The limits of tolerance: the social status of non-Muslims in the Ottoman Arab lands

The cold lasts as long as the Christian fasts.	(Syrian proverb)
A Jew when bankrupt searches his old account books.	(Baghdadi proverb)
A Copt without cunning is like a tree without fruit.	(Egyptian proverb)

Proverbs inform us that the Arabic-speaking peoples in the Ottoman centuries reduced sectarian differences to simplistic, if usually benign, clichés. Urban folk wisdom more commonly imposed stereotypes on the tribal peoples who loomed as the ultimate "other" in the imaginations of town dwellers or on residents of neighboring towns and regions in a reflection of fiercely held local identities and loyalties. It is significant, however, that the Muslim majority in the region's cities and towns perceived their non-Muslim neighbors as existing outside the boundaries of their social community. Differences in public behavior were noted and passed down in proverb to become received tradition. Such stereotypes highlight the social distance separating the religious communities in the cities of the Ottoman Arab world. Jews and Christians might share residential quarters and work place with Muslims, but they were seldom, if ever, included in the collective "we" in the consciousness of their Muslim neighbors.

This impression finds confirmation in the written record left to us by Muslim chroniclers of the Ottoman centuries where non-Muslims' lives went largely unremarked. There were, of course, exceptions. In times of natural disasters or during attacks by outsiders, all the inhabitants of a city might come together in common cause, forgetting sectarian differences in a spirit of civic cooperation. An example of such collaboration was the Christian participation in the defense of Mosul in 1743 when an apparition of the Virgin Mary sanctified the defenders and was duly noted by a Muslim chronicler.[1] But the exceptions draw attention to the silence prevalent elsewhere in the

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[1] Dina Rizk Khoury, *State and Provincial Society in the Ottoman Empire: Mosul, 1540–1834* (Cambridge, 1997), p. 67.

narratives. That sense of psychological separation was reciprocated by Christian chroniclers who frequently employed the undifferentiated collective "Islam" when referring to their Muslim neighbors and rarely commented on events in the larger Muslim world unless they had direct bearing on the fate of their own religious community. Almost every chronicler in the early Ottoman centuries, whatever his faith, seemed to have been bound by an unspoken rule that the affairs of religious communities outside his own would be of no concern to the posterity for whom he wrote.

We know that the religious communities were psychologically separated from each other, if not segregated by law, but it is difficult to reconstruct the parameters of social distance or, alternatively, the opportunities for cross-communal interaction on a personal level that might have existed. Complicating our discussion, much of what the historical record says about sectarian relations was written by European observers, whether Jews or Christians, whose impartiality is often questionable. Furthermore, social boundaries and taboos shifted across the empire. Conditions observed in one town might not be found in another; circumstances might also change over time even in the same location. It is precisely the arena of everyday behavior and attitudes where historians have the fewest clues as to the nature of the interactions among the various communities in the Ottoman Empire: what did people actually think of one another? What was the extent of social contact among individuals from different religious communities? Was tolerance or intolerance the rule?[2]

Most historians agree that the Islamic court records from various cities in the Ottoman period establish that any economic discrimination urban non-Muslims faced was relatively light. The head-tax (*jizya*), for which all adult male non-Muslims were liable but which was often assessed collectively on their religious community, was undoubtedly irksome. But it was rarely financially debilitating as the rate was based on one's ability to pay. Many avoided paying it altogether, much to the ire of their community leaders who found themselves having to make up the difference. In times of political turmoil when the long arm of the state became too attenuated to enforce its writ, Christians and Jews might find themselves the special victims of financial extortion from local Ottoman officialdom. But wealthy Muslims felt the squeeze as well. Legally, non-Muslims could not engage in the lucrative business of tax farming. But individual Christians and Jews did hold tax farms in the eighteenth century, an indication that restrictions limiting the participation of non-Muslims were not always enforced. Otherwise, Christians and Jews were free to seek their livelihood unimpeded by

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[2] Dominique Chevallier raises some of these same questions in his short but insightful "Non-Muslim Communities in Arab Cities" in *Christian and Jews in the Ottoman Empire*. Edited by B. Braude and B. Lewis (New York, 1982), vol. II, pp. 159–65. Unfortunately, he does not give any answers.

state interference. Some flourished economically under these conditions and by the end of the Ottoman period, many of the wealthiest individuals in the Ottoman Arab cities were non-Muslims.

There is also little question that Jews and Christians had any established political rights. But that was true for the Muslim subjects of the sultans as well. However, many among the Muslim elite in the Arab cities of the empire had come to believe by the eighteenth century that they did have a stake in the regime. It was self-avowedly Muslim and so it was by definition theirs. Typical of this identification with the House of Osman, the early eighteenth-century Damascene chronicler Muhammad bin Kannan took an avid interest in the Ottoman sultans' campaigns as the champions of Islam. His loyalty was not absolute as the author's allegiance seemed to falter when he noted that the Ottoman armies had engaged in battle the equally Sunni Afghan army of Nadir Shah. Concluding the entry, he simply asked God to end the fighting without his usual invocation, "May God grant the sultan victory."[3] Non-Muslims had no such illusions. They might feel personally loyal to an individual sultan or governor who had dealt with their community fairly, but they knew the state was not theirs. It was only at the end of the empire, when its political elite sought to introduce the idea of Ottoman citizenship, that the definition was broad enough to welcome the inclusion of Jews and Christians.[4] Cognizant that there was a psychological distance between the Muslims and non-Muslims in the Ottoman era, we need to explore the origins of that attitude and examine how it might have influenced intercommunal relations in the Ottoman period.

The roots of difference: *ahl al-dhimma*

Muslims in the Ottoman Arab lands provided complex, and often varied, responses to their Jewish and Christian neighbors. This was in no small part due to the ambivalence toward the two faiths found at the very core of Islamic traditions. Western scholars and observers of Muslim societies have alternatively ascribed to Islam, as a normative social construct, religious toleration and fanaticism. Both characterizations are possible, as Muslim states historically have manifested these apposite tendencies at different times and in different places. The primary inspiration for Islamic attitudes, the Qur'an, itself shows considerable vacillation when dealing with its sibling monotheistic faiths. The Qur'an recognizes the validity of the

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[3] Muhammad bin Kannan al-Salihi. *Yawmiyyat shamiyya* [Damascus Diary], *min 1111 h. hatta 1153 h. –1699 m. hatta 1740 m.* Edited by Akram Hasan al-ʿUlabi (Damascus, 1994), p. 382. See also, Bruce Masters, "The View from the Province: Syrian Chroniclers of the Eighteenth Century" *Journal of the American Oriental Society* 114 (1994): 353–62; Khoury, *State and Provincial Society*, pp. 156–87.

[4] Selim Deringil, *The Well-Protected Domains: Ideology and the Legitimation of Power in the Ottoman Empire 1876–1909* (London, 1998).

prophets of both Judaism and Christianity. Indeed, it claims them as its own. Needless to say, neither Christian nor Jewish traditions reciprocated that generosity toward their younger sibling. The Qur'an, however, warns those Jews and Christians who were the Prophet Muhammad's contemporaries of God's eternal damnation should they reject his mission. Furthermore, it directly negates doctrines they held to be the essential truths of their faith.

Western scholars have interpreted the Qur'an's apparent ambiguity towards the earlier monotheisms as arising from the historical context in which the sacred text was revealed.[5] They note the Qur'an was delivered over twenty years, during which Muhammad transformed himself from a prophet without political power to the head of a state at war with those who doubted his role as messenger of God. As such, they suggest that the Qur'anic verses reflect the historical progression of the Prophet's ministry. In the earlier revelations delivered in Mecca, God, through His Prophet, appealed to the believers of the other "heaven-sent" religions to acknowledge Muhammad as legitimately delivering His message. Revelation made the links to the two earlier faiths manifest by incorporating biblical tales into the Qur'an, thereby establishing them as sacred text for Muslims. This invocation of the two earlier traditions sought to widen the appeal of the message of the Prophet Muhammad to Arabian Christians and Jews by demonstrating the continuity of the revelations given to him with those of their own prophets. This secular interpretation maintains the Prophet found that, once in power, his fellow monotheists refused to accept that his message was from their shared God and even mocked his apparent ignorance of their holy books. In response, the tone of revelation toward non-Muslims turned more critical.

