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**Les archives
de l'insularité ottomane**

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de Nicolas Vatin et Gilles Veinstein

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Local Patmians in Their Quest for Justice : Eighteenth-Century Examples of Petitions Submitted to the *Ḳapûdân Paşa*

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Like so many people throughout the Empire (and irrespective of the fundamental divides among confession, gender and personal status), the inhabitants of the Aegean islands (belonging in the *Eyâlet-i Bahr-i Sefîd*), rather than taking their cases exclusively to their local communal courts or to the kadis' *maḥkeme*, had long since practiced their right to address the executive authorities in the capital when seeking redress for their grievances. They would have done so either by means of a written petition, *'arzuḥâl*, or in person ; either individually or collectively. The Vienna *Registerbuch der Beschwerden* published by Hans Georg Majer¹, covering a period of nine months of the year 1675, lists several (predominantly collective) petitions from islands such as Kos (4), Limnos (1), Lesbos (11), Milos (1), Naxos (4), Rhodes (4), Samos (4) and Chios (20). The case of Chios is instructive, not only because it can boast the by far largest number of petitions rivaled only by Crete and outnumbered only by Cyprus, but also due to the active participation here in the process of *'arzuḥâl* of members of four confessional groups : the Orthodox Greeks, the Francs (165b/2), the Jews (32a/7) and the Muslims, the latter represented by some important local figures like the judge (194b/4) and the new owner of the possessions of a former pasha of Tunis who required an imperial decree to sanction his purchase (figuring a total of no fewer than 42 *ḡulâm* and *câriye*). Of the outgoing *firman*s drawn up in response, most are addressed to the local kadi (32a/7, 75a/2, 75a/4, 86b/3, 91b/2, 100a/3, 107a/2, 133a/3, 153b/6, 172a/4, 179a/1, 183b/2, 223a/5) or (if only once) the kadi of İzmir (144b/4), others to the local kadi and the commander of the fortress (51a/5) or janissary corps (74a/6), all others to the local kadi and the representative of the *Ḳapûdân Paşa* (*ḳapûdân vekîli*, occasionally the *Sâkız sancaḳbegi* : 74a/6 ; 124a/4, 165b/2, 172a/3, 194b/4), instructing them to see to the case in unison. Normally, the decision reached in Istanbul was to have the case inspected by the local Sharia court (*şer 'le görülmek üzere*). The documents in question would generally have specified the procedure this far, but no further. What was decided locally and how the verdict was implemented on the ground cannot normally be followed up – unless we have at our disposal additional, if possible local sources which might shed light on this final stage of the procedure. The same holds true also for the initial stages of *'arzuḥâl*: What are the circumstances and motivations for people to decide presenting their case, by letter or in person, to the Imperial Diwan rather than merely filing their complaint with their local judge, particularly if longer leaves of absence coupled with outright risks were involved when traveling by land or sea over long distances to Istanbul, possibly at the wrong time of year due to the urgency of their claim? And what were the costs of such journeys, and the administrative fees, likely to have amounted to? Throwing some (limited) light on the latter question, the account books of the *kâḡid emîni* in the capital who was to receive a fee of no less than 24 *aḳçe* from the recipient of an outgoing sultanic decree (including *firman*s issued in response to *'arzuḥâl*) can help in our understanding of the monetary dimension of petitioning to the *Diwan-i Humayun*. But was petitioning to the Imperial Council the only option available?

1. Majer, *Das osmanische "Registerbuch der Beschwerden"*.

In my presentation I contend that it was not. I shall try to demonstrate that, apart from addressing the local kadi or the Porte, one important alternative, at least for the inhabitants of the Islands, was to address the *Ḳapûdân Paşa* instead (and this arguably for a more modest outlay). In doing so I am drawing, particularly for the pre-eighteenth-century situation, on the catalogue of Patmos documents which is in the process of being finalised by my colleagues Elizabeth Zachariadou, Nicolas Vatin and Gilles Veinstein, whose kindness in allowing me to use their material is herewith gratefully acknowledged. In particular I owe my thanks to Nicolas Vatin whose list of *mektûb* issued by various *Ḳapûdân Paşas* in response to *‘arzuḥâl* proved a useful additional help.

