TRANSLATION AND THE GROWTH OF JURISTIC DISCOURSE IN SIXTEENTH-CENTURY OTTOMAN POLITICAL WRITING

ARİF ERBİL

BOĞAZİÇİ UNIVERSITY

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Arif Erbil

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The thesis of Arif Erbil

has been approved by:

Assoc. Prof. Derin Terzioğlu _____

(Thesis Advisor)

Assist. Prof. Yaşar Tolga Cora _____

Assoc. Prof. Abdurrahman Atçıl _____

(External Member)

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DECLARATION OF ORIGINALITY

I, Arif Erbil, certify that

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ABSTRACT

Translation and the Growth of Juristic Discourse

in Sixteenth-Century Ottoman Political Writing

The sixteenth century was a scene of great political, social, intellectual, religious, bureaucratic, and military novelties and transformations in Eurasia. The Ottoman Empire was no exception. On the contrary, Ottomans experienced radical shifts in most of the above-stated fields, such as advancements in record-keeping practices and, perhaps most importantly, an increasing emphasis on law after ambitious claims to universal dominion based on mystical expectations had subsided. It ought to be expected that the style and language of Ottoman political thought also responded to such changes by adjusting its tone and developing new discourses, as can be observed in the proliferation of juristic discourse in Ottoman political literature. The present thesis contextualizes the primary sources that can be considered representative of Ottoman juristic political thought and addresses the question of how and why such language spread throughout the sixteenth century. To understand this phenomenon, it examines sources or genres in which such an emphasis can be observed; looks for the broader religious, political, and intellectual contexts of the period; and also focuses on the cultural and intellectual dimensions of the Ottoman-Arab encounter following the Ottoman conquests in 1516-1517, with a particular interest on three Ottoman translations of two Mamluk politico-juridical treatises: Najm al-Dīn al-Ṭarsūsī's (d. 1357) *Tuḥfat al-Turk* and al-Khayrabaytī's (d. 1504) *al-Durra al-Garrā*.

ÖZET

On Altıncı Yüzyıl Osmanlı Siyaset Yazımında Fıkhi Yönelimlerin Gelişimi: Tercümeler Üzerinden Bir İnceleme

On altıncı yüzyıl, Avrasya'da önemli siyasi, sosyal, entelektüel, dinî, bürokratik ve askerî yeniliklere ve dönüşümlere sahne olan kritik bir zaman dilimidir. Osmanlılar da bu dönemde arşiv ve kayıt tutma uygulamalarındaki ilerlemeler örneğinde görülebileceği gibi yukarıda belirtilen alanların çoğunda radikal değişimler yaşadılar. Bu değişim örneklerinin belki de en önemlisi, mistik beklentilere dayalı evrensel egemenlik iddialarının azalmasından sonra hukuka artan vurgunun gözlemlenmesidir. Osmanlı siyaset düşüncesinin bu tür bağlamsal değişikliklere üslup ve dilinin düzenlenmesi ve yeni söylemler geliştirilmesi ile yanıt vermesi beklenmektedir. Nitekim, böylesi bir cevap on altıncı yüzyıl Osmanlı siyaset literatüründe fıkhi-hukuki vurgunun artmasında gözlemlenebilir. Bu tez, Osmanlı fıkhi-siyasi düşüncesinin temsilcisi sayılabilecek birincil kaynakları bir bağlam içerisine oturtmakta ve bu vurgunun on altıncı yüzyıl boyunca nasıl ve neden yaygınlaştığı sorusunu ele almaktadır. Bu olguyu anlamak üzere, vurgunun gözlemlenebileceği kaynakları veya türleri incelemekte; dönemin daha geniş dinî, siyasi ve entelektüel bağlamlarını göz önüne almakta; ve 1516-1517'deki Osmanlı fetihlerini takiben Osmanlı-Arap karşılaşmasının kültürel ve entelektüel boyutlarına, özellikle Memluk fıkhi-siyasi risalelerinin Osmanlı çevirilerine odaklanmaktadır. İncelemeye konu olan risaleler ise Tarsūsī'ye (ö. 1357) ait Tuhfetü't-Türk ve Hayrbeytî'ye ait ed-Dürretü'l-Garrā başlıklı eserlerin üç adet on altıncı yüzyıl Osmanlı çevirileridir.

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CHAPTER 1

INTRODUCTION

The present study deals primarily with the reasons behind the proliferation of juristic discourse in Ottoman political thought over the course of the sixteenth century. To understand this phenomenon, it seeks answers to the following three auxiliary questions: First, how did such a trend develop in tandem with the era's wider religious, political, and intellectual trends? Second, in which sources or genres can one recognize this emphasis? Last, and more specifically, what is the role of a more intense Ottoman-Arab (or people of earlier Mamluk lands) encounter in the sixteenth century for the development of this peculiar language of political thought? By answering these questions, the project aims to demonstrate three phenomena. First, it shows that the intellectual productions, in this case texts related to political thought, have been in relation to their historical settings and should be evaluated within their contexts. Second, even though genres in juristic literature have been recognized as the materials for studying political thought, they are not at the level they should be. They were either neglected or "ahistorically" evaluated in the field of Islamic political thought. This study aims to place these works at the center. Third and last, it sheds light on the cultural and intellectual dimensions of the Ottoman-Arab encounter after the Ottoman conquest of the region in 1516 – 1517 by examining how scholarly traditions in Syria and Egypt contributed to the development of juristic discourse in Ottoman political thought.

At the center of this study are two Mamluk juridico-political treatises that were translated into Ottoman Turkish in the sixteenth century. One is *Kitāb Tuḥfat al-Turk fīmā Yajib an Yuʿmala fī al-Mulk,* written by the Damascene Hanafite qadi Najm al-

Dīn al-Ṭarsūsī (d. 1357), translated into Turkish by an anonymous translator, and known under the titles *Naṣīhatü'l-Mülūk* and *Kitābu's-Siyāse fī Tedbīri'l-Memleke ve Ḥifẓi'r-Riyāse*. The other is Mahmud b. Ismail al-Khayrabaytī's (d. 1504) *al-Durra al-Garrā fi Nasīhat al-Salātin wa al-Qudāt wa al-Umarā,* which was translated twice over the sixteenth century. The first translation, entitled *Tuḥfetü'l-Ümerā ve Minhatü'l-Vüzerā,* was done by Abdüsselām bin Şükrullah el-Amāsī during the reign of Süleyman the Lawgiver (r. 1520-66). The second translation, *Gurretü'l-Beyżā*, was done by İbn Fīrūz (d. 1609) and dedicated to Selim II (r. 1566-74). While both treatises were written from a juristic perspective in the Mamluk sultanate, they had a second life in the sixteenth-century Ottoman Empire. This study will also help to bring translations into the scene as valuable sources for studying intellectual history.

1.1 Literature review

The planned discussion of this thesis draws on three major fields of study: the history of Ottoman political thought, the history of the sixteenth-century Ottoman Empire, and Translation Studies. Even though they are not completely disassociated from one another, each generally follows a distinct path. My aim is to create a dialogue between each field of study and place my study at the conjunction point of their respective literature.

1.1.1 Trends in the history of Ottoman political thought

The history of Ottoman political thought is undoubtedly part of the broader Islamic intellectual history. However, both Ottoman political thought and Ottoman intellectual history, more generally, have been neglected by the earlier scholarship.

The early studies by Orientalists were heavily focused on Arabic literature[1] while twentieth-century studies allocated a few pages to Ottoman political thought and mostly focused on the mirror-for-princes literature of the late sixteenth and seventeenth century discussed in relation to the theme of Ottoman decline.[2]

As an independent field of study, Ottoman political thought has been less studied despite several pioneering scholars dealing with the issue from different perspectives. First and foremost, Bursalı Mehmet Tahir, the bibliophile and author of the famous bibliographical dictionary, *Osmanlı Müellifleri*, penned *Siyāsete Müte'allık Āsār-ı İslāmiyye* (Islamic Works on Politics), a bibliographical work which contains 162 texts, in the early 1910s.[3] He explains that he wrote his study in response to arguments that claim the absence of texts on administration, politics, and society.[4] Even though his effort to create a bibliography did not find a worthwhile continuation for dozens of years, scholars have conducted several studies to prepare new bibliographical lists for the primary sources of political thought from the 1960s.[5]

In the last decade, Hüseyin Yılmaz has made crucial contributions to our knowledge of Ottoman political thought, both by uncovering previously unknown

[1] Itzkowitz, *Ottoman Empire and Islamic Tradition.*; Fazlıoğlu, *Kayıp Halka*, 15–25; El-Rouayheb, *Islamic Intellectual History in the Seventeenth Century*, 1–10.
[2] For a useful classification of Ottoman political thought literature until 2015, see: Nur, "Politics in a Sixteenth-Century Ottoman Scholar's Worldview: Taşköprizade Ahmed's (d. 968/1561) Discourse on Rulership," 1–4; Rosenthal, *Political Thought in Medieval Islam*, 224–33; In Lambton's book, Ottoman Empire was mentioned sporadically and slightly. One can see a few references in the footnotes: Lambton, *State and Government in Medieval Islam*; Crone, *Medieval Islamic Political Thought*; Al-Azmeh, *Muslim Kingship*; Even though Black gives more place to Ottoman political thought, his work is also restricted to "decline" and "westernization" literature: Black, *The History of Islamic Political Thought*, 199–222, 256–77 (initially published in 2001 by Routledge); The thematic book that is edited by G. Böwering diverges in a positive path from its precedents, in which history of Islamic thought was discussed, and includes quantitatively more and qualitatively better references to the Ottomans as well as the Safavids and Mughals: Böwering, *Islamic Political Thought*.
[3] For detailed information about the author, see: Akün, "Bursalı Mehmet Tâhir"; Koncu, "Bursalı Mehmed Tahir"; Bursalı Mehmed Tahir, *Siyasete Müteallık Asar-ı İslamiyye*.
[4] Bursalı Mehmed Tahir, *Siyasete Müteallık Asar-ı İslamiyye*, 3.
[5] Levend, "Siyaset-nameler," 167–94; Levend, "Ümmet Çağında Ahlâk Kitaplarımız," 89–115; Uğur, *Osmanlı Siyaset-Nameleri*, 53–67 (initially printed in 1987); Yılmaz, "Osmanlı Siyaset Düşüncesi Kaynakları ile İlgili Yeni Bir Kavramsallaştırma: Islahatnâmeler," 299–338.

political texts in the manuscript libraries and by creating links between political thought and neglected genres.[6] Moreover, both Marinos Sariyannis' project, called *OTTPOL: A History of Early Modern Ottoman Political Thought, 15th to Early 19th Centuries*,[7] as well as Özgür Kavak and Hızır Murat Köse's *İslam Siyaset Düşüncesi Kataloğu* (The Catalogue of Islamic Political Thought)[8] created databases on the primary sources of Ottoman political thought. With the collaboration of Ekin Tuşalp Atiyas, Sariyannis also penned an extensive bibliographical and thematic book, titled *A History of Ottoman Political Thought up to the Early Nineteenth Century*, in which he also devoted an entire chapter to conceptual history.[9] Despite these noteworthy contributions, the history of Ottoman political thought remains a novel field of research that requires the publication of critical editions of the primary sources and their analyses.[10] In recent years, however, there are visibly increasing interests in both categories.[11]

Another way of studying political thought, which might be the most common approach, is scrutinizing the opinion of a scholar or a belles-lettrist or a state official regarding "political" matters within their works. It is good for seeking political thought within the individual lives of representative people. As Christopher Markiewicz stated: "… a self-consciously biographical approach allows us to explore

[6] Yılmaz, "The Sultan and the Sultanate: Envisioning Rulership in the Age of Suleyman the Lawgiver (1520-1566)," 21–121; Yılmaz, "Osmanlı Tarihçiliğinde Tanzimat Öncesi Siyaset Düşüncesine Yaklaşımlar," 231–98; Yılmaz, "Osmanlı Devletinde Batılılaşma Öncesi Meşrutiyetçi Gelişmeler"; Yılmaz, *Caliphate Redefined*, 22–93.
[7] "OTTPOL: A History of Early Modern Ottoman Political Thought, 15th to Early 19th Centuries," OTTPOL: A History of Early Modern Ottoman Political Thought, 15th to Early 19th Centuries, 2015, http://ottpol.ims.forth.gr/.
[8] "İslam Siyaset Düşüncesi Kataloğu," İslam Siyaset Düşüncesi Kataloğu, 2019, http://isd.ilem.org.tr/.
[9] Sariyannis, *A History of Ottoman Political Thought Up to the Early Nineteenth Century*.
[10] Kafadar, "Osmanlı Siyasal Düşüncesinin Kaynakları Üzerine Gözlemler," 28.
[11] Kavak is the editor of Klasik Yayınları's "Siyaseti Yeniden Düşünmek" sub-series of the series, named "İslam Medeniyeti Araştırmaları Dizisi." In addition, both Kavak and Köse carry on their editorship in Türkiye Yazma Eserler Kurumu Yayınları's a sub-series regarding Islamic politics and rulership under the "Bilim ve Felsefe" category.

kingship and the intellectual and cultural constellations in which it is formulated …"[12] At the same time, many texts also have been the subjects of the same intellectual inquiry as their authors. Hamilton A. R. Gibb's descriptive article on Lutfi Pasha's treatise on the caliphate can be regarded as one of the earlier works on Ottoman political thought.[13] Studies on such scholars as Kınalızade Ali Çelebi, Taşköprizade, Şehzade Korkud, Celalzade Mustafa Çelebi, İdris-i Bidlisi, Dede Cöngi's *al-Siyasa al-Shar'iyya,* and Aşık Çelebi's *Mi'rācü'l-Eyāle,* a translation of Ibn Taymiyya's *al-Siyasa al-Shar'iyya,* are decent examples of studying political thought in sixteenth-century Ottoman Empire.[14] Markiewicz's *The Crisis of Kingship*, can be mentioned among them as an insightful study in connected intellectual history. This study has brought to light the common political vocabulary in the late fifteenth- and early sixteenth-century "Balkans-to-Bengal complex" through a study of the writings of the renowned Persian émigré to the Ottoman lands, İdris-i Bidlisi.

In addition to studying specific texts and figures, scholars have also approached the subject matters of the history of Ottoman political thought from a more theoretical and conceptual perspective. As in many subfields of Ottoman history, Halil İnalcık played a pioneering role in the history of Ottoman political thought by dealing with diverse subjects, such as "patrimonialism," state-Sufi relations, and law.[15] Cornell H. Fleischer must also be mentioned as one of the first

[12] Markiewicz, *The Crisis of Kingship in Late Medieval Islam*, 18.
[13] Gibb, "Luṭfī Paşa on the Ottoman Caliphate."
[14] Tezcan, "The Definition of Sultanic Legitimacy in the Sixteenth Century Ottoman Empire"; Al-Tikriti, "Şehzade Korkud (ca. 1468-1513) and the Articulation of Early 16th Century Ottoman Religious Identity"; Kanatsız, "Da'wah an-Nafs"; Şahin, *Empire and Power in the Reign of Süleyman*; Nur, "Politics in a Sixteenth-Century Ottoman Scholar's Worldview: Taşköprizade Ahmed's (d. 968/1561) Discourse on Rulership"; Markiewicz, *The Crisis of Kingship in Late Medieval Islam*; Terzioğlu, "Ibn Taymiyya, al-Siyāsa al-Shar'iyya and the Early Modern Ottomans."
[15] İnalcık, "Osmanlı Padişahı"; İnalcık, "Suleiman the Lawgiver and Ottoman Law"; İnalcık, *The Ottoman Empire*; İnalcık, "Comments on 'Sultanism'"; İnalcık, "State and Ideology under Sultan

scholars who analytically dealt with Ottoman political thought in numerous publications.[16] In my opinion, recent studies on Ottoman political thought that I will scrutinize below are very much indebted to the arguments made by Fleischer. Therefore, he should be accepted as an important cornerstone in studies on Ottoman political thought.