But Muhammad was also the political head of the fledgling Muslim state. Acting as such, he established a binding precedent for his successors when dealing with non-Muslims through his agreement with the Jewish tribes of Medina, which Western scholars have dubbed the "Constitution of Medina." Thereafter, Muslim authorities would recognize the rights of believers in the monotheistic faiths to remain at peace within the *umma*, as long as they recognized Islam's political authority over them.[6] This clientage was embodied in the concept of the *ahl al-dhimma* (literally "the people of the contract," in the singular *dhimmi*) which guaranteed the rights of the non-Muslims to property, livelihood, and freedom of worship in return for extra taxes (the *jizya*) and the promise not to help Islam's enemies. Most Muslim commentators do not share this contextual view of an evolution of attitudes toward non-Muslims expressed through divine revelation,

[5] Montgomery Watt, *Muhammad at Mecca* (Oxford, 1953) and *Muhammad at Medina* (Oxford, 1956); Maxime Rodinson, *Mahomet* (Paris, 1968).
[6] R. B. Serjeant, "The 'Constitution of Medina'" *Islamic Quarterly* 8 (1964): 3–16.

however. Rather, they hold that any apparent inconsistencies Western scholars find within the Qur'an arise out of human inability to grasp the innate coherence of the divine text.[7]

With Muhammad's death in 632, revelation ceased. Both the Qur'an and the historical actions taken by the Prophet in his lifetime had left the Muslims with a mixed legacy in the representation of the relative merits and failings of the "Peoples of the Book." While Christianity and Judaism were valid, at least in the abstract, some of their doctrines as understood by contemporary Jews and Christians were wrong. It was, however, left to God alone to punish the non-Muslims for their obstinacy on the final Day of Judgment. Until then, Muslims should leave them in their theological error unharmed. Jews and Christians must show, in return, their political subordination to the people of Islam by paying the *jizya*. This rather rudimentary formula for coexistence was based on the realities of an Arabia where the vast majority of the inhabitants had already accepted, at least nominally, the Prophet's message. It was soon in need of radical revision following the success of the Muslim armies in the decades following his death.

The Muslims had reached the borders of both China and the kingdom of the Franks by 750 with a string of military successes, equalling those of Alexander the Great or Chingiz Khan. Victories on the battlefield brought millions of non-Muslims into the *umma* and necessitated a reevaluation of the status of non-Muslims in the Muslim state. Despite the Western stereotype of Muslim conquerors with sword in one hand and the Qur'an in the other, Muslims did not expect their new subjects to embrace Islam. Rather theirs was a war for political control and booty, not for the hearts and minds of the non-believers who possessed a "Book." The options for the few surviving polytheists in the Middle East were less generous. Muslim expectations for the maintenance of the *status quo ante* were short lived, however, as numerous former Christians, Jews, and Zoroastrians accepted the Prophet's message.

Initially, the Arab Muslims made little distinction between those non-Arabs who accepted Islam and those who did not. All non-Arab adult males, Muslim converts or not, had to pay the *jizya* and all conquered lands were subject to a tax assessed on their productivity (*kharaj*). The new converts to Islam were considered to be without proper, i.e. Arab, lineage and became legally the clients (singular *mawla*, plural *mawali*) of Arab tribesmen so as to conform to the preIslamic social hierarchy that still prevailed as normative. By contrast, Arab tribesmen who remained Christians but fought for the *umma* were accorded a status close to that of Muslim Arabs. Christian Arab poets received the caliph's largess and theologians such as St. John of Damascus were welcomed at the court of the

[7] R. Stephen Humphreys, *Islamic History: A Framework for Inquiry* (Princeton, NJ, 1991), pp. 258–59.

Umayyad dynasty (661–750).[8] Such behavior must have loomed as a stark injustice in the minds of the newly converted and added to the potential for anti-Christian prejudice among them. Partially in response to their grievances, a new legalistic tradition emerged in the urban centers of Iraq and the Hejaz through which scholars sought to define God's law and to limit the abuses of an Islamic kingship. In the process, this legal tradition delineated the rights and obligations of both Muslims, regardless of ethnic origin, and non-Muslims within the Muslim state.

A revolution shook the *umma* in 750. It had gained strength among the believers, in part, out of the their sense of grievance generated by the regime's treatment of non-Arab Muslims. The new rulers, the Banu ᶜAbbas (Abbasids, 750–1258) in Baghdad, tried to steer the ship of state on a decidedly more Muslim course with the help of an emerging intellectual class of legal scholars, the ᶜ*ulama*. Social unrest, as well as religiously couched arguments, eventually led to a reformulation of Muslim identity. It was to be a broader and more inclusive one than had existed before. Although the believers still assigned merit to those of the Prophet's lineage (*ashraf*, singular *sharif*), the newly emergent legal tradition eliminated the distinction between Arab and non-Arab origins in determining the social standing of any individual Muslim within the community of believers.

Islam, as a political ideology, became more legalistic over time, enshrining what might have been temporary historical expediencies as holy law (*shariᶜa*). This was particularly true in its formulation of the conditions under which non-Muslims might enjoy Islam's protection. It is almost impossible to state with any certainty what percentage of the people in Islam's core lands of North Africa, the Fertile Crescent, and Iran had embraced Islam by 750, but as Muslims gained ground numerically, non-Muslims became increasingly marginalized within the Muslim state. As a political expression of that marginality, their social and political subordination to the people of Islam was given concrete legal form in a document known as the "Pact of ᶜUmar." Although its historic origins are debated, the "Pact of ᶜUmar" became an integral part of the Muslim legal tradition by the ninth century. It would govern how subsequent Muslim states treated their non-Muslim subjects from the time of the Abbasids until the Ottoman reforms of the nineteenth century.

Muslim tradition states that the Caliph ᶜUmar ibn al-Khattab (634–44) issued the "Pact" to the Christians of Jerusalem, or alternatively Syria as a whole, following its fall to the Muslim armies. Although Western scholars have ascribed the formulation to the Umayyad caliph, ᶜUmar II (717–20), it may be that its final formulation is a composite of many different agreements between Muslims and non-Muslims. Although the core of these may originally date from the time of the Prophet, they were modified with

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[8] Philip Hitti, *History of the Arabs* (New York, 1970), pp. 195–96.

increasing severity over time.[9] A written version of the agreement entered into Muslim legal texts by the ninth century in a standard formula invariably ascribed to the Caliph ᶜUmar ibn al-Khattab. Later versions elaborated on the conditions and added new restrictions, all the while claiming to be the original "Pact." In its earliest renditions, the "Pact" stipulated that in return for the Muslims' pledge of safe-conduct for their persons and property (*aman*), the non-Muslims agreed to the following:

> They would be subject to the political authority of Islam.
>
> They would not speak of the Prophet Muhammad, his Book, or his faith.
>
> They would refrain from committing fornication with Muslim women. This was extended to include marriage between non-Muslim men and Muslim women. Marriage between Muslim men and *dhimmi* women was allowed, following the Prophet's example, as long as the children were brought up as Muslims. But non-Muslim wives of Muslim men were free to worship according to their own faith.
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> Non-Muslims were forbidden to sell or give a Muslim anything that was in violation of Islamic law, i.e. carrion, pork, or alcohol.
>
> The display of crosses or the ringing of bells in public was not permitted, nor any public proclamation of "polytheistic" belief to a Muslim.
>
> No new churches or synagogues could be built.
>
> Non-Muslims must wear the girdle over their cloaks and were to differentiate themselves from Muslims by their headgear, mounts, and saddles. This was expanded later to prohibit non-Muslims from riding either horses or camels, limiting them to mules and donkeys.
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> Non-Muslims should not teach their children the Qur'an, nor use Arabic in their personal seals.
>
> No non-Muslim could hold a Muslim as a slave.
>
> No public religious processions, such as those traditionally held at Easter, were to be allowed.