The documentation available suggests that this alternative path to justice by addressing the *Ḳapûdân Paşa* was chosen not at all infrequently, and that along this path to justice there were even further alternatives, such as petitioning to the *mîrliva* of Rhodes (archive of St John, Patmos, dossier 20, document no 25, undated, but probably between 1633 and 1639), or, en lieu of the *Ḳapûdân Paşa*, to the *kethüdâ* of the Imperial Arsenal instead (20–67, no date). Such fuller picture only emerges when we have at our disposal comprehensive local depositories of *mektûbs*, *buyuruldu*s and related documents which local people, as the recipients of decrees and decisions not only from Istanbul, but also from the provincial, district and local levels, had played a major part in building up over many decades or even centuries as is exemplified by the Patmos monastic archives.

Several examples from among the documents preserved in the monastery of St John would suggest that the practice of addressing the *Ḳapûdân Paşa* in cases of wrongdoing had already become a well-established usage by the end of the sixteenth century. Two distinct scenarios need to be considered apart : In the first, the plaintiffs would have addressed the *Ḳapûdân Paşa* in addition to having submitted a complaint to the Sublime Porte in order to obtain an imperial receipt which was then merely to be flanked by an order (*mektûb*, later *buyuruldu*) of the *Ḳapûdân Paşa* for immediate implementation (for example 2–26 : c. 1578). The *Ḳapûdân Paşa*'s role here would be no more than auxiliary. Yet in the second scenario, the *Ḳapûdân Paşa* is the sole addressee of the plaintiffs' request, with the Porte playing no (visible) adjudicative or executive part in the procedures. In contrast with the situation mentioned above, we here find the *Ḳapûdân Paşa* in a central role as the principal agent to redress grievances and restore justice in his domains. In the following I shall deal with nothing but the second scenario which has the *Ḳapûdân Paşa* at the centre of the deliberations.

Among the Patmos holdings, there are several instances of complaints which would appear to have been exclusively and directly submitted to the *Ḳapûdân Paşa* by the Patmians at, for instance, the Imperial Arsenal (such as referred to in a *mektûb* dated 30 January 1574 : 2–20), Gallipoli (*mektûb* dated 8-17 July 1586 : 2–32), Eubea (*mektûb* dated between 30 October and 7 November 1600 : 2–44), Patmos (many instances from the early seventeenth century, starting (?) with 14–2 dated 17-26 September 1612) or at the port of Chios, one of the *Ḳapûdân Paşa*'s headquarters in the archipelago (several instances, the earliest being 2–10 dated 11-19 May 1566 and 2–21 dated 4 July 1573). This can be deduced from the wordings of the resulting orders which neither make any reference to the Porte or the Imperial Diwan, nor to any firman issued in the capital in response to the case in question. Nor is there any suggestion that the case had been referred to the *Ḳapûdân Paşa*'s office by the Porte. Rather, it is often positively stated that the people concerned approached their pasha in person for making a complaint (such procedure is already reflected in some of the earliest available documents ; see above 2–10 and an undated *mektûb* which appears to have been issued during the term of office of (Müezzinzâde) ‘Alî Paşa, between 1567 and 1571 : 20–53). During the period under review, the Patmians, besides submitting individual complaints, more often than not voiced grievances collectively irrespective of whether they decided to dispatch someone from among their midst to act as their representative (see, for instance, 2–38 dated 19-28 June 1595). In all these cases the plaintiffs clearly acted in the expectation of obtaining what must have been considered an appropriate and sufficient means to have their grievances put to right : a *Ḳapûdân Paşa*'s order (*mektûb*) on their behalf addressed to the local kadi(s) and/or other officials (and often the offending parties, too) to put an end to, or end (as the case may be), the injustice which gave the rise to the complaint.

It seems that the *Ḳapûdân Paşa*'s orders issued in response to complaints and petitions changed in name, but not in essence, in the course of the seventeenth century. Both a *mektûb* (13–12) issued by the *Ḳapûdân Paşa* at the port of Chios between 21 and 30 November 1599 and an undated *‘arzuḥâl* (20–68 ; according to Nicolas Vatin possibly from the end of the sixteenth century) soliciting a *mektûb* from the acting *Ḳapûdân Paşa* (?) ; another *mektûb* (14–4) from Chios issued by Cîğalazâde Sinân between 26 November and 5 December 1602 ; as well as an undated *mektûb* which might be ascribed to (Mar’aşli) Ḥalîl Paşa, *Ḳapûdân Paşa* between 1610 and 1623, issued at the Imperial Arsenal (19–9), reflect the earlier practice. Yet an order issued

between 11 and 20 March 1624 by the *Ḳapûdân Paşa* Receb (15–8) has a note on the reverse which contains the phrase *mûcibince buyuruldu*, which can be translated either as ‘was accordingly ordered’ or ‘(it is an) order in accordance with...’, suggesting that by this time *buyuruldu* had in current parlance if not in official usage become a term for ‘order’ – rivaling, or even substituting, the earlier *mektûb*. Whichever interpretation is to be given precedence in this instance, it is clear from later examples that by the 1670s and 1680s (at the latest) the term *buyuruldu* had finally eclipsed *mektûb* in the meaning of ‘a pasha’s order’ (20–115 dated 4 January 1671 ; 20–117 dated 14 August 1685). At present, the earliest instance known to me of a *Ḳapûdân Paşa*’s order calling itself *buyuruldu* is 27 – 20 dated 20 April 1637.

Among the documents preserved from the first half of the eighteenth century are several *buyuruldu*s from the 1730s and 1740s issued by the chancery of the *Ḳapûdân Paşa* in response to petitions which people from Patmos had addressed to the Diwan of the Imperial Arsenal (*divân-i tersâne-i ‘âmire*) or to the Diwan of the Imperial Fleet (*divân-i donanma-yi hümâyûn* which, on occasions, issued decrees in Greek : 26-9, 10 September 1752 ; 26-12, 29 June 1805). These include, in chronological order, petitions submitted collectively by the *Re ‘âyâ* of Patmos (*cezîre-i mezbûre re ‘âyâları divân-i tersâne-i ‘âmire-ye ‘arzuḥâl edüb* : 31-49, dated 30 January 1729 and *Baḡnôs re ‘âyâsı divân-i donanma-yi hümâyûna ‘arzuḥâl edüb* : 24-12, dated 25 August 1740) as well as those submitted by individuals (*Papa XY nâm râhib divân-i tersâne-i ‘âmire-ye ‘arzuḥâl edüb* : 28-20, dated 20 September 1741) ; resulting from a petition to the *Ḳapûdân Paşa*, the local kadi is repeatedly instructed by the First Sea Lord to summon the defendant before the Diwan of Hanya on the island of Crete (35-16 dated 13 July 1747 ; 31-6 dated 28 June 1748). These cases make it quite clear that the local Patmians were both entitled and willing to address the representatives of the naval powers for the redress of their grievances just like the local people under the administration of the governor general of Rumelia were to address the provincial Diwân-i Rûmilî by the 1780s, if not considerably earlier². So much so that in a *buyuruldu* of 10 March 1775 (31-11) issued by the Diwan of the Imperial Arsenal the *Ḳapûdân Paşa* was to decree that it was forbidden for the lower-ranking *ḳapûdânlar* of the Imperial Fleet to adjudicate the cases brought forward by the inhabitants of the islands in the Aegean Sea, warning them to refrain from even contemplating the thought of doing so (*cezîrede o maḳûle da ‘vâ rû ‘yet eylemek fikrinde olmayub kaḫ ‘en ḳarışmayub*). Administering the grievances of the Islands’ population within the circumference of his authority, so much seems clear from the document, was a prerogative of the Admiral of the Fleet, however much contested this prerogative appears to have been during the second half of the eighteenth century by some *ḳalyôn* commanders of the Imperial Fleet and the *ḳapûdân* of some imperial frigates (see bilingual *buyuruldu* of 10 Sept. 1752 in 26–9 in which the captains of war frigates are warned not to put anyone into prison without prior authorization by *buyuruldu*).