Along with him, Metin Kunt, Colin Imber, and Barbara Flemming are three important scholars who have contributed to the literature.[17] In addition to these scholars, Linda Darling's studies are important for examining Ottoman political thought connected with political practice.[18] The younger generation of Ottomanists, such as Hüseyin Yılmaz, Baki Tezcan, Marinos Sariyannis, and Heather L. Ferguson, have also contributed to the field with their conceptual and theoretical works.[19] I will scrutinize the literature on the sixteenth-century Ottoman political thought in detail in the following section, where I discuss the context of the sixteenth century.

Süleyman I"; İnalcık, "State, Sovereignty and Law during the Reign of Suleyman"; İnalcık, *Osmanlı Tarihinde İslamiyet ve Devlet*.

[16] Fleischer, "From Şeyhzade Korkud to Mustafa Ali"; Fleischer, "Royal Authority, Dynastic Cyclism and 'Ibn Khaldunism' in Sixteenth Century Ottoman Letters"; Fleischer, *Bureaucrat and Intellectual in the Ottoman Empire*; Fleischer, "A Mediterranean Apocalypse."

[17] Kunt, *The Sultan's Servants*; Kunt, "Ottoman Political Theory, Reality and Practice"; Flemming, "Der Gami'ül-Meknunat"; Flemming, "Şahib-Kıran Und Mahdi"; Flemming, "Public Opinion under Sultan Süleymân"; For the translation of German articles and many other articles of the author, see: Flemming, *Essays on Turkish Literature and History*; Imber, "The Ottoman Dynastic Myth"; Imber, "Ideals and Legitimation in Early Ottoman History"; Imber, *Ebu's-Su'ud*; Imber, "Frozen Legitimacy."

[18] Darling, "Political Change and Political Discourse in the Early Modern Mediterranean World"; Darling, "Islamic Empires, the Ottoman Empire, and the Circle of Justice"; Darling, *A History of Social Justice and Political Power in the Middle East*; Darling, "Political Literature and the Development of an Ottoman Imperial Culture in the Fifteenth Century"; Darling, "Nasihatnameler, İcmal Defterleri, and the Timar-Holding Ottoman Elite in the Late Sixteenth Century."

[19] Yılmaz, "Osmanlı Devletinde Batılılaşma Öncesi Meşrutiyetçi Gelişmeler"; Yılmaz, *Caliphate Redefined*; Yılmaz, "Mevlânâ Osmanlı Sarayında: Mahmud Dede'nin Sevâkıbu'l-Menakıb'ında Siyasi İmgeler"; Tezcan, *The Second Ottoman Empire*; Sariyannis, "Ottoman Critics of Society and State, Fifteenth to Early Eighteenth Centuries"; Sariyannis, "The Princely Virtues as Presented in Ottoman Political and Moral Literature"; Sariyannis, "Ruler and State, State and Society in Ottoman Political Thought"; Ferguson, *The Proper Order of Things*; Ferguson, "Ottomans, Ottomanists and the State: Re-Defining an Ethos of Power in the Long Sixteenth Century"; Markiewicz, *The Crisis of Kingship in Late Medieval Islam*.

Hüseyin Yılmaz can be regarded as one of the most influential scholars who help Ottoman political thought blossom in the first decades of the twenty-first century. His book is certainly one of the first and most qualified monographs on the history of Ottoman political thought. The author examines the imprint of Sufi ideas on Ottoman political thought with particular emphasis on the sixteenth century.

As mentioned, Ottoman political thought was for a very long time equated with political advice literature. In that sense, I found it very useful that Yılmaz categorized the Ottoman "ways of writing on politics" under four distinct headings: ethics, statecraft, jurisprudence (juristic perspectives), and Sufism.[20] Many of the Ottoman texts, as Yılmaz admits, can be placed into multiple categories. Such a challenge was also recognized by 'Atufi, the cataloger of Bayezid II's palace library. When he classified books under certain categories, he used two distinct ways for attribution to the sciences and disciplines: *fī* (on) and *min qibel* (pertaining to). The latter implies the ambiguation of the category and/or belongingness to more than one discipline. In that sense, most of the works related to political thought should be described under *min qibel* category.[21] However, classification, despite being an arbitrary action, is still useful for the analysis.[22] Therefore, certain choices have to be taken in order to deal with the diverse range of sources. For the present thesis, I have adopted Yılmaz's quadripartite classification of the primary sources regarding political thought.

[20] Yılmaz, "The Sultan and the Sultanate: Envisioning Rulership in the Age of Suleyman the Lawgiver (1520-1566)," 63–121; Yılmaz, *Caliphate Redefined*, 64–93; Sariyannis also organizes his "reference" book by exceeding the borders of the traditional view, see for his classification: Sariyannis, *A History of Ottoman Political Thought Up to the Early Nineteenth Century*, 22–28.
[21] Kafadar, "Between Amasya and Istanbul: Bayezid II, His Librarian, and the Textual Turn of the Late Fifteenth Century," 98.
[22] Yılmaz, *Caliphate Redefined*, 65–66.

Among them, ethics, which discusses rulership as a matter of ethics and morality, can be considered as the continuation of a long-lasting Persianate literary tradition, which was rooted in Ibn Miskawayh's (d. 1030) and Nāṣir al-Din al-Tusi's (d. 1274) works and even went back to the Greek philosophers.[23] However, the Ottoman texts written in that tradition constituted a distinctly indigenous genre initiated by Lutfi Pasha's (d. 1564) *Āṣafnāme* (the Book of Asaph). The Ottoman examples generally include various matters regarding institutions and kanun-consciousness, such as the duties of the grand vizier.[24]

In the last decade, most of the studies on political thought in the Ottoman Empire, as well as other Islamicate empires of the early modern era, such as the Safavid and Mughal empires, have characterized this age's tone as mystical/sacral.[25] This argument is not restricted to these three empires, but is made for nearly all the polities that emerged in the eastern lands of Islamdom after the Mongol sack of Baghdad in 1258. The post-Abbasid or post-Mongol period was ripe for the proliferation of individual small polities because the Mongols abolished the notion of the historical caliphate, the vicegerency of the prophet (*khalīfat-i Rasūlullah*), which implied a universal leadership of the Muslim world.[26] Simultaneously, proliferating Sufi networks[27] and the dissemination of Sufi texts, which emphasize the combination of temporal and sacral authorities in one person, through these networks

[23] Yılmaz, 66, 69–75; Sariyannis, *A History of Ottoman Political Thought Up to the Early Nineteenth Century*, 66.
[24] Yılmaz, *Caliphate Redefined*, 66, 75–79.
[25] For the Safavid Empire: Babayan, "The Waning of the Qizilbash: The Temporal and the Spiritual in Seventeenth Century Iran"; Babayan, *Mystics, Monarchs, and Messiahs*; For the Mughal Empire: Moin, *The Millennial Sovereign*; For Timurids: Binbaş, *Intellectual Networks in Timurid Iran*; For more comparative works: Melvin-Koushki, "Early Modern Islamicate Empire"; Markiewicz, *The Crisis of Kingship in Late Medieval Islam*.
[26] Yılmaz, *Caliphate Redefined*, 1–4; Bashir, *Messianic Hopes and Mystical Visions*, 31–32.
[27] Green, *Sufism*, 81–91; Binbaş, *Intellectual Networks in Timurid Iran*, chap. 3.

provided these individual small polities with a new kind of legitimacy.[28] Therefore, the new type of rulership did not only include worldly kingship, but also combined it with sacral authority at the same time.

Moreover, especially in the first half of the sixteenth century, apocalyptic expectations such as messianism and millenarianism became an early modern Eurasian phenomenon. The approach of the tenth century of the Muslim calendar and the great conjunction of Jupiter and Saturn created an expectation for the *sāhib-kıran* (master of the conjunction or world conqueror) in Islamicate world in the early decades of the sixteenth century.[29] Along with Shiite Safavid claims of *Mahdiship*,[30] both the Ottomans and Habsburgs had similar sacred kingship claims.[31] Selim I's name, for example, appeared in different sources as *muayyad min Allah* and *sahib-kıran*.[32] In the first half of Süleyman's reign, he also used various mystical and messianic symbols against his rivals with the help of grand vizier İbrahim Pasha. For instance, Süleyman the Magnificent's helmet crown, which was full of symbols and pieces of jewelry, was worn and shown in 1532 as response to Charles V during the campaign against the Habsburg Empire.[33] Therefore, the presence of Sufistic language in the sources of Ottoman political thought should be evaluated in this context.

The last category of the ways of political writing is jurisprudence or juristic perspective. Lambton describes "the formulation of the jurists" as "the most truly

[28] Yılmaz, *Caliphate Redefined*; Melvin-Koushki, "Early Modern Islamicate Empire"; Markiewicz, *The Crisis of Kingship in Late Medieval Islam*.
[29] Fleischer, "The Lawgiver as Messiah," 164–65.
[30] Babayan, "The Waning of the Qizilbash," 36–40.
[31] Fleischer can be regarded as the precursor of the literature with this article: Fleischer, "The Lawgiver as Messiah," 1992; Fleischer, "Mahdi and Millennium," 2000; Fleischer, "A Mediterranean Apocalypse"; Yılmaz, *Caliphate Redefined*; Melvin-Koushki, "Early Modern Islamicate Empire"; Markiewicz, *The Crisis of Kingship in Late Medieval Islam*.
[32] Fleischer, "The Lawgiver as Messiah," 1992, 162–63.
[33] Necipoğlu, "Süleyman the Magnificent and the Representation of Power in the Context of Ottoman-Hapsburg-Papal Rivalry."

Islamic" among the bodies of "Islamic political ideas" by referring to the genre's insistence on religious ideals rather than practice and its reference points, which were same with Islamic legal theory (*usūl al-fiqh*), including Sunna and consensus of the umma (*ijmā'*).[34] Yılmaz defines it as follows: "juristic writings, with all the diversity of opinions they may have, are governed primarily by the idea of legalistic legitimacy of authority based on Islamic law and the organization of government per demands of the Sharia."[35] In a nutshell, this refers to writing on political matters by using juristic concepts and discourse. However, as mentioned, the works that can be regarded as the representatives of Ottoman juristic political thought must also be evaluated under 'Atufi's *min qibel* (pertaining to) jurisprudence classification not only under *fī* (on).

Historically, the juristic perspective of political writing had been associated with the "core" lands of Islam, i.e., mainly Arab majority lands in which al-Mawardi's and Ibn Taymiyya's works emerged.[36] However, as discussed, since the genre could not fulfill the post-Abbasid rulers' needs of legitimacy, such as Quraishi descent for the rulership, the Sufistic type of political writing became more dominant in what Shahab Ahmed has called "the Balkans-to-Bengal Complex."[37] Yet, with the advent of the legalistic character of the sixteenth century, juristic political texts started to re-emerge and proliferate through the second half of the century in the Ottoman Empire.[38] Although this proliferation is aligned with the undermentioned

[34] Lambton, "Islamic Political Thought," 404–5.
[35] Yılmaz, *Caliphate Redefined*, 66.
[36] Lambton, *State and Government in Medieval Islam*; Gibb, "Al-Mawardi's Theory of Caliphate"; Anjum, *Politics, Law, and Community in Islamic Thought*; Hassan, *Longing for the Lost Caliphate*; Kavak, "Memlükler Dönemi Siyaset Düşüncesine Giriş."
[37] Ahmed, *What Is Islam?*, 37–48.
[38] Yılmaz, *Caliphate Redefined*, 80–89; Köksal, *Fıkıh ve Siyaset: Osmanlılarda Siyaset-i Şer'iyye*, 141–293; Sariyannis, *A History of Ottoman Political Thought Up to the Early Nineteenth Century*, 99–128. Chapter Two of the present thesis also deals with the proliferation of the juristic texts that are related to political thought.

contextual changes and the increasing juristic discourse in different genres, such as in *ilmihal*s,[39] scholars have not given due attention to these texts and their contextualization.

Even though "mystical political thought" never came to an end in the early-modern Ottoman Empire,[40] changes in certain contexts influenced the discourse and ways of writing political thought.[41] As I will scrutinize transformations in the Ottoman Empire's intellectual, religious, social, and political contexts in the sixteenth century, the above-stated heyday of ambitious universalist claims of the states in the early decades of the sixteenth century became questionable through the mid-sixteenth century. It is difficult to think that the language of political thought remained unchanged in this time of rapid change. In that sense, the proliferation of political texts written from the juristic perspective in the sixteenth-century Ottoman Empire must not be coincidence, and must rather reflect the changing context on political writing.