The formula guarantees in return that Muslims would not interfere in any internal decisions made by the leadership of the non-Muslim religious communities in regards to personal status law or contracts unless all parties agreed to Muslim adjudication.[10]

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[9] C.E. Bosworth, "The Concept of *Dhimma* in Early Islam" in *Christians and Jews in the Ottoman Empire*. Edited by B. Braude and B. Lewis (New York, 1982), vol. I, pp. 37–51.

[10] For English translations of versions of the "Pact of ᶜUmar" as they have survived in the Islamic legal literature, see *Islam from the Prophet Muhammad to the Capture of Constantinople*, vol. II *Religion and Society*. Edited and translated by Bernard Lewis (New York, 1974), pp. 216–23.

If we compare these conditions to other premodern codes regulating relationships between conquerors and the conquered, the "Pact of ᶜUmar" seems almost benign. The "Statutes of Kilkenny" promulgated in Ireland in 1366 by the Anglo-Normans sought to stop the assimilation of the ruling French-speaking elite into the culture of the ruled by prohibiting the use of Gaelic language, music, dress, and sport among the Normans.[11] The "Pact of ᶜUmar" displays no such fears. If anything, the injunctions seem designed to insure that non-Muslims remained distinct from Muslims by their dress and by limiting their assimilation into the culture of the Muslims. While the "Pact" allows non-Muslims to retain their own customary practices in regards to personal status law, it established a public disdain for those practices in the eyes of the Muslim legal scholars and, by extension, the state. More importantly, it codified that Muslims had precedence over non-Muslims in any public space the communities might share. The call to prayer might disturb a non-Muslim's slumber, but the ringing of church bells or the chants of the non-believers should not inconvenience a Muslim.

These annoying, rather than life-threatening, prohibitions established the social inferiority of non-Muslims in a Muslim society. Non-Muslims had to pay the *jizya*, but the amount assessed in the Ottoman period was usually more symbolic than onerous. A non-Muslim's testimony was accepted in the Muslim courts, except in those cases where a ruling of guilt would result in the imposition of criminal sanctions against a Muslim. As such, a non-Muslim had nothing to fear when entering into commercial contracts with Muslims. There were no prohibitions on where non-Muslims might live or work, even if the dead were to be buried separately. Nor was any separation of trades by confession mandated. Yet it is clear from the injunctions that the social status of a Muslim was higher than that of a non-Muslim in much the same way that the codification of tradition as law established the social and legal superiority of men over women.

This translated into an institutionalized indifference among the Muslim elites to the non-Muslims as expressed in the literature extant from Islam's classical age. While Muslim historians showed interest in the Christian states predating the rise of Islam and geographers might discuss European Christian societies, little notice was paid to the indigenous Christians who were their neighbors. This omission is all the more telling as Muslim historians often relied on accounts written by their Arabic-speaking Christian contemporaries for information on early Christianity and the Byzantine Empire.[12] Indifference in the public record gave way to open Muslim hostility toward Christians in response to the reports of atrocities committed by the Franks against Muslim civilians in Christendom's first

[11] J. A. Watt, "The Anglo-Irish Colony under Strain, 1327–99" in *A New History of Ireland*, vol. II *Medieval Ireland, 1169–1534*. Edited by Art Cosgrove (Oxford, 1993), pp. 352–96.

[12] Nadia Maria El-Sheikh, "Arab Christian Contributions to Muslim Historiography on Byzantium" *Bulletin of the Royal Institute for Inter-Faith Studies*, 1/2 (1999): 45–60.

crusade to capture the Holy Land in 1098. The potential for inter-confessional antagonism was further fueled by the heated counter-rhetoric of crusade and jihad that continued for the next two centuries. Although with the exception of the Armenian kingdom of Edessa (present day Urfa), Middle Eastern Christians did not welcome the arrival of their coreligionists from Europe, Muslim attitudes toward local Christians deteriorated as their loyalty became suspect. Surviving Muslim legal documents from the period take on a harsher tone, illustrating the shift in attitudes. In the aftermath of the trauma of the Crusades, the "Pact of ʿUmar" was often rewritten with further refinements on the preexisting restrictions. For example, the require-ment that non-Muslims wear clothing of a specified color became much more widespread in this period.[13]

The percentage of Christians in the population of the Muslim lands declined sharply after the crusading period. They disappeared entirely from Muslim-ruled areas of Spain and North Africa. The process of conversion and assimilation into Arabic-Muslim society seems to have accelerated in the core lands of the Arab Middle East as well, as Coptic and Syriac ceased to be widely used as vernaculars and survived primarily as languages of liturgy. Whereas the Christians had once been the majority in the Fertile Crescent, they were a numerical minority almost everywhere by the Mamluk period (1250–1516), if not before.[14] Jews survived in these regions as much more coherent communities than did the Christians and, generally, with less open hostility from their Muslim neighbors. But there can be no question that official Muslim tolerance for Jews had ebbed as well. In regions where there were no Christians, and especially in territories where the Shiʿa tradition predominated such as Yemen and Iran, the Jewish communities might be subjected to oppressive measures similar to those Christians sometimes suffered elsewhere.[15]

Muslims did not universally share this hardening of sectarian attitudes expressed by Islam's legal establishment. During the turbulent centuries of the Crusades, Islam's mystics, the Sufis, were redefining what it meant to be Muslim. The literalism of the *Qur'an* was seen in their cosmology to be only an exterior truth which paled when compared to the inner knowledge (*maʿarifa*) of God that could be gained from the Sufi quest. A key figure in the Sufis' legends and lore was Jesus who was believed by some to embody the inner truth of religion as Muhammad had the outer. The external forms

[13] Donald Little, "Coptic Converts to Islam during the Bahri Mamluk Period" in *Conversion and Continuity: Indigenous Christian Communities in Islamic Lands, Eighth to Eighteenth Centuries.* Edited by Michael Gervers and Ramzi Jibran Bikhazi (Toronto, 1990), pp. 263–88.

[14] Nehemia Levitzon, "Conversion to Islam in Syria and Palestine and the Survival of Christian Communities" in *Conversion and Continuity: Indigenous Christian Communities in Islamic Lands, Eighth to Eighteenth Centuries.* Edited by M. Gervers and R. Bikhazi (Toronto, 1990), pp. 263–68.

[15] Hayyim Cohen, *The Jews of the Middle East, 1860–1972* (New York, 1973), p. 3.

of Christian and Muslim worship were equally irrelevant for the Sufis in their quest for eternal realities. As such, whether one started on the road to God from church, mosque, or synagogue was not as important as that one started on the quest for truth at all. This relativism could lead to greater cultural tolerance of non-Muslims in an expression of religious brotherhood. This is not to suggest all Sufis embraced a more tolerant view of non-Muslims. Rather Sufism offered an emotional and intellectual counterweight to the Islamic legal scholars' efforts to codify a rigid separation between the religious communities. In doing so, it added yet another layer of ambivalence to that which already pervaded Muslim attitudes toward non-Muslims.

Sufism also provided an Islamic façade for the ongoing syncretism between Christian belief and practice and those of Muslims on a popular level. Christians had been visiting holy shrines throughout the region before the arrival of the Muslim armies and many of these continued to exercise a spiritual pull over converts to Islam and their descendants. Some of the shrines were accepted into popular Islam with the continued remembrance of their original namesake, as was the case of the Virgin's reputed tombs in Jerusalem and Lebanon or her well in Ephesus/Selçuk. Others were transformed into shrines for more authentic Sufi saints, allowing for the joint observance of feast days by Muslims and Christians, even if they evoked a different name in their remembrances. This was particularly true for the most popular of Near Eastern saints, St. George. In his incarnation as Khidr-Ilyas (a conflation of the Prophet Elijah, the mythical sprite Khidr, and the Christian saint), he became the Sufi saint *par excellence*, transforming the saint's numerous reputed burial places throughout Syria and Palestine into sites of pilgrimage for both Muslims and Christians.[16]

Elsewhere, in the Syrian town of Homs, a popular Sufi festival coincided with the Christians' celebrations of Holy Week.[17] In Egypt, the *Shamm al-nasim* (Breath of Spring) holiday – of properly Christian origins being the Monday after Easter – was, and is still, celebrated by Muslims and Copts alike.[18] There was less syncretism between Jews and Muslims in their sacred geography, although members of both communities visited certain holy places that held shared religious significance. These included Abel's tomb in the environs of Damascus, the Tomb of the Patriarchs in Hebron, and the

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[16] Heyberger, *Les chrétiens du proche-orient*, pp. 57–61. William Dalrymple, *From the Holy Mountain: A Journey among the Christians of the Middle East* (New York, 1988), pp. 339–44; Hanna Batatu, *Syria's Peasantry, the Descendants of its Lesser Rural Notables, and their Politics* (Princeton, NJ, 1999), pp. 105–06; Eugene Rogan, *Frontiers of the State in the Late Ottoman Empire: Transjordan, 1850–1921* (Cambridge, 1999), pp. 37–38.

[17] James Reilly, "Inter-Confessional Relations in Nineteenth-Century Syria: Damascus, Homs and Hama Compared" *Islam & Muslim Christian Relations* 7 (1996): 218.

[18] Huda Lutfy, "Coptic Festivals of the Nile: Aberrations of the Past?" in *The Mamluks in Egyptian Politics and Society*. Edited by Thomas Philipp and Ulrich Haarman (Cambridge, 1998), pp. 254–82.

tomb of Joshua outside of Baghdad. The tomb of the Prophet Nahum in the village of Qara Qosh in Mosul province, today's northern Iraq, was ecumenically maintained by local Christians and visited by Muslims and Jews alike.[19]

Ambiguities of inter-confessional relations in Ottoman society

QUESTION: The Christians of a certain village hold public celebrations three days out of the year in accordance to their ancient traditions during which time they sing and dance. Although they have caused no harm to any Muslims, the Jews have complained and have sought to prevent the celebrations. Can they?

ANSWER: The people of Islam must stop this. Whoever says, "They cause no harm" is lying and has no religion. If the infidels (*kâfirler*) hold their festival on a Friday, they are infringing on Muslims' rights and causing harm. It is not appropriate here to say whether they or the Jews are the more accursed community. The religious communities should be separate.

Ruling of Ebusuûd Efendi[20]

The Ottoman elite shared the negative and positive impulses toward non-Muslims, contained within the competing Islamic traditions. The empire owed its initial existence to its role as a border outpost of a crusading Islam in the early fourteenth century. That the territory controlled by the House of Osman grew from a mini-statelet, consisting of only a few dozen square miles of rugged mountainous terrain, to a world empire was due in part to the legitimacy and the momentum the Ottomans gained by their dogged pursuit of holy war (*gaza*) against the infidels. There was hardly a decade in the entire six hundred years of the dynasty's history when it was not at war with one Christian rival or another. But much of the imagery of holy war associated with the Ottomans' early centuries was an invention of tradition by later generations.[21] The realities of the dynasty's origins were more ambivalent. The House of Osman relied on the services of Christian allies from its earliest victories over other Christians. Its sons bedded Christian women, as did their sons so that most Ottoman sultans had both formerly, and in some cases still, Christian mothers and consorts.

Despite the fact that Anatolia had been a solidly Christian territory before the battle of Manzikert/Malazgirt in 1071, its Islamization proceeded quickly as Greek and Armenian Christians accepted the faith of those who held military and political power. There is no evidence of wide-scale forced

[19] David d'Beth Hillel, *Unknown Jews in Unknown Lands: The Travels of Rabbi David d'Beth Hillel*. Edited by Walter Fischel (New York, 1973), p. 78.

[20] Ebussud Efendi's *fatwa*s cited in this work are taken from M. Ertuğrul Düzdağ, *Şeyhülislam Ebussuud Efendi fetvaları ışığında 16. asır Türk hayatı* [Turkish Life in the Sixteenth Century in Light of the Fatwas of Şeyhülislam Ebussuud Efendi] (Istanbul, 1983), p. 96.

[21] Cemal Kafadar, *Between Two Worlds: The Construction of the Ottoman State* (Berkeley, CA, 1994).

conversions either in Anatolia or later following the Ottoman conquests in the Balkans, with the possible exception of the Albanians. We must, therefore, assume the pull to the new faith was a combination of economic and political incentives, coupled with the undeniable appeal of Islam as a dynamic faith. The reasons given by those who converted on Cyprus (conquered in 1571) and Crete (after 1669) were mixed. Christian men on Crete embraced Islam as way of getting into the military; Christian women everywhere typically converted either to get rid of their husbands or to claim a portion of their fathers' and/or husbands' estates. But still other men and women simply stated that their former faith was "false and corrupt" (*bâtil ve fâsid*) and they embraced the "true faith" that was Islam.[22]

Islam's emotional and spiritual appeal to the sultans' Christian subjects was increased by the syncretistic interpretations which were being preached by the wandering Sufi mendicants who visited the villages of Anatolia and later the Balkans. Prominent among these were the adherents of the Bektaşi order who blended elements of Christianity with Islam, retaining a special place for Jesus and Mary and a fondness for wine while adding reverence for Ali. The retention of Christian customs by the order must have seemed comforting and familiar to the region's Christian peasants, often physically remote from their own clergy. Confirming this assumption, the strongholds of Bektaşi belief in the Ottoman lands were found among the Albanians, Pomaks, and Bosnians – the only Balkan peoples to apostatize in any great numbers – and in the ranks of the Janissary corps, which was conscripted from the Christian subjects of the sultans.[23]

It was, perhaps, only in the Ottoman cities that Islam was practiced in its more recognizable, contemporary form. There the Ottoman sultans sought to promote a state-sponsored version of Islam, preached by men who were graduates of state-supervised seminaries and paid salaries from the sultans' coffers as urban Islam became institutionalized to a degree unknown before.[24] That cooptation created a weapon which could be wielded against the sultans should they veer too far from what the men of religion had constructed as orthodoxy. These men of religion formed the core of what might be considered the empire's Muslim intelligentsia. They were its scientists, historians, and poets, as well as its legal scholars. Their ethnic and social origins were as diverse as the population of the empire itself. As such, we might expect them to represent a diversity of outlooks. But as a social

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[22] Ronald Jennings, *Christians and Muslims in Ottoman Cyprus and the Mediterranean World, 1571–1640* (New York, 1993) pp. 137–42; Molly Greene, *A Shared World: Christians and Muslims in the Early Modern Mediterranean* (Princeton, NJ, 2000), pp. 36–44, 93–95.

[23] Alexander Lopasić, "Islamization of the Balkans with Special Research to Bosnia" *Journal of Islamic Studies* 5 (1994): 163–86.

[24] Halil İnalcık, *The Ottoman Empire: The Classical Age 1300–1600* (London, 1973), pp. 165–72.

and intellectual class, they held remarkably similar world-views, undoubtedly molded, as hoped for by the state's bureaucrats, by their shared educational experience. The differences that did occur among them followed the demarcation in intellectual world-views already established – legalism versus mysticism. Although it must be noted that a single individual scholar might display both tendencies in his literary interests, producing legal commentary and mystical poetry without any apparent internal psychological confusion.[25]

This Ottoman Muslim intelligentsia has left as its legacy volumes of religious commentary, history, and poetry. But that literature, as was the case in Islam's classical age, is largely silent about the non-Muslims amongst whom the authors lived. There was an occasional comparative discussion of the pulchritudinous merits of women from various non-Muslim ethnic groups or poems in praise of Christian taverns and beauties, but more serious literature seems in retrospect strangely taciturn. Evliya Çelebi, the inveterate traveler of the seventeenth century who usually took great interest in describing the various ethnic groups he encountered, could visit Damascus and Aleppo without mentioning that there were any non-Muslims in either city. He did, however, express surprise that the *Rum* of the Lebanese port cities spoke not *Rumca* (Greek) but Arabic.[26] There were, of course, exceptions but these formed an interesting parallel with the rare woman who found her way into Ottoman historical narratives.[27] Muslim male chroniclers usually mentioned Muslim women or non-Muslims only as negative examples, symbols of the corruption on the body politic and even then only after the individual in question had fallen from power.

In the absence of literary sources, the judicial rulings (*fatwa*, plural *fatawi*) of leading Ottoman jurists provide some insights into everyday relations between individuals of differing religious traditions. The most important of these collections are those delivered by the men who served as chief justice of the empire, the *Şeyhülislâm*. Rulings were issued in response to specific, yet supposedly hypothetical, legal queries submitted to the Justice by anyone in the empire. Once a ruling had been delivered, it could be entered as evidence into any court case where it had relevance. The judge at the local court did not have to accept the Justice's *fatwa* as definitive, but in the regions that were within the effective control of the state most would probably defer to his judgment.[28] Further afield, in southern Syria and Palestine, the *fatwa*s of the *Şeyhülislam* in Istanbul were not as normative,

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[25] Cornell Fleischer, *Bureaucrat and Intellectual in the Ottoman Empire: The Historian Mustafa Âli (1541–1600)* (Princeton, NJ, 1986).

[26] Evliya Çelebi, *Evliya Çelebi Seyahatnamesi* [Travelogue] vol. IX. Edited by Mehmed Zillioğlu. Istanbul, 1984, pp. 151–55; 201–11.

[27] Leslie Pierce, *The Imperial Harem: Women and Sovereignty in the Ottoman Empire* (New York, 1993), pp. 267–85.

[28] Haim Gerber, *State, Society, and Law in Islam: Ottoman Law in Comparative Perspective* (Albany, NY, 1994), pp. 79–112.

although local *mufti*s were equally important in shaping the character of the law as practiced in the provincial courts.[29] Among the various esteemed gentlemen who held the post of Şeyhülislâm, the most respected was undoubtedly Ebussuûd Efendi (d. 1574) who served the sultans Kanunî Süleyman and Sarhoş Selim between 1545 and 1574. Ebussuûd's fame rested on the quality of his responses, his longevity in office, and the fact that Süleyman's reign was viewed with historical hindsight by later generations as a halcyon age of Islamic justice. It would follow if Ebussuûd were the chief justice during the period, he must have been the most judicious of men. His rulings continued to have a normative effect on Ottoman jurisprudence long after his death and can be taken, as much as any one collection can, to be an exemplar of the opinions of the Ottoman legal establishment.[30] His *fatwa*s illustrate the complex web of social relationships connecting Muslims, Christians, and Jews in the Ottoman Empire. Sometimes they suggest a casual intermingling of peoples we might construe as tolerance. These include references to the giving of red dyed eggs by Christians to their Muslim neighbors at Easter and the reciprocal sharing of meat sacrificed at the Muslim Feast of the Sacrifice (*Kurban Bayramı*). But they also offer evidence that intercommunal tensions could flare up into violence, not only between Muslims and non-Muslims but between Christians and Jews as well.[31]

The rulings by Ebussuûd help us to understand why. He is careful to maintain the conditions established by the "Pact of ᶜUmar" for non-Muslims' behavior. These included the right to maintain their own legal traditions, the right to property, and safety of person, even if that meant passing as a Muslim by donning a white turban in a place where it might prove dangerous to be identified as a *dhimmi*.[32] But at the same time, non-Muslims had to accede to the social superiority of Muslims by doing nothing to disturb their peace and sense of well-being. The language employed in his responses further helps us to deconstruct Ebussuûd's public attitude toward non-Muslims. Eschewing the legalistic, and value-neutral, term *dhimmi*, he often preferred instead *kâfir* (infidel), semantically close to the colloquial Turkish slur for non-Muslims, *gâvur*. Interestingly, he like many of his contemporaries reserved the term exclusively for Orthodox Christians with Jews and Armenians identified by their communal affiliation. That was, no doubt, conditioned by his derisory view of their Trinitarian beliefs. The Justice wanted the social line to be clearly drawn between Muslims and non-Muslims, even asserting that Muslims should not speak a language used by non-Muslims lest the division between the two

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[29] Tucker, *In the House of the Law*, pp. 1–36.
[30] Richard Repp, "Qanun and Shariᶜa in the Ottoman Context" in *Islamic Law: Social and Historical Contexts*. Edited by Aziz al-Azmeh (London, 1988), pp. 124–45.
[31] Düzdağ, *Ebussuud Efendi fetvaları*, pp. 91–94.
[32] *Ibid.*, no. 358, p. 89.

communities be blurred.[33] In the end, his public opinion of non-Muslims is probably best summarized by his own pronouncement, "The communities should be separate."

A similar public disdain cannot be attributed to ᶜAbd al-Ghani al-Nabulusi (d. 1731) who was, for a time, mufti of Damascus – the provincial equivalent of the *şeyhülislâm* – and who might serve as an exemplar of the Ottoman intellectual tradition rooted in mysticism. ᶜAbd al-Ghani al-Nabulusi was a prolific writer whose works ranged from amatory poetry to a treatise on the proper care and propagation of olive trees. But it is in one of his travel narratives, *al-Haqiqa wa al-majaz fi rihlat bilad al-Sham wa Misr wa al-Hijaz* (The Truth and the Marvel of a Journey in Syria, Egypt, and the Hejaz) that we find indications of his attitudes toward non-Muslims. His was not an ordinary travelogue for it chronicled a voyage of interior discovery across the spiritual geography of the Middle East. Al-Nabulusi gave little space to physical features of the lands he traversed, but rather dwelt on the mystical links between the places he visited and various Sufi saints, past and present, with whom they were associated. Included in his extended pilgrimage were visits to Christian holy places: the Monastery of Mar Taqla at Maᶜalula, the reputed grave of the Virgin Mary in Lebanon, and the largely Christian villages of Nazareth and Bethlehem. His descriptions of these places were reverential and highly informed about contemporary Christian practices and beliefs. In his description of Nazareth, for example, he discussed details of Jesus' life that he attributed to the apocryphal Gnostic gospel of St. Peter. His description of Bethlehem included a poem extolling the quiet charm of the village and the generosity of its monks whose singing sent him into mystical rapture.[34]

His travel narrative was not the only example of al-Nabulusi's written respect for Islam's sibling faiths. His dream book gives many examples of the blessings a dreamer will encounter should he or she perchance dream of Jesus.[35] In addition, al-Nabulusi wrote at least two essays in defense of Sufi masters under attack by orthodox Muslim critics for being lenient in their treatment of non-Muslims. The first was a defense of the thirteenth-century Andalusian poet, al-Shushtari, whom had been accused of using Christian imagery by one of al-Nabulusi's contemporaries. Al-Nabulusi explained in his commentary what the terms used by al-Shushtari meant for Christians and how they corresponded appropriately to Sufi concepts and beliefs, thereby collapsing the differences between Christianity and Sufism in regard to the authenticity of their respective spirituality. In 1692, he wrote a

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[33] *Ibid.*, nos. 527 and 528, p. 118.

[34] ᶜAbd al-Ghani al-Nabulusi, *al-Haqiqa wa al-majaz fi rihlat bilad al-Sham wa Misr wa al-Hijaz* [The Truth and the Crossing of a Journey to Syria, Egypt, and the Hejaz], (Damascus, 1989), pp. 299, 365–66.

[35] Annemarie Schimmel, "Dreams of Jesus in the Islamic Tradition" *Bulletin of the Royal Institute for Inter-Faith Studies* 1/1 (1999): 207–12.

polemic against an unnamed Turkish scholar who had derided Muhyi al-Din ibn al-ʿArabi (d. 1240) for allowing that Jews and Christians might enter paradise.[36] In fact, al-Nabulusi's positive views towards non-Muslims seem conditioned by the mystical outlook of ibn al-ʿArabi, his spiritual mentor. This interpretation is supported by a lengthy *fatwa* issued by al-Nabulusi in 1712 on the nature of God. It presents a discussion of God's being that is clearly informed by the works of ibn al-ʿArabi. What is, perhaps, unanticipated about the *fatwa* is that it was issued in response to three questions posed to the shaykh by the Patriarch of Antioch, Athanasios Dabbas. That these two men could engage in a philosophical discussion of the nature of God from a mysticism rooted in their respective faiths as intellectual equals suggests that not all Muslim intellectuals shared Ebussuûd Efendi's disdain for non-Muslims.[37]

Christians and Jews in a Muslim world: the record of the qadi courts and the central state archives

Studies based on the registers of the qadi courts of various Ottoman Arab cities have provided rare insights into the social interactions of ordinary people in the early modern Middle East.[38] Useful as these records are, however, they can be problematic for our investigation.[39] The registry of the cases was usually brief and often formulaic. What might have been an emotional confrontation at court was recorded in a condensed entry, with a straightforward and even detached style. Only rarely was testimony recorded verbatim and we are left to ponder the silences. There are other omissions as well. Murders, or other public outrages against non-Muslims, were only rarely brought to court, due in no small part to the invalidation of non-Muslim testimony against Muslims in cases where a penalty might result. We must, therefore, turn to Christian and Jewish sources, or to the registry of petitions from those communities for redress from the sultan, for the elaboration of incidents of overt hostility by Muslims against non-Muslims. An example of these alternative voices is found in the account by the eighteenth-century chronicler of Aleppo, Yusuf Dimitri ʿAbbud of the death of Hanna ibn ʿAziza, a Christian, murdered by Taha al-Fattal, a Muslim. Taha had asked Hanna for work but when the latter replied he did

[36] Omaima Abou-Bakr, "The Religious Other: Christian Images in Sufi poetry" in *Images of the Other: Europe and the Muslim World before 1700*. Edited by David Blanks (Cairo, 1997), pp. 96–108; Michael Winter, "A Polemical Treatise by ʿAbd al-Gani al-Nabulusi against a Turkish Scholar on the Religious Status of the *Dhimmis*" *Arabica* 35 (1988): 92–103.

[37] Bakri Aladdin, "Deux *fatwa*-s du Šayh ʿAbd al-Gani al-Nabulusi" *Bulletin d'Études Orientales* 39–40 (1987–88): 9–37; Heyberger, *Les chrétiens du proche-orient*, pp. 40–42.

[38] See studies by Abdul-Karim Rafeq, André Raymond, Amnon Cohen, Galal el-Nahal, Abraham Marcus, James Reilly, and Margaret Meriwether listed in the bibliography.

[39] Dror Ze'evi, "The Use of Ottoman Shari'a Court Records as a Source for Middle Eastern Social History: A Reappraisal" *Islamic Law and Society* 5 (1998): 35–36.

not have anything for Taha to do, Taha pulled his dagger and killed him. There being only Christian witnesses no charges against Taha were ever brought to court.[40]

While Christians and Jews appeared frequently in the Muslim courts in the Arabic-speaking provinces and apparently showed no hesitancy to press cases involving breach of contract against Muslims, the recorders of their testimonies have left semiotic evidence it was not on the basis of complete equality. Individual Christians and Jews were always identified by their religion when entered into the records, an indication that the court scribes considered "Muslim" to be the norm and unnecessary for notation. Non-Muslim men were further set apart from their Muslim contemporaries by the scribes in both Aleppo and Damascus who recorded their patronymic as "*walad*," for example, Jirjis walad Tuma (George, son of Thomas), as opposed to the "*ibn*" reserved for Muslims, for example, Muhammad ibn Hasan. In an interesting contrast, Arabic-speaking legal clerks indiscriminately recorded Muslim, Jewish, and Christian women as "*bint*" (daughter). Dead Muslims were referred to as the "deceased" (*mutawaffa*) while dead non-Muslims had simply "perished" (*halik*). As if such devices were not enough to make the distinction clear, Jewish and Christian masculine names shared with Muslims were spelled incorrectly in the Syrian courts. Thus "Yusuf" (Joseph) would indicate a Muslim, while "Yasif" would let us know the individual was either a Christian or a Jew. The name "Musa" (Moses) shared by men from all three religious communities would be written correctly with the letter "*sin*" in the case of a Muslim, and incorrectly with the letter "*sad*" if the bearer were not.[41] Muslim chroniclers in Egypt often employed similar misspelling of names of non-Muslims when recording them in their histories.[42]

The testimony of a non-Muslim was accepted in court with the swearing of the appropriate oath, on either the Torah or the Gospels (*Injil*). Despite the Qur'anic injunction that the testimony of two non-Muslim males, or two Muslim women for that matter, was required to equal that of one Muslim male, non-Muslims and women testified against Muslim males on an equal basis. There was a difference, however, between the two classes of witnesses. Women of whatever faith were generally required to present two male witnesses as to their identity, while non-Muslim males were accepted

[40] Yusuf Dimitri ᶜAbbud al-Halabi. *al-murtadd fi ta'rikh Halab wa Baghdad* [A Revisiting of the History of Aleppo and Baghdad]. Edited by Fawwaz Mahmud al-Fawwaz, M.A. Thesis, University of Damascus, 1978, p. 118.

[41] Najwa al-Qattan. "The Damascene Jewish Community in the Latter Decades of the Eighteenth Century" in *The Syrian Land in the 18th and 19th Century*. Edited by Thomas Philipp (Stuttgart, 1992), p. 204; Abdul-Karim Rafeq "Craft Organizations and Religious Communities in Ottoman Syria (XVI–XIX Centuries)" in *La Shiᶜa nell'Impero ottomano* (Rome, 1993), pp. 33–34.

[42] Michael Winter, *Egyptian Society under Ottoman Rule 1517–1798* (London, 1992), pp. 204–05.

on their own recognizance. The physical descriptions of non-Muslim males were sometimes recorded as an apparent identity check, however, as was often the case for slaves. Such physical descriptions were rarely, if ever, added in the case of free Muslim males. Despite such hints of possible discrimination, at least in the eyes of the recording secretary, non-Muslim men and women were frequent visitors to the Muslim courts. But, as non-Muslims often relied on Muslim witnesses to win their civil cases against Muslims, we can assume that they understood the efficacy of having Muslim testimony to sway a Muslim judge to their side.[43]

The court records taken together from the various Arab cities give us a relatively positive picture of intercommunal relations in the seventeenth and eighteenth centuries, although we must remember the caution that non-Muslims may have been reluctant to bring charges in cases involving physical attacks against them. Non-Muslims and Muslims often lived in the same quarters. But almost every Arab city also had quarters which were becoming almost exclusively non-Muslim over the course of the Ottoman centuries. Such residential clustering was necessitated for Jews by the Talmudic injunction that they live within a limited walking distance from their synagogues and in many cities only one existed. The emergence of predominantly Christian quarters, however, supports the hypothesis of a psychological distancing between the different religious communities that led them to cluster together residentially with their coreligionists even when the law did not require it.[44] But even those neighborhoods that were overwhelmingly populated by either Jews or Christians often housed a few Muslim families, as was the case of the predominantly Christian quarter of Bab Tuma in Damascus or the Jewish quarter of Bahsita in Aleppo.[45]

Muslims and non-Muslims worked together in many of the trade guilds and went as a collective unit to voice guild concerns before the court, although the names of Muslims were always listed first in such depositions. But if there were any Muslims in a guild, the head (*shaykh*) was invariably a Muslim, even if the membership were overwhelmingly non-Muslim as in the case of the guilds of silk weavers in Aleppo and Damascus. In many such guilds, however, the *shaykh*'s second in command (*yiğit başı*) was a non-Muslim. Not all the trades were integrated, but religiously segregated guilds consisting only of Muslims usually involved low prestige jobs such as tanners or porters, the membership of which was typically of tribal origin. There were also some trades that were exclusively Jewish and/or Christian

[43] Najwa al-Qattan, "*Dhimmi*s in the Muslim Court: Legal Autonomy and Religious Discrimination" *International Journal of Middle East Studies* 31 (1999): 429–44.

[44] Jean-Claude David, "L'espace des chrétiens à Alep: ségrégation et mixité, stratégies communautaires (1750–1850)" *Revue du Monde Musulman et de la Méditerranée* 55–56 (1990): 152–70.

[45] Colette Establet and Jean-Paul Pascual, *Familles et fortunes à Damas: 450 foyers damascains en 1700* (Damascus, 1994), pp. 165–66.

(for example, the *kashrut* butchers, physicians and goldsmiths in most cities, the Sasuni Armenian bakers in Aleppo). By and large, however, the court records demonstrate that the work places and markets of the Ottoman Arab cities were well integrated with a casual mixing of persons following different religious traditions.

The court records also suggest there was a large degree of assimilation into Islamic legal practices by Arabic-speaking non-Muslims in the Ottoman period. Non-Muslims could only resort to the Muslim courts if all concerned parties agreed to Muslim adjudication. Otherwise, Muslim judges were to return the cases to the appropriate religious authorities in the minority community in accordance with the Pact of ʿUmar. Apparently, records from non-Muslim judicial bodies have not survived in any Ottoman Arab city, other than the *responsa* literature of some of the more eminent rabbis.[46] There is, however, anecdotal evidence that the Jews maintained religious courts in several cities, as did the Greek Orthodox Patriarchate in Damascus. We know of the latter from an imperial order in 1805, instructing the city's governor to execute an Orthodox priest who had been found guilty by the patriarch's court on charges of embezzlement.[47]

Nevertheless, Christians and Jews did not hesitate to rely on the Muslim courts on many different occasions when they were not required to do so by law. Christian males most commonly invoked the shariʿa to divorce their wives. Divorce was permitted to Eastern-rite Christians, but as many in Aleppo and the Lebanese coastal cities became Uniate Catholics in the eighteenth century, it was no longer an option under their canon law. Despite the Catholic injunction against divorce, Aleppo's new Catholics continued to appeal to the Muslim courts for divorce settlements. Even resident Venetian merchants in the city invoked the shariʿa on occasion to divorce their wives, something they could not have contemplated doing at home.[48] Non-Muslim women in Aleppo, on the other hand, usually converted to Islam in order to divorce their husbands in a Muslim court. Once Muslim, the only grounds for women in largely Hanafi Syria to initiate divorce proceedings, without their husbands' compliance, lay in the Shafaʿi school of law which permitted a wife to divorce her husband on grounds of desertion. As such, there is the occasional entry in the records of the Shafaʿi judges in Aleppo of a Christian woman appearing before them to announce her conversion to Islam and then immediately divorcing her

[46] Joseph Hacker, "Jewish Autonomy in the Ottoman Empire: Its Scope and Limits. Jewish Courts from the Sixteenth to the Eighteenth Centuries" in *The Jews of the Ottoman Empire*. Edited by A. Levy (Princeton, NJ, 1994), pp. 153–202; Marc Angel, "The Responsa Literature in the Ottoman Empire for the Study of Ottoman Jewry" in *The Jews of the Ottoman Empire*. Edited by A. Levy (Princeton, NJ, 1994), pp. 669–85.

[47] Istanbul, BOA, Ahkâm-ı Şam-ı Şerif, vol. VI, p. 18.

[48] Damascus, Aleppo Court records, vol. XIX, p. 112; Heyberger, *Les chrétiens du proche-orient*, pp. 76–77.

absent husband.[49] In both Damascus and Jerusalem, however, there were cases of non-Muslim women initiating divorce proceedings against their husbands on grounds supplied by Islamic law, without their previous conversion to Islam.[50]

Christians in Syria frequently brought charges against fellow Christians in the Muslim courts, especially as confrontations developed between Catholic and Orthodox factions. The Jews in the Ottoman Arab cities were more conservative of their traditions and less eager than the Christians to bring internal community disputes before the qadi and into the Muslim public gaze. English factors, resident in Aleppo in the late seventeenth century, claimed the local rabbis had issued injunctions forbidding any of their community from bearing testimony against another Jew in the Muslim courts.[51] Whether or not this was true, there are very few cases registered in the Islamic court registers in that city reflecting intra-communal strife among the city's Jewish population. That was not the case in sixteenth-century Jerusalem or eighteenth-century Damascus, however, as Jews in those two cities frequently brought intracommunal conflicts to the Muslim courts for adjudication.[52] Unfortunately, no one has yet researched the qadi records of Baghdad to discover to what degree the numerically larger Jewish community there relied on the Muslim courts.

While the court records show evidence of cooperation between individual members of the disparate religious communities, they also document moments of sectarian dissonance in cases typically initiated by Muslims. On August 16, 1658, a delegation of Muslims from the quarter of Kharab-khan in Aleppo charged Christians in the quarter with selling alcohol (*khamr*) and drunken behavior. The Christians replied they had an imperial order that allowed them to sell alcohol. The judge ruled that their license did not permit them to get drunk and he ordered them to desist from selling alcoholic beverages in future.[53] Christians were free to engage in what was considered to be offensive behavior in Muslim eyes, as long as it was behind the walls of their homes. But they were not at liberty to offend Muslim senses or sensibilities in any public space.

Sectarian dissonance could at times also become violent. In the seventeenth century, a group of Jews in Cairo brought charges against some Muslims whom they claimed had harassed them with stones as they proceeded through a Muslim cemetery with their own dead for burial in an adjacent Jewish cemetery.[54] The judge ruled in the Jews' favor and ordered the Muslims to desist from any such interference. The problem did not go

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[49] Damascus, Aleppo Court records, vol. II, p. 381; vol. XIX, p. 95.

[50] Al-Qattan, "*Dhimmi*s," pp. 434–35; A. Cohen, *Jewish Life*, pp. 131–32.

[51] London, PRO, SP 105/113, p. 263, dated June 23, 1671.

[52] A. Cohen, *Jewish Life*, pp. 115–19; al-Qattan, "*Dhimmi*s," pp. 432–37.

[53] Damascus, Aleppo Court records, vol. III, p. 668.

[54] el-Nahhal, *Judicial Administration*, p. 57.

away, however. It emerged again in the eighteenth century when a judge ruled in a very similar case against the Jewish plaintiffs.[55]

That is not to say Christians and Jews invariably accepted injustice with resignation. Individual subjects of the sultan of whatever faith held the right of direct appeal to him for justice. This was a long-established, and well-trodden tradition in Islamic political theory and practice and one that the Ottoman sultans embraced as their patrimony. The Islamic tradition is replete with stories of the first four caliphs (the "Rightly-guided" exemplars of Sunni tradition) extending justice to non-Muslim petitioners, even at the expense of their trusted lieutenants. The Ottoman sultans could do no less than follow the example of their illustrious predecessors

Gaining the sultan's ear, however, did not necessarily result in swift justice. The Porte's response in 1757 to a petition from a group of "poor Jews" (*reaya-ı Yehud fukarâsı*) in Jerusalem provides evidence of that. The Jews had complained that, even though they had received a court order forbidding the practice, government officials continued to tax the burial of indigent Jews who came to Jerusalem from "other places" to die and so be buried in *Eretz Israel*. The sultan's order reminded the city's governor that a *fatwa* had outlawed this practice previously and that Sultan Ahmed had banned the requests for unlawful taxes from the Jewish community of Jerusalem in 1724.[56] But the imperial order of 1757 seems to have gone the way of the one issued in 1724. In response to yet another such complaint arising from the city's Jewish community in 1758, the governor was ordered immediately to bury the Jewish dead, whose coffins were apparently piling up, unburied in the streets, even if they had not paid the *jizya* while alive.[57] In a related complaint to the one lodged by Jerusalem's Jews, the Jews of Aleppo complained in 1795 that they were being taxed on funerals. The Porte responded that time by stating that the shariᶜa forbade the taxing of dead men, or living women and children. Furthermore, the order went on to say such acts were in violation of previously issued sultanic writ (*kanun*) and *fatwa*s. But the document noted that similar complaints had arrived in Istanbul from non-Muslims in Belgrade, Ankara, and Kayseri, a suggestion that the practice was widespread.[58]

The bureaucrats in the capital were generally consistent in interpreting the rights and obligations of the non-Muslims as long as they fell within the parameters of the Pact of ᶜUmar. They were less consistent in the application of sultanic law (*kanun*). But the state bureaucrats in Istanbul could only rarely compel distant provincial officials to honor the sultan's wishes. Governors were routinely rotated from one provincial center to another.

[55] Michael Winter, *Egyptian Society under Ottoman Rule 1517–1798* (London, 1992), pp. 217–18.
[56] Istanbul, BOA, Ahkâm-ı Şam-ı Şerif, vol. II, p. 66.
[57] Istanbul, BOA, Ahkâm-ı Şam-ı Şerif, vol. II, p. 95.
[58] Istanbul, BOA, Ahkâm-ı Halep vol. V, p. 181.

This encouraged their noncompliance and facilitated the spread of innova-
tive, if illegal, practices for the creation of wealth throughout the empire, for
example, the tax on Jewish funerals. The Holy Land in particular with its
Jewish and Christian pilgrims and large population of resident clergy and
rabbis seems to have been viewed as a potential trough of illegal gain to the
Ottoman officials stationed there. Complaints of officials charging illegal
taxes on pilgrims and religious institutions arrived from Jews and Christians
throughout the eighteenth century, with seemingly little relief ever effected.[59]

The Porte's chronic inability to enforce its own rules must have seemed to
the non-Muslims an indication of its disinterest in insuring the law was
applied fairly when it came to them. In fact, other complaints arising from
Muslims in Palestine in the eighteenth century show it was a general failure
to compel local officials to enforce most orders emanating from Istanbul
and not just those in which non-Muslims were involved. But the apparent
impotence of the sultans to enforce their own decrees helps to explain why
the collective folk memories of so many non-Muslims in the former
Ottoman Empire are filled with examples of oppression and abuse. There
was an obvious disjuncture between the theory and practice of Ottoman law
in the eighteenth and early nineteenth centuries. That experience might lead
non-Muslim victims of injustice to blame the sultan himself for their misery.
In similar cases, Muslim chroniclers tended to blame the local authorities as
their world-view clung to the proposition that the sultan must always be a
paragon of justice. Non-Muslims were not so sanguine about where true
culpability lay.

Conclusion

Having examined intercommunal interactions as depicted in the law court
records and the *fatwas*, the question remains, "What did people really
think?" Was there anything approaching genuine tolerance? The answer
rests in what we mean by tolerance. Visitors to Aleppo, for example,
whether Simeon of Lviv in the seventeenth century, Alexander Russell in
the eighteenth century, or Rabbi Hillel in the early nineteenth century, all
reported Aleppo's Muslim population as being tolerant toward the believers
of other faiths, intermingling with them without any overt hostility. Russell
wrote that while the Christians often complained of being singled out by the
authorities for oppression, they were in fact no more the target of venial
behavior on the part of the city's officials than were the Muslims. And what
attention they did draw was usually the result of their internal squabbling.

[59] Amnon Cohen, "The Ottoman Approach to Christians and Christianity in Sixteenth-
Century Jerusalem" *Islam & Christian Muslim Relations* 7 (1996): 205–12; Jacob Barnai,
*The Jews in Palestine in the Eighteenth Century: Under the Patronage of the Istanbul
Committee of Officials for Palestine*. Translated by Naomi Goldblum (Tuscaloosa, AL,
1992), pp. 21–22; Istanbul, BOA, Ahkâm-ı Şam-ı Şerif, vol. II, pp. 28–29; vol. VI, p. 6.

But he did add that they were "liable to suffer from the insolent petulancy of their Turkish neighbours."[60]

If we mean mutual respect between members of the different communities, then again we have a mixed answer. Russell's characterization of "insolent petulancy" would hardly seem to qualify. The historical record shows that some Muslim intellectuals such as al-Nabulusi had genuine regards for their Christian contemporaries. For the ordinary Muslim men and women who filled the streets of the empire's cities, mixing with non-Muslims on a daily basis, the *fatwa*s show that their social acceptance of non-Muslims could vary almost as dramatically as could be found among the Muslim elites. In many cases, there were networks of social exchange and reciprocity across sectarian lines, for example, the exchange of special foods on religious holidays and the joint celebration of certain saints' feast days. There were also instances of violence. But indifference, perhaps tinged with contempt as manifested by Ebusuûd Efendi, rather than overt hostility seems to have been the emotional norm governing intercommunal relations in the period before the sectarian outbursts of the nineteenth century.

While there were few rigid barriers separating individuals of different faiths from each other, there was concomitantly little to draw them together, beyond commerce or natural disasters. Without the routinization of interpersonal relations across religious lines, individuals in each community could remain secure at night, behind their locked quarter gates, with the confidence borne of deep conviction that theirs alone was the true faith. Violence might occasionally erupt over a slight that members of the majority community felt had been rendered them by the minority, but more typically the violence was an insult rather than a blow. Friendships were also possible across sectarian divides. More frequently still were political alliances between individuals, or even extended families, of different faiths, established and nurtured by mutual interests and needs. But the traditions of all the communities agreed with Ebusuûd Efendi that it was indeed better for everyone concerned if the religious communities remained separate. In this regard, Ottoman Arab cities did not differ greatly from other premodern cities where different religious communities shared a common space. Sudhir Kakar has described the relationship between Hindus and Muslims in Hyderabad as "They were more than strangers, not often enemies but less than friends."[61] That characterization would seem appropriate for the cities of the Ottoman Arab world as well.

The question remains whether the confessional loyalties and religious identities in Ottoman Syria were "primordial," i.e. normative and primary, or "circumstantial" arising out of conditions which were perhaps peculiar

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[60] Alexander Russell, *A Natural History of Aleppo* (London, 1794), vol. II, pp. 41–42.
[61] Sudhir Kakar, *Colors of Violence: Cultural Identities, Religion, and Conflict* (Chicago, IL, 1996), p. 10.

to time and place and not always present in the consciousness of Ottoman Syrians. It most probably can never be satisfactorily answered. Reacting against those historians who posit Muslim fanaticism against non-Muslims as having been a constant reality in Middle Eastern societies, James Reilly stresses that the relationships between the religious communities were multi-faceted and not always confrontational. Membership in a particular religious community did not necessarily give rise to a sense of "ethnic" solidarity.[62]

However valid that cautionary advice, interpretations of Islamic law did play a normative role in ordering the everyday experience of Muslims and non-Muslims alike, at least in the cities where that law was enforced. As long as confessional identity determined one's legal and political status, if it were not primordial, then it was very close to being essential in structuring the relationships across sectarian frontiers. There was also a psychological separation that arose from communal endogamy. The passing of individual lives was marked by events that occurred solely within their own religious community, in terms of their life span – baptism or circumcision, marriage, and burial – and in the passing of a single year, i.e. the calendar of religious festivals. The names and the demarcation of the months and the very numbering of the years varied, with each community marking the passage of a shared time differently.[63]

Religious identities in the Ottoman period did not exclude the "imagining" of community along something other than sectarian lines. But religion was at least the primary basis of identity, beyond family, clan, or gender, for members of the Muslim and non-Muslim communities alike for most of the Ottoman period. If for no other reason that was their core identity mandated by the state, law, and tradition. This was especially true in the cities where the *ʿulama* acted as the enforcers of the shariʿa's writ and they more typically shared the world-view of Ebussuûd Efendi than that of al-Nabulusi. It was undoubtedly less the case in the region's thousands of villages where more heterodox religious traditions prevailed and the casual intermingling of people of different faiths was common before the hardening of sectarian boundaries in the nineteenth century.[64] Tensions between members of the different religious communities did, on occasion, flare to violence in the Ottoman Empire before the nineteenth century. That is not to say that an atmosphere of latent confrontation was endemic to all inter-confessional contacts, or that religious fanaticism was the rule. The various

[62] Reilly, "Inter-Confessional Relations," pp. 213–24.
[63] Edhem Eldem, "Istanbul: From Imperial to Periphalized Capital" in *The Ottoman City between East and West: Aleppo, Izmir, Istanbul*. Edhem Eldem, Daniel Goffman, and Bruce Masters (Cambridge, 1999), pp. 153–56. Jason Goodwin, *Lords of the Horizons: A History of the Ottoman Empire* (New York, 1998), pp. 306–08.
[64] Ussama Makdisi, *Culture of Sectarianism: Community, History, and Violence in Nineteenth-Century Lebanon* (Berkeley, CA, 2000); Rogan, *Frontiers of the State*, pp. 37–38.

religious communities in the Arab Ottoman world shared much in common with their neighbors beyond that most basic glue of social cohesion, language. Their music, cuisine, and material culture were also generally indistinguishable.[65] But as long as religion lay at the heart of each individual's world-view, the potential for society to fracture along sectarian lines remained.

[65] Kay Kaufman Shelemay, *Let Jasmine Rain Down: Song and Remembrance among Syrian Jews* (Chicago, IL, 1998).