

Ottoman Historiography: Challenges of the Twenty-First Century

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The two books surveyed in this review article have, despite containing quite different subject matter, two important aspects in common: they both try to push the borders of Ottoman historiography and to be truly innovative. The first does that within the challenging new topic of identity—in the first place Ottoman identity, but quite often another kind, sometimes expressed in the life of one person—and the second deals with a much more technical area, that of Ottoman law, challenging several of the theoretical assumptions and conclusions of the former generation of Ottoman legal scholars.

This review article discusses two books on the Ottoman empire that are derived from panels at the Middle East Studies Association annual meeting some years back. One of these books deals with the question of Ottoman identity, or other forms of identity within the Ottoman realm, the other with law in the Ottoman empire. The topics are clearly different, but it is not difficult to trace commonalities between them. The topic of identity contains many legal issues: if you identified as Shi'i Kizilbaş in sixteenth-century Anatolia, you had a major legal problem on your hands. You might have a similar problem at the other end of the empire if you identified as a Bulgarian nationalist. Nabil Al-Tikriti's article in the identity book provides a third example: it gives a detailed definition of Ottoman Ḥanafism since the sixteenth century, which included where one could sue in court and according to what exact law. These were legal and identity issues at one and the same time. As the two books nevertheless belong to different fields of research, the rest of this article will be devoted to their separate treatment.

Unlike the case for books bearing a similarly generic title, *Living in the Ottoman Realm* is not composed of a haphazard collection of studies. It is devoted to one specific topic, as specified in the subtitle—empire and identity. By identity, reference is mainly made to how people saw themselves, in this case in relation to their being Ottoman, but the introduction by Christine Isom-Verhaaren and Kent Schull (pp. 1–15) makes it clear that the reference is also to identity that is unconnected to the empire per se, provided the people in question lived within the Ottoman sphere of influence. Thus, the fifteenth-century Genoese who are discussed in one chapter were far removed from any real cultural identity with the Ottomans but they were nevertheless within the Ottoman realm, hence their case is relevant. At the other end of Ottoman history, Bulgarian nationalists in 1878 did not want anything to do with Ottoman identity, but negative identity also counts as identity, hence is relevant as well.

The topic is, of course, exceedingly interesting, since first-person narratives are inherently of interest but are so difficult to come by. Therefore, the fact that Mahmud Paşa Angelović,

This is a review article of *Living in the Ottoman Realm: Empire and Identity, 13th to 20th Centuries*. Edited by CHRISTINE ISOM-VERHAAREN and KENT F. SCHULL. Bloomington: Indiana Univ. Press, 2016. Pp. xv + 367. \$85 (cloth); \$35 (paper); and of *Law and Legality in the Ottoman Empire and Republic of Turkey*. Edited by KENT F. SCHULL, M. SAFA SARAÇOĞLU, and ROBERT ZENS. Bloomington: Indiana Univ. Press, 2016. Pp. v + 207. \$25 (paper).

the convert to Islam and to Ottomanism, would later in life excel also as an Ottoman poet, speaks volumes about his identity.

Not surprisingly, most of the individuals studied in the book are luminaries of high rank, a somewhat odd situation in an age when history from the bottom up is a near-sacred slogan. But this is probably inevitable if you are going to say anything on individuals and their thought, as this topic requires. This point presents a real challenge to the book, however: we may probably assume that sultans saw themselves as Ottomans, as did the statesmen who were close to them. But the more we descend the class ladder, the more problematic the question becomes. Did the people of Jerusalem or Ayntab see themselves as part of any entity other than their own city? Did simple folk in villages and tribal formations see the Ottoman state as anything other than a tax-extorting body? If so, the evidence still eludes us, and let me say immediately, for many of these studies, extracting concrete information on self-view is a great challenge. The consolation is that this book is a first effort in this new journey.

The predicament of reviewing *Living in the Ottoman Realm* is that the editors have formulated a fundamental scholarly question around which the material is organized and the reviewer should be able to simply search whether the big question of Ottoman identity is answered in each study; yet in most chapters the answer to the question is not at all evident. We are not fortunate enough to get information on how the protagonists identified themselves—possibly because the question of identity was not posed in real life—and as scholars rarely ease the life of their readers (or reviewers) by detailing their arguments in one short and lucid paragraph, the search thus encounters obstacles.

One notices immediately the variety of detailed subject matter: almost every one of the twenty-two studies is nuanced enough to resist classification into patterns. Since I felt that imposing on these studies my own artificial patterns would distort them too much, the only alternative seemed to be to summarize each separately, keeping my eyes focused on the concept of identity and begging the reader's patience.

In the first (pp. 21–28) of six chapters of part one, covering the thirteenth through fifteenth centuries, Nicolas Trépanier analyzes identity via the prism of food-giving in early Ottoman Anatolia, a function performed by religious endowments, at this time mostly by major endowments of rulers or those very close to them. In such a pattern of relationship between rulers and the common people, the anthropological model of reciprocity was broken and commoners were not supposed to contribute food to the elite. One commodity commoners possessed that the elite needed was legitimacy. And it is indeed believed that this was the function of food distribution by the political elite in early Turkish Anatolia, as, indeed, throughout Ottoman history. An interesting point in this model was the role of professional men of religion, such as dervishes, who were members of the elite but among the recipients of food donations. The explanation is that they were marginal elements of the elite, not members in the full sense. The identity factor in that early Turkish Anatolia was not connected to any state or to the Ottomans. Food distribution confirmed the social structure and strengthened the bond between various layers, and thus gave an identity to all living there.

In chapter two (pp. 29–41) Zeynep Aydoğan examines three well-known collections of heroic folk stories from twelfth- to fourteenth-century Anatolia in order to trace some aspects in the culture of the Turkish population of that area. A major aspect of that culture was the idea of frontier—a large and loosely defined area that was a border between the Islamic region to the south and the Byzantine region to the north. It was an area of movement, migration, and struggle. At the beginning of this period the frontier was in the area between Malatya and the Taurus mountains; some generations later this frontier had moved to the region between Sivas and Ankara, and a hundred years later it moved to the Balkans. Each

of these regions is the subject of one of these heroic stories, in which folk heroes commit acts of heroism while overcoming mighty fortresses in the realm of the adversary.