1.1.2 Context I: the growing emphasis on law and Ottoman political thought in the sixteenth century

The sixteenth century constitutes an interesting milestone in world history as being regarded the starting date of the early modernity.[42] It is also true for the sixteenth-century Ottoman Empire and especially the Suleymanic era, which has been an

[39] Krstic in this article discusses the dominion of the jurisprudence in the sixteenth-century ilmihals by comparing it with earlier examples, see: Krstić, "State and Religion, 'Sunnitization' and 'Confessionalism' in Süleyman's Time."
[40] See for the traces of mystical political thought in the second half of the sixteenth century: Felek, *Kitabu'l-Menamat- Sultan III. Murad'ın Rüya Mektupları*; Yılmaz, "Mevlânâ Osmanlı Sarayında: Mahmud Dede'nin Sevâkıbu'l-Menakıb'ında Siyasi İmgeler."
[41] Skinner, "Meaning and Understanding in the History of Ideas"; For a detailed analysis on "contextualisms" of Q. Skinner, J.G.A. Pocock, and J. Dunn, see: Browning, "Quentin Skinner, the Cambridge School, and Contextualism," 67–88.
[42] Hodgson, *The Venture of Islam: The Gunpowder Empires and Modern Times*, 3:3–133; Subrahmanyam, "Connected Histories"; Fleischer, "The Lawgiver as Messiah," 1992.

important reference point and subject of inquiry both for Ottoman scholars and modern scholars.[43] In fact, the empire experienced a multitude of political, social, intellectual, religious, bureaucratic, and military novelties and transformations, including territorial expansion, and advancement in record-keeping and archiving throughout the century.[44]

It is, in my opinion, wrong to take the sixteenth century as a monolith and overlook the inner differentiations despite there being no clear-cut breaking point between the two. The literature that discusses the Suleymanic era also broadly agrees upon two separate characteristics that one follows the other chronologically. As mentioned, the early decades of the sixteenth century witnessed fierce competition among the early modern states, namely the Ottomans, Safavids, and Habsburgs for universal dominion based on millenarian and messianic expectations,[45] reflected in the writings of the scholars or belles-lettrists, including the works of Mevlana 'Isa and Haydar-ı Remmāl.[46]

However, these expectations started to wane in the second half of Suleyman's reign, with a more legalistic tone being felt in this period. Many scholars have deliberated on this transformation from the 1980s onwards. First and foremost, Cornell Fleischer delved into the transformation. According to him, "about the year 1550 the cultural and ideological tone of the Suleymanic regime altered noticeably and substantially. ... eclecticism, innovation and universalist dreams of the first three

[43] In his article, Kafadar deals with the problematic approach to Suleymanic age as the golden age that is shared both by Ottoman and modern authors, see: Kafadar, "The Myth of the Golden Age."
[44] İnalcık, *The Ottoman Empire*; Fleischer, *Bureaucrat and Intellectual in the Ottoman Empire*; Buzov, "The Lawgiver and His Lawmakers"; Ferguson, *The Proper Order of Things*.
[45] Fleischer, "The Lawgiver as Messiah"; Fleischer, "Mahdi and Millennium"; Babayan, *Mystics, Monarchs, and Messiahs*; Goldish et al., *Millenarianism and Messianism in Early Modern European Culture*; Melvin-Koushki, "Early Modern Islamicate Empire"; One can assume that astrological sources may replete with such messianic and millenarian references, yet Tunç Şen claims the rarity of them, see: Şen, "Astrology in the Service of the Empire: Knowledge, Prognostication, and Politics at the Ottoman Court, 1450s-1550s."
[46] Fleischer, "The Lawgiver as Messiah," 1992, 164–71.

decades were replaced ... with a new gravity of tone and a formalizing impulse to establish consistency of imperial style."[47]

The reasons behind this shift in the early-modern world were abstruse, yet scholars made numerous explanations to construe this phenomenon. Fleischer argues that Süleyman might have chosen to become the protector of the religion rather than to pursue ambitious aims because of his old age, a balance mechanism by "the elite that he created," or because of failed attempts in the political area such as the slowdown in expansion, the growing realization that the Ottomans would not conquer the world, and failing to enthrone Alkas Mirza as the king of Persia instead of Shah Tahmasb.[48]

A similar trend and change can also be followed through art and architecture. In several articles and books, Gülru Necipoğlu has shown that there was a marked change in the representation of power and authority within Süleyman's own reign.[49] She demonstrates that eclectic syncretism dominated by universalist symbols characterized the earlier part of his reign. On the other hand, the second seems more representative of Islamic society as exemplified by the increase in the "aniconism" and floral motives in place of figural representations. This can be seen when compared the ornaments in the Şehzade Mosque (b. 1543-48) and the richness of the ornaments in the Süleymaniye Mosque (b. 1550-57).[50] Necipoğlu offers a multi-layered explanation for the transformation both in the arts & architecture and in the minds of people based on the political realities that the Ottomans failed to expand their borders: "With the establishment of the territorial limits, a new sense of self-

[47] Fleischer, 171.
[48] Fleischer, 171–74.
[49] Necipoğlu, "Süleyman the Magnificent and the Representation of Power in the Context of Ottoman-Hapsburg-Papal Rivalry"; Necipoğlu, *Architecture, Ceremonial, and Power*; Necipoğlu, "A Kânûn for the State, a Canon for the Arts"; Necipoğlu, "The Dome of the Rock as Palimpsest."
[50] Necipoğlu, "A Kânûn for the State, a Canon for the Arts."

identity and cultural difference emerged. The hardening geographic boundaries seemed to be reflected in an inner rigidity as the Ottomans began to primarily define themselves as an *orthodox Islamic* society in contrast to their earlier universalism."[51] Moreover, she associates these developments with the increasing influence of Ebussuud (d. 1574) and Rüstem Pasha (served 1544-1553 and 1555-1561). Therefore, Necipoğlu sees the formation of a more sober "Ottoman" canon for the arts due to the Ottoman state-building process. This "new self-identity, Sunni-Shi'i rivalry, and the maturing of the *devşirme*-based centralized system" played important roles.[52]

As Necipoğlu already pointed out, one of the leading figures in this transformation was Rüstem Pasha, and one of the most important causes behind this "new self-identity" was the stabilization of imperial boundaries. In that sense, Zahit Atçıl shows the transformation in terms of military expeditions and diplomacy. He maintains that the Ottoman legitimacy that had come from *gazā* since the early days of the principality started to evolve into "territorial integrity and arbitration of certain conflicts through diplomacy," in other words, "from aggressive expansionism to peaceful diplomacy." He claims that the Ottoman administration led by Rüstem Pasha had "peace consciousness" because they believed that peace was more beneficial than expansionism by referring to the 1547 and 1555 peace treaties between the Habsburgs and Safavids and by quoting from a *Relazioni* (Venetian ambassador's report) which mentions Rüstem Pasha's ambition for peace.[53]

[51] Italics are mine, I will address them in the following pages: Necipoğlu, 195.
[52] Necipoğlu, 213.
[53] I thank Zahit Atçıl for sharing his article's manuscript before its publication: Atçıl, "The Foundation of Peace Oriented Foreign Policy in the Sixteenth-Century Ottoman Empire: Rüstem Pasha's Vision of Diplomacy"

Another recent study on sixteenth- and seventeenth- Ottoman political thought, Heather L. Ferguson's *The Proper Order of Things: Language, Power, and Law in Ottoman Administrative Discourses*, studies the bureaucratization of the Ottoman Empire through the development of a record-keeping mechanism that rapidly increased after the mid-sixteenth century. Examining the development and innovation of certain registers and genres, including *kanunname*s and *mühimme* registers, as signs of the expansion of the bureaucracy, she interprets this expansion within the postmodernist theoretical framework and within such concepts as "grammar of rule," "textual authority," "textual habitus."[54]

Kaya Şahin argues that the language of legitimacy was transformed in the given period "in terms of state/empire formation, the creation of new loci for political power, and the forging ideas of governance based on reason, efficiency, merit, and law, the sixteenth century represents a crucial period of transition in world history."[55] Şahin underlines Celalzade Mustafa's (d. 1567) role in the bureaucratization and institutionalization of the law-making process along with the great agency of Ebussuud Efendi.[56] Therefore, I believe, in the light of the above-quoted scholars, it seems deficient to take the Suleymanic era as a unified and unitary period. From the second decade of Süleyman (for many scholars after Ibrahim Pasha's execution in 1536), there seems a growing emphasis on legalistic and juristic discourses as a sign of the increasing importance of law.

On the other hand, one of the most discussed issues by the scholarship is the harmonization of kanun and sharia in the sixteenth century by the famous chief jurisconsult Ebussuud. The general tendency is to perceive kanun and sharia as two

[54] Ferguson, *The Proper Order of Things*, esp. 66–150.
[55] Şahin, *Empire and Power in the Reign of Süleyman*, 214–15.
[56] Şahin, *Empire and Power in the Reign of Süleyman*, 214–42.

separate branches of Ottoman law as divine and secular laws.[57] Even though this binary approach can be questioned based on several aspects, Ebussuud's agency in the law-making process, by using kanun and sharia together, is important for demonstrating the increasing emphasis on juristic notions in the field of law.[58]

In that sense, the relationship between the state had with sharia, Islamic jurisprudence, and Sunnism (all these concepts, more or less, are related to the legal sphere) has been a significant subject of inquiry for Ottomanists. Ahmet Yaşar Ocak, for example, introduced a new area of scholarly discussion as a continuation of the heresy and orthodoxy debates in Ottoman Islam, in which he defined Ottoman Sunnism as an imperial ideology.[59]

In addition to these studies, scholars quoted at the beginning of this section demonstrate that the "Sunna-mindedness" of the empire enormously developed with the advent of the sixteenth century, especially the second half of Süleyman's reign.[60] This Sunna-mindedness generally has been equated with the contentious term "orthodoxy" or the less problematic term "orthopraxy." In that sense, Necipoğlu's seminal book, *The Age of Sinan*, not only shows the reflections of the intellectual trends on the architecture but also contextualizes Sinan with certain developments of his age, such as the edicts for the building of Friday mosques and the daily congregational prayers and the role of Ebussuud.[61] In her holistic approach, which

[57] For the earlier studies, see: Heyd, *Studies in Old Ottoman Criminal Law*; İnalcık, "Kanun and Shari'ah"; İnalcık, "Kanun"; Repp, *The Mufti of Istanbul*; Repp, "Qanun and Sharia in the Ottoman Context"; Gerber, *State, Society, and Law in Islam*; Imber, *Ebu's-Su'ud*. I will address more recent works in the context of Hanafism and State-madhhab issue in the following pages.
[58] Imber, *Ebu's-Su'ud*; Buzov, "The Lawgiver and His Lawmakers."
[59] It will be a mistake to take out Ocak from the tradition that he comes, i.e. M. F. Köprülü and I. Melikoff's writings, yet he clearly emphasizes the role of the Empire in the Ottoman Sunnism, see: Ahmet Yaşar Ocak, *Zındıklar ve Mülhidler*.
[60] For instance: Fleischer, "The Lawgiver as Messiah," 1992; Necipoğlu, "Süleyman the Magnificent and the Representation of Power in the Context of Ottoman-Hapsburg-Papal Rivalry"; Necipoğlu, "A Kânûn for the State, a Canon for the Arts"; Buzov, "The Lawgiver and His Lawmakers"; Şahin, *Empire and Power in the Reign of Süleyman*.
[61] Necipoğlu, *The Age of Sinan*.

combines the history of architecture and social-cultural history, Necipoğlu argues that the Ottomans claimed to champion Sunni Islam instead of their former ambitious universalism.[62]

All in all, the sixteenth century is, undoubtedly, a significant period that one can observe the intimate relationship between state and religion. Recent studies on the religious character of the empire have focused on the Sunni-Shi'i conflict, the Ottoman state-building process (I include the historiographical discussion over official madhhab in this category), and the incorporation of Arab lands, i.e., also known as "core" lands of Islam.[63]

The Ottoman-Safavid rivalry was a long-lasting period of conflict and interaction that began at the very beginning of the sixteenth century by the transformation of a Sufi path (*ṭarīḳat*) into a state and ended in 1736.[64] Therefore, such a competition highlighted several important questions and answers, mainly related to legitimacy. Nabil al-Tikriti traces the Ottoman intellectual response to the Safavid challenge through Islamic theology (*kalām*) against *Kızılbaş* (supporters of the Safavid Shahs).[65] He focuses on the development of "Ottoman Islam" through court-related scholars, primarily the scholar-prince Şehzade Korkud vis-à-vis the emerging threat of the Shiite Safavids: "Court-supported scholars separately pushed such an agenda within the norms of *kalām* argumentation and *fiqh* statutes strongly imply an activist court policy designed to counter what was seen as a serious internal threat to social cohesion, and buttress imperial legitimacy by defining enemies of the

[62] Necipoğlu, 13–70.
[63] I borrow the classification of Krstić with a few revisions such as denoting "incorporation of Arab lands" as a separate category due to the importance for this study, see: Krstić, "State and Religion," 65–66.
[64] For detailed information, see: Allouche, *The Origins and Development of the Ottoman-Safavid Conflict (906-962/1500-1555).*
[65] Al-Tikriti, "Kalam in the Service of State."

state as enemies of religion while enforcing social conformity through religious orthopraxy."[66] In a similar vein, Markus Dressler claims that both Sunni and Shi'i orthodoxies should be understood in response to each other. This religious dichotomy resulted from the political conflict between the two polities.[67] Moreover, Abdurrahman Atçıl also shows how the trajectory of the conflict might have been influenced by the decisions of the jurists against the Safavids and their supporters in Anatolia even though he does not qualify his argument with the Ottoman-Safavid conflict, unlike Dressler and al-Tikriti.[68]

Novel approaches to the study of this trend, i.e., religion and state convergence, have increased over the last decade. Firstly, "confessionalization," which was used to explain the relationship between early modern European states and their entrenched religious identities,[69] was borrowed by several scholars of Ottoman history.[70] The concept of "confessionalization" has mainly been interpreted as Sunnitization and increasing Sunna-mindedness in the Ottoman context. Tijana Krstic introduced this conceptualization into Ottoman studies and used this analytical category to understand confessional polarizations in the contexts of the Ottoman-Habsburg and Ottoman-Safavid rivalries through conversion narratives.[71] While

[66] Al-Tikriti, 148.
[67] Dressler, "Inventing Orthodoxy," 151–56.
[68] Abdurrahman Atçıl, "The Safavid Threat and Juristic Authority in the Ottoman Empire During the 16th Century."
[69] Lotz-Heumann, "The Concept of "Confessionalization"."
[70] For a genealogy see: Terzioğlu, "How to Conceptualize Ottoman Sunnitization"; For examples from the scholars, who deal with Ottoman confessionalization, see: Krstić, "Illuminated by the Light of Islam and the Glory of the Ottoman Sultanate"; Krstić, *Contested Conversions to Islam*; Krstić, "From Shahāda to Aqīda: Conversion to Islam, Catechisation and Sunnitisation in Sixteenth-Century Ottoman Rumeli"; Krstić, "State and Religion"; Terzioğlu, "Sufis in the Age of State-Building and Confessionalization"; Terzioğlu, "Where 'İlm-i Ḥāl Meets Catechism"; Terzioğlu, "Power, Patronage and Confessionalism: Ottoman Politics as Seen through the Eyes of a Crimean Sufi, 1580-1593"; Burak, "Faith, Law and Empire in the Ottoman 'Age of Confessionalization'"; a recent edited book discusses Ottoman Sunnism from a wide variety of aspects, see: Krstić and Terzioğlu, *Historicizing Sunni Islam in the Ottoman Empire, c. 1450-c. 1750*; For a criticism to the usage of this term for the Ottoman Empire, see: Baer, "Review of Contested Conversions to Islam."
[71] Krstić, *Contested Conversions to Islam,* 12–16, 165–74.

