allegations, establishing facts, and the suspect's innocence or guilt and consequently the verdict (Heyd 1973, 217; Peters 2005, 81; Zarinebaf 2011, 10; Ergene 2003, 50, 104). *Kadıs* were also itinerant, as they or more commonly their *naib* (deputy) travelled around the *kazâ* to oversee cases and complaints. However, there were other ways to solve problems other than applying to the court or other legal authorities and sometimes *kadıs* were used simply as an official scribe by people to apply higher authorities such as the great divan or governor, mostly regarding the oppression and injustice of state officials (İnalcık 2001, 336; Ergene 2003, 47-48, 50-51, 104, 170-180; Schacht 1982, 188-189; Akdağ 1979, 94-99, 102-103; Jennings 1979, 151-152, 163-164; Yurtseven and Şahin 2016, 170-174, 187-189; Gerber 1994, 63; Jennings 1978, 141-142, 149; Coşgel and Ergene 2016; 65-68; Schacht 1982; 90-92; Peirce 2003, 7, 9, 89-91; Akdağ 1995, 88-91).

Except for certain military matters, the functioning of all state institutions was under the surveillance and supervision of the *kadıs*. They were responsible for the functioning of the state on the district level, the enforcement of orders that were sent to the *kazâ*, and the overseeing of criminal and civil cases according to *şer-i şerif, kânûn-ı münif,* and local traditions (İnalcık 2001, 336; Akdağ 1955, 49-50; Akdağ 1979, 94-99, 102-103; Akgündüz 2010, 241-242; Jennings 1979, 151-152, 163-164; Yurtseven and Şahin 2016, 170-174, 187-189; Gerber 1994, 63; Zarinebaf 2011, 18-19; Schacht 1982, 90-92, 188-189; Jennings 1978, 141-142, 149; Ergene 2003, 23-25, 27; Coşgel and Ergene 2016; 65-68; Peirce 2003, 7, 9, 89-91; Akdağ 1995, 88-91).

There were other personnel in the court who helped the *kadı* in various tasks. Other than *naibs* as mentioned above there were *muhzırs* who were responsible for bringing people to the court in cases that were not criminal or murder cases. They were appointed by the court and responsible to it. They could go alone or with a plaintiff, a group of Muslims, or both to summon a defendant to the court. *Muhzır* had no authority to use force and so could not force a defendant to come to court, and the defendant could accept and then ignore the summon or refuse it completely. *Muhzırs* could not initiate a case officially, unlike *subaşıs* (chief of law enforcement authority). They could also be sent for errands by the court (Jennings 1978, 151-165; Ergene 2003, 25; Akdağ 1979, 100-102; Peirce 2003, 96). The duty of the scribes in the court was to record the court's operation, to keep and maintain these records, and to prepare a copy of these records and legal administrative documents for clients. They could also leave the court and listen to disputes, independently of *naibs*, and could serve as *naib* (Coşgel and Ergene 2016, 9; Peirce 2003, 96).

Mufti supplied the case with legal opinions. This was not an official duty and the mufti did not defend his fatwa in court. Fatwa was not brought to the proceeding before all sides of the suit i.e. defense and witnesses were called to the court. The fatwa was considered only if there were no witnesses. The *kadı* was supposed to consider the fatwa in relation to the case as a component after he checked the relevance of its content with the present case but he by no means had to decide in favor of the fatwa's opinion as fatwas had no legal binding in judiciary cases (Gerber 1994, 79-80; Akdağ 1955,48-49; Jennings 1979, 157, 176; Zarinebaf 2011, 19; Ergene 2003, 30-31, 150; Schacht 1982, 74; Peirce 2003, 114-115). The *kadı* could refuse the fatwa of a mufti for a case, especially when both sides brought fatwas in their favor (Heyd 1969, 51-56). It was the same with the order that was brought to the court for a certain case. The order was an impersonal statement of the *kânûn* and again it was up to *kadı* to decide whether the case conformed to a general order. The plaintiff had to accept his verdict (Jennings 1979, 154, 176).

They were also people from the community (*müşahid/şuhüd-ül hal*) in the court to witness and observe the cases. There was not a standard cadre for *şuhüd-ül hal.* Every Muslim male member of the community who was mentally healthy and had a good reputation in

society could become a *şuhüd-ül hal*. *Ehl-i örf* could become a *şuhüd-ül hal* when the case was a major criminal case. They were the sign that the case was overseen objectively, acting in a sense like a jury. They were consulted about the local customs of the region and the reputation of the people who came to the court. In terms of the legal proceeding's validity their existence was essential. They put their signature to the *hüccet* that was recorded in the *şeriyye sicil* (court registers) beneath the summary of the case (Heyd 1973, 217-218, 266; Akdağ 1955, 49-51; Akdağ 1979, 100, 102-103).

The other group in the Ottoman judicial system was *ehl-i örf*, the executive officials who were responsible for ensuring public order and security, the application of punishments, and the investigation and seizure of the suspects and the accused. *Beylerbey, sancakbey, subaşı,* and *asesbaşı* were the main executive officials (Heyd 1973, 210, 219-220, 266; Peters 2005, 78).

The duty of *subaşı* (chief of day police), *asesbaşı* (chief of night police) and the *ases* and *sekban* (used in place of *ases* after the fifteenth century) under them, besides preserving security, was to collect fines in the offence and murder cases and send it to the state treasury. Although they were appointed by the *sancakbey* they were under the command of the *kadı* who was also the head of security. They were considered the helpers of the *kadı* (Akdağ 1955, 50; Akdağ 1995, 88, 90) The *subaşı and sancakbey* were also prosecutors, so they inspected suspects, brought them to the court in case of an offence or murder, and enforced *siyâset* (execution) punishments (Akdağ 1979, 93, 100; Zarinebaf 2011, 10-12; Jennings 1978, 149; Savaş 2018, 48; Imber 1979, 266-268; Akdağ 1995, 88).

The *çavuşbaşı*, formally head of the imperial messengers, was another law officer. Besides supervising the chiefs of the day and night police, he and the *çavuşes* under him also brought the defendant to court and enforced the fines and corporal punishment decisions of the courts and great divan (Zarinebaf 2011, 12). For the execution of an order that came from the Porte, the Porte sent a *mübaşir* or a *çavuş* from that district who was appointed to that case to help the *kadı* act (Akdağ 1955, 50; Imber 1979, 263 264). The *muhtesib* (market police) was another official. He could also investigate suspects and

bring them to the court for various charges and enforce a punishment such as flogging like *subaşı* (Gerber 1994, 69, 71; Jennings 1978, 149, 154, 158-159).

3.3.2 Judicial Procedure

There were several ways to start a judicial process. The authorities (a police commander or a *kadı*) had to be notified about the offence by the victim, a witness, or an heir of the victim who came to court and made a complaint regarding a civil or criminal offense. Also, a petition by the victim could be given to the sultan or to a governor who would direct a police officer or a *kadı* to investigate the issue (Heyd 1973, 241; Jennings 1979, 152, 171; Zarinebaf 2011, 6, 23-24; Jennings 1978, 149). In victimless offences like violation of public morality, a complaint could be sent by a police officer or an *asesbaşı* (Heyd 1973, 241-242; Peters 2005, 79-80; Zarinebaf 2011, 6; Jennings 1978, 149, 165). A police officer could arrest a criminal and bring them to the court with witnesses for a trial and sentence (Zarinebaf 2011, 20). If a police officer or a *muhtesip* caught a suspect in the act they could punish the offender on the spot without a complaint (Heyd 1973, 236; Peters 2005, 80).

The *kadı* was given complete control of the legal procedure by the state, and it was always done according to sharia (Jennings 1979, 152, 166). The trial started once the plaintiff, offender, and witnesses were present in the court which was named as *meclis-i şer* or *mahfil-i şer* or in the hands of the executive such as *subaşı (*Heyd 1973, 243; Peters 2005, 81). The two sides of the case came to court willingly or they were brought by force (Jennings 1979, 177). The trial was open to anybody and the *şuhüd-ül hal* was present in each case (Akdağ 1979, 102-103). The process continued depending on the suspect's reputation, and the available evidence (Heyd 1973, 243; Peters 2005, 81; Yurseven and Şahin 2016, 173). Criminal cases were often seen in the presence of a *subaşı* (Jennings 1978, 166).

First, the *kadı* investigated the case (Peters 2005, 74-75; Scathch 1977, 90; Heyd 1973, 208; Jennings 1979, 153), which included collecting and considering the evidence,

conducting an investigation of crime evidence, and establishing the truthfulness of the witnesses and their testimonies (Peters 2005, 81; Heyd 1973, 244-245). After the statement of the complaint, the defendant was asked to state their innocence or guilt. Thus, the defendant had the opportunity to confess or claim to be innocent (Peters 2005, 81; Heyd 1973, 244-245; Jennings 1979, 153, 172; Peirce 2003, 102-103). If they confessed, they were sentenced to the appropriate penalty. If they claimed innocence, they had to defend themselves with a counter testimony or witness testimony against the plaintiff's claims, which were heard first if the defendant requested (Peters 2005, 81; Heyd 1973, 244-245; Jennings 1979, 153, 172; Ergene 2003, 64-65; Peirce 2003, 102-103). If the defendant could do so the case was closed without a hearing of the plaintiff's witnesses (eyewitness) (Jennings 1979, 173). If the defendant could not provide a confession or a witness, then the plaintiff had to bring their evidence. If there was no witness provided by either side other evidence was sought, though the two sides of the case had a certain period of time to provide witnesses for their statement if they did not have any ready (Jennings 1979, 173; Peirce 2003, 102-103). Also, in certain crimes field investigation was done by a group that was organized by the *kadı* and consisted of the *naib* of the *kadı*, a representative of the *sancakbey* if the complaint had a criminal nature, and a group of Muslims. They were entitled to go anywhere in the district and settle the case there (Jennings 1978, 146-159; Ergene 2003, 152; Peirce 2003, 102-103). If there was no witness or written evidence of the plaintiff, an oath was required from the defendant by the plaintiff or *kadı* about their innocence (except for *hadd* offences), in case of an oath of innocence the defendant was absolved from all accusations. Rarely could defendants request an oath of innocence from a plaintiff. A fatwa could also be considered at this point (Jennings 1979, 175-176, 246; Ergene 2003, 64-65; Peirce 2003, 102-103). If the defendant refused to take an oath and denied the accusation, the judgement was made in favor of the plaintiff (Schacht 1985, 190, 192-193).

After examining the evidence presented, the *kadı* either declared the innocence of the suspect or sentenced them to a penalty according to sharia, or sharia and *kânûn* depending on the case at hand (Heyd 1973, 254; Gerber 1994, 68; Jennings 1979, 153, 176). If the *kadı* found enough evidence to convict the suspect for the given allegation within the strength of the sharia, he would record the depositions or confessions of the witnesses and

his judgment of the punishment (Peters 2005, 75-76; Heyd 1973, 208; Schacht 1977, 90). The *kadı* sentenced the criminal either to a chastisement (*tazîr*) or to a fixed sharia penalty (Heyd 1973, 254). At the end of the trial a document that contained the facts of the case and the sentence was given to the executive officials so that they could give the necessary instructions (Heyd 1973, 255; Zarinebaf 2011, 26).

However, even if enough evidence was not found or the right conditions were not present for a sharia conviction, the case might result in a *siyâsa* punishment. In this case, another document (*hüccet*) which contained the relevant information without the sentence was prepared by the *kadı*, then the case was handed over to the executive authorities to be dealt with according to *siyâsa* (Heyd 1973, 217-218, 266; Peters 2005, 82, 88; Zarinebaf 2011, 26). Executive officials were able to take the necessary actions by the *hüccet*, but they could not take an action, or imprison or injure the person without the preliminary investigation of the *kadı* (Heyd 1973, 211, 266-267; Gerber 1994, 64; Imber 2006, 324-325; Zarinebaf 2011, 10; Jennings 1979, 159-162; Peirce 2003, 118-119). However, in practice this was not the case all the time. There is a high possibility that criminal cases were handled predominantly by executive officials without being subjected to judicial procedure in the fifteenth and sixteenth centuries and the *kadı's* role remained as hearing the case and recording basic facts of the case before handing it over to the *ehl-i örf* (Heyd 1973, 211, 266-267; Gerber 1994, 65-67; Imber 2006, 325; Zarinebaf 2011, 10, 20).

Tazîr punishment was determined by the *kadı* and was to be inflicted immediately, sometimes in the presence of the *kadı* (Acar 2001, 65-67; Schacht 1982, 197). For capital punishment the approval of the sultan or grand vizier was needed, yet in practice it was also given by the governors (Zarinebaf 2011, 31; Heyd 1973, 251; Peters 2005, 89-91). The *kadı* also had to notify the great divan about cases regarding the military, foreigners, state interests, and public security that included violent offences, as well as cases that involved a certain amount of money (Zarinebaf 2011, 24-25; Ergene 2003, 51; Coşgel and Ergene 2016, 67). According to the order of the state *kadıs*, police officers and governors had to cooperate in the arrest and punishment of criminals without breaching the legal limits in accordance with the sharia and to report back to the *kadı*. Ideally

governors also had to have the verdict of the *kadı* before enforcing the death penalty. This was not the case all the time (Zarinebaf 2011, 32).

In the judicial procedure, the last stage was to issue a fatwa which explained and summarized the case with all its facts, process, and verdict. In the case of the death penalty a fatwa was obligatory (Heyd 1973, 251; Peters 2005, 89-91). An appeal could be filed if a petition of revision sent to the sultan or the grand vizier was accepted (Heyd 1973, 258; Peters 2005, 91-92; Zarinebaf 2011, 29). In this case, a special investigator was appointed to reinvestigate the case and give a new decision, or the sultan could instruct the court to retry the case by the *kadı* (Heyd 1973, 212; Jennings 1979, 152).

3.4.   Prosecution, Punishment, and Heretics

3.4.1. How the Ottoman Empire Identified the Kızılbaş in Mühimme Records

In the sixteenth century the Ottoman state asserted and accepted certain behaviors, acts, and customary habits as the sign of certain socio-political groups. In this respect, particular attitudes and customs were associated with the *Kızılbaş*, who were seen as the main unorthodox or heretical group. According to these asserted allegations the prosecution of these communities proceeded.

In the *mühimme* records, it is possible to follow the ways in which the *Kızılbaş* groups were identified. Groups who had certain religious practices wwere identified as *Kızılbaş* because these practices were perceived as *rafz* traditions and heretic rituals (*rafz adeti üzere, âyîn-i bâtılları üzere*). *Kızılbaş* groups and individuals were accused and punished both for what they did and for what they did not do. On the one hand they had specific traditions and customs that were seen as offences. On the other hand, they did not do what Sunni Muslims should do, which again was seen as an offence by the state Not to show compliance to certain Sunni religious practices such as fasting and praying or to be ignorant of (*salât ve savm bilmemek*) was taken as one of the signs of being a *Kızılbaş* by

the state. Individuals and groups who insulted or debased the practices of Islam and its values within the context of the Sunni understanding of Islam and Sunni religious practices and who insulted or debased Sunni Muslims through words or acts such as insulting the prophet, his followers, and the four caliphs (*sebb-i Nebî, sebb-i Çehar-yâr, sebb-i sahâbeyi Güzîn*) were labeled *Kızılbaş.* Any kind of affiliation with or help given to the Safavids or their Shi'i disciples such as making donations of any kind and giving alms, made them *Kızılbaş* groups or *Kızılbaş* individuals in the state's judgement. Consequently, the *Kızılbaş* were accused of certain offences in relation to the attitudes and customs that were associated with being *Kızılbaş*. In cases we see the commitment of petty and grave offences and common immoralities by *Kızılbaş* individuals (Şavaş 2013, 182, 186, 195, 205). Based on these, they were prosecuted. By using the *mühimme* records, the accusations that were made against the *Kızılbaş* groups by the state are categorized in this thesis as: 1) acts and deeds seen as contrary to Sunni Islam and the *ehl-i sunnah*, 2) tradition and practices seen as contrary to state-prescribed Islam in relation to public morality, 3) behavior seen as a threat to state security, 4) Common offences committed by the *Kızılbaş*, and 5) being *Kızılbaş* or *Râfizî*. The next chapter will include a detailed analysis and explanation of these accusations.

3.4.2. Punishments That Were Given to the Kızılbaş

According to *mühimme* records, there were a number of punishments. Exile was given for offences that were associated with *Yukarı Cânib* i.e. the Iran-Safavid side. Exiled *Kızılbaş* were forced to cut all ties with their families and localities. Imprisonment was practiced for precautional purposes, usually until the verdict for the ultimate punishment came from the Porte or until the accused were sent to the Porte for their actual punishment. Galley punishment, punishment by drowning, stoning, burning, and *siyâset*, i.e. the death penalty, are stated in the *mühimme* records among the punishments for the *Kızılbaş* (Savaş 2013, 168, 170, 194). In many cases, the type of the penalty is not expressed openly, instead it is stated that the offender was to be dealt with (*hakkında gelme*), which mostly indicates a death penalty but might signify *tazîr* and sharia punishments as well (Savaş

2013, 196; Imber 1979, 270-271; Heyd 1973, 271, 257). Some orders only state that what the law necessitates should be done (Savaş 2013, 196).

4.   ACCUSATIONS AGAINST THE KIZILBAŞ

4.1.   Offences and the Kızılbaş

The Ottoman state made certain accusations against *Kızılbaş* individuals and groups in its territories, especially in Anatolia. This chapter examines the accusations made by the state against the *Kızılbaş* and traces the links with religion and politics, both direct and indirect, of these accusations. These accusations were often made in terms of public and state security and the maintenance of Sunni Muslim society because *Kızılbaş* groups and individuals were seen as dangerous, "heretical," and subversive politically and religiously. Scholars who study the accusations that were made against the *Kızılbaş* and their punishment either analyze the accusations as a whole without making any categorization (Refik 1932; Şener and Hezarfen 2002) or they take each offence as a single separate category, for example treating fornication as one category and robbery as another (Savaş 2018, 28-30). Here, I examine the accusations and offences that were made against the *Kızılbaş* in five main categories based on their type, content, and similarities, offering a broader categorization of offences rather than taking each offence or derivatives of one offence as a single category. I also show that while the offences can be categorized into five categories, these categories are intertwined with each other and overlap in different combinations.

The accusations that were made against the *Kızılbaş* groups by the state can be categorized as: 1) acts and deeds seen as contrary to Sunni Islam and the *ehl-i sunnah*, 2) tradition and practices seen as contrary to state-prescribed Islam in relation to public morality, 3) behavior seen as a threat to state security, 4) Common offences committed

by the *Kızılbaş*, and 5) being *Kızılbaş* or *Râfizî*. Among them, the offences in the fourth and fifth categories are the ones that solely relate to *Kızılbaş* persons or groups. *Mum söndürme* and celebrating Ashura in a certain manner, which are in the second category, as well as propaganda and various acts of Safavid disciples and interaction with the Safavid side, which are in the third category, were also specific to *Kızılbaş* groups or individuals. There are also certain offences among categories that are not solely specific to *Kızılbaş* individuals and groups, as other non-Sunni or Sunni Muslim individuals and groups could conduct such behaviors, such as insulting the prophet, not conducting religious practices, collecting money, collecting money and alms for certain purposes, and attempting to a rebellion. Therefore, at first glance these may not seem like accusations against *Kızılbaş*. However, when the identity of the person who committed these acts is expressed or implied as *Kızılbaş* or *râfizî* in the orders, they can be considered among the accusations against *Kızılbaş* individuals and groups by the state. By detecting these accusations, we can see what kind of accusations were made against *Kızılbaş* groups and individuals who were seen as religiously and politically subversive, and thus present a picture of the state's relationship with the *Kızılbaş*.

4.1.1. Acts and Deeds Seen as Contrary to Sunni Islam and the Ehl-i Sunnah

Starting with the first category, the Ottoman state investigated and punished people who were identified as *Kızılbaş* or were required report on them because it was heard or known that they insulted or debased the values, persons, and practices of the *ehl-i sunnah*. According to *mühimme* records insulting the prophet, his followers, and the four caliphs, debasing and insulting the Sunni Muslim community and their practices such as daily prayer and fasting, and denying and not applying these religious practices were seen very often as offences. Similarly, there are cases of rejection of the day of judgment. These accusations can be collected as one single category under the name of acts and deeds seen contrary to Sunni Islam and the *ehl-i sunnah*.

Insulting the four caliphs together with having *râfizî madhab* or being *Kızılbaş* were common accusations in this category. For example, Şehsuvar from Sereca was accused

of insulting the four caliphs in 1583. He was also accused of having *râfizî madhab* (Şener and Hezarfen, 2002, 181). There are further orders in which individuals were accused of not only insulting the four caliphs and/or the prophet but also of being *Kızılbaş* and not *ehl-i sunnah*. They were accused of being in treason against the *ehl-i sunnah* as in the case of Ahmed, Deran, Lemderhan, and Readbican from Çorum, in 1584. They were accused of being *Kızılbaş* and not e*hl-i sunnah*. According to the order, it was known by the Muslim community that they had insulted the four caliphs, committed treason against the *ehl-i sunnah*, and were constantly malignant (Şener and Hezarfen 2002, 197). In 1588, local authorities wrote a letter to the Porte stating that Ali and his son Mehmet from the village of Hızırbey in Çorum were from the *Revâfiz* community and that they had insulted the prophet and the four caliphs, printed counterfeit money among other accusations (Savaş 2018, 213; Şener and Hezafen 2002, 217). In the above examples, having a *râfizî madhab* (or, in different versions of this expression, having *rafz* and being from *Revâfiz* community) is a very clear accusation in meaning and significance.

Regarding the accusations of not being from the *ehl-i sunnah* and committing treason against the *ehl-i sunnah*, as in the case of Ahmed, Deran, Lemderhan, and Readbican from Çorum, the authorities probably accused these individuals of being *Kızılbaş* because *Kızılbaş* were not considered part of the *ehl-i sunnah*, and thus in a wider sense part of Islam, by the state and Ottoman jurists of the sixteenth century, as explained in the previous chapters.

Other than the above cases, accusations of mocking or denying certain beliefs of Sunni Muslims can be included in the acts and deeds seen contrary to Sunni Islam and the *ehl-i sunnah*, particularly the denial of the Day of Judgement. One such case was that of Koyun Baba who was accused of denying the *haşr ü neşr* (day of judgement), and having *ilhâd* and *rafz* (Savaş 2018, 181). There are also cases in which individuals were accused of denying the day of judgement and committing other offences which are not strictly associated with religious values. Taşcıoğlu Yusuf's case is one of them. Taşcıoğlu Yusuf was accused of both denying the day of judgement and being *zındîk* and a thief in 1588 (Şener and Hezarfen 2002, 215).

Kızılbaş individuals and groups also ignored, denied, or debased certain other religious practices. These acts were likewise seen as contrary to the Sunni understanding of Islam and *ehl-i sunnah*, and thus considered an offence by the state. In 1583 Pir Nazar from İskilip was accused of being a *Kızılbaş* and of depicting himself as "caliph" (chosen individuals that were sent to Anatolia by the Safavids for propaganda and for rallying supporters) by the Muslim community of İbik, a village in the İskilip district. He was accused of not praying because the imam's name was Omar, and not cursing the shah when he was asked to do so in the sharia court (Savaş 2018, 210; Şener and Hezarfen 2002, 179). Here it is seen that an individual did not pray because the imam's name was a Sunni name and did not curse the shah when it was demanded. In the eyes of the state this was a clear sign that he was a *Kızılbaş*.

In another case dated 1592 in Niksar, individuals named Ali Kulu Abdal, Katurcı Deli İbrahim, and Emin Koca were accused of not praying or fasting, like Pir Nazar above, but their reason was different. They said that their God was Ali, that they did not have to pray and fast according to their belief and that their Kaaba was the tomb of imam Hüseyin (Savaş 2018, 213). Here in the words of the suspects it is seen that the defiance of Sunni Islam was not just done by ignoring religious duties, but also by humiliating, insulting, and denying their existence and legitimacy. In these cases, it can be said that not only the acts of the suspects but also their verbal expressions were considered an offence. Here, there is an indirect reference to being *Kızılbaş*.

These cases show that people were identified directly or indirectly as *Kızılbaş/râfizî* and were at the same time accused of not conducting Sunni Islamic practices or denying them in various forms. In some orders, it is just stated that they do not practice certain requirements of Islam (according to the Sunni understanding of it) such as praying or fasting. In others, the reasons for not participating in religious practices or not conducting them are conveyed based on the statements of the offenders cited in the orders.

Kızılbaş individuals were also accused of general immorality or malignancy without explanation or definition. However, it can be said that these immoralities were mostly related to Sunni understandings of Islam. Acting against the sharia (*hilâf-ı şer*), reneging,

gossiping, lying, or having attitudes that are malignant with respect to (Sunni) Muslims and inciting them to the wrong path can also be considered in this category of accusation. They can be found together with other offences that were not committed directly against religion, such as robbery. The case of Bekir bin Cevher who was from the Paşa village, and the case of Aşık, Emir, and Zati from Karahisar, are similar to each other. All these men were accused of making unjust complains about Muslims e*hl-i örf*, offending the *hilâf-ı şer* by their manners, and acting against the *hilâf-ı şer* in 1585 and 1583, respectively (Savaş 2018, 212-213; Şener and Hezarfen 2002, 187). While Bekir was accused of being *râfizî* and *Kızılbaş*, Emir and Aşık only were accused of being *Kızılbaş*. According to the document, this accusation of being *Kızılbaş* was not made against Zati, who thus may not have been a *Kızılbaş,* but only a person who acted against sharia, robbed people, and caused problems for Muslims (Savaş 2018, 212-213; Şener and Hezarfen 2002, 187). All of them were accused of robbery and malignancy as well (Savaş 2018, 212-213; Şener and Hezarfen 2002, 187).

Overall, while certain offences can be put into the category of acts and deeds that were seen as contrary to Sunni Islam and *ehl-i sunnah* based on their similarities, this category overlaps with others, as will be seen below, and includes different types of accusations too. For example, in the cases of Pir Nazar from 1583, Taşcıoğlu Yusuf from 1588, and Bekir Bin Cevher from 1585 above we also see accusations of being loyal to Iran, which was seen as a threat to state security with accusations of violating and debasing the principles and values of the Sunni understanding of Islam and the *ehl-i sunnah.* In the above cases, the accusations of being *Kızılbaş* were also combined with petty crimes and immoralities. Hence, the petty offences can be found alongside offences that were seen contrary to the Sunni understanding of Islam and offences that were seen as threats to state security.

4.1.2. Traditions or Religious Practices Seen as Contrary to State Prescribed Islam in Relation to Public Morality

Kızılbaş individuals and groups were accused of following some traditions or religious practices which were seen as contrary to state prescribed Islam. One of these was the *âyîn-i Cem* which is both a cultural and a religious practice. *Âyîn-i Cem* was the *Kızılbaş* name for the practice of their ritual, which was called *mum söndürme* by the Ottoman authorities. This practice included gathering in mixed groups in an isolated place, singing songs with musical instruments, and drinking alcohol, and the state assumed that acts of sexual intercourse were also present. The state saw it as a slanderous and offensive act and was seen as an offence itself.

There are many orders regarding the act of *mum söndürme* and/or what it entails. In 1571, İlyas from Hamidbüki village accused certain individuals from certain districts of *mum söndürme* and being *Kızılbaş*. He was not the only one. According to the order, there were other complaints by the community as well regarding these people and the said offences. A woman testified that her husband, Kara Receb, and some other people practiced *mum söndürme* and were *Kızılbaş* in the sharia court (Yıldırım et al. 1996, 68).

Mum söndürme or the acts it entailed was also defined as *âyîn-i bâtın* (heretic ceremony) as we can see in an order dated 1577 which was sent to the *beylerbey* of Rum and the *kadıs* of Çorum and Mecidiözü in which the act was not defined as *mum söndürme* but as *âyîn-i bâtıl* (heretic ceremony). In this order Habil, who was stated as Shi'i disciple, Mehmet, Mahmut Baba, Kasım, and Hasan were accused of conducting the behaviors that were defined as *mum söndürme* in accordance with their heretical ceremony (*âyîn-i bâtılları üzere*). At the same time, they were accused of pretending to be Sunni Muslims while actually being *Kızılbaş* and bringing self-indulgent people (*ehl-i hevâ*) to their gatherings. These were seen as acts of *fesâd (*malignancy) (Savaş 2018, 193).

Besides being defined as *mum söndürme* and *âyîn-i bâtıl*, the act of gathering in mixed groups and drinking wine was defined as a practice of the *Kızılbaş*. It is possible to see an example of this in an order dated 1577 in which a person named Beğ from the Tola(?)* village of Çorum was accused of gathering with men and women and drinking wine in accordance with *Kızılbaş* practice (*Kızılbaş tavrı üzere*) by Emir and Mehmet *sipahis* and others. According to the order, many offerings, sacrificial animals, *çerâğ* and *nezir* (gifts

and money) were collected and given to Beğ by various people. Therefore, he was implicitly accused of collecting them (Savaş 2018, 195; Şener and Hezarfen, 2002, 101).

Irene Melikoff states that Bektaşi and Alevi communities were accused of drinking at night, which was called *mum söndü*. According to Melikoff, Alevis sacrificed a rooster in the *sülük* ceremony. People who accuse them of *mum söndürme* and drinking claim that the drinking started after the rooster crowed and the mums (candles) were extinguished. She explains that because *Alevis* and *Bektaşis* were forced to do their rituals and practices at night and in secret, this turned them into closed communities and eventually brought a secrecy and they came to known as practicing rituals in secret. Therefore, it is assumed that the ceremonies with alcohol started after the *ayin-i cem* that was done at night and when the *mums* that were lit were extinguished, which is why it was called *mum söndü* by the people who accused these groups. It can be said that in the Ottoman context and legal documents not only was *âyîn-i cem* disparagingly named *mum söndürme* and seen as an offence itself, but there was also the assumption and consequently the accusation of having illegal sexual intercourse which accompanied this tradition/religious practice of the *Kızılbaş* (Melikoff 1993, 26-27, 89-90; Doğan and Çelik 2014, 129-130).

In respect to the *Kızılbaş* attitude and *rafz* tradition, there are cases specific to Mosul in which people were accused of gathering during Ashura, and celebrating it in a specific manner (with kettledrum and *nakkâre,* with music) thus breaching the banishment of it. This meant that it was against the *hilâf-ı şer* and was a betrayal of the *ehl-i sunnah* and the Muslim community. It can be said that these were all treated as the tradition, practice, or ceremony of *rafz* and the *Kızılbaş* in the orders and were predominantly associated with them (Savaş 2018, 182; Yıldırım et al. 1995, 388).

In accordance with the discourses and understandings of the age the Safavids and the Ottomans had similar motives, and both of them called each other "heretic and rebel." They tried to suppress Sunni and Shi'i Islam respectively as the protectors of the "true Islamic belief." (Imber 2006, 57-58; Lewis 1996, 113-114; Faroqhi and Fleet 2013, 11, 107). Therefore, in the Ottoman Empire these specific acts such as *mum söndürme*, or

events such as Ashura acted out by *Kızılbaş* groups, were seen as offences for two reasons. Firstly, they contained certain acts such as drinking alcohol and assumed illegal sexual intercourse which are directly contrary to Sunni Islamic teaching. Secondly, these acts were seen as an offence due to their potential of corrupting Muslims, Sunni Muslim society, and its morality. It is possible to see this concern in the form of an accusation in the example of Habil, Mehmet, Mahmut Baba, Kasım, and Hasan, in which they were accused of acting Sunni while actually being *Kızılbaş* and of inviting people to their illicit gathering. Hence, they were considered as an offence by the state in 1577 (Savaş 2018, 193). In a similar order dated 1577, in Manisa "Kızılbaş" and "melâhide" İmir Ali, Hamza, and Sofuoğlu Mehmet were accused of being followers of "mülhid" Baba Bendi who had been burned at the stake and whose followers had been dispersed. They were also accused of gathering in an isolated place, leading ignorant non-Muslims from their beliefs, and converting them (Şener and Hezarfen 2002, 113). This is an extraordinary case. Although in theory there is no burning as a punishment in the sharia, appreantly it was appllied in practice. According to Taner Akçam, AbuBakr applied burning at the stake as punishment for apostates. For the Ottoman period Akçam describes the burning of Fazıl Tebrizi who was a Hurufi in the Edirne mosque by the head müftü of the period. He states that this happened before 1465. As a source for this event Akçam gives Rıza Zelyut's narrative which conveys this story form Taşköprülüzade's Şakaik-i Numaniyye (Akçam 1992, 25, 61, 354).

Therefore while playing music and dance were not offences in state-prescribed Sunni Islam and public morality, conducting them as religious practice and together with the acts of drinking wine, gathering of unrelated men and women, and having assumed illegal sexual intercourse which are contrary to Sunni Islamic understandings and were seen as contrary to public morality and the Islamic understanding of the sixteenth-century Ottoman Empire made this act of *mum söndürme* an offence in the state's regard.

These acts that are mentioned here can be found together with the acts which are in the first category of offences: acts seen as contrary to Sunni Islam and the e*hl-i sunnah*. The following examples demonstrate this. In an order dated 1569, besides being accused of *mum söndürme* and having *râfizî madhab*, Hacı bin Isa, Receb bin Ramazan, Yusuf bin

Ramazan, Mustafa bin Hasan, Bayram bin Pir Ali, Himmet bin Turak, and Mehmed bin Musa were also accused of never praying, never fasting, and insulting the four caliphs (Yıldırım et al. 1999, 81-82). In 1581 certain individuals who were stated as being from the *Revâfiz* community and being *mülhid* were accused of not only gathering with their wives and daughters at nights and having illegal sexual intercourse with one another's wives and daughters, but also of insulting the four caliphs and Muslims by calling them *Yezid* openly, and not knowing how to pray and fast. In addition to these accusations, they were also accused of not naming their sons with the names of Omar and Osman and not carrying the name of Omar or Osman themselves. Moreover, among them there were people who were Shi'i disciples of Iran and they brought their shah's possessions and circulated them in the region. Also, it is said that the disciples Celal and Resul arranged gatherings for the sake of religion and influenced other people in this. Therefore, they were accused of acting against the sharia (Şener and Hezarfen 2002, 147). Similar accusations can be found in an order about certain *Kızılbaş* and "mülhid*" tâife* in various districts and in another order dated 1592. In them individuals were accused not only of the offense of *mum söndürme* and related offences, but were also accused of acting against *hilâf-ı şer* and insulting the four caliphs (Savaş 2013, 206; Şener and Hezarfen 2002, 219).

There are also cases in which the abovementioned acts above are found together with acts seen as a threat to state security. Since being a disciple and collecting *nezir, çerâğ*, and sacrificial animals are among these offences, the case of Beğ from Tola and the cases of Celal and Resul from the order dated 1581 can be considered examples of this association. Moreover, it is possible to see accusations in these three categories in the same order. Therefore, these orders demonstrate that various kinds of offences can be found in the same order and individuals can be accused of all of them.

4.1.2. Conduct Seen as a Threat to State Security

Any act that provided material and verbal support to the Safavids by *Kızılbaş* groups or individuals was seen as a threat to state security by the Ottoman state. Any related act that

could endanger the state and its security was also seen as a threat. These conducts can be divided into four groups: a) any kind of material and verbal support i.e. collecting and sending money, alms, sacrificial animals, precious metals, and weapons, b) any act of propaganda, espionage, or rallying supporters which are usually done by disciples, c) any act that jeopardizes or sabotages the state itself or its acts, including rebellion, d) any interaction with and/or inclination to the *Yukarı Cânib* i.e. Iran-Safavid side or any act in relation to it. They can be collected under one category as acts that were seen as a threat to state security. They were seen as punishable acts by the state because they were perceived as menaces to state security.

In this category many orders are about collecting and sending money, alms, sacrificial animals, metals such as iron, timber, and weapons to the Safavid side. For example, in 1565 Bali bin Saruca, Mehmed bin Turak, Mirza bin Mustafa, Halil bin Hamza, and Zülfikar bin Mehmed were sentenced to *siyâsa* punishment because they took clothes and gold from the public saying that it was *nuzur* (money). They were caught on their way to *Yukarı Cânib* and confessed their crimes (Yıldırım et al. 1995, 242-243). In another order dated 1579, during the investigation of villages near Ankara that were known with *rafz* and *ilhâd* and that were accused of being so, two individuals who were accused of collecting *nezir* and gifts from the inhabitants of the village were caught (Şener and Hezarfen 2002, 127). In the same manner, Hacı Mehmet, khatib of *Cami-i Kebir* accused Eymir Hasan, Mustafa, and Kürtül Mustafa of giving horseshoes and studs to *Yukarı Cânib* annually in 1568. Also, according to the order another person named Enişin(?) bin Yusuf was accused of being in the service of *Yukarı Cânib* and interacting with it (Yıldırm et al. 1999, 6-7). In a different order dated 1568 regarding the smuggling of valuable metals to the Safavid territory, the Porte inquired how 183 carriages of timber and iron were collected from the interior provinces and transported to *Şark Cânibi* (East side) and why it was not prevented despite the fact that it had been forbidden (Yıldırım et al. 1999, 368). There are cases in which sheep were sent rather than metals or money to *Yukarı Cânib.* The Ulus community from Erzurum was accused of sending sheep to the *Kızılbaş Cânib* in 1545. According to the order, this action had been forbidden by the state (Sahillioğlu 2002, 306).

In these cases, certain people provided material or financial support to Iran. Celalzade in his *Tabakât* states that the power base of the *Kızılbaş* was Anatolia because it was there that they were getting their weapons and materials (Boyar 2013, 114). The orders seem to demonstrate the accuracy of his statement. Therefore, it can be said that the state considered the transfer of any metal from its lands to the Safavids' lands as an offence and a punishable act. These orders demonstrate that this kind of offence was committed in our examples by *Kızılbaş* groups and individuals with the aim of helping Iran. There are orders that indicate the aim behind this action very clearly. For instance, in 1568 certain "melâhide" people were accused of collecting alms and *nuzur* (money) and of giving them to the envoy of *Yukarı Cânib* who came to *Âsitâne-i Sâadet* (the capital) with the permission of the sultan (Yıldırm et al. 1999, 4-5, 317). According to another order certain people from the communities of İzlü, Rişvan, Eşkanlı Solaklu, Şeyh Hüseyinlü, Soydanlı, Eğribüklü, Adalu, Kalaçaklu, Bezki, Çakallu, Mihriman, Karasaz, and Kömürlü were accused of sending *nezir* (money) to the *şâki* (the evil person) who appeared in the name of Shah Ismail (Savaş 2018, 198-199).

In these cases, we can see the economic implication of Safavid propaganda and the employment of disciples. In one of these orders it is indicated that the money and alms were collected by disciples in the name of the shah. It is known that until Bayezid II annual financial help was sent to the *Safeviyye* order by the state. Although Ismail and Tahmasp were not the leaders of a religious order but rather heads of a state, it seems that this practice had been continued by the population and could not be prevented by the Ottoman state even after the Amasya peace and continued in Murad III's reign (Boyar 2013, 98, 132; Refik 1932, 39–40). It is not certain whether this economic help was sent to the Ardabil lodge as religious alms or as a contribution to political aims. In both cases it was unacceptable by the Ottoman state. However, since the annual help to the *Safeviyye* order was cut when the Safavids became a political entity and a threat to the Ottoman state, the Ottoman state assumed that money and any kind of metal that were sent to the Safavid state was for political aims. Therefore, it was considered an offence that threatened state security and was punished accordingly.

Besides providing material and financial help to the Safavids, *Kızılbaş* groups and individuals were also accused of espionage, rallying supporters, making propaganda, and consequently of being disciples of Iran. In most of the orders, the quality and content of espionage, rallying supporters, and propaganda are not stated. There are only statements of the offences that were committed. However, it can be said that they had both a religious and political quality. For instance, persons named Veled-i Babay and Sulbioğlu Pir Civan were accused of espionage besides being famous for their *ilhâd* and *rafz,* collecting alms and money for *Yukarı Cânib*, and taking them there (Savaş 2018, 194). In 1583, all the inhabitants of the town of Hoy that was reconquered from "Kızılbaş bed-ma'aş" were accused of being *râfizî* and betraying the community of *ehl-i sunnah.* They were also accused of espionage for *Yukarı Cânib (*Şener and Hazerfen 2002, 177).

According to another order dated 1577, certain "melâhide" people were accused of interacting with *Yukarı Cânib,* sending *nuzur* and alms, and espionage (Savaş 2018, 188-189). In 1568, Süleyman Fakih was accused of being one of the disciples of *Yukarı Cânib,* allying and gathering with other "melâhide" and "müfsid" who were also disciples of *Yukarı Cânib* and they were accused of misleading Muslims (Yıldırım et al. 1999, 47-48). *Sipahi* Hamza oğlu Ibrahim accused Ihtiyar oğlu Mansur Halife who was a relative of Emir Ali Halife and Helkeri(?) /Nakleni oğlu(?) and other "râfizî" and "mülhid" people of being disciples of the *Yukarı Cânib* and interacting with it in 1579 (Savaş 2018, 202; Şener and Hezarfen 2002, 125). Cevşid(?) oğlu Hüseyin was accused of being a disciple of the shah in 1578 (Savaş 2018, 197; Şener and Hezarfen 2002, 115). In a similar fashion, Nur Baba from the community of Dokuz was accused of being *Kızılbaş* and being the head of approximately 1000 people in the province. He was also accused of interacting with *Yukarı Cânib* and gathering in an isolated place for *ayin-i bi-l-ilhâd* (heretic ceremony) in 1578 (Şener and Hezarfen 2002, 121).

The shah sent his disciples to the Ottoman land to do his propaganda and this propaganda was both political and religious. Hadidi in his account states that the people named as "caliph" who were sent by the shah led "astray the ignorant people," called them to their own *madhab* committing treachery and deceit in Anatolia (Hadidi 1991, 385-386). Celalzade Mustafa has similar explanations in his account (Celalzade 1990, 129). In these

orders, there is no explanation regarding what kind of propaganda, mobilization of supporters, and espionage were done. However, implications such as misleading people, gathering and allying with other disruptors, and "melâhide" are stated in the documents regarding these activities of *Kızılbaş* and their disciples. The state claimed that the gatherings and participation in "âyîn-i bâtıl" were ways in which the *Kızılbaş* conveyed the political and religious message of the Safavids and to attract or in the eyes of the state to "mislead" Muslims to the "heretic" Shi'i understanding and consequently its protector, the shah.

In one order, it is stated that Nur Baba was the head of approximately 1000 people who were *Kızılbaş* and adherents of the Safavid. Their number alone was enough to create the potential danger of rebellion. There were instances of rebellion that were initiated by caliphs of Iran in Ottoman history. The Şah Kulu rebellion was started by Şah Kulu Baba Tekeli, son of Haydar Halife who was a principal follower of sheik Haydar (Imber 2006, 56-57). In 1520 the Şah Veli bin Celal rebellion was provoked by the Safavids. Baba Zünnün who led the Turcomans to rebel in 1526 was a sufi preacher, and there was also Safavid influence in this revolt (Boyar 2013, 115). In the same manner the Kalenderoğlu revolt was also initiated by a dervish and supported by the Turcoman masses who were supportive of the Safavids religiously and politically (Shaw 1976, 92; Imber 2006, 64). While economic and political causes were dominant in these revolts, the Safavid propaganda to gather adherents that was undertaken by their followers was effective in these revolts. Therefore, any kind of propaganda, rallying of supporters, or espionage that was done by disciples and the potential harm that these acts carried was considered an offence in religio-political axis and punished accordingly by the state.

Besides these revolts, there were others that were not realized. In an order dated 1578, Suleyman from the village of Vasıl (between Antep and Birecik) was accused of rebelling against the state by gathering 40-50 men and going to join the person from Şam Bayadi Turcoman who claimed that he was Shah Ismail, and rebelled against the state (Şener and Hezarfen 2002, 119). Similarly, in 1585, sheikh Haydar from Bolnu, a village in the Amasya district, was accused of being a disciple of *Kızılbaş*, collecting *nezir* for the shah, and organizing gatherings in places where there were *Kızılbaş*, and of saying "I was with

the shah, I was delegated with collecting forty thousand men from this side. Be ready immediately. The shah will surely come to this side.". He was accused of preparing to rebel by the community of Amasya (Savaş 2018, 211; Şener and Hezarfen 2002, 207).

There are also orders in which *Kızılbaş* were accused of jeopardizing the state's acts and movements. In an order dated 1582/1583, certain "Kızılbaş-ı bed ma'aş" were accused of preventing the supply of provisions and money to Tiflis. They were also accused of plundering animal flocks (Ünal 1995, 81). In 1583/1584, Emir Han from the *Kızılbaş* side was accused of conducting malignancy constantly in Ottoman lands, building castles in the districts of Urmiye, Selemas, and Koyi, and putting many men in these castles. According to the order, the Beylerbey of Van stated that the security and protection of the country were not possible because of this situation (Ünal 1995, 163). It is understood that these acts undermined state security by putting the state in a weak position against the Safavid threats. They were done by *Kızılbaş* individuals or groups who gave active political support to the Safavids.

In addition to these, there are many accusations for the offence of interacting with *Yukarı Cânib* and/or being inclined to it. According to an order dated 1577, certain people were accused of alliance and adherence to *Yukarı Cânib,* as well as having *ilhâd* and *rafz*. It was stated that many people traveled between Ottoman and Iran (Savaş 2018, 189). In another order dated 1577 people from the communities of Basyan and Bozyan were accused of alliance and adherence to *Yukarı Cânib* as well as having *rafz* and *ilhâd* (Savaş 2018, 189). In a different order dated 1566 certain *dirlik* (land smaller than fief) holders in Van were accused of being *Kızılbaş* and allying with *Yukarı Cânib* (Savaş 2013, 161). According to a record dated 1514 in the *kadı sicil* of Üsküdar, Seydi Sevindik was brought to court with the accusation of being *Kızılbaş* and speaking with a Persian envoy at night in his tent (Yılmaz 2008, 129).

By looking these cases, it cannot be said with certainty what comprised the acts of interaction, alliance, and inclination, or what the state understood by these terms. There are only expressions of "inclination to *Yukarı Cânib*" or "interaction with *Yukarı Cânib*" in most of the orders and they do not give a clear indication of what this could be. This is

unlike the cases of espionage or acts of disciples in which the conduct that was seen as a threat to state security can be predicted.

It can be asserted that these interactions referred to all activities by disciples of the Shah and the possibility of those accused of being disciples as in the case of Seydi Sevindik who was accused of being *Kızılbaş* and speaking with the envoy of Iran in 1514. This indicates that he was possibly a disciple and was planning propaganda and/or espionage for Iran. Other than this, it can be said that accusations of interaction contained the acts of sending monetary and material help to *Yukarı Cânib* by *Kızılbaş* or *Kızılbaş* sympathizers as well as taking a part in an act which jeopardized state security and/or in an illicit gathering where Safavid propaganda was made. Besides these, it can be assumed that the accusation of being in interaction with *Yukarı Cânib* signified the general way of conduct or character of *Kızılbaş* and all possible acts that were considered a threat to state security could be committed by them.

For example, Süleyman, his brother, Aygud, Kara Yaşmakçı, Hızır Halife, Oruç, and Kara Ibrahim were accused of being *Kızılbaş* and interacting with *Yukarı Cânib* (Savaş, 2018, 202). According to another order among people who were in prison because they interacted with *Yukarı Cânib,* Usta Divane Mahmut Halife, and İç(?) Haydar and Oruç from the Hüseyinabad district escaped from prison (Savaş, 2018, 203). In 1570, 59 "melâhide" were accused of having adherence to *Yukarı Cânib* in Amasya (Şener and Hezarfen 2002, 43). In all these cases the offence of interacting with or inclination to *Yukarı Cânib* can be interpreted as a general sympathy towards Iran and it can be taken in terms of the possibility of committing an offence that would threaten state security. These people were either *Kızılbaş* or accused of being so by the state, and they committed acts contrary to state security.

Overall, *Kızılbaş* persons or groups were accused of various offences that were connected to *Yukarı Cânib* and were committed for the benefit of the Safavids and to the detriment of the Ottoman state. These accusations range from being a disciple of Iran, having sympathy for and an inclination towards *Yukarı Cânib,* to provoking people to

insurgency, espionage, propaganda, and sending money to Iran. They can be categorized as acts seen as a threat to state security.

Like other categories, offences that threatened state security can be found together with offences from other categories such as the offences in the first and second categories. While this can be traced in the above cases, the following cases show this association more clearly. In the year 1584 Dervişoğlu Şaban was accused of being *Kızılbaş, râfizî*, and interacting with Iran. He was also accused of insulting the four caliphs and gathering with unrelated women at night with song and music (Şener and Hezarfen 2002, 191). According to an order dated 1577, Pir Ahmed was accused of interacting with *Yukarı Cânib*, sending offerings there, gathering with unrelated women, and insulting the four caliphs (Şener and Hezarfen 2002, 95).

In 1565, Alaybeyi Ali and some of his relatives were accused of various offences. He was accused of bullying the *sipahi* community and inhabitants of the area. Also, he was accused of sending his people, relatives, and guards to a person named Hüsam who he appointed as *naib*. One of his relatives, Katib Hasan Babası, was accused of saying "no sword can be held against the shah" in the eastern campaign and leaving his *dirlik*. He was also accused of having relatives who had *dirliks* in *Yukarı Cânib*. He was accused of corresponding and interacting with *Yukarı Cânib* constantly. Besides these, Ak Mehmet who was a relative of Alaybeyi Ali was accused of saying, "a cloth of Shah Ismail is a remedy for women who cannot give birth to a child." (Savaş 2018, 160-161). In another order, the *kadı* of Koyluhisar accused *Sipahi* Bayram bin Pirzade and certain people from the district of Cafer of being *Kızılbaş* and insulting the four caliphs in front of a person named Eşref Halife who was from the community of Tat. The *kadı* of Koyluhisar also accused them of drinking water from the cloth of shah Mehmet and giving their wives' jewelry to the *Sürhser* (*Kızılbaş* in Persian) as *nezir* (Savaş 2018, 174-175).

Lastly, in an order dated 1585 many people were accused of various offences. Pirden and Mehmet from the village of Maraza (?) were accused of being *Kızılbaş* and bringing *nezir* to the shah. In the same order from the village of Maraza (?), Çapardan Ali Pir Cabi, Kerim Cabi, and a person named Yusuf from Sofılar, a village in the Kengiri district,

individuals named Sorca Ali, Kara Mehmet, and Süleyman from Kınık, a village in the Kalacık district, and lastly a person named Zeynel from Erçek, a village in the Kurşunlu district were accused of being *râfizî*. A person named Yusuf was accused of being a disciple of these people, arranging gatherings with his followers in Sofılar village, and of insulting the four caliphs *(*Şener and Hezarfen 2002, 205). In these cases people were accused of both offences that threatened state security, and the *mum söndürme* rite and insulting the four caliphs which were seen as contrary to Sunni Islam and public morality. Therefore, as these orders demonstrate, in this category as well there are overlaps with other categories.

4.1.4. Common Offences Committed by the Kızılbaş

Other than the more specific offences mentioned previously, *Kızılbaş* individuals and groups were involved in common offences such as robbery, rape, and immoral behavior, that any person from any religion or sect can commit. In most cases *Kızılbaş/râfizî* individuals or groups who were defined and accused as such were also accused of these common offences and not necessarily of those offences which were more related to the "political" and/or "religious" connotations and attitudes of the *Kızılbaş*. In orders, first the persons or groups are accused of being *Kızılbaş/râfizî, mülhid,* or *ehl-i fesâd,* and then they are accused of common offences. In the punishment part, the statement of them being *Kızılbaş/râfizî* is reasserted before the punishment is prescribed. This gives the impression that their identification as *Kızılbaş* was not a complementary or additional qualification to strengthen the actual accusation, but was part of the actual offence.

For example, according to an order dated 1577, Nebi Bin Rüstem, Hasan bin Ali, Nur Ali bin Ekber, and Salbaş Hızır from the Havza district were found guilty of *rafz, ilhâd*, malignancy, and robbery in the presence of *toprak kadısı* (Şener and Hezarfen 2002, 87). In the Karahisar Şarki region some people were accused of being *Kızılbaş, râfizî,* and *mülhid.* They were also accused of robbery, aiding robbery, and waylaying in 1585. In addition, they were accused of having gatherings and communities in the villages and having attitudes that are malignant and against sharia (Şener and Hezarfen 2002, 107).

In 1572 Şah Hüseyin, his son Mehmet, and other individuals named Pir Kulu, Hasan, Hüseyin, Şahkulu, Şahiddürrühman Eryetdi, Veli, Şah-Ali, Sevindik, and Seyhi were accused of being *Kızılbaş* and *ehl-i fesâd,* robing the possessions of Muslims, and assaulting Muslim women (Yıldırm et al. 1996, 101). In a different order dated 1568/1569, two people named Murad and Veled who were known as Şerefbeğlü were accused of being *Kızılbaş* and being brigands of Dulkadirlü by the *kadı* of Derende. They were accused of waylaying between Derende and the Elbistan district. According to the order, they robbed Muslims' possessions and took their wives, horses, and mules by force with 15-20 brigands in Derende (1999, 202, 255).

We cannot, at this point, gather from the sources whether there was something specific to being Kızılbaş in relation to these accusations. However, it seems that being *Kızılbaş* was associated with common offences. Here, we see that *Kızılbaş* people were accused of more precise and concrete offences such as robbery and waylaying in comparison to accusations of being malignant. In these accusations of common offences and turpitudes *Kızılbaş* groups and individuals were not considered predominantly subversive to the state politically and religiously. In these cases, it seems that they were seen as disrupting social peace and order. They show that from time to time *Kızılbaş* were accused and punished for actions that were disruptive to the moral and social norms of society and security, and not for acts that could be interpreted as the result of political and religious opposition.

The most common offences that can be considered in this category were robbery, abetting a robbery, waylaying, rape, harassing people, and malignant behavior. According to the orders that can be put in this category, *Kızılbaş* groups and individuals were accused of acts that disrupted and threatened other individuals and public security, as well as the morality and wellbeing of society, in the same way that other non-*Kızılbaş* groups were.

4.1.5. Being Kızılbaş or Râfizî as a Punishable Quality

It seems that aside from the other offences stated in this work, to be known as a *Kızılbaş, râfizî,* or *mülhid,* or to be reported as one or all of these, individuals and communities

could be investigated, reported, and punished without a definite accusation. Hence, this can be considered another category. For instance, in 1572 Erdivan, Çırak, and Ali, who were sheikhs in a *Matayı* lodge, as well as certain other people, were accused of being *Kızılbaş* and *râfizî*. According to the statement of witnesses, previously their brother Erzman had been recorded in the *Sürsher* notebook and executed by the beylerbey while the others ran away (Refik 1932, 57). Yitilmiş Abdal was accused of being Kızılbaş by the kadı of Elbistan in 1577 (Refik 1932, 63). In a similar way, according to the record of the *kadı sicil* of Üsküdar from 1514, Ali b. Koçu, Mustafa b. Bahadır, and Mehmed b. Ali were witnesses of Şah Bali and swore in the sharia court that Şah Bali b. Ali Fakih was not a *Kızılbaş* (Yılmaz 2008, 120). This indicates that Şah Bali was accused of being *Kızılbaş.* In 1578 in the Kürtün district people who were known as *Kızılbaş, râfizî,* and *mülhid* were sentenced to exile in Cyprus (Savaş, 2013, 196).

In these orders it seems that people were accused, investigated, and punished solely for the offence of becoming *Kızılbaş* or being *Kızılbaş/râfizî* and not for any other offence, since there is not any clear statement regarding other offences. The existence of the *Sürhser* notebook as well as the orders from the Porte to investigate and capture the *Kızılbaş* are indications of the profiling, surveillance, and investigation of these groups (Imber 1976, 247-248).

The following orders are about the investigation of people who were accused of being *Kızılbaş*, and of being malignant. In Merzifon during the enforcement of an investigation order regarding the "melâhide" who were known as Kızılbaş, suspicious individuals named Vehhab Dede and Mehmet were accused of being *Kızıllbaş* and of various kinds of malignancy in 1571 (Yıldırım et al. 1996, 408). According to a similar order from 1570, the Bey of Aydın stated that he caught nine persons who were known for their *rafz* and *ilhâd* as well as for their malignancy (Şener and Hezarfen, 2002, 45). In these cases, general orders were given regarding the investigation and punishment of the people who were known *Kızılbaş*.

While there are general statements of malignancy in the above orders, as the following cases show misleading Muslims, having another religious opinion and not following the

ehl-i sunnah path, crimes accompanied the quality of being known or reported as *Kızılbaş* and/or *râfizî*. In addition to these*,* being in betrayal against the *ehl-i sunnah* as well as interacting with the Safavid side and committing various petty offences also accompanied the quality of being known or reported as *Kızılbaş* and/or *râfizî*. In Çorum Ahmet, Turak, Turhan, Dede(?), Aydın (?), Habil (?) and Ademcan (?) were accused of being *Kızılbaş* and not *ehl-i sunnah* in 1585. They were also accused of committing treason against Muslims and the four caliphs. They were accused of acting malignantly as well (2018, 211-212). In the same manner, in 1577 a person named Kör Tatar from the community of Dokuz in the Kosan district of Adana was accused of being *râfizî*. He was also accused of serving in the *revâfiz* community, deviating people from their *madhab*, gathering people around himself, and doing malignancy all the time (Şener and Hezarfen 2002, 97). In these orders accusations of not being *ehl-i sunnah*, committing treason against Muslim, and deviating people from their *madhab* accompanied the accusations of being *Kızılbaş* and *râfizî*.

Other than the offences that were seen as contrary to Sunni Islam, there are cases in which the offences which were seen as a threat to state security accompanied an accusation of being reported as *Kızılbaş/râfizî*. In 1578, the Porte required the capture of people who were known as *Kızılbaş* and *râfizî* and who sent alms and money to *Yukarı Cânib* (Şener and Hezarfen 2002, 111). In a different order, Abdurrahman, the *kadı* naib of Sivas and Mustafa*,* the *kadı* of Divriği accused Çini Mehmet from Divriği of being *Kızılbaş* and interacting with *Yukarı Cânib* (Savaş 2018, 208). In another order dated 1577, a spy of the Porte accused the inhabitants of Kangallı, Alipınarı close to Sivas, and people who lived in the vicinity of these places as well as the vast majority of people in Amasya, Çorum, Hüseyinabad, the plateau of Merzifon and people in the vicinity of these places of being famous for *rafz* and *ilhâd*. They were also accused of having the inclination and sympathy towards *Yukarı Cânib* and of interacting with *Yukarı Cânib* and sending *nuzur* and alms there (Kahveci 1998, 256-257).

It can be stated that collecting and sending *nezir* and alms to *Yukarı Cânib* and interacting with or having an inclination to *Yukarı Cânib* were the most common offences regarding state security that accompanied the accusation of being *Kızılbaş*. There are also cases in

which petty offences and turpitudes accompanied the accusation of being *Kızılbaş*, as happened in the case of hatib Etmekçi oğlu Mehmet who was accused of being known and famous for *rafz* and *ilhâd*, as well as being *zındîk* and *mülhid* in 1568. Besides these, he was accused of treason against the ulema and *suleha,* as well as speaking badly of the Quran, lying, robberty, and doing malignancy constantly (Yıldırım et al. 1999,119-120).

As these cases demonstrate to be demarked as *Kızılbaş* itself was enough to be accused and persecuted, especially when in addition to other offences. In these cases, people were accused of being known as *Kızılbaş, râfizî, mülhid,* or *ehl-i fesâd* and punished based on these accusations. While the accusation of being known as a *Kızılbaş* was present in all kinds of accusations, here in most of these cases it gives the impression that the people were accused first and foremost with the offence of being *Kızılbaş* or being known for it, and later of various offences that range from insulting the prophet to having an inclination towards *Yukarı Cânib*. For the Ottoman state the quality of being *Kızılbaş* carried the possibility of the commitment of many kinds of offences that were seen as politically subversive acts to the state authority and against the accepted Islamic understanding and moral code in society. Hence, what the *Kızılbaş* meant in the political and religious understanding of the Ottoman state might have led to the consideration of being *Kızılbaş* as a crime own of its own without the addition of another offence.

It is possible to say that accusations that threatened state security were more directly "political" compared to other offences that were more "religious" or "cultural" such as not knowing how to pray and fast, and performing the *mum söndürme* rite. However, it is not possible to classify the offences strictly and definitively as political or religious for several reasons. First, it seems that the Ottoman state did not differentiat the offences in in terms of their quality or supposed quality as political, religious, or as something else. It treated them in the same way, as simply an offence. This possible attribution of a quality is our own doing and it might not be a valid in the conditions and understanding of the sixteenth century Ottoman Empire. Another issue that needs to be considered is the identification of the suspects and content of the orders.

The word *Kızılbaş* meant both political subversion and unwanted religious understanding and practice for the Ottoman state. Every accusation in our examples contains either implicit or explicit identification and accusation of being *Kızılbaş* for the suspects, in addition to other offences. In these orders it is not certain by which characteristics the term *Kızılbaş* was used as an accusation and identification. Lastly, the religio-legal ground on which the accusation, investigation, and punishment were applied was defined both politically and religiously. Therefore, it can be said that the accusation carried both religious and political qualities within themselves and people were accused of both political and religious offences at the same time even if it was not stated explicitly.

5.   CONCLUSION

This thesis has made a categorization of accusations made against *Kızılbaş* individuals and groups by the Ottoman state based on the topic, content, and similarities of the offences. To propose a categorization and analysis, first, in Chapter 2, I explained the legal religio-political terms that were used by three prominent *şeyhülislâms* of the sixteenth century to define *Kızılbaş* individuals and groups. I also examined the *şeyhülislâms*' prescriptions for the practical measures against the Kızılbaş on legal and political grounds in the same chapter.

The three prominent Ottoman *şeyhülislâms* of the sixteenth century defined the *Kızılbaş* analogously by using the same terms and attributing to them similar offences. Although the *şeyhülislâms* employed similar terms to identify these groups, they opted for different approaches regarding the practical measurements that should be taken against them. Their approaches can be divided into two based on whether *Kızılbaş* individuals and groups were subjects of the Ottoman Empire or not. Ottoman administrative authority applied various countermeasures throughout the sixteenth century. According to the *mühimme* registers these applications do not necessarily coincide with the definition or approach of the period's *şeyhülislâm.* According to the orders it can be said that the Ottoman Empire applied a synthesis of the approaches of Sarıgörez Hamza and Ebusuud in the accusation and punishment of these communities: It accused all *Kızılbaş* individuals and groups and Safavid supporters regardless of whether they were subjects or non-subjects, but according to the situation and conditions the state showed leniency towards them, especially in punishment by giving less severe punishments.

In Chapter 3, in order to put the accusations into their wider framework, I explained the criminal law procedure and process in the Ottoman Empire. It is not easy to categorize offences and punishments in Islamic law as categories overlap and this has consequently put strain on the selection and application of the grouping in this study. As for application, Islamic law leaves a legal and legitimate elbowroom for the ruler to define and determine certain laws to protect and preserve public security, order, and morality. In relation to this work's topic this elbowroom is significant because by means of this right, Ottoman rulers were able to inject their own administrative laws legitimately into criminal law regarding the topics that were left undetailed by the sharia. The Ottoman criminal code had certain regulations regarding the criminal procedure but regarding the accusations and penalties it had very little definitive explanations. It had mostly implications or references for punishments. This becomes a challenge in examining the Ottoman documentation of practical cases and *Kızılbaş* prosecution regarding the procedure, offences, and punishments because the Ottoman criminal code did not have definitive, concrete, standardized patterns and regulations that could be followed in practice, i.e. through official decrees.

In Chapter 2, while legal religio-political terms and identifications provided a theoretical framework for the accusations and punishments of the *Kızılbaş*, in Chapter 3 an examination of Ottoman criminal law and judicial procedure pointed to the practical framework, procedure, method, and means in which legal religio-political terms and identifications were put into work. It was in this mechanism that the *Kızılbaş* were accused and punished.

In Chapter 4, I evaluated accusations that were made against *Kızılbaş* individuals and groups using numerous varied official records, and giving many examples for different accusations. I categorized the accusations that were made against the *Kızılbaş* into five main categories based on their type, content, and similarities. The accusation against the *Kızılbaş* can be categorized as: 1) acts and deeds seen as contrary to Sunni Islam and the *ehl-i sunnah*, 2) tradition and practices seen as contrary to state-prescribed Islam in relation to public morality, 3) conduct seen as a threat to state security, 4) Common offences committed by the *Kızılbaş* 5) being *Kızılbaş* or *Râfizî* as a punishable quality.

At the end of this categorization it is possible to reach the following conclusions regarding the accusations that were made against the *Kızılbaş*. In many cases, the offender's identity as *Kızılbaş* or having *rafz* and *ilhâd* is stated directly, in addition to their offences in either the accusation or in the verification part. In others, the committed offence indicates *rafz, ilhâd* and *Kızılbaş* status itself. As certain offences were mainly associated with the *Kızılbaş* communities at that time, it can be deduced that the authorities considered these people to be *Kızılbaş* and *ehl-i fesâd* in general without stating as such.

While these accusations can be categorized into five, we cannot say that these categories are established, definitive, and distinctive. According to the orders people can be accused of one or more than one offence at the same time. This can be either from one category or from different categories. Therefore, while certain offences can be put into one category based on their topic, content, and similarity, the overlapping of two or more categories is possible and this is seen in many orders.

There are orders in which the actions that were seen as contrary to the Sunni understanding of Islam overlapped with the traditions and practices of certain groups that were seen as contrary to state-prescribed Islam in relation to public morality. This overlap is valid for other categories as well. Offences that were seen as contrary to Sunni Islam and/or tradition and practices that were not in compliance with state-prescribed Islam and morality can also be found together with offences that threatened the state and public security. This makes it very hard to put them into solid, definitive categories because it is possible to make new categories out of these five categories by combining them in various ways.

Another conclusion that I have reached is that because all these offences and categories are intertwined with each other in the orders, it is not possible to classify them as "religious" and "political" offences in a clear cut way by attributing "political" or "religious" qualities to them, although some accusations contain predominantly religious meanings and characteristics and others contain political ones. In the orders the accusations are considered only as an accusation without implicitly and explicitly

demarcating them as religious or political, and are treated in the same way without making any kind of differentiation based on the characteristic, type, and connotation. Because of this, and because the terms *Kızılbaş* and *râfizî* have both a religious and political meaning and were employed both by the Ottoman *şeyhülislâms* and the political authority in religio-legal and political context, accusations cannot be separated strictly as "religious" or "political." Therefore, when *Kızılbaş* groups and individuals were accused of "religious" offences simultaneously they also were accused of "political" ones and vice versa because the legal and socially accepted ground were provided by the religio-legal terms of the *şeyhülislâms*. This dual quality can be detected especially in the orders in which individuals or groups were accused of "religious" and "political" offences at the same time, or where the accusation had both "religious" and "political" significance such as being a disciple of Iran or being rebellious against the state.

In this work I used only a selected number of printed and transcribed *mühimme* and a few *sicil* records. I have not included other sources and other dimensions that are connected to the accusations or affected them in certain regards. In this respect both the accusations of *Kızılbaş* and *Kızılbaş* prosecution can further be studied from other aspects and in a more detailed way. The variety, number, and categorizations might be widened by using more *mühimme* and *sicil* records and other sources such as *ahkam* records.

Furthermore, the available evidence and the framework of this work does not suggest the severity and the importance of the offences if there was something as such and there is no indication about on which criteria different punishments were given to the same or very similar offences. I did not examine this issue and the punishments given as a direct result of the accusations in a detailed way. An investigation into these issues might be a further contribution for a better understanding of the accusations. In a broader study that includes these points a more complete and a more delineated picture of *Kızılbaş* prosecution can be offered.

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