This brings us to the transformation in the Turkish culture of the time of the term *al-Rūm*, which in Arab classical parlance meant the area of the Eastern Roman empire. This is its meaning in the first two chapters. But in the third (pp. 42–54) by F. Özden Mercan, Anatolia had become identified so much with the Turks that *al-Rūm* became the land of the Turks, Anatolia. This chapter describes the activities of two Genoese families active in Constantinople and Istanbul before and after the Ottoman occupation of 1453. The economic and social success of these families was phenomenal, their members being most welcome to both the Ottomans and the Byzantines. During the siege of Constantinople they supplied the Ottomans with everything they needed to succeed in the siege, while at night they could be on the walls fighting with the Byzantines. This went on unnoticed, or tolerated. Afterward, they oiled the early Ottoman economy by supplying large-scale credit, exploiting and digging up various useful Anatolian natural resources, and treading carefully with the political regime, until they were finally eclipsed by younger forces. On the whole, there is no account of Ottoman identity as such in this study, but only an interesting story focusing on one or more individuals.

In chapter four (pp. 55–65) Theoharis Stavrides presents a unique narrative in which the hero is Mahmud Paşa Angelović, who for fifteen years was grand vizier during Mehmed II's reign and the first grand vizier to be drawn from the pool of the newly formed institution of *kapı kulu*, slaves of the Porte, or, more properly, of the sultan. The story, apparently true, is that the boy Mahmud and his mother were captured on the road by the officers of the boy levy in the Balkans, whereupon he was brought to the Ottoman palace and joined the imperial school for bureaucrats to earn the qualifications necessary to run an empire. To all appearances, Mahmud had real family ties with the ruling Serbian dynasty eclipsed by the Ottomans. Despite this, he became an all-out loyal Ottoman. This is evident by the fact that among his unusual qualities biographers mention that he composed a book of Ottoman-Turkish poetry, a feat that only an utter devotee of this culture could accomplish.

Murat Cem Mengüç describes the identity issue connected with the historian Neşri in chapter five (pp. 66–78). Mehmed Neşri (ca. 1450–1520) is considered by many as the best Ottoman historian of the formative period because he is supposed to have a wider array of sources than most others and because he was not a palace historian, writing to glorify the house of Osman in expectation of lavish stipends. His book of history is full of critical comments on sultans involved in events that he covered, particularly Mehmed II. An example is his criticism of the execution of many of Uzun Hasan's soldiers, all Turkish-speaking Turkmens, after the famous battle between the two states in 1473. The controversial execution of Grand Vizier Mahmud Paşa is also openly censured. While Neşri himself claims that his purpose in writing was to educate future rulers in how to govern, Mengüç believes that his main purpose was to prove that the Ottoman project was based on "the Turkic heritage." Needless to say, this is an interesting statement, but it remains unsubstantiated in the article. So was Neşri an Ottoman despite not striving to be a member of the Ottoman elite? Certainly yes, if he chose to write a book dedicated to this empire and then presented it to Sultan Bayezid II, but also because he probably was a *muderris*, or teacher in a madrasa, an official Ottoman institution.

In chapter six (pp. 79–90) Hasan Karataş narrates the story of a Sufi şeyh of the Halvetiye order, who was keen to widen his influence from the Amasya region where he was originally active and become fully Ottoman by getting closer to the Ottoman elite, starting with the reigning sultan, Bayezid II. The trouble was that he made the wrong choice during the

struggle for power after Mehmed II in 1481 and supported the losing party, Prince Cem. As a result, this şeyh remained restricted to his corner of the empire until the end of his life. Thus, we get a blighted effort at Ottomanization.

The aforementioned Nabil Al-Tikriti tells the story in chapter seven (pp. 95–107, which begins five chapters on the fifteenth through seventeenth centuries) of the formation of the special collection of characteristics that came to be called Ottoman culture or Ottoman Sunnism. Until the sixteenth century there was very little of this culture. It came into being in the first half of the sixteenth century, mainly as a consequence of two major events. One was the occupation of Syria and Egypt, which gave the Ottomans control of the three major religious shrines of Islam—Mecca, Medina, and Jerusalem. This event imparted to the Ottomans a sense of duty and obligation to serve the population as keepers of Sunni orthodoxy. This tendency was enhanced by an ongoing event that actually took place in 1501—the establishment of the Safavid state in Iran. The new Safavid state declared Shi'ism as the state's religion and imposed it upon pain of death on every Muslim living in the territory; it was also strongly missionary in expanding its message beyond its borders. If all this was not ominous enough for the Ottomans, it became more so by the fact that Iranian Shi'ism was partially founded and taking root in the Eastern Ottoman domains: Ismail, as well as some former heads of the Safavid order in Ardabil, the hometown of the order, were persecuted by political rivals, the Akkoyunlu dynasty in particular, and were mostly on the run in Eastern Anatolia, all the time preaching secretly and adding to their forces. They were successful in this campaign because simple Shi'ism, based on 'Alī the first imam, was endemic among the Turkish tribes of Eastern Anatolia. All this led to the development in this region of an underground and secretive army of Iranian supporters and Safavid worshippers, called Kizilbaş, after their red headgear. How widespread this phenomenon was is not known exactly, but there is no doubt that it was dangerous, and it undeniably forced the Ottomans to better define their theology and belief system. Kemal Paşa Zade, chief Ottoman jurist in the 1520s and 1530s (d. 1534), was the chief intellectual to contribute to this new definition. It was in this period, Al-Tikriti claims, that “the imperial vision was framed as support for sharia” (p. 97) and defined generally as “Sunni orthodoxy.” This probably included greater insistence on Sharia at the expense of *kanun*, but also, and more well-known factually, insistence on Ḥanafī exclusivism at the expense of the other schools of law.

Kemal Paşa Zade's other pillar of thought detailed in this article was, not surprisingly, that Kizilbaş Shi'ism constituted apostasy and anyone holding and unrepentant of this view should be executed. In view of the fact that the Iranian state at this time considered Ḥanafism a heresy deserving execution, the author's expressed anger here at the Ottomans seems to be exaggerated. Kemal Paşa Zade was also involved in a heated discussion on the legitimacy and orthodoxy of al-'Arabī (d. 1243), one of the founding fathers of Sufi practice and philosophy. He cleared Ibn al-'Arabī of wrongdoing, though he himself had taken a stand against extreme Sufi practices.

All in all, this important chapter is not, of course, about Ottoman personal identity of individuals, but about the core definition of what this identity consisted of, an important aspect of the whole question, hence a welcome contribution.

In chapter eight (pp. 108–22) Leslie Peirce connects the identity issue with the incorporation of Ayntab in the Ottoman state and gives us a clear case of “becoming Ottoman.” The article deals with the annexation of the town of Ayntab (modern-day Gaziantep, in southern Turkey, close to the Syrian border) as part of Selim I's campaign against the Mamluks in 1516–17. Until then the town had been an Ayyubid and Mamluk frontier town facing Anatolia to the north. In objective terms, the main change introduced by the Ottoman empire was

the Pax Ottomanica, the stability provided by the Ottomans in the countryside and on the trade routes, which was a substantial improvement over earlier conditions and which lasted more or less until the early years of the seventeenth century. This brought greater prosperity to the town and the area, while improved weather conditions aided in the productivity of agriculture—everything in all likelihood strengthening the desire of the Antebans to become Ottomans. Peirce insists, however, that we must go beyond that and trace their wishes in personal terms, and she resorts to legendary stories of local holy men during the time of Selim's campaign who prayed for Selim and his army's victory. And it is interesting, the author says, that some of these holy men can actually be traced to the early sixteenth century. Maybe all this does show real acceptance of the Ottomans. . . .

Amy Singer tells the story of the Ottomanization of Jerusalem after its occupation by Selim I in 1517 in chapter nine (pp. 123–36). The study opens with a fascinating initial issue—why did the Ottomans bother with the occupation of that town? It is holy to Islam, certainly, but the same campaign brought into the empire the much more superior prizes of Mecca and Medina. More to the point is the question why the Ottomans bothered to lavish enormous sums on the infrastructure of Jerusalem after the annexation of Mecca and Medina had been secured. Singer proposes that Jerusalem was given special treatment not because it was so special or important to the Ottomans but because it was supremely (and uniquely) important to the European powers of the time. In other words, it was crucial to the Ottomans to show who ruled Jerusalem. As to the topic of identity, the author surveys what the empire built in Jerusalem in terms of infrastructural and institutional improvements, trying to make the implicit point that the local population probably came to accept the empire for these exceptional projects.

Before surveying these projects, it is appropriate to remember that before the Ottoman occupation of Jerusalem, the danger of a European Crusade still loomed, as the eastern Mediterranean was not yet an Ottoman lake, and Jerusalem's walls were still in ruin from the time of the Ayyubids. It was the task of the new conquerors to uphold the status quo. Their first project was a bold message in this direction—rather than accepting the passive Mamluk and Ayyubid approach to the issue of the defense of Jerusalem, they adopted an aggressive new approach and built the strongest possible walls around the town. In the second place came a major renovation of the old water system from Bethlehem to Jerusalem, which must have impressed everyone in town. This could also be said of the renovations of religious buildings that took place throughout the entire Ottoman period of rule. A chief element in these renovations were the renowned Iznik tiles, an Ottoman specialty that became almost an obsession with them.

I might add that what is missing in Singer's account (which could not be helped, since she expressly limited herself to the period following the occupation) is the real institutional bond that united Istanbul and Jerusalem: the rise of the local notable families, chiefly the Ḥusaynīs, from the beginning of the seventeenth century. These families were authentic local leaders, yet were coopted by Istanbul to fill many administrative functions that made them part of the state's elite—a truly exceptional chapter in the annals of imperial and colonial structures that strains colonialism and imperialism to the limit.

In chapter ten (pp. 137–49) Charles Wilkins narrates the story of Ibrahim al-Karamani (Qaramani in chapter), a merchant from Larende (Karaman) in central Anatolia, who emigrated to Aleppo some years after 1516 and the annexation of that town to the Ottoman empire by Selim during his march on Egypt. Ibrahim was a big international merchant, dealing in transport trade between India and Europe, probably by way of *muḍāraba* (commenda) partnerships (in which the investor stays put, sending his junior partner to do the actual

footwork). In addition, he was a substantial money-lender, but also a major philanthropist, building one of Aleppo's main mosques, commemorating his name to this day.

Ibrahim's story is not particularly notable, but it is exceptional in that the availability of enough material on any individual in the sixteenth-century Middle East who was not a sultan or a grand mufti is quite rare. In this particular case there is a convergence of a substantial number of *sicill* documents (archival records dealing with the court of law) relating to his commercial dealings and an entry in a biographical dictionary. He certainly constitutes an excellent example of the phenomenal success of the commercial bourgeoisie of Aleppo in the Ottoman empire, made possible by the new Ottoman peace.

Wilkins does not really touch on identity at all; possibly, the topic is irrelevant to him since his subject was used to living under Ottoman culture and authorities, but he did move from one culture to another and it is interesting to see how smooth the transition was.

The last chapter in this time period is that by Christine Isom-Verhaaren (pp. 150–65), who narrates again the astonishing story of Süleyman the Lawgiver, who one day fell in love with one of his concubines, Hürrem, a Serbian by origin. He then dispersed his whole harem, married Hürrem, and took her and the children she gave him to the palace—all stark breaches of Ottoman custom and protocol. But the hero of the piece on hand is his only daughter, Mihrimah, who became his favorite child and exerted tremendous influence on the sultan in every respect, along with her mother and her husband, Rustem Paşa, grand vizir for many years and the closest ally and adviser to the sultan. In terms of imperial identity, Isom-Verhaaren tells us that the main contribution made by Mihrimah were two mosque-complexes she built, one in Üsküdar early in her adult life and the other, a major institution near Edirnekapı, later in life.

Linda Darling opens the third part, on the seventeenth through eighteenth centuries, with chapter twelve (pp. 171–81), which supplies a good glimpse of how the famous memorialists of the late sixteenth and early seventeenth centuries saw the problem of the structure of the Ottoman elite, or Ottomanism for short. The two main groups that made up Ottomanism in the early period were the janissaries (elite foot soldiers) and the sipahis (holders and managers of *timar* estates and mounted warriors in time of war). Until the sixteenth century the sipahis constituted the more important group, since they formed the main military force and the basis of the administrative structure of the empire. The janissaries were relative newcomers, and they took time to reach their peak of ability and success. In addition, the sipahis at that stage were of “pure blood,” almost all new recruits being sons of sipahis, which created among them a tremendous esprit de corps. But things did not last in this pristine state forever. The sixteenth century saw the beginning of the end of the sipahis, since the introduction of firearms made them much less effective as a military force. Also, pressure from the common people to give *timar* grants to the non-elite mounted, and these two factors were effective in permanently reducing the viability, effectiveness, and prestige of the sipahis. At the same time, the janissaries were mired in all sorts of corruption, but unlike the sipahis they were indispensable and hence continued to be considered by various political thinkers as the core and embodiment of the concept of Ottomanism. One may add that, most likely, top bureaucrats and religious scholars saw things in a completely different light, probably preferring to see themselves as the elite, but this is a topic for another study.

Chapter thirteen (pp. 182–93) by Eric Dursteler offers an interesting piece that poses an analytical problem of deciding why it was included. It concerns a Christian mother and her three daughters living on one of the Greek islands in the Aegean Sea, who one day boarded a Venetian ship mooring in their harbor and asked for Venetian asylum. The mother had for many years been married to an Ottoman paşa serving in the region who had recently died.

The reason for their hurried nightly escape was that one of the girls, married to an Ottoman kadi, was now about to have to move with him to another assigned position. When interrogated by the Venetians in Corfu, where the family was brought, the mother claimed that she had raised her daughters as Christians, despite the fact that they had a Muslim father, and she wanted them all to live thus. Much of the story sounds like a fairy tale and is too dependent on the details supplied by the mother, who does not sound entirely credible. I will leave the summation at that, and try to ponder the puzzle of what we actually have here. It seems that this chapter shows that the editors were not only interested in the fact of becoming Ottoman, but also in identity transformation, moving from one identity to another, although here the mother was never really an Ottoman and never wished to be one.

In chapter fourteen (pp. 194–208) Fariba Zarinebaf surveys the crisis in the empire's center in the second half of the seventeenth century—when the empire's budget was never properly balanced and hence salaries for the army could not be delivered in wholesome coins, with riots following as a matter of course. The period saw the peak of the power of the palace women, when one sultan's mother was brutally murdered with hundreds of her retainers. It also was at the height of the *kadizâdele* movement, which pushed forcefully to ban Sufi orders in Istanbul. As well, what was probably the only case in Ottoman history of the enforcement of the Islamic law of stoning for illegal sexual conduct, the reference being to the case of a Jewish artisan and a Muslim married woman who lived together despite stern warnings to desist, took place at this time. Was this a dark age of religiosity, as many suggest? Further research into this point is necessary, but it is of interest that a structurally similar phenomenon took place within the Jewish community of the empire, which saw the rise of an apocalyptic movement led by a self-styled messiah named Sabbatai Sevi, a movement not entirely dissimilar to that of the *kadizâdele*. All in all, a period full of border crossings and changes of identity, though not much to do with specifically Ottoman identity.

Julia Landweber (chapter fifteen, pp. 209–24) gives a new version of the story of the well-known Bonneval Ahmed Paşa, the renegade French artillery expert. This version is drastically different from that which appears in many of the basic textbooks. The story told here is that Bonneval was an officer in the French king's army, disobeyed orders at a certain point, and faced the prospect of a military tribunal. Not happy about this, he succeeded in leaving France and offered his services to the Austrian army, where after some years of service the story repeated itself: he somehow managed to disobey orders and again faced trial in a military tribunal. Once again opting to run away, this time to the Ottoman empire, he entered the service of the sultan as an artillery expert, having first converted in 1730 to Islam under the name of Bonneval Ahmed Paşa to escape further detention. In other words, Bonneval had desperate ulterior motives for embracing Islam and being seen as Ottoman. Another chapter on becoming something else, but only partially.

In chapter sixteen (pp. 225–38) Jane Hathaway deals with the central role played in Ottoman politics in the seventeenth and eighteenth centuries by the Ethiopian eunuchs, especially those filling the role of the chief harem eunuchs, who kept guard at the gates of the imperial harem. Their rise may have been caused by the decline of the successful and glorious campaigns as the sixteenth century drew to a close. As the preoccupation with the glories of war subsided, more time and energy were now devoted to palace intrigues, chief among which were those connected to the rising influence of the sultan's mother, and possibly also daughters and favorite concubines. Inevitably, those who administered the lives of these women would profit from the situation as well. These men were bought as boys in Ethiopia, the farthest geographic and social periphery of the empire, castrated in rural Egypt, and then sold to the Ottoman harem to serve as gatekeepers. That they eventually rose to the highest levels of

the Ottoman elite is truly amazing. Even when they fell from sultanic favor, they were rarely executed, but rather banished, usually to Egypt. What is no less amazing is that even when banished they usually kept the riches they had amassed while in office, and thus spent their remaining years in style and comfort. This was a typical institution in empires past, and in this respect the harem eunuchs ought to be considered as quintessential Ottomans.

Antonis Hadjikyriacou narrates an interesting story from Cyprus in chapter seventeen (pp. 239–53) to close off part three. The hero is the dragoman of the court in Cyprus, who, by exploiting connections forged on the job, was able to advance to the position of small tax farmer, an accomplishment that grew in scope over the years, as did the profits. Over the years the sums from this operation increased manyfold, and with it the confidence of the person involved. Eventually he managed to corner the entire annual wheat harvest of the island for a year during the Napoleonic wars, which he sold to Spanish buyers despite an old but permanent Ottoman directive forbidding the sale of grain to Europe. This entrepreneurial venture on the part of the dragoman sparked famine and riots in Cyprus, which forced him to escape to Istanbul. He clearly crossed the line in the Ottoman system, and the road to trial and execution was short and decisive. There were rules in this game that everyone, even sultans and grand viziers, much less zimmi (non-Muslim) tax farmers, had to respect.

When we turn our gaze to the strict question of identity, however, there are many conflicting issues. As this man was not in any way an employee of the state, and a non-Muslim to boot, he cannot be considered an Ottoman. But since he was a dragoman from a relatively young age, which was an official Ottoman position, he deserved the honor. He also had to learn Turkish, a supreme attainment of Ottomanism. And yet, he made the ultimate blunder of misjudging what the Ottoman government would tolerate in the area of misbehavior: he disrupted the rules concerning grain provisioning of the population. This was unforgivable.

Part four brings us to the nineteenth and twentieth centuries. In chapter eighteen (pp. 259–71) Darin Stephanov presents what seems to be at least a two-part study; both parts are interesting and valuable, but there is some tension between them, both logical and empirical, that remains unsolved to the end. The first part starts with the visibility of the sultan as part of the changing relations between the sultan and his subjects: before the Tanzimat it was standard that the sultan never appeared to his subjects in the flesh and even holidays were celebrated in the presence of choice members of the elite. At the beginning of the Tanzimat (starting roughly in 1839), all this changed quite rapidly. It was now understood that in order to enhance his legitimacy, the sultan had to appear before his subjects, rub shoulders with them, and even look them in the eyes. Authentic diaries from the Balkans, especially Bulgaria, which the author deploys at this point, attest that at this time sultans did indeed tour cities in the Balkans, attracting large crowds of cheering and admiring spectators who expressed loyalty and love to the ruler. But—and here the second part—from about the middle of the nineteenth century on, Bulgarian nationalism raised its head. Popular poetry began to appear in which the favored was no longer the Ottoman but the Bulgarian nation. This development reached a climax in 1878, when a bloody Bulgarian rebellion secured independence. Michelle Campos's serene ruminations (*Ottoman Brothers: Muslims, Christians and Jews in Early Twentieth-Century Palestine* [Stanford, CA: Stanford Univ. Press, 2011]) on the positive and even great potentialities that were inherent in the notion of the Ottoman nation—if only people had stopped to listen and were patient enough to try it out, but no, the Greeks, the Bulgarians, the Zionists, and, finally, the Turks themselves were in a rush to attend to their own interests—are spoiled by this narrative of events.

The one tension that remains unresolved, however, is whether the change to nationalism mode was so abrupt in the middle of the century? Is it possible that there were no anti-Otto-

man popular songs before that in Bulgaria? And what about the Balkan peninsula's famous image in the Ottoman period as a "powder keg," ready to blow up in the face of the Ottoman authorities at any moment? These questions remain undiscussed.

In chapter nineteen (pp. 272–83) M. Alper Yalçınkaya relates how in the nineteenth century Middle Eastern intellectuals noticed the new European trend, if not obsession, toward discussing various aspects of science, which became the hallmark of modernity, progress, and everything else carrying the plus sign. They noticed as well that Westerners saw science as a typical Western cultural trait, although the history of the term had an undeniable Islamic chapter—scholars such as Ibn Sīnā, Ibn Rushd, al-Kindī, and others, who were considered even by the West as precursors of modern science. In Ottoman society of the latter half of the nineteenth century this discussion was given a twist by the question of "where are we in this Islamic debate" being asked. The basis for the new twist was that most of the medieval scholars were polyglots, choosing any language they wished, without any connection to their ethnicity of origin, assuming such existed at all. Ottoman Turkish scholars now started to seek proof that many of these medieval great spirits were Turkish. These discussions started around 1850 and they were possibly the first salvos in the nationalist war in the Middle East. In other words, the fantastic notion that Middle Eastern nationalism started with the 1908 revolution or even with the Balkan wars is shown as unrealistic: such phenomena have very deep roots in the minds of the relevant societies, going back decades, if not generations. The hollowness of the concept of Ottoman nationalism is again exposed—apparently few Turks ever took it seriously. Historians must keep their commitment to record what happened in history, not what ought to have happened, which is the province of philosophy of history, not of history.

David Gutman offers us the interesting story of the Ottoman ambassador to the United States between 1886 and 1896 in chapter twenty (pp. 284–96). The USA was at that time a secondary diplomatic player in international relations, and so the Ottoman ambassador, a Greek of aristocratic Fanariot origin, was charged with spying on Armenian emigrants, whose number was soaring. Many of these immigrants to the United States were progressing from anti-Ottoman protesting to buying arms to be shipped into "Turkey," which then found themselves in the hands of Armenian revolutionary groups. Thus, it was crucial and urgent for the Ottoman government to have real up-to-date information on their activity.

This is but the outer contours of the study, however. Gutman's main interest is in the mentality of the people involved in this activism, in their identity, and in what they thought they were doing. The main protagonist here is the ambassador himself—an ethnic Greek in a time of intensely nationalistic feeling. He identified with his job and with the Ottoman state to a fanatical extent, especially in the context of preventing the work of activist groups, and went to extremes to be successful at his mission, including using consular funds to hire agents from the Pinkerton Detective Agency for undercover work. One of the agents he hired was an ethnic Armenian who was willing to collect information on the activists; Gutman suggests that both this Armenian and certainly the ambassador himself were entirely unaffected by the rising tide of ethnic nationalism and worked hard to undermine what they saw as its pernicious potentialities.

Penultimately, Vangelis Kechriotis's chapter (pp. 297–309) concerns a Greek Anatolian lad who tried to uphold the Ottoman nation to the full, despite denigrations from all directions. Pavlos Carolidis was a Karamani, that is a Turkish-speaking Greek Orthodox living in central Anatolia. From a relatively wealthy family and with a natural aptitude for learning, he went to the best possible schools in Izmir, Istanbul, and Germany, and in 1886 he was appointed professor at the University of Athens. His relative fame as the representative of his remote community brought pressure to bear on him to stand as candidate for the newly

opened Ottoman parliament in 1908. So far all went smoothly, but things became tangled in 1912 when he ran on the party platform most favored to win the election—the Committee for Union and Progress, then a Turkish nationalist party. Pavlos’s willingness to run on its ticket showed he was not exactly a Greek nationalist, which was tantamount to saying “this is what a traitor looks like.” Pavlos’s remaining years only took a turn for the worse.

Finally, in chapter twenty-two (pp. 310–24) Michelle Campos deals with some aspects of the history of the Sephardic community of late Ottoman Palestine. It was a special case of becoming Ottoman, not one restricted in terms of access by all sorts of tests, but one open for the taking. The reference is to Ottoman nationalism at its height, immediately after the 1908 revolution. Shlomo Yellin, the grandson of an emigrant to Palestine from Eastern Europe, married a Sephardi woman and became assimilated into Sephardi culture and society. As in the last chapter, Shlomo’s father, having some means at his disposal, sent his youngest son to study in the prestigious Galatasaray Lycée in Istanbul, then in the faculty of law of Istanbul University. Shlomo settled in Beirut as a practicing lawyer. When the 1908 revolution broke out, it precipitated Shlomo’s conversion to an avid Ottoman enthusiast. He continued to practice law but devoted all of his free time to spreading the message of Ottomanism and its fantastic qualities and potential. He died before the Great War, so the interesting question of his later whereabouts and choices cannot be answered.

Thus far Campos has presented us with a benign account of a young Jew in Palestine, a typical representative of the Sephardi community of Palestine and the rest of the Middle East, on his path to Ottomanism. It is not told innocently, of course. Campos wants to show that this imperial model was the right model, and the exclusive, narrow, and ethnic Zionism that was rising at the same time was wrong, even immoral and evil. Campos is entitled to her own views, but a serious historian is bound to ask if it is acceptable to base historico-sociological structures of groups on evilness versus smugness. Looking at it from the point of view of sociology and social psychology, the reality is that the Zionists who came to Palestine before the Great War came from Tsarist persecutions, peppered by the occasional pogrom, which all gave rise to the emergence of Jewish cultural nationalism based on ethnic and cultural exclusivism, exemplified by the renaissance of the Hebrew language and literature. They had a different reception from the neighborliness and friendship experienced by the Sephardis in Palestine and the rest of the Ottoman domains throughout the Ottoman period; their ethnic nationalism was almost inevitable. An example—a rather unpleasant one for me personally—is that of Ben Gurion, who came to Palestine in 1904 and did not bother to stay in Jaffa to have lunch. Later in life he never once visited an Arab village, even during his years as prime minister. To complete the story, after the Great War, when the Balfour Declaration was on the table, very few Jews came to Palestine. The buzz word on everybody’s lips was America, America—political ideology did not play a role. But in 1924 the USA closed its gates to free immigration and Jews could escape only to Palestine. Thus, probably close to a quarter million Jews left Germany for Palestine after Hitler’s rise to power. Most of them initially did not know the meaning of Zionism. But by a psychological mechanism called cognitive dissonance they became Zionists in a number of weeks, and they became acculturated to the reigning model of exclusivist ethnic nationalism. This is the true version.

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The second volume, *Law and Legality in the Ottoman Empire and [the] Republic of Turkey*, consists of nine studies covering Ottoman law from the sixteenth to the late nineteenth century. With one exception, it clearly is a book by the younger generation of legal scholars,

and several of the studies are equipped with a philosophy and methodology that seem to frame the whole book and deserve theoretical discussion. The new theory purports to be revolutionary and is directed at a group of scholars of which I am a member, maybe even the main “villain,” or so it feels.

The first article, which I will discuss further below, begins by stating that at long last we have arrived at the stage where most scholars accept that the law should not be seen as a top-down process, but as a bottom-up process, possibly an objection to the previous generation’s custom to look at the kadi as the center of the law. This complements the bigger issue raised by the new school of socio-legal studies, as embedded in the second article—an attack against the suggested model of the kadi being, on the whole, an objective and impartial judge who sought to implement the Ottoman avowed ideal of equal justice to all. Rather, the kadi was a member of Ottoman society whose decisions reflected its class system. The author of the second article, Hadi Hosainy, observes that even on the theoretical level discrimination between social layers existed: men were favored over women, Muslims over non-Muslims, and members of the military elite (sg. *askeri*) over commoners (*reaya*). Much-used and well-known societal discriminations against women and zimmi are brought forth to serve as evidence, but these do not actually demonstrate that women and zimmi and *reaya* were given harsher treatment by the kadi when they went to court. There was no law, Islamic or Ottoman, that said that while in court these categories should or could be treated any differently from others, and no trace of such a suggestion can be found in legal treatises or fetva collections. Rather, the record shows that they were treated more or less equally, despite the “micro-level analysis” (p. 30) of underlying political and social biases applied.

These methodological and philosophical interventions are problematic and I want to reassess some of them, hoping to turn the debate into something positive and helpful to everyone working in this wonderful field of study. At times it will become personal, for which I beg the reader’s indulgence. I would like to start by relating how when I was drawn to Ottoman-Islamic legal studies, in the 1970s and 1980s, there was only one other scholar in the field—Ronald Jennings—who was interested in the law itself, not in social history based on kadi court records (as several others were). For me and, I assume, for Jennings as well, a detailed acquaintance with the kadi’s work was a shock, since I had grown up (academically speaking) understanding that the kadi was the prime example of corruption, inefficiency, aberration, and deceit. Yet, the Ottoman kadi that I discovered was quite the opposite. As careful a reading of the documents as I could marshal did not reveal any serious crack in the wall of general fairness and rule of law or of detailed and consistent procedure throughout, and I refer here not just to law in the narrow sense but to the structure of social and economic life in Bursa in the seventeenth century (analyzed in my *Economy and Society in an Ottoman City: Bursa, 1600–1700* [Jerusalem: The Hebrew University, 1988]) of which the kadi was the cornerstone. The kadi did not take his job lightly, and unless the parties resorted to an out-of-court settlement—which happened quite often—the kadi’s decision in each and every case was straightforward, which led me to the inevitable conclusion, *pace* Lawrence Rosen in his well-known study on Morocco (1989), that the kadi enforced the law, no more, no less. Now, I cannot enumerate the number of times that I have heard that this was a sham, that the Ottoman empire was a “paper empire” (as I was told by a doyen, now deceased), meaning that there was no connection between documents and reality. I remained unconvinced, however, if only because a state that could fabricate more than ten-thousand sicill volumes must have been a serious political institution, and despite the passage of time I have not come across empirical information that has made me change my mind, although I fully realize that much of the fashion has changed.

About a decade or more after the studies of the first generation, more theoretical-based criticism of their findings began appearing. The main critique was formulated by Iris Agmon and Ido Shahar and by Dror Zeevi in their respective articles in *Islamic Law and Society* 15 (2008) and 5 (1998). Following the lead of American legal realism, they argued that the kadi was not an independent onlooker of the legal process but someone with an ax to grind, which it was the historian's task to unmask. Another criticism was that Ottoman law was not a fixed entity that could be read as a law code but a process of negotiation, so that Ottoman law was in fact made anew in every case. Therefore, contrary to Gerber, the kadi could not implement Ottoman law. There was not much material for the new school to embroider with until the appearance of Leslie Peirce's study of sixteenth-century Ayntab (Univ. of California Press, 2003), hailed by Agmon in a review as "another country heard from" (accessible at www.h-net.org/reviews/showrev.php?id=13539). Peirce deserves more space than I have at my disposal here, so I shall be brief. Oddly, and inexplicably, Peirce's documents are decidedly exceptional when compared to other sicills—nobody else has come up with a document in which a girls' teacher (an exceedingly rare profession in Ottoman Turkish society) answers a kadi in a trial with "This kind of thing is what I have always done for a living"—essentially saying, "What is the problem?" I disagree at times with Peirce—for example, in her chapter on criminal trials, where she explained two factually different cases of murder as having compromised, even contested the definition of premeditated murder in Islamic law, which in my view is, again, possibly the unconscious influence of nineteenth-century American legal realism in which every important court case reshaped, if not redefined, the relevant law—yet Peirce shared the view that Ottoman kadis were deeply committed to achieving justice, especially for the under-privileged, though not at the expense of "the law" (one of her cases, an accusation of rape by a girl's father-in-law, is rejected for lack of proof, i.e., four, generally male witnesses). However, the unique nature of Peirce's documents prevents me from concluding that she has really affected the paradigm established by Jennings. It cannot be emphasized strongly enough that the Ottomans did not impose an oppressive legal system on their populations and tell them to just deal with it. Both the elite and the common people believed that the Sharia, properly carried out, was the best possible legal system in the world, morally and practically.

I do not have anything against the theory put forward by Agmon and her colleagues. I might even say that in principle I feel closer to Agmon's theory than to my own. But there is one little problem—mine is supported by the available documentation and hers is not, as far as I know. Indeed, I plead guilty to the charge that I am a fetishist of documents. But there is at least one important factor that strengthens my belief that the Ottoman kadi's function was not simply to restore litigants (even criminals) to regular life in their communities as soon as possible—the Ottoman custom of frequent transfer of provincial officeholders like kadis from one assignment to the next. This was meant to prevent these officeholders from establishing social roots in the communities and developing ties that would be detrimental to an impartial legal system. In addition, the model suggested by Agmon and colleagues suffers from the paradox that the kadi is assumed to have had an agenda, whereby objectivity and justice were necessarily lacking, but to not have been enforcing law but aiming for a compromise whereby the accused could return to society—on the one hand, serving himself, and on the other, serving society. Which is it?—because I see here a serious contradiction.

I do not object to scholars subjecting kadi court records to the minutest of inspection in order to discover problems and inconsistencies in the kadi's approach. And without doubt, some—but in my view, a minority—of court decisions can be questioned, or are questionable. But the reigning assumption that there was a dark secret behind the scenes of the Sharia

court, left unrecorded in the court records so that the claim is asserted without documentary basis, is troubling. Again, the record as existing (history) should be clearly separated from our imagination as to what it hides (philosophy of history).

Hosainy (pp. 26–42) sets out to prove that class and connections underlay systemic biases and perversions of the law and invalidated the claim that the Ottoman kadi was on the whole fair and intent on objective adjudication. As proof he cites two cases from an Istanbul court in the middle of the seventeenth century. The first concerned a beneficiary of an endowment (*vakıf*) near the Yedi Kule fortress in Istanbul. The trustee was the warden (*duzdar*) of the fortress. Someone appropriated the endowment and held it for a number of years. The beneficiary, a woman, sued in court but lost (for, as the chapter points out, it is *vakıf* law that beneficiaries cannot sue on behalf of the institution). When the *duzdar* sued, he won. This, according to Hosainy, was because he was a powerful man. Yet, court procedure was followed to the letter of the law: two knowledgeable people in the quarter were chosen to testify; ulema from the court came to determine the reliability of the witnesses, and these testified in favor of the *vakıf*. The second case is of a suspicious killing, by gunshot, of a woman in the house of an imam. The imam claimed that his minor son and one other adult were present in the house and the minor accidentally pulled the trigger. No guilt was found, but had it been intentional, it would have meant the death penalty. Here, too, it is claimed that class won over the law, yet no proof is provided. (I am actually surprised that the case was brought to the kadi and not dealt with by police officers, but I do not have insight into Hosainy's documentation.) It should be borne in mind that both Islamic and Ottoman law operated under a strong assumption of innocence—it was difficult to be convicted in an Ottoman court without hard evidence against you. To bolster his methodology, Hosainy cites Ehud Toledano, saying that we should read the documents in a different way. To this I say: Read the document however you like, but do not invent a meaning that is entirely of your imagination. It will be a bleak day for our field when such a day comes to pass.

If I might allow myself a final comment on Hosainy's verdict that, *pace* Gerber, the Ottoman kadi was a part of Ottoman society, but now meaning that in every cross-class encounter the outcome was in fact preordained. The reality on the ground is that in the many scores of documents I have seen, the *reaya* won over the military and ulema classes. It is pertinent to mention here a time of crisis for the Ottoman state, attested to by the evidence of the Vienna *şikâyet defteri*, a collection of 2,800 grievances from 1675 containing mainly complaints of villagers against the *askeris* for tax extortion, often accompanied by additional abuses, some of them quite severe by any standard. A large number of these complaints bear signs that they were launched with the help of kadıs, and in many others villagers pled to have their case assigned to a kadi to be resolved. The whole affair was handled by the top military elite of the empire (those forming the Divan, or imperial council), who condemned the abusers in the harshest terms. Kadıs were called upon to summon these abusers to court, without any ceremonial deference. In Hosainy's scenario, the *reaya* would have been cowed into submission, but the Ottoman class structure that is reflected here is much more complicated than that which Hosainy wants us to imagine. Justice for the common people was not an empty slogan adopted by naive scholars like myself. I believe that from early on the sultans sought an institutional restraint to the power of the grandees and the top bureaucrats. They found one in a powerful judiciary that was not itself politically dangerous. The agenda on the part of kadıs was to properly enforce the law—sloppy enforcement would lead to a very short career. Acquiescing to grandees was not part of the logic of the kadi's job.

Another issue that the new legal school is given credit for—by, e.g., Timothy Fitzgerald in the first article (pp. 9–25, at 9)—is finally giving pride of place in Ottoman legal studies

to legal pluralism, the theory that seeks to show that legal systems should be based on more than one adjudicatory system, possibly also more than one body of law. Ironically, although I did not use it with its theoretical bases, and was not even fully aware of the term, the evidence for it is copiously in my studies. Since my first encounter with the Bursa sicills in 1973 I noted the large number of cases in which outside mediators intervened in trials midway, reaching compromises that the kadi accepted. Since they were never named, it was next to impossible to say anything concrete about these mediators, except for the fact that they most certainly existed—still, I was taken to task countless times for claiming that the kadi did not allow mediation. I have yet to see exactly where I claimed this, and it is unfortunate that my critics missed my references to an informal law being applied, as proving legal pluralism existed in Ottoman law is now their intent. My *State, Society, and Law in Islam: Ottoman Law in Comparative Perspective* (State Univ. of New York Press, 1994, 113ff.) treated another example of an additional body of law—the guild system, which was based on self-designed charters that included punishments to be meted out to lawbreakers, punishments decided on independently by the guilds themselves.

The study of legal pluralism is continued by Nora Barakat (pp. 108–28), who worked on Salṭ in Transjordan in the later decades of the nineteenth century and documents a similar phenomenon to Ido Shahar's study of forum shopping (*Islamic Law and Society* 15 [2008]). In the later nineteenth century, the Sharia court was losing some of its authority, an example being the right to deal with transactions and disputes relating to agricultural land, leaving the administrative council and the Nizamiye court in control. The Sharia court kept its jurisdiction with regard to debt, however, so that when people who traded in unregistered lands took mortgages out on them and put them up as collateral, the Sharia court still dealt with the debts but not the mortgages.