Krstic sees sixteenth-century Ottoman confessionalization as a top-to-down process (i.e., a state-led project), Terzioğlu argues that both sixteenth- and seventeenth-century Sunnitization were a combined project of scholars and state officials as well as other non-state actors.[72]

The contents within the scope of Sunnitization are varied, yet center around the increasing emphasis on "the People of Sunna and the Community" (*ehl-i sünnet ve'l-cemā'at*), polemics,[73] state-enforcement for prayers,[74] the development of *ilmiḥal*s (religious manuals or catechism),[75] the proliferation of juristic contents in these manuals,[76] growing category of the words of blasphemy (*elfāẓ-ı küfür*) and renewal of faith.[77] Even though most of the studies are devoted to the sixteenth and seventeenth centuries, Burak and Terzioğlu clearly demonstrate that the second half of the fifteenth century can be regarded as an earlier starting point through the acceleration of the state-building process.[78] In that sense, Terzioğlu extends the possible "motivations" behind the Sunnitization from the politically-oriented approach to a broader framework:

> Rather than being simply a politically-minded response to the rise of the Safavids and their adoption of Shiism, Ottoman Sunnitization was also shaped by many other actors, among them the spread of literacy and acculturation of the ruling elites of the lands of Rum into the norms and values of the learned elites of Islamic heartlands, the consolidation of Ottoman learned establishment as an integral part of the imperial apparatus, and last but not least, state-building and bureaucratization, which both created a need for and made it possible to impose a more homogenized understanding of Sunni Islam and Hanafi law.[79]

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[72] Terzioğlu, "How to Conceptualize Ottoman Sunnitization," 321–22; For an example to non-state actors, see: Terzioğlu, "Power, Patronage and Confessionalism."
[73] Krstić, *Contested Conversions to Islam*.
[74] Terzioğlu, "How to Conceptualize Ottoman Sunnitization."
[75] Terzioğlu, "Where 'İlm-i Ḥāl Meets Catechism"; Krstić, "From Shahāda to Aqīda"
[76] Krstić, "State and Religion, 'Sunnitization' and 'Confessionalism' in Süleyman's Time."
[77] Burak, "Faith, Law and Empire in the Ottoman 'Age of Confessionalization.'"
[78] Terzioğlu, "How to Conceptualize Ottoman Sunnitization," 308–10; Burak, "Faith, Law and Empire in the Ottoman 'Age of Confessionalization.'"
[79] Terzioğlu, "How to Conceptualize Ottoman Sunnitization," 337–38.

Even though many scholars do not follow the path of the "confessionalization" paradigm, they do emphasize the points that Terzioğlu underscores, especially with regard to the state-building process and bureaucratization. Abdurrahman Atçıl traces the establishment of an imperial learned hierarchy that had started with the conquest of Istanbul in 1453 and developed in the Suleymanic era.[80] He focuses on a newly emerging type of scholars, called "scholar-bureaucrats," who were associated with imperial hierarchy and served both within the learned establishment (*'ilmiye*) and also in scribal offices (*kalemiye*) along with other services.[81] Regarding this convergence of the state and the ulema, Atçıl highlights the mutual role of scholars and the wielders of temporal power in the creation of Sunni identity and the law of their time:

> Scholar-bureaucrats both contributed to and were influenced by the developments in the period 1530–1600. They helped define the Sunni identity of the empire and carry out its policy consequences, especially related to law. In addition, they played a significant part in the formation of kanun through their demands, decisions, and criticisms.[82]

A parallel approach comes from Samy A. Ayoub, who admits that the Ottoman sultans had a growing impact on the sphere of "Sunni jurisprudence." However, he also claims that this is a mutual interaction by recognizing the jurists' agency vis-à-vis the state.[83]

In a similar vein, developments in sixteenth-century production and implementation of Hanafi law also have become the subject of scholarly inquiry. First of all, Rudolph Peters articulates the transformation in doctrines of the Hanafi madhhab and the emerging distinctive character of Ottoman Hanafism as a response to the empire's needs for the "bureaucratic set-up." He denotes this development as

[80] Abdurrahman Atçıl, *Scholars and Sultans in the Early Modern Ottoman Empire*.
[81] For a detailed information about scholar-bureaucrats, see: Atçıl, 5–8.
[82] Atçıl, 132–33.
[83] Ayoub, *Law, Empire, and the Sultan*, 1–25.

the emergence of the "official madhhab."[84] This initial endeavor to define Hanafi madhhab as the official Ottoman school of law was taken a step further by Guy Burak's works. While Burak previously focused his attention on the state's agency in the formulation of the doctrine of the law based on the established hierarchy in an earlier work,[85] he developed his argument in a recent book.[86] According to him, Ottoman state intervention into the law-making process was more than state-patronage of the jurists and should be taken within the context of post-Mongol dynastic law due to the state-appointed muftis, well-established imperial scholarly hierarchy, appointment of Hanafi chief judges to Arab cities, in which chief judges of four madhhab existed in Mamluk era, and the necessity of dynastic approval in certain rulings.[87]

On the other hand, the official madhhab formulation also has been challenged by several scholars. First and foremost, Abdurrahman Atçıl challenges this notion by examining the transformation and change in the judiciary and law in Ottoman Egypt.[88] He states that even though the practice of four judgeships was abandoned after the Ottoman conquest, there were no remarkable changes in terms of the judiciary that all four schools of law maintained their existence and authority.[89] Another criticism of the usage of official madhhab comes from Samy A. Ayoub. He also rejects the state hegemony over jurists and the school of law by emphasizing the distinct features of the "Late Hanafi" tradition that was influenced by certain Arab

[84] Peters, "What Does It Mean to Be an Official Madhhab? Hanafism and the Ottoman Empire."
[85] Burak, "Faith, Law and Empire in the Ottoman 'Age of Confessionalization'"
[86] Burak, *The Second Formation of Islamic Law*.
[87] Burak, passim; For other studies that use "official madhhab" discourse, see: Meshal, *Sharia and the Making of the Modern Egyptian*, 71–102; Baldwin, *Islamic Law and Empire in Ottoman Cairo*, 72–98; Ibrahim, *Pragmatism in Islamic Law*, 35–49.
[88] Abdurrahman Atçıl, "Memlükler'den Osmanlılar'a Geçişte Mısır'da Adlî Teşkilât ve Hukuk (922-931/1517-1525)."
[89] Atçıl, 113–115.

scholars, such as Ibn Nujaym, as well.[90] He also clearly states that the agency of jurists and the ruler's role as the enforcer of the law in the Hanafi school of law coexisted and did not create a contradiction in the Ottoman context.[91]

The Ottoman Empire witnessed many significant confrontations and fundamental transformations, including rivalries with the Habsburgs and Safavids, bureaucratic expansion, and the growing state-religion relationship throughout the sixteenth century. These contextual developments and the Ottoman response to them reveal the importance of law and expanding the legalistic sphere, in which juristic discourse made its presence felt. In this respect, such a great transformation in the mentality, of course, shifts the requirements of legitimacy and shapes the language of political thought, which aims to respond to these requirements. Furthermore, one of the most important developments for the Ottoman Empire in the sixteenth century is the incorporation of the Arab lands. As discussed below, this encounter not only posed new legitimacy questions like other concurrent phenomena, but also helped the Ottomans produce a language of political legitimacy that address their needs.

1.1.3 Context II: incorporation of Arab lands

The relationship between the Mamluks and Ottomans dated back to the early years of the Ottoman *beglik* (principality). As the custodians of the *ḥarameyn* (the two holy cities) and protector of the Abbasid caliphate, Mamluk rulers claimed to be superior to the Ottomans. They did not refrain from pointing out their superiority by using inferior titles when addressing the Ottoman sultans. Ottoman sultans accepted this unequal relationship until they established themselves by conquering

[90] Ayoub, *Law, Empire, and the Sultan*.
[91] Ayoub, 1–7.

Constantinople.[92] After the second half of the fifteenth century, tension between the two states escalated due to a power struggle and such incidents, such as the fleeing of Ottoman prince Cem to Mamluk Egypt. Eventually, the tensions led to the conquest of Syria and Egypt by Selim I in 1516 and 1517.[93]

The consolidation of Ottoman rule in Egypt and Syria was harder than the conquest itself.[94] Even in the reign of Süleyman, the problems between the Ottoman government and the local elites, including former military and intellectual elites, remained. For instance, Süleyman sent his favorite grand vizier İbrahim Pasha along with various officers, including Celalzade Mustafa, to Egypt for regulating affairs and preparing a *kānunnāme* in 1524 after a series of rebellions.[95] They prepared a codebook that incorporated the former Mamluk *qānun* that was ascribed to Sultan Kayıtbay and Ottoman *kānun*.[96] This illustrates how hard-pressed the Ottomans were to implement their laws on Arab lands, especially Egypt.

Apart from the political context, the socio-cultural and intellectual interconnectivity and the encounter of Ottoman and Islamic "core" lands have been one of the much-discussed issues among both Ottomanists and Arabists (or Mamlukologists). Before dealing with the history of this encounter, I would like to point out a dichotomous approach that separates the so-called Islamic "core" lands ("the old world of Islam," "Arabic-speaking lands," or specifically Syria, Egypt, and Hijaz) and what Shahab Ahmed has called the "Balkans-to-Bengal complex" in

[92] Muslu, *The Ottomans and the Mamluks*, 86–109.
[93] Emecen, *Yavuz Sultan Selim*, 186–94.
[94] For a general overview of Arab lands of the Ottoman Empire, see: Winter, *Egyptian Society Under Ottoman Rule, 1517-1798*; Hathaway, *The Arab Lands under Ottoman Rule,1516-1800*; Masters, *The Arabs of the Ottoman Empire, 1516-1918*.
[95] For Ahmed Pasha's rebellion, see: Emre, "Anatomy of a Rebellion in Sixteenth-Century Egypt."
[96] Winter, "Egypt and Syria in the Sixteenth Century," 48; Burak, "Between the Ḳānūn of Qāytbāy and Ottoman Yasaq"; Atçıl, "Memlükler'den Osmanlılar'a Geçişte Mısır'da Adlî Teşkilât ve Hukuk (922-931/1517-1525)," 111–13.

terms of several aspects, including literary traditions, arts, and the way of their understanding and practice of religion.[97] This approach is, of course, reflected in the studies of Ottoman history in the shape of Rumi[98] versus Arab identities.[99] Although the importance of such analytical categorizations to explain the general landscape of the early modern Islamicate world cannot be overlooked, like every categorization, this binary approach might lead to ignoring certain commonalities and overstressing the differences.

This is especially true for the case of Mamluk-Ottoman transition studies. As Gül Şen and Stephan Conermann argue in their introduction to *The Mamluk-Ottoman Transition*, the language barriers between Ottomanists and Arabists and the legacy of early Orientalism, which divided the history of Islam according to specific geographies and dynasties, have impeded dialogue between Ottomanists and Mamlukists.[100] Moreover, the literature on the Mamluk-Ottoman transition has tended to emphasize the conflict between the actors of Rumi and Arab lands, and more specifically, the grievances of political elites and scholars and the problems in the administrative structure.[101] Not enough attention has been paid, by contrast, to the entanglements, and mutual interaction between the two realms.[102]

[97] The "Balkans-to-Bengal complex" is used as a geographical-temporal term that implies a corridor that starts from Balkans and Anatolia and ends in South Asia between 1350-1850 by Shahab Ahmed, see: Ahmed, *What Is Islam?*, 73–85.
[98] "Rumi" is a cultural-geographical word for mainly referring Anatolian and Balkan lands of the Ottoman Empire. For detailed analysis about Rum and Rumi terms see: Kafadar, "A Rome of One's Own."
[99] For an example, see: Yılmaz, *Caliphate Redefined*, 7–14.
[100] Conermann and Şen, "Introduction: A Transitional Point of View," 18–19.
[101] Winter relies on an important scholar and Sufi, Sha'rani's (d. 1565) writings: Winter, *Society and Religion in Early Ottoman Egypt*; Rafeq on Azhar ulema's response against Ottoman rule: Rafeq, "The Opposition of the Azhar 'Ulamā' to Ottoman Laws and Its Significance in the History of Ottoman Egypt," 43–54; on Ibn 'Iyas and Ibn Nujaym Meshal, "Antagonistic Shari'as," 183–212; on Ibn Tulun Burak, *The Second Formation of Islamic Law*.
[102] Atçıl's approach to the judiciary and law in Ottoman Egypt inspires me for developing such an argument: Atçıl, "Memlükler'den Osmanlılar'a Geçişte Mısır'da Adlî Teşkilât ve Hukuk (922-931/1517-1525)."

The incorporation of the Arab lands into the Ottoman Empire also has a great potential for explaining sixteenth-century transformation to the more legalistic/juristic discourses if one follows the genealogies of the genres that proliferated in the sixteenth-century Ottoman Empire. On the other hand, one must keep in mind that it is not one-way or *in globo* transfer of knowledge, ideology, or discourse from one to another. On the contrary, Ottomans, firstly, were "quite selective in what they appropriated of the religious policies of their predecessors" in the words of Derin Terzioğlu.[103] Secondly, as Abdurrahman Atçıl shows, perceiving the Ottoman state as the sole active power and Egyptian or Syrian society as a reluctant and passive object is problematic in essence.[104] *The Mamluk-Ottoman Transition,* edited by Gül Şen and Stephan Conermann, proposes that the scholarship should surpass the boundaries of political thought and suggest some possible fields of studies, including the history of ideas and environmental history.[105] Their introduction also serves as a good literature review of the works that scrutinize the relationship between the Ottoman Empire and Arab lands in the transition period and later periods.[106]

In terms of ulema mobility, many Rumi scholars used to go to Cairo and various other Arab cities to receive a better education before the establishment of the *sahn-ı seman* madrasas by Mehmed II.[107] After their establishment, the imperial

[103] Terzioğlu, "How to Conceptualize Ottoman Sunnitization," 310.
[104] Atçıl, "Memlükler'den Osmanlılar'a Geçişte Mısır'da Adlî Teşkilât ve Hukuk (922-931/1517-1525)," 90.
[105] Conermann and Şen, "Introduction: A Transitional Point of View," 13–17.
[106] For edited books that deals with the transition period: Philipp and Haarmann, *The Mamluks in Egyptian Politics and Society*; Lellouch and Michel, *Conquête Ottomane de l'Égypte (1517)*.; Turcica gives a special place to the transition period: "Mamelouks, Turcs et Ottomans," *Turcica* 41 (2009): 183–350.
[107] Atçıl, *Scholars and Sultans in the Early Modern Ottoman Empire*, 28–45; For Kafiyeci's transborder venture: Muslu, "Ottoman-Mamlūk Relations," 1–4; For a survey of scholarly mobility that shows scholars, who comes to the Ottoman lands or leave from there based of Shaqayiq al-Nu'maniyya: Ökten, "Scholars and Mobility"; For a contradictory example that comes for education to the Ottoman lands from Aleppo, see the chief jurisconsult Molla Arab: Gülsev Şanver, "Molla Arab

madrasas of Mehmed II and Süleyman, became the highest-ranking and the most prestigious institutions of education. Hence, they provided students with an opportunity to create networks in the center of the empire. Therefore, many scholars' focal points also moved from the Arab lands to Istanbul.[108]

However, after the conquest of the Arab lands, scholar-bureaucrats had to serve in these lands to earn a higher position in the central judicial hierarchy. In other words, the interconnectedness of the Rumi and Arab ulema became more and more common in the early sixteenth century. Helen Pfeifer insightfully demonstrates scholarly gatherings and book exchanges in these meetings called *majālis* (s. *majlis*) *al-ʻilm*. In Pfeifer's case, one can observe the close relationship between Badr al-Dīn al-Ghazzī (d. 1577), a prestigious Shafi'i Mufti in Damascus, and Kınalızade Ali, a Rumi and Hanafi chief judge of Damascus and scholarly interaction between Istanbul and Syria in the example of a gathering to discuss al-Ghazzī's Quranic commentary, organized by Süleyman and headed by Ebussuud.[109] Therefore, there was a vivid intellectual interaction and interconnectedness among scholars.