As can be shown by a *ḥüccet* (31-27) from among the holdings of St John’s on Patmos, the *Ḳapûdân Paşa*’s flagship not only functioned as the nerve centre for the naval operations of the Ottoman Navy, it also was (or became) home to an unknown judicial institution, that of the Kadi of the Imperial Fleet (termed, in semi-Arabic, *el-ḳâḏî bi-donanma-yi hümâyûn*). It is from this *ḥüccet* of 27 June 1734 that we learn of some details concerning the setting and circumstances of a judicial hearing away from the Diwân-i Hümâyûn or the *maḥkeme*, but instead on one of the *Ḳapûdân Paşa*’s ships, probably the flagship, a war galley with sails and oars of *çektiri* type anchored in the waters off Patmos at a natural harbour called Yerano to the northeast of the Island, an hour or two away by rowing boat from Skala, Patmos’ main port. Tied up (*merbût*) to one of the many coastal moorings typical for Patmos, an ‘important’ court hearing (*meclis-i şer ‘i ḥâḫır*) is arranged on board ship under the direction of the Kadi of the Imperial Fleet, (possibly) in the presence of the *Ḳapûdân Paşa* himself or one of his representatives, allowing the plaintiff to state her case : Katerina daughter of Andon from the village of Patmos proper (i.e. Hora at the foot of the monastery) accuses a certain Kosta son of Yorgi from the *ıyfa* of the *levends* (said to belong to the *Ḳapûdân Paşa*) of the *Ḳancabaş* (a “barge with high and recurved cutwater”) of having two days earlier, in front of her house, unaided by anyone from the village of Patmos, intentionally struck, wounded and killed by means of a knife the local Christian by the name of Nikita son of Nikola, of whom she is the sole heir and who also is a member of the *Ḳancabaş levends*. As there was no dispute between her and anyone from the village of Patmos relating to the blood-money to be paid for the deceased, the case was registered as stated and requested by the plaintiff. The *ḥüccet* is ‘signed’ and sealed at the top ‘*Ömerş el-ḳâḏî bi-donanma-yi hümâyûn,*’ and gives the names of a total of ten *şuhûdulḥâl*, four Muslim (including 1 entitled *seyyid*, 1 *çelebi* and 1 *ağa*) and six non-Muslim (including 3 *papa* and 1 *kir*).

Thus when looking from a local perspective, the Ottoman practice of ‘*arzuḥâl*’ becomes a much more complex phenomenon than was hitherto thought. Rather than being confined (when in

need of having their grievances heard) to addressing the central government in Istanbul or the government's representatives in the provinces, the local Kadis, Ottoman subjects were able to seek justice also from a variety of secular authorities with executive powers, including the *Ķapûdân Paşa* (occasionally represented by his deputy, the *kethüdâ* of the Imperial Arsenal). Thanks to the predominantly local documentation at hand, the existence of a hitherto obscure judicative function emerges within the confines of the Ottoman naval forces, that of the "Kadi of the Imperial Fleet", whose role and activity on board ship can be followed in some detail only due to a document prepared on the ground (if not actually on the waves). Since any *sicills*, if there were any in the first place which may or may not have been kept by the seaborne Kadi, have not come to light, this document (the above *hüccet*) has survived only because it was deposited in the Patmos archives in the interest of the recipients. Ben Slot, the renowned specialist of the Cyclade islands who briefly mentions this Kadi "dans la suite du *kapudan paşa*" as a member of the pasha's Diwan, considers any real evidence for the working and influence of this judicial functionary a great rarity³. Significantly, in dealing with the elusiveness of this functionary, Slot bases his account not on documents from the Ottoman (central) administration, but on contemporary Vatican papers and Propaganda reports assembled in Rome.

3. Slot, *Archipelagus turbatus*, p. 261 and note 57. I owe this reference to the kindness of Christian Roth, M.A., Heidelberg. Nicolas Vatin has pointed out to me that the seaborne kadi already existed in the early 17th century: See document 7-31 of the Patmos holdings, dated 11-10 Octobre 1618.

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