To summarize the rest of the chapters in this important volume briefly, Fitzgerald delves into the Ottoman sicills of sixteenth-century Aleppo in order to find out how literate the common people were. This sounds like a next-to-impossible task, but the effort is heroic, and I, for one, applaud it. His survey, obviously a preliminary treatment, starts with an examination of the topic in the Mamluk state, where we lack sicills so the material is more theoretical than real. Of interest here en passant is the importance of the professional notaries—legal experts of a low rank who occupied stools near the courts and wrote various documents that people needed to give to the kadi. One of the amazing things the Ottomans did upon their conquest of Egypt was to obliterate all these stands and send them off to look for other jobs. In all probability, it was part of their perception that the key role in the legal system should be given to the kadi. Nevertheless, Fitzgerald's enthusiasm is easy to share—the Ottomans advertised their sweeping concern with (centralizing) documentation by ordering transferred kadis not to transfer the sicills, and then making strenuous efforts to preserve the documents for future reference. They also used documents to administer their state on a huge scale—tax registers and land grants, *vakfiyyas* registering the status of beneficiary, imperial decrees awarding salaries for jobs performed in mosques, madrasas, poor kitchens, or the recital of Quran chapters after the afternoon prayer, as well as the millions of court records documenting all and sundry that went on in the court. With this amazing evidence before us, it is easy to think that Ottoman society was one of the most literate in the world, but the sad fact is that, as evidence on literacy begins to pile up in the late nineteenth century, Ottoman literacy was among the lowest in the world.

Michael Nizri in chapter three (pp. 43–64) investigates the legal and administrative process whereby people close to the center of power or even to the sultans themselves were able to concretize their grants of freehold (sg. *mülknâme*) received from the sultans for services

performed, real or imaginary. This process required stringent border demarcation, and the subject of this study is how this was done in the eighteenth-century case of Şeyhülislam Feyzullah Efendi in the *mülk* properties he turned into charitable trusts. Chapter four (pp. 65–91), by the co-editor M. Safa Saraçoğlu, undertakes to show that in the classical period of Ottoman history the urban economy was closely controlled by the *muhtesib*, who regulated public commercial activities, set maximum prices, and enforced propriety laws, but that this changed completely in the nineteenth century when the state left the business of price setting to the administrative council, more or less abandoning the *muhtesib* altogether. But this narrative does not take into account both my seventeenth-century study of Bursa and Abraham Marcus's study of eighteenth-century Aleppo, which show that the *muhtesib* was then already mainly a tax collector, most of his real public functions having been taken over by the kadi.

Kenneth Cuno in chapter five (pp. 92–107) describes developments in Egyptian family law that took place during the nineteenth century. Real, substantive changes in Egyptian family law were introduced only after the demise of the Ottoman state, but the state did introduce some new laws of procedure that, when enforced, greatly affected the status of women. Before the nineteenth century the court upholding Ḥanafī law enjoyed state preference, but in practice women were allowed to appeal to Shāfiʿī law, which they often did, since in some issues of key importance it was more flexible. If a husband disappeared for a substantial period of time, for instance, Shāfiʿī kadis were more cooperative in annulling the marriages; Ḥanafī law did not allow or accommodate annulment under these circumstances, and no Ḥanafī kadi would rule in her favor. The new procedural rules of the nineteenth century adopted the Ḥanafī court as the only legal court of law in Ottoman Egypt, and the outcome was that women's rights were severely restricted in comparison to what had existed before.

The Mecelle, the codification of the Ottoman (Ḥanafī) civil law carried out by a group of Ottoman legal experts in the 1870s, is the subject of chapter seven by Samy Ayoub (pp. 129–55). At the time, discussions raged as to what kind of civil law the empire was to adopt from Europe, but eventually the idea that indigenous law was as good as any Western civil law took hold. Ayoub asserts that the Mecelle represents late Ḥanafī law, of the past century or two. Many articles of the Mecelle cite imperial decrees, which shows that to a certain extent it was also a state project rather than a simple expression of traditional Ḥanafism. This means in practice that the Mecelle includes many items that would seem quite bizarre to experts of classical Islamic law but are considered standard by such scholars as Ibn ʿAbidin (d. 1836). An example brought by the author is the sweeping acceptance of documents as evidence provided they bore the signature of the sultan (*tuğra*), were issued by the land registry office, or came from the Sharia court. The Mecelle sometimes innovated without regard to late Ḥanafī doctrine. No Ḥanafī legal compendium ever suggested that witnesses are witnesses irrespective of their religion, but the Mecelle does exactly that, which was a small-scale cultural revolution. The Mecelle committee of experts (who wrote a theoretical treatise on their legal considerations, appearing as the preamble to the compendium) often pointed to changes in the Mecelle as being necessitated by historical changes.

The other co-editor, Kent Schull, examines in chapter eight (pp. 156–78) the penal laws enacted by the Ottoman government in the last decades of its existence. These laws made an effort to bureaucratize and systematize the criminal justice system by creating logical consistencies between the laws, by defining crimes logically, and by making the punishment then fit the crime, and increased the use of incarceration as punishment. Along with the implementation of these laws, we find here a cumulative process of turning away from traditional and Islamic sources of inspiration and organization of the criminal justice system and the gradual

adoption of rules and organizations adopted from the West. The increase in incarceration as the universal punishment for serious crimes is a prime example. Finally, Ellinor Morack in chapter nine (pp. 179–99) investigates the fate of the Turkish refugees who were transferred from Greece to Turkey after the population exchange treaty of 1923. These refugees were given substantial promises of economic assets in compensation for the properties they had left in Greece, but much of this remained unfulfilled because of other societal groups that stood in the way, demanding the same assets.

I can now say with confidence that reading these two volumes reinforces the impression that their subject matter is closer than meets the eye. Some of the articles in *Law and Legality* are not about law in the strict sense but more about social history—as, for instance—registration of land by the state or assessing the level of literacy in sixteenth-century Aleppo. On the other hand, several of the studies in *Empire and Identity* involve legal issues in a very deep sense. All the studies on nationalism are a prime example: they present issues that threatened to wreck havoc in the structure of the state if not properly dealt with. Likewise, several studies describe what was possibly the most important institution in the Ottoman city—the charitable trust, an institution that founded and financed integral services to people living in the Ottoman realm—schools, public baths, mosques, poor kitchens, fountains, and the like. The *vakif* also organized the center of town psychologically, giving a sense of wholeness and meaning to the people living there. And it certainly was an institution that was suffused by legal issues. These two books, especially when enjoyed together, further the conclusion that law should indeed be seen as a social phenomenon, for law and society certainly went hand in hand in the Ottoman empire.

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