However, at the same time, Arab scholars openly criticized Rumi Ottomans for being less religious and undertaking non-religious administration in their lands. Al-Sharani and Ibn Iyas can be cited as two examples of this position. Al- Sharani was a famous Sufi and scholar of his time and had severe criticisms against the Ottoman administration in Egypt. On the other hand, he defended Süleyman the Lawgiver as *qutb al-zāhir* (external pole) against Christian "unbelievers" and Shiite

(ö. 901 / 1496) ve Fetva Mecmuasının İncelenmesi"; I thank Ömer Faruk İlgezdi for sharing his initial findings before his thesis defense. Al-Malati's (d. 1514), a Mamluk scholar, sympathy for the Ottomans during the contentious period shows how political approach falls short in the explanation of Rumi-Arab relationships in the late fifteenth century, see: İlgezdi, "The Image of Ottoman Patronage in the Works of the Mamluk Scholar ʿAbd Al- Bāsit al-Malaṭī."

[108] Atçıl, *Scholars and Sultans in the Early Modern Ottoman Empire*, 49–211.

[109] Pfeifer, "Encounter after the Conquest."

"heretics."[110] Al- Sharani especially detested *ḳānun*, much like some of his Syrian and Egyptian peers. In a Question and Answer part of his *al-Jawāhir wa al-Durar*, he wrote:

> Question: What is the essence of that which does not disappear? Answer: The spirit of the revelation consists of the world order. If religious law disappears, the [secular] rule [*nāmus*] replaces them in each generation in which they are lacking. This is what is meant now by the [term] *qānun* in the Ottoman state. Its application, however, is lawful only in countries that have no religious laws. As for Egypt, Syria, Baghdad, North Africa and the other lands of Islam, the application there of the *qānun* is unlawful, because it is not infallible, and it may have been set down by the kings of infidels.[111]

In short, the intensified relationships between the Rumi and Arab scholars not only increased the knowledge regarding each other, but also created for the Ottomans certain legitimacy problems. At the same time, however, the circulation of ideas between the two realms also provided ways of dealing with these legitimacy problems.[112] Michael Winter summarizes the issue:

> As we have seen, after the Ottoman conquest, there were tensions and misunderstandings between the Arabic-speaking population in Egypt and Syria, and the Ottomans. Although both groups were Sunni Muslims committed to Islam, different traditions created problems, especially because the relationship between rulers and the ruled was involved. With time, these problems diminished (but never disappeared completely) for two main reasons: a. Both sides adjusted to each other; b. The Ottoman Empire was becoming more religious.[113]

Even if we cannot speculate on their level of religiosity, it seems true when the emphasis on religious law in the second half of the sixteenth century is taken into consideration. On the other hand, Ibn Nujaym, who had very close ties with Al-Sharani, had a more nuanced outlook on Ottoman rule. Even though he had some criticisms against the Ottoman rulers, Ottoman local governors continued to ask his

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[110] Winter, *Society and Religion in Early Ottoman Egypt*, 204.
[111] Winter, 188.
[112] Buzov also mentions the increasing impact of jurisprudence in Ottoman Empire when the Ottomans encountered the long-lasting tradition of jurisprudence in the Arab lands, see: Buzov, "The Lawgiver and His Lawmakers," 140–43.
[113] Winter, "Egypt and Syria in the Sixteenth Century," 49–50.

opinions. The answers he gave made him one of the foundational figures of "Ottoman Hanafism" in the later ages, and constituted an important source for the codification of Mecelle in the nineteenth century.[114]

Moreover, this benign relationship was not limited to the intellectual sphere. As Kumakura Wakako demonstrated, when the Ottomans acquired the Mamluk lands, they needed to promulgate a land law based on the land records. In this regard, they collaborated with the local elite families, who had fulfilled the land recording duties before the conquest. Even though the land recording system was swallowed up by the more systematized government institutions of the Ottoman Empire, these families, especially the Malakī family, maintained their position.[115]

This but a sample of the examples of the multiplex structure of the Rumi-Arab relationship after the Ottoman conquest of Syria and Egypt. Yet, it is certain that the conflict-oriented interpretation of this encounter is far from a satisfactory explanation. For the Ottomans, these newly incorporated lands' intellectual accumulation not only posed challenges to their legitimacy, but also provided them with some useful solutions in a period in which the Ottomans needed a juristic source of legitimacy. This thesis also investigates how the Ottomans instrumentalized the Mamluk intellectual tradition for their own needs by scrutinizing translations of the two texts written by fourteenth- and fifteenth-century Mamluk scholars.

1.1.4 Translation studies

Since this study relies on translated texts, it is impossible to deal with these primary sources without the help of related disciplines, such as translation studies and

[114] Ayoub, *Law, Empire, and the Sultan*, 31–63.
[115] Wakako, "Who Handed over Mamluk Land Registers to the Ottomans?," 279.

Turkish Language and Literature. The interdisciplinary nature of the subject generally has been overlooked by Ottomanists. Cemal Kafadar points out this problem in the following words: "The currently sharp boundaries that exist in Turkish studies between historical and literary-historical scholarship must be crossed in order to deal with some important questions that arise from the existence of this intricately interrelated body of narratives."[116] These "sharp boundaries" do not only exist between historians and the scholars of literature, but also exist between scholars of literature and translation studies. Saliha Paker, a leading figure in translation studies in Turkey, states the necessity of interdisciplinary studies among scholars of translation studies, literature, and cultural historians for a complementary understanding of the Ottoman translation tradition before the mid-nineteenth century.[117]

By learning the necessary analytical tools to evaluate translated texts and the general features of Ottoman translation from their respective departments, scholars of Ottoman intellectual history should give due attention to these sources by contextualizing and historicizing them. However, Ottomanists have rarely given attention to translations, with a few notable exceptions.[118]

The early discussion on translation generally concentrated on "word-for-word" or "sense-for-sense" translation types. In particular, the reason behind the debate emerged when the translation of the Bible came to the fore.[119] Translation studies as a modern discipline started its venture by focusing on the linguistic aspects

[116] Kafadar, *Between Two Worlds*, 64.
[117] Paker, "Terceme ve Nazire Olarak Çeviri," 90.
[118] For example: Pistor-Hatam, "The Art of Translation: Rewriting Persian Texts from the Seljuks to the Ottomans"; Hagen, "Translations and Translators"; Terzioğlu, "Bir Tercüme ve Bir İntihal Vakası"; Krstić, "Of Translation and Empire"; Yılmaz, "Gazzâlî ve Osmanlı Siyaseti: Nasîhatü'l-Mülûk'ün Kanûnî Devrinde Gerçekleşen Tercümeleri."
[119] Munday, *Introducing Translation Studies*, 29–57.

of the translation in the 1950s and the 1960s by Roman Jakobson and Eugene Nida. These foundational figures claim that translation should try to generate a similar influence in the recipient audience as the source text created in its own audience, which is called equivalence.[120] This approach can be described as "source-oriented" since it aims to transfer the meaning and the form, in order to convey the source culture, to the target culture.

On the other hand, this discipline has been revolutionized in the following two to three decades with the strong influence of "cultural turn" as that impacted all of the social sciences and branches of the humanities. The main transformation from the linguistic approach is the focus shift from "source-oriented" to "target-oriented" translation by giving more importance to the recipient culture and translator. The criticism against the linguistic approach comes from different traditions that Jeremy Munday called "functional" and "system" theories. The former prioritizes the role of the translator's purpose while the latter gives special importance to the recipient culture.[121]

Gideon Toury, as a student of Even-Zohar, builds his translational theory on the latter's polysystem theory, which prioritizes the larger socio-cultural context and target culture instead of the source culture. He proposes "Descriptive Translation Studies" as a general framework that aims to detect general laws of the translation. In his theory, Toury clearly states the target-orientedness of the translations: "Translations are facts of target cultures; on occasion facts of a peculiar status, sometimes constituting identifiable (sub)systems of their own, but of the target culture in any event."[122] Moreover, he highlights the importance of "proper

[120] Munday, 58–85.
[121] Munday, 113–40, 169–96.
[122] Toury, *Descriptive Translation Studies and Beyond*.

contextualization," which is particular to each case and not given, for explanation and description of the translations due to the lack of required information to understand the culture within the text.[123]

This culture/target-oriented approach and special emphasis on contextualization demonstrate the high value of translations for historians. Furthermore, Toury provides an insightful comment on translations' role in fulfilling certain needs of the society:

> After all, translations do not come into being in a vacuum. Not only is the act performed in a particular cultural environment, but it is designed to meet certain needs there, and/or occupy a certain 'slot' within it. Translators may therefore be said to operate first and foremost in the interest of the culture into which they are translating, whichever way that interest is conceived of.[124]

Therefore, translations are significant sources for understanding the context of a particular time as context is important in discovering the characteristics of the translations. This brings us the significance of the translations, thence translation studies, for the discipline of history.

Ottoman history and literature, in that sense, provide researchers with its long-lasting translation tradition and prolific products that started to emerge from the late fourteenth century. As Zehra Toska demonstrated, translations from Arabic and Persian significantly influenced the development of Turkish literature from the thirteenth century to the nineteenth century.[125] Initially, both Paker and Toska criticize the tendency that starts the Ottoman translation tradition after the Tanzimat-era, in which translations from Europe proliferated, and remind of the intense

[123] Toury, 23–25.
[124] Toury, 6.
[125] Toska, "İleriye Yönelik Araştırmalarla İlgili Olarak Eski Türk Edebiyatı Sahasında Yazılmış Olan Tercüme Metinleri Değerlendirmelerde İzlenecek Yöntem/ler Ne Olmalıdır?," 291–306.

translational practices from Arabic and Persian that took place between the thirteenth and nineteenth centuries.[126]

Unfortunately, this crucial tradition has been largely neglected by academics until the late 1990s except for a few scholars such as Agah Sırrı Levend. Saliha Paker, as mentioned above, brings the issue of Turkish-oriented translation studies to scholarly attention not only by dealing with the concept in terms of translation studies, but also by encouraging her colleagues and younger scholars in the discipline of Turkish language and literature.[127] First and foremost, she questions the applicability of translation (Turkish: *çeviri*) for the indigenous Ottoman term *terceme/tercüme*. Paker highlights *terceme*'s cultural and temporal features ("time-bound" and "cultural-bound") that do not exist in the modern concept of *çeviri*.[128]

This conceptual discussion and the meaning of *terceme* for the Ottomans (of course, not a static concept, but a dynamic one that takes different meanings at different times) has been scrutinized by later scholars. Cemal Demircioğlu proposes that the texts that might be related to the translation tradition should not be reduced to *terceme-telif* binary (i.e., translation-composition), because the line between the two generally is blurred due to the strategies of the authors or translators.[129] It is important to note that Ottoman authors followed different paths during their translations or writings, and that they were not obsessed with the proper translation. As Hagen stated, translators did not see themselves as inferior to the authors and

[126] Toska; Paker, "Terceme ve Nazire Olarak Çeviri"; Demircioğlu, "Osmanlı Çeviri Tarihi Araştırmaları Açısından 'Terceme'ye 'Çeviri'Kavramlarını Yeniden Düşünmek."
[127] Paker, "Türkiye Odaklı Çeviri Tarihi Araştırmaları, Kültürel Hafıza, Unutuş ve Hatırlayış İlişkileri."
[128] Paker, "Terceme ve Nazire Olarak Çeviri"; Demircioğlu, "Osmanlı Çeviri Tarihi Araştırmaları Açısından 'Terceme' ve 'Çeviri' Kavramlarını Yeniden Düşünmek."
[129] Demircioğlu, "Osmanlı Çeviri Tarihi Araştırmaları Açısından 'Terceme' ve 'Çeviri' Kavramlarını Yeniden Düşünmek," 167, 174–75.

acted as autonomous individuals in their translations.[130] While they sometimes carried out word-for-word translations, in an interlinear form (*taḥte'l-lafẓ*), especially for Quran and sacred texts, they often chose to translate in a way that translators made active contributions. The latter kind of translation includes many types, such as additions, explanations, omissions, adaptation, and imitations of certain forms (i.e., *nazire*).[131]

The abundance of such translations is a good point to connect the trajectory of Ottoman translation with the general development in the theories of translation studies. Many scholars have proposed and implemented Toury's "Descriptive Translation Studies" and target-oriented approach to evaluate Ottoman translation.[132] Additionally, Paker stresses the changes in the concept of translation in the Ottoman Empire in accordance with the history of the target culture. Therefore, as previously discussed, translation studies instrumentalize the context to determine the underlying causes and features of the translations. Similarly, historians, especially students of intellectual history, must be aware of the value of the translations as great sources to make sense of the given era's contexts (intellectual, political, socio-cultural, and so on).

Translations can also be regarded as sources for studying political thought. Furthermore, political legitimacy is an important motivation for the patronage of the translations. For instance, the interregnum period (1402-1413) and thereafter — especially in the reigns of Emir Süleyman (d.1411) and Çelebi Mehmed (r. 1413-

[130] Hagen, "Translations and Translators," 106.
[131] Hagen, 109–13; Paker, "Terceme ve Nazire Olarak Çeviri"; For detailed features of Ottoman translation tradition in the early modern world, see: Yazar, "Anadolu Sahası Klâsik Türk Edebiyatında Tercüme ve Şerh Geleneği," 172–261.
[132] Paker and Toska, "A Call for Descriptive Translation Studies on the Turkish Tradition of Rewrites," 79–99; Pistor-Hatam, "The Art of Translation: Rewriting Persian Texts from the Seljuks to the Ottomans."

1421, d. 1421) — witnessed the emergence of important Persianate political treatises and works, such as *İskendernāme* of Ahmedi (d. 1412/13) and *Kābūsnāme*, against the legitimacy challenge of Timur (d. 1405).[133]

It is interesting to see the similarities between the conditions of ruling elites and the legitimacy concerns of Mamluk and Ottoman polities. One of the most striking commonalities was the lack of Quraishi-descent of the rulers. Therefore, the translations regarding political thought from Mamluk-era scholars' works into Ottoman Turkish can be evaluated as continuity in this context. In present study, I will also examine two texts written in the fourteenth- and fifteenth-century Mamluk domain and were translated in the sixteenth-century Ottoman Empire. These works can be regarded as juridico-political treatises, a genre which was relatively unknown in the Ottoman intellectual milieu before the sixteenth century. As discussed, the Ottomans experienced radical contextual shifts that were driven by the increasing influence of the legal-rational sphere in many fields throughout the century. In that sense, I will argue that since the core primary sources of this thesis were written strictly from the juristic perspective, they were used to fulfill "certain needs there, and/or occupy a certain 'slot' within it,"[134] in Toury's words.

1.2 Overview of the thesis

This study contains four chapters and a Conclusion. Chapter Two, "Intellectual Context" aims to demonstrate the proliferation of juristic discourse in sixteenth-century Ottoman political thought by considering examples from different genres and texts, such as Lutfi Pasha's *Khalās al-Umma* and the *siyāsa sharʿiyya* genre. Works

[133] Paker, "Turkish Tradition"; Yazar, "Anadolu Sahası Klâsik Türk Edebiyatında Tercüme ve Şerh Geleneği," 135–37.
[134] Toury, *Descriptive Translation Studies and Beyond*, 6.

discussed in this chapter include not only texts that were written squarely within the field of Islamic jurisprudence, but also texts on ethics and Sufism that incorporated juristic discussions. The chapter demonstrates that the translations analyzed in Chapters Three and Four were not exceptions, but were rather part of a broader intellectual trend.

In Chapter Three, "Ṭarsūsī and His Tuḥfat al-Turk in Sixteenth-Century Context," I begin with scrutinizing the fourteenth-century Mamluk scholar al-Ṭarsūsī, his world, and his work on the legitimacy of Turkish rule. After that, I analyze and contextualize the word-for-word translation of the treatise by an unknown translator. Since there is no specific information about the translation which has survived in two extant manuscript copies, I also attempt to date the translation through a textual analysis which compares original and translated texts.

Chapter Four, entitled "Divergent Methods, Similar Directions: Two Sixteenth-Century Translations of al-Khayrabaytī's al-Durra al-Gharrā," deals with two sixteenth-century translations of a fifteenth-century Mamluk scholar al-Khayrabaytī's work, a juristic text entitled *al-Durra al-Garrā*. This chapter also discusses the perception of al-Khayrabaytī and his works by Ottoman Rumi scholars. Since this work was translated twice in a century, the similarities and differences between these translations are also discussed.

CHAPTER 2

INTELLECTUAL CONTEXT

2.1 Introduction

As discussed in the Introduction, the Ottoman world witnessed an increasing emphasis on law and juristic discourse in the sixteenth century. This trend also impacted Ottoman political literature. One of the leading figures in the field, Hüseyin Yılmaz, classified Ottoman political literature under four categories: "ethics, statecraft, jurisprudence, and Sufism."[135] In tandem with the developments of both the sixteenth century and recent scholarship on Ottoman political thought, this chapter seeks to investigate the proliferation of juristic discourse in sixteenth-century Ottoman political thought. Since it is difficult to make a perfect definition for juristic discourse and impossible to make a sharp contrast between the categories that Yılmaz provided, I will survey both works that were written from a juristic perspective and works that while not written from a predominantly juristic perspective, utilized juristic language, themes, and concepts.

The chapter also aims to construct a wider intellectual context for the two translated Mamluk texts, the core primary texts of this thesis, that were translated into Ottoman Turkish in the sixteenth century. Specifically, I would like to address questions about the growing importance of juristic discourse and the Mamluk intellectual heritage in sixteenth-century Ottoman political thought by showing other examples that were penned in the sixteenth century.

[135] Yılmaz, *Caliphate Redefined*, 64–93.

It is, of course, impossible to cover all the relevant works in this chapter. So, I, unfortunately, had to leave some significant scholars and works out of this survey. I would like to, at least, mention a few of them. First of all, Ebussuud Efendi (d. 1574), the chief jurisconsult of the empire, was a foundational figure in Ottoman political thought and practice.[136] Although it would have been enlightening to analyze the *Tuḥfat al-Zamān ilā Malik al-Muẓaffar Sulaymān* (A Gift of the Time for Süleyman the Victorious Ruler), a juristic treatise that was written by the Syrian jurist Ansari (d. 1524) for Süleyman, I could not reach the manuscript.[137] Secondly, works dealing with applied law (*furū' al-fiqh*) could also be scrutinized by seeking the traces of political thought in them as Özgür Kavak has done with Serakhsi's (d. 1090) *al-Mabsūṭ*.[138] In that sense, Ibrahim Halabi's (d. 1549) well-known book, *Multaqa al-Abḥur*, would have been a great source to analyze in terms of political thought. What makes the source particularly interesting in this regard is that the author himself was a scholar who had come to the Ottoman lands from Aleppo. Lastly, the Halveti sheikh Bali Efendi's (d. 1552) contributions in defense of cash waqfs might have also been included in this study.[139] Despite these omissions, this survey will consider several scholarly works under the category of juridico-political texts and various examples of juristic discourse in non-juristic works.

[136] Imber, *Ebu's-Su'ud*; Kaylı, "A Critical Study of Birgivi Mehmed Efendi's (D. 981/1573) Works and Their Dissemination in Manuscript Form"; Köksal, *Fıkıh ve Siyaset: Osmanlılarda Siyaset-i Şer'iyye*, 289–93; Yılmaz, *Caliphate Redefined*, 86–89; Sariyannis, *A History of Ottoman Political Thought Up to the Early Nineteenth Century*, 100–123.
[137] For a description of the work, see: Yılmaz, *Caliphate Redefined*, 83–84.
[138] Kavak, "İslam Siyaset Düşüncesi Kaynağı Olarak Furû-ı Fıkıh Kitapları," 269–94.
[139] Mandaville, "Usurious Piety," 301–4.

2.2 Juridico-political texts

2.2.1 Lutfi Pasha and *Khalās al-Umma fī Ma'rifat al-A'imma*

Ottoman grand viziers had always been great patrons of scholarly and artistic works. However, they rarely produced works of their own.[140] This makes Lutfi Pasha b. 'Abdulmuin (d. 1564, served 1539-1541)[141] an unusual figure among the viziers of Sultan Süleyman. His career in the Ottoman court started as a levied boy (*devşirme*) taken most probably from Albania during the reign of Bayezid II. He was appointed as vizier after he served in different parts of the Empire as provincial governor and military commander. In 1539, he became grand vizier and held this position for two years. He was dismissed for a reason that had never been made clear. Yet, in his own words in *Āṣafnāme*[142] (Book of Asaph), his *magnum opus* on the vizierate and a pioneering and much cited example of the Ottoman genre of *naṣiḥatname*, which focuses on the problematic parts of statecraft,[143] he claims the reason for his dismissal from this office the wickedness of some hypocrites and of some women.[144]

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[140] For some of the scholar-viziers, see: Atçıl, *Scholars and Sultans in the Early Modern Ottoman Empire*, 40.

[141] İpşirli, "Lutfi Paşa"; Imber, "Luṭfī Pasha"; Köksal, *Lutfî Paşa*. There are certain other names for his father's name. Since he was a *devşirme*, their father's names generally used as "servant of Allah's one name" such as 'Abdullah. In this case, I chose 'Abdulmu'īn because it is apparent in his book of waqf (*vaḳıfnāme*) signed by Sultan Süleyman. For the document, see: BOA Vakf-ı Cedid. Orj.No: TKG.KK.VKF. Cd.19-2189/2227/19, fl. 3r.

[142] The treatise has been published several times. For a representative list, see: Lütfi Paşa, *Asafnâme* (1910); Lütfi Paşa, *Das Asafname Des Lutfi Pascha* (including German translation, 1910); Lütfi Paşa, "Lütfi Paşa Asafnamesi, Âsafnâme (Yeni Bir Metin Tesisi Denemesi), (1991)"; Lütfi Paşa, *Asafname* (2017); Lutfi Paşa, *Kanunlar Işığında Yönetim Ilkeleri "Asafname* (2018)*."*

[143] Yılmaz, *Caliphate Redefined*, 75–79.

[144] Lutfi Pasha provides his succinct autobiography in the introduction of the treatise, see: Lütfi Paşa, *Asafname* (2017), 53–56; According to Danişmed, some contemporary sources stated his reason of dismissal as a dispute with his wife and Süleyman's sister Şah Sultan based on a so-called punishment that was given to a woman after committing adultery by Lütfi Pasha, see in detail: Danişmend, *İzahlı Osmanlı Tarihi Kronolojisi*, 2:220–22.

His scholarly formation is quite different from that of members of the Ottoman learned establishment that was built on the madrasa system.[145] As a *devşirme*, he was raised within the palace that most probably had a different curriculum than madrasas.[146] According to the sources, he penned at least twenty books or treatises in both Arabic and Turkish on the various branches of Islamic sciences, especially Islamic jurisprudence (*fiqh*).[147] So, how was he able to write all these scholarly works without a formal education? Even though he must have had a good education in statecraft and a preliminary education in the Islamic sciences in the *Enderūn* (Ottoman palace school), this education would not have been enough for a man who had a keen interest in the Islamic sciences like Lutfı Pasha. He explains that he continued studying with and acquiring knowledge (*taḥsīl-i ulūm*) from scholars, poets, and "refined people" (*ẓurafā*) also after leaving the palace (*taşra çıktıktan sonra*).[148]

Although his *Āṣafnāme* is very significant for Ottoman political thought, *Khalās al-Umma fī Ma'rifat al-A'imma*[149] (Salvation of the Community in Recognizing the Imams) is also as worthy as the former. Since my aim here is to discuss juristic discourse in Ottoman political writing, I will primarily focus on *Khalās al-Umma,* written from a juristic perspective in 1554.

[145] For Lütfi Pasha's contemporaries' and near-contemporaries' views on his scholarship, see: Köksal, "Bir İslâm Âlimi Olarak Lutfi Paşa," 54–58.
[146] Witnesses of the palace education from the fifteenth to the seventeenth centuries, such as Bobovi and Menavino, narrated that pages, who were taught basic religious and cultural values during the education of Turkish, generally were educated in the languages of Arabic and Persian, law, calligraphy with a special emphasis on history and literature, see: Necipoğlu, *Architecture, Ceremonial, and Power*, 114–16.
[147] Köksal, *Lutfi Paşa*, 49–74.
[148] Lütfi Paşa, *Asafname*, 54.
[149] Lutfi Paşa, "Halasü'l-Ümme Fi Ma'rifeti'l-Eimme" (1554), 2877, MS Süleymaniye Library Ayasofya (from now on, I will refer to this manuscript, yet I provided a comprehensive list of treatise's copies, critical editions, and translations in the bibliography).

The office of the caliphate, in its juristic sense, requires certain preconditions, such as Quraishi descent.[150] In that sense, many non-Quraishi polities, most importantly Mamluks and Ottomans, tried to find solutions for their legitimacy problem.[151] In that sense, this treatise seems to be a defense of Ottoman legitimacy against those who oppose or have doubts about the titles of "Caliph" and "Imam" for the Ottoman sultans. Lutfi Pasha explains his reason for the composition of the work (*sebeb-i te'līf*) as specifying the situation of the Muslim community (*Umma*) after the Abbasid caliphs and the permissibility of sultans, who do not have Quraishi lineage, using the titles of Imam and Caliph.[152] In *Khalās al-Umma*, he addressed an elite audience (*eşrāf*), who questioned the permissibility of the latter based on the ideas in the famous creed (*aḳīde*) of Najm al-Din 'Umar al-Nasafi (d. 1142) and its well-known commentary (*şerḥ*) by Sa'ad al-Din al-Taftazani (d. 1390).[153]

While, as Hüseyin Yılmaz states, Lutfi Pasha might have written the treatise during the preparations of war against the Safavids as an ideological tool,[154] it might have also been related to the incorporation of the Arab lands and their grievances or questions regarding these titles. Since there is no specification for the "elite" group that he mentions in his treatise, these comments remain educated guesses. On the other hand, it is known that Lutfi Pasha performed the pilgrimage sometime after his retirement.[155] On his journey, while passing through such cities as Damascus or

[150] Gibb, "Al-Mawardi's Theory of Caliphate," 141–50.
[151] For Mamluk solutions, see: Hassan, *Longing for the Lost Caliphate*; Kavak, "Memlükler Dönemi Siyaset Düşüncesine Giriş"; also refer to Chapters Three and Four of this thesis.
[152] Lutfi Paşa, "Halasü'l-Ümme Fi Ma'rifeti'l-Eimme," 1554, fol. 2v.
[153] Lutfi Paşa, fols. 2v–3r.
[154] Yılmaz, *Caliphate Redefined*, 80.
[155] In his biography, Köksal, following M. F. Köprülü and Muhyi-i Gülşeni, states that Lutfi Pasha performed his hajj in 1542-43. Köksal, *Lutfî Paşa*, 40–41; Muhyi-i Gülşeni, *Menakıb-ı İbrahim-i Gülşeni (İnceleme-Metin).*, 32; Mehmed Süreyya, *Sicill-i Osmanî*, 3:903. However, I believe the former statement seems more correct since a statement in Lutfi Pasha's waqfiyya, dated H. 950 (1543), implies that he returned from Hajj, see: BOA TKG.KK.VKF. Cd.19-2189/2227/19, fols. 28r-28v.

Cairo, as well as during his stay in Mecca and Medina, he likely had the chance to meet scholars and notable figures from the Arab lands.[156] This and the fact that he chose to write this treatise in Arabic indicate his likely intended audience was not the Turcophone ruling elites of the Empire but the largely Arabophone scholarly elites.

On the other hand, Lutfi Pasha, in his *Zubdat al-Masā'il* (written in 1548), acknowledges Quraishi lineage as a condition for the caliphate while rejecting the necessity of Hashemite lineage, the Prophet's clan.[157] He writes this condition under a subtitle, in which he discusses the features of the People of the Sunna and the Community. The Hashemite lineage, more specifically the Alid and Abbasid branches,[158] became a source of rival claims of the rights of rulership over the Islamic world in different periods, especially in the early periods against the caliphs, such as Umayyads.[159]

Lutfi Pasha gives a place to the Hashemite genealogy in *Khalās al-Umma*, as well. While he admits Quraishi descent as a *sine quo non* for the early years of Islam (*awā'īl al-zamān al-Islām*) by narrating the famous hadith, "The Imams will be from Quraish" (*al-a'imma min Quraish*),[160] he also rejects Hashemite lineage in the same work.[161] In that sense, Köksal argues that the author changed his mind between 1548 and 1554.[162] However, I do not agree with this argument since Lutfi Pasha presumably attempted to legitimize the non-Hashemite caliphate of the first three

[156] If we rely on Muhyi-i Gülşeni, it should be Cairo, see: Muhyi-i Gülşeni, *Menakıb-ı İbrahim-i Gülşeni (Inceleme-Metin).*, 344.
[157] Cf. Köksal, *Lutfi Paşa*, 70; Lutfi Paşa, "Zübdetü'l-Mesail," n.d., fol. 190r; Lutfi Paşa, "Zübdetü'l-Mesail," 1551, fol. 182v.
[158] Lewis, "Hāshimiyya."
[159] Lapidus, "The Separation of State and Religion in the Development of Early Islamic Society," 363–85; Fazlıoğlu, "Osmanlı Düşünce Geleneğinde'Siyasî Metin'Olarak Kelâm Kitapları," 387–89; For an overview about Hashemite discussion over the course of history, see: Hakim, "The Hashemite-Umayyad Divide and Its Impact on the Future of Islam," 83–96.
[160] Lutfi Paşa, "Halasü'l-Ümme Fi Ma'rifeti'l-Eimme," 1554, fols. 6v–7r.
[161] Lutfi Paşa, fol. 5v.
[162] Köksal, *Lutfi Paşa*, 70.

rightly-guided caliphs, by keeping in mind that he gives this premise in the subtitle of "the features (*ḫaṣā'iṣ*) of the People of the Sunna and the Community" and right after the names of the four rightly-guided caliphs in *Zubdat al-Masā'il*. In that sense, Fazlıoğlu also states that the issue of Quraishi descent in Islamic theology (*kalām*) books is a response to the Hashemite claim, which was advocated mostly by Shiites.[163] Thus, I believe that it is difficult to comment on Lutfi Pasha's opinions regarding the caliphate of his time based on the information I quoted from *Zubdat al-Masā'il*.

Apart from these discussions, the treatise itself carries precious insights for sixteenth-century Ottoman political thought, and I will refer to this treatise throughout the thesis. Both the language and the content of the treatise are representative of sixteenth-century Ottoman political writing although it is unique as an apologia for the Ottoman claims to the juristic caliphate. The question of the caliphate is generally related to the above-quoted prophetic hadith: "The Imams will be from Quraish" that was claimed to be narrated by Caliph Abu Bakr during the meeting of the designation of the ruler after the Prophet's death.[164]

In fact, this "political" issue becomes one of the very core topics of the Sunni creed in the following ages. One of the most canonical works of Sunni Islam, al-Nasafi's creed, as well as its commentaries and supercommentaries mandated the condition of Quraishi descent for the caliphate throughout the ages. Al-Nasafi and his followers were the premiere sources of creed and theology.[165] Lutfi Pasha targets al-Nasafi and al-Taftazani by saying that some people tried to silence him with these

[163] Fazlıoğlu, "Osmanlı Düşünce Geleneğinde'Siyasî Metin'Olarak Kelâm Kitapları," 388.
[164] For a detailed analysis of the hadith, see: Hatiboğlu, "İslamda İlk Siyasi Kavmiyetçilik Hilafetin Kureyşiliği," 121–213; Yavuz, "Sadrıâzam Lütfi Paşa ve Osmanlı Hılafeti," 27–42.
[165] Fazlıoğlu, "Osmanlı Düşünce Geleneğinde'Siyasî Metin'Olarak Kelâm Kitapları," 390–91; Since Ahmed and Filipovic deal with a higher level madrasa curriculum, there is no mention to the creed of Nasafi, yet his *tafsir al-Taysir* exists in the list: Ahmed and Filipovic, "The Sultan's Syllabus," 199.

scholars' arguments and asked about the status of the Muslim community after the Abbasid caliphs.[166] Lutfi Pasha utilizes three different "rival" hadiths to refute the argument against the Ottoman caliphate or Imamate: "One, who dies without knowing the Imam of the time is akin to someone who died in the Age of Ignorance,"[167] "Obey the Sultan, even if an Abyssinian slave rules over you,"[168] and "Whoever denies the Imamate of the sultan becomes a heretic (*zındıḳ*)."[169] Even though he admits the authenticity of the above-mentioned hadith ("The Imams will be from Quraish") he, as I mentioned, believed it only applicable to the first years of Islam.

At the beginning of his treatise, Lutfi Pasha also provides his sources. They consist mainly of Hanafi texts, especially jurisprudential works, such as *al-Hidāya*, *Fatavā al-Qāḍīkhān*, and Abu Layth's *Fatavā al-Nawāzil*.[170] These sources provide him with crucial ammunition when he lays out his position in later pages of his treatise. For instance, he writes that al-Nasafi contradicted the scholars mentioned above by requiring Quraishi descent for the sultanate since these other scholars required neither Quraishi lineage nor Hashemite descent, nor permission nor designation by a member of the Abbasid household.[171] He continues that al-Nasafi was wrong and went against both the Prophet and the consensus (*ijmā'*) of the authors of the above-mentioned books — the majority of them were Hanafi jurists — and adds that al-Nasafi was wrong on at least seven points through quoting the words

[166] Lutfi Paşa, "Halasü'l-Ümme Fi Ma'rifeti'l-Eimme," 1554, fol. 2v.
[167] Lutfi Paşa, fols. 3r, 5r.
[168] Lutfi Paşa, fol. 4v.
[169] Lutfi Paşa, fol. 5r.
[170] Lutfi Paşa, fols. 3r–3v; although he cited al-Nasafī's, al-Taftazānī's, and al-Ṭaḥawī's works, he did not give place them among his sources, Jahja, "Lutfi Paşa'nın Halasu'l-Ümme Fi Ma'rifeti'l-Eimme Risalesinin Tahkik, Tahlil ve Tercümesi," 40–41.
[171] Lutfi Paşa, fol. 5v. For more information regarding the last requirement, see: Chapter IV of this thesis.

of a scholar.[172] Lutfi Pasha, interestingly, claims that the opinions of al-Nasafi and al-Taftazani were rejected, and says that these opinions are in line with the Imamiyya branch of the Shiites (*revāfiż*) instead of the People of the Sunna and the Community since they believe the existence of revelation for the Imamate of Ali and all of the Twelve Imams.[173] Interestingly, he dared to object to and criticize the foundational materials behind the Ottoman Sunni identity at the boiling point of Ottoman-Safavid rivalry. Then, he replaced al-Nasafi with the earlier and lesser-known author of the Muslim creed, Abū Ja'far al-Ṭahawi (d. 933), who does not take descent into account for the Imamate or Caliphate.[174]

Lutfi Pasha's primary argument is that there is no distinction between the titles of Sultan, Imam, Caliph, and Amir on the condition that certain requirements are fulfilled by the ruler. He provides multiple definitions for each of the terms from various sources, including hadiths. First and foremost, he says: "I found in some of the mentioned books that the Prophet calls the sultan with the titles of Imam, caliph, and amir."[175] He continues to define these titles throughout the treatise: "What is meant by 'the sultan' is the caliph (*al-murād min al-sulṭān al-khalīfa*);" "Caliph is the Imam who has no superior Imam over him, and he is called Sultan;" "The Imam is the caliph and the commander of the armies;" and "Sultan is the governor (*vālī*) who has no superior governor over him, and he is the Caliph."[176]

The author also defines these offices with their responsibilities. This is important because he explains how a person can be designated as sultan, caliph, and Imam, as well as the responsibilities of such a person during their tenures. The

[172] Lutfi Paşa, fols. 6r–6v.
[173] Lutfi Paşa, fols. 7v–8r.
[174] Lutfi Paşa, fols. 8r–8v.
[175] Lutfi Paşa, fol. 3v.
[176] Lutfi Paşa, fols. 4r, 9r–9v.

counterargument to Lutfi Pasha's claim is that the sultanate comes into being with subjugation (*ghalaba*) and usurpation (*ghaṣb*), not with merit (*liyāqa*) and claiming entitlement (*istiḥqāq*)[177]; therefore, it is not accurate to label sultans as Imams or caliphs.[178] He, of course, rejects this with several hadiths and quotations from the scholars. He sees the Imamate as a necessity for the community and specifies its obligation both by reason (*ʿaql*) and by revelation (*samʿ*).[179] The duties that go with the titles include but are not limited to: "maintaining the religion and the domain of Islam (*mamlaka al-Islām*) with justice," "commanding right and forbidding wrong," "upholding the sharia," "viceregency of the Prophet by the leadership over the public (*riyāsa al-ʿāmma*)," "execution of scripturally defined (*hudūd*) and discretionary (*taʿzīr*) punishments," "organization of the hajj and jihad," and "being able to implement his rulings."[180]

So, how does a leader who will carry out these responsibilities come to power? Lutfi Pasha answers this question in detail throughout the treatise. Subjugation (*ghalaba*), force (*qahr*), and the oath of fealty (*mubayaʿa*) are three key concepts that the author utilizes for the designation of the ruler.[181] The other component of valid rulership is implementing his rulings (*ḥukm*, pl. *aḥkām*).[182] Throughout this discussion, Lutfi Pasha consistently highlights the role of political might. In fact, it is the only *sine quo non* for staying in the office. He deals with the removal of the ruler from his throne, and he says: "If the sultan has subjugation (*ghalaba*) and force (*qahr*), he should not be removed (*ʿazl*) since he is able to

[177] I borrowed Zaman's translation of *istiḥqāq* as claiming entitlement: Zaman, "Political Power, Religious Authority, and the Caliphate in Eighteenth-Century Indian Islamic Thought," 324.
[178] Lutfi Paşa, fol. 7v.
[179] Lutfi Paşa, fol. 18v.
[180] Lutfi Paşa, fol. passim.
[181] Lutfi Paşa, fols. 2v–3r, 4v, 5v, 9v.
[182] Lutfi Paşa, fols. 5v, 9v.

restore his sultanate with subjugation and force."[183] He also states that justice (*'adl*) is not a compulsory condition for the Imamate or sultanate; it is rather a reason for preference. Additionally, he narrates from the jurist Abu Layth al-Samarqandī that it is legitimate to take over duties or offices (*taqlīd*) from both just and unjust sultans as the Companions and their Successors (*tābi'ūn*) did from Mu'āwiya (d. 680) and Hajjāj (d. 714).[184]

Direct references to the Ottoman dynasty and more particularly to Sultan Süleyman are plentiful in the introduction and conclusion of the treatise. He praises Süleyman as "Imam of the time," "vicegerent of the prophet," "protector of Islam," "champion of the religion of Islam," and "just Imam."[185] He argues, in the conclusion, that Süleyman is the "Imam of the time," "the greatest Imam" and the caliph, who possesses the conditions for the maintenance of the religion and the preservation of Islamdom.[186] Also, he claims that the dynasty deserves the sultanate and the caliphate by their firmness (*musallamūn*) in justice and jihad.[187]

Of course, this treatise and Lutfi Pasha's political thought could not be summarized in such a short section. As I will elaborate in the following pages, he did not leave out any theme or concept that exist in contemporary political texts written from a juristic angle. Therefore, even though the treatise is disorderly and repetitive, it is still one of the best examples of this genre in the sixteenth-century Ottoman context. Moreover, *Khalās al-Umma,* with its rich content and juristic language, portrays a compatible image in tandem with the contextual developments of the age, most importantly the growing emphasis of law.

[183] Lutfi Paşa, fol. 9v.
[184] Lutfi Paşa, fols. 20r–20v. For a very similar quotation in al-Ṭarsūsī's work, see Chapter III of this thesis.
[185] Lutfi Paşa, fols. 1v–2r.
[186] Lutfi Paşa, fols. 22r–23r.
[187] Lutfi Paşa, fols. 23v–24r.

2.2.2 *Risāla fīmā Lazima alā'l-Mulūk*

Another significant treatise that was written from a juristic perspective in the sixteenth century is *Risāla fīmā Lazima 'alā'l-Mulūk*.[188] The treatise was written in Arabic and dedicated to Süleyman the Lawgiver by an anonymous author.[189] It is loosely structured, with each subsection beginning with the words "know that" (*iʿlam*). According to Yılmaz, this way of writing was "a literary style that evokes the master-pupil relationship, mostly used by the ulema."[190]

Beyond this literary style the content of the treatise also indicated that the treatise was written from a juristic perspective. The author gives a special place to the types of holy war (jihad, *gazā*, *muḳātele*), especially against "polytheists" (*ahl al-shirk*) and "intriguers" (*ahl al-fasād*) by quoting Quranic verses, hadiths, and tafsirs to show the importance of religious war.[191] Yılmaz pointed out a special feature of the jihad literature of the time directed to the "impurities in faith" rather than against the "infidels."[192] Indeed, the Safavid rise in the east attracted the Sunni scholars' attention from the abode of War to the "heretics" of Islamdom, as in the case of Ḥusayn b. 'Abd Allah al-Şirvani's (d. 1540) *al-Aḥkām al-Dīniyyah*.[193] In addition, the emphasis on the sharia and the commanding of right and forbidding of wrong (*al-amr bi'l-maʿrūf wa'l-nahy ʿani'l- munkar*) are very common themes in the treatise.[194] For instance, in the first "*iʿlam*" part, the author clearly states that sharia is an

[188] "Risāla Fīmā Lazima Alā'l-Mulūk" (1599), 001845, MS Süleymaniye Library Esad Efendi.
[189] For a detailed analysis, see: Yılmaz, *Caliphate Redefined*, 80–81.
[190] Yılmaz, 81.
[191] "Risāla Fīmā Lazima Alā'l-Mulūk," fols. 4r–4v.
[192] Yılmaz, *Caliphate Redefined*, 81.
[193] Ḥusayn b. 'Abd Allāh al-Shirwānī, "Al-Aḥkām al-Dīniyyah" (date of composition 1539), fol. passim, 1206, MS Süleymaniye Library Reisülküttab; Yılmaz, "İran'dan Sünnî Kaçışı ve Osmanlı Devleti'nde Safevî Karşıtı Propagandanın Yaygınlaşması."
[194] "Risāla Fīmā Lazima Alā'l-Mulūk," fols. 10v–12r.

indispensable part of being Sunni. He says: "Whoever takes the sharia and leaves [divine] reality (*ḥaqīqa*) becomes "*qadarī*."[195] And whoever takes [divine] reality and leaves the sharia becomes "*jabrī*."[196] And, whoever holds the sharia and [divine] reality together is a Sunni."[197] It is interesting that the author describes these groups under the category of theological schools rather than the category of sectarian differences. Even though the *ḳadariyya* and *jabriyya* were discussed within the category of heretical groups in the sixteenth-century Ottoman *kalām* literature,[198] the relationship that the author created cannot be easily deciphered. Since I focus on the juristic nature of the treatise, I will explore the former part of the quotation. The last piece of evidence testifying the treatise's juristic nature is the compilation in which the work appears. The compilation consists of two treatises, one is *Risāla fīmā Lazima alā'l-Mulūk,* and the other is *Risāla fi'l-Fiqh*. Therefore, it might be an indication that the owner of the compilation perceived these two texts as related to each other, most probably in terms of their genres. Many other points testify to the juristic nature of *Risāla fīmā Lazima alā'l-Mulūk*, yet I would like to mention a few non-juristic aspects of the treatise as well.

As the very beginning of the treatise, the author states that the aim is to present "necessary" knowledge to the Sultan as a gift. Therefore, the treatise can be regarded as a *Fürstenspiegel* (Mirror for Princes) in a sense.[199] Following the dedication, the author provides Quranic verses and hadiths that are related to

[195] Ess defines this group as following: "who represented in one form or another the principle of *liberum arbitrium* (free will) in the early period of Islam," see: Ess, "Ḳadariyya."
[196] Watt describes this group as following: "the name given by opponents to those whom they alleged to hold the doctrine of d̲jabr, "compulsion", viz. that man does not really act but only God." W. Montgomery Watt, "D̲jabriyya."
[197] "Risāla Fīmā Lazima Alā'l-Mulūk," fols. 3v–4r; in Sufism, the term of *ḥaqīqa* means divine truth or reality that is one of the end goal of the *tarīqa* (the path or process), see: Eric Geoffroy, "Ṭarīḳa."
[198] For Ibn Kemal's opinion on *Ḳadariyya* and *Jabriyya*, see: Öçal, "Kemal Paşazade`nin Felsefi ve Kelami Görüşleri," 272–74.
[199] "Risāla Fīmā Lazima Alā'l-Mulūk," fol. 1v.

rulership. Obedience to the ruler and the importance of justice (*'adl*) are two important points emphasized in the selected verses and hadiths. Further on in the text, the subject of justice is also discussed through stories about "legendary" rulers of the past, such as Anushirvan and Alexander the Great.[200] Certain other topics are also discussed in the treatise. For instance, the "circle of justice" is also reminiscent of the "mirrors for princes" genre and ethics literature.[201] Therefore, it can be claimed that political wisdom and advice for the statecraft are one of the main themes of the treatise, if not the only theme.

Finally, the treatise also draws upon some Sufi themes such as "sacred" rulership. As discussed, the author attributes equal value to the sharia and *haqīqa* in his definition of Sunnism. This definition of the People of the Sunna and the Community is interesting and extraordinary even though the sense was perhaps not so foreign to sixteenth-century Ottomans.[202] Even more strikingly, the author narrates from some gnostics (*'ārifīn*): "If a caliph is pious, he becomes the axis mundi (or pole, *quṭb*), around whom the world revolves."[203] The concept of *axis mundi* or *quṭb* represents a special type of rulership that brings temporal and spiritual sovereignty together in the personality of a chosen leader in the Ibn Arabian way. Poleship was one of the most certain characteristics of the post-Mongol political thought although it was not developed in that period.[204] Therefore, this is an excellent example of there being no clear-cut distinction between the genres of sixteenth-century political writing.

[200] "Risāla Fīmā Lazima Alā'l-Mulūk," fols. 2r–2v.
[201] "Risāla Fīmā Lazima Alā'l-Mulūk," fols. 5v–7v.
[202] For the main definitive elements of the People of the Sunna and the Community in the sixteenth-century *ilmihal*s, see: Krstić, "State and Religion."
[203] "Risāla Fīmā Lazima Alā'l-Mulūk," fol. 2v.
[204] Moin, *The Millennial Sovereign*; Binbaş, *Intellectual Networks in Timurid Iran*; Yılmaz, *Caliphate Redefined*.

Risāla fīmā Lazima alā'l-Mulūk shares the period's trend of interchangeable usages of sultan, caliph, and Imam titles for the rulers as in the cases of Lutfi Pasha's *Khalās al-Umma* and the translations of *Tuḥfat al-Turk* and *al-Durra al-Gharrā*. A diverse range of historical figures, works, and authors, including Anushirvan, Alexander the Great, the rightly guided caliphs, Imam Ghazali, Ḥasan al-Basri, 'Umar ibn 'Abd al-Aziz and the author of Bazzazi, are mentioned in the treatise. In the end, even though the treatise is predominantly shaped by juristic discourse and content, it certainly includes other ways of political writing, such as ethics and the Sufistic type.

2.2.3 *Latā'if al-Afkār wa Kāshif al-Asrār*

Another Arabic text that was conceived as a gift for a high-ranking statesman like *Risāla fīmā Lazima alā'l-Mulūk* was Ḳaḍī Hüseyin b. Hasan's (fl. 1529) *Latā'if al-Afkār wa Kāshif al-Asrār.* The text was written in the late 1520s as a gift to the grand vizier Ibrahim Pasha (d. 1536).[205] There is no solid information about the author except that he was a judge, as suggested by his name. The text contains a diverse range of topics. Additionally, it utilizes different styles of political writing from the juristic to the mystical to the ethical, as was the case with many other treatises of the sixteenth century. Still, the dominance of juristic language is very apparent. The book consists of five chapters: On Rulership (*fī al-Siyāsāt*), On the Caliphs of the Two Holy Cities from the Prophet Adam to the year H. 935 (*fī tārīkh al-khulafā' fī al-Ḥaramayn al-Sharifayn min Ādam ilā sanati khams wa thalāthīn wa tis'ami'ah*), On literary tastes, On virtues and vices (*fī al-akhlāq al-maḥmūdāt wa'l-*

[205] For a detailed analysis about the book, see: Kavak, "Bir Osmanlı Kadısının Gözüyle Siyaset"; Yılmaz, *Caliphate Redefined*, 82–83; Kâdı Hüseyin b. Hasan, *Letâ'ifü'l-Efkâr: Kâdı Hüseyin b. Hasan'ın Siyâsetnâmesi*, 19–41.

madhmūmāt), and On the wonders of creation and curiosities of existents (*fī ʻajāib al-makhlūqāt wa gharāib al-mawjūdāt*).

The juristic tone of the book can be seen from the choice of terminology and the content. As Yılmaz has shown, like the author of *Risāla fīmā Lazima alā'l-Mulūk,* Hüseyin b. Hasan uses the "know that" (*iʿlam*) phrase to organize his text. Moreover, both Kavak and Yılmaz underscore Hüseyin b. Hasan's tendency to classify various issues according to juristic categories. In Chapter One, the author distinguishes between those responsibilities of the Sultan that are "required" (*wājib*) and those responsibilities that are "recommended" (*ḥasuna, mustaḥab*). Both these categories were juristic notions.[206] In other parts of the text, the author adds to these the categories of "permissible" (*jā'iz*) and "prohibited" (*ḥarām, lā-yajūz*).[207]

Additionally, the work's content, especially that of Chapter One, is juristic in character. Kavak draws attention to the similarities between the work and the long-lasting genre of *al-Aḥkām al-Sulṭāniyyah*, which was named after al-Mawardi's (d. 1058) homonymous book, in various topics including sultanate, vizierate, and other offices.[208] In some places, the author shows his own legal opinion by opposing the previous authors of the genre, as in the case of the executory (*tanfīz*) vizierate of Mawardi, who argues the vizier can be non-Muslim.[209]

I would also like to highlight Hüseyin b. Hasan's emphasis on the sharia. Sharia and related topics are ubiquitous throughout the book. The most significant examples of this can be found in his discussion of the duties of the Sultan. First and foremost, protecting the rulings of Allah (*aḥkām Allah*) and observing the creatures

[206] Kavak, "Bir Osmanlı Kadısının Gözüyle Siyaset," 100; Yılmaz, *Caliphate Redefined*, 82.
[207] Kavak, "Bir Osmanlı Kadısının Gözüyle Siyaset," 100.
[208] Kavak, 96–113.
[209] Cf. Al-Mawardi, *Al-Ahkam as-Sultaniyyah*, 42–45; Kâdı Hüseyin b. Hasan, *Letâ'ifü'l-Efkâr: Kâdı Hüseyin b. Hasan'ın Siyâsetnâmesi*, 67.

of Allah is said to be "obligatory" (*wājib*) for the sultan. Hüseyin b. Hasan repeats the importance of the sharia in the section on the recommended (*ḥasuna*) courses of action for the Sultan.[210] The same emphasis is also present where the author discusses such duties as pursuing jihad and commanding right and forbidding wrong (*amr bi'l-ma'rūf neḥy 'ani'l-munkar*).[211] It is also interesting to see that he praises Süleyman on both matters. He uses "commanding right and forbidding wrong" as an adjective that describes Süleyman. He brings up jihad when he praises the Sultan for his campaign against Hungary in 1526. He says:

> This *gazve* and battle (*muḥārebe*) are greater than those against the accursed *Kızılbaş* and the rebel Circassians [Mamluks]. Rather, it [such a battle] did not happen from the beginning of Islam to our day.[212]

In another place, the author praises Süleyman's service to Islam for his contestation against the infidels and "obstinate" people by quoting a verse related to the prophet Solomon.[213]

In addition, the hajj had always been an important sign of piety and authority in Islam, as discussed in detail in connection with the *Risāle fi't-Taṣavvuf*. Interestingly, Hüseyin b. Hasan advises rulers to perform hajj in one year and wage holy war in another year even though none of the Ottoman sultans were able to perform the hajj.[214] Furthermore, in Chapter Two, he presents a history of the "caliphs" that ruled over the holy cities. He approaches world history and the issue of caliphate from the perspective of these holy sites and provides the history of the world from the prophet Adam to the Ottoman sultan Süleyman.[215] The title of "the servant of the two Holy Cities" (*hādimü'l-ḥarameyn*) was used to imply the

[210] Kâdı Hüseyin b. Hasan, *Letâ'ifü'l-Efkâr: Kâdı Hüseyin b. Hasan'ın Siyâsetnâmesi*, 61–63.
[211] Kavak, "Bir Osmanlı Kadısının Gözüyle Siyaset," 104–5.
[212] Kâdı Hüseyin b. Hasan, *Letâ'ifü'l-Efkâr: Kâdı Hüseyin b. Hasan'ın Siyâsetnâmesi*, 265.
[213] Kâdı Hüseyin b. Hasan, 67.
[214] Kavak, "Bir Osmanlı Kadısının Gözüyle Siyaset," 104–5.
[215] Kâdı Hüseyin b. Hasan, *Letâ'ifü'l-Efkâr: Kâdı Hüseyin b. Hasan'ın Siyâsetnâmesi*, 82–267.

leadership of Islamdom since the reign of Salah al-Din al-Ayyubi (Saladin, r. 1171-1193).[216] Moreover, Mamluk and Ottoman rulers also used the title to demonstrate their sovereignty over the Islamic world.[217] In that sense, the author, instead of counting the Abbasid Caliphs of Cairo, enumerates the Mamluk rulers in his second chapter, where he gives a "caliph" list of two holy cities starting from Umayyads, Abbasids, Ayyubids, and Fatimids.[218] So, it is certain that legitimacy in the eyes of Hüseyin b. Hasan was very much a matter of power and authority over the two holy cities rather than a matter of genealogy. Even though I could not find any reference to "*yed-i kuvvet*," i.e., the legitimacy of acquiring authority through force, he seems to follow a similar tendency in his work. The author designed his book to show the centrality and importance of the two holy cities as a sign of power over the Muslims. Therefore, he sees the Ottomans as the continuation of the Mamluks by starting the Ottoman Sultan's biographies with Selim I, who conquered the holy cities instead of the eponymous Ottoman ruler, Osman.

2.3 *Siyāsa Shar'iyya* in the sixteenth century

The term "*siyāsa*" is a very complex notion in Islamic political thought since it has had multiple meanings. Even the etymology of the word remains a matter of dispute, with traces to training horses on one hand, and to the Mongol *yasa* on the other. Moreover, its place according to the classification of sciences is also a matter of

[216] Yavuz, "Hâdimü'l-Harameyn"; Lewis, "Khādim Al-Ḥaramayn."
[217] Arnold, *The Caliphate*, 139–58; Demir, "Hilafetin Osmanlıya Devri Meselesi ve Buna Dair Bir Literatür Değerlendirmesi"; Emecen, *Osmanlı Klasik Çağında Hilafet ve Saltanat*, 36–39.
[218] Kâdı Hüseyin b. Hasan, *Letâ'ifü'l-Efkâr: Kâdı Hüseyin b. Hasan'ın Siyâsetnâmesi*, 83-267. The author uses different concepts for different reigns. For instance, while he denotes caliphate to the reigns of first four rightly-guided and the reign of Ḥasan b. 'Ali, later rulers' terms were are generally described with the amirate, sultanate, and *wilāya*. Still, it should be noted that they are dealt with in the chapter of "On the Caliphs of the Two Holy Cities from the Prophet Adam to the year H. 935".

discussion, whether it should be part of philosophy or jurisprudence.[219] In general, it means "rulership" or "art of governance," while Hanafi jurists often used it in the sense of "executing penalties." Vogel says: "Although medieval *fiqh* writings on *siyāsa* are varied and profound, in modern times there is often distilled from them a single doctrine of *siyāsa sharʿiyya* broadly accepted."[220] I will focus on the specific genre of *siyāsa sharʿiyya* that has a long tradition from previous (especially Mamluk) scholars, including but not limited to Shihab al-Din Qarafi (d. 1285), Taqi al-Din Ibn Taymiyya (d. 1328), Ibn Qayyim al-Jawziyya (d. 1350), and ʻAlā al-Din Tarablusi (fl. 1445). Within this specific context, *siyāsa sharʿiyya* means government that builds upon the principles of the sharia.[221]

Apparently, the genre resonated in sixteenth-century Ottoman scholarly circles, both in the form of follow-up work and as a translation. In both senses, the strong Mamluk connection and influence in the genre's trajectory in Rumi lands of the Ottoman Empire can easily be detected. The juristic nature of this genre makes it very appropriate for the sixteenth-century Ottoman context, thanks to its specific emphasis on sharia. Dede Cöngi's (d. 1567) work, which has the same title as Ibn Taymiyya's, *al-Siyāsa al-Sharʻiyya* and Aşık Çelebi's (d. 1572) expanded translation of Ibn Taymiyya's *al-Siyāsa al-Sharʻiyya*, titled *Miʻrācü'l-Eyāle,* will demonstrate the genre's presence in the sixteenth century.[222] As Terzioğlu states, "the notion of

[219] Vogel, "Siyāsa."
[220] Vogel.
[221] Vogel.; Apaydın, "Siyaset-i Şer'iyye."
[222] I would like to express my deepest gratitude again to my advisor, Prof. Terzioğlu, for kindly giving me a chance of reading and citing her meticulous article on Ibn Taymiyya's perception among the early modern Ottomans before its publication: Terzioğlu, "Ibn Taymiyya, al-Siyāsa al-Sharʻiyya and the Early Modern Ottomans."

siyāsa sharʿiyya answered well the practical and ideological needs of the Ottoman ruling elites in a time of social and political transformation."[223]

The first work that I deal with here will be *al-Siyāsa al-Sharʿiyya* which was penned in the sixteenth century. The treatise has attracted the attention of modern scholars[224] as well as an Ottoman readership.[225] Even though the author of the book is today unanimously accepted as Dede Cöngi, its attribution to other authors, most importantly Ibn Nujaym (d. 1563), in several manuscript copies, raises doubt about the author.[226] As a prominent scholar, Ibn Nujaym, who was Cairene, also significantly impacted the Ottoman *fiqh* literature in the following centuries, even in the nineteenth century.[227] The editor of Dede Cöngi's *al-Siyāsa al-Sharʿiyya*, Fu'ad Abdulmunʿim, recognized this discrepancy and even found a dedication of this treatise to Ibn Kemal (d. 1534) in various manuscript libraries. The editor discusses different probable authors of the treatise. Based on some textual evidence and writings of contemporaries, the editor concludes that the work belongs to Dede Cöngi.[228] Yet, since the earliest copy of *al-Siyāsa al-Sharʿiyya* has reached our time is from the mid-seventeenth century, the issue of authorship, I believe, still needs further research.[229] Because this research goes beyond the framework of this thesis, I will suffice with the scholarship's choice and attribute the treatise to Dede Cöngi.

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[223] Terzioğlu, 103. Terzioğlu states that Dede Cöngī's text has at least sixty copies in the database of Süleymaniye Library.
[224] For a detailed information on Dede Cöngī and his work, see: Heyd, *Studies in Old Ottoman Criminal Law*, 198–204; Köksal, *Fıkıh ve Siyaset: Osmanlılarda Siyaset-i Şer'iyye*, 195–222; Yılmaz, *Caliphate Redefined*, 84–86; Sariyannis, *A History of Ottoman Political Thought Up to the Early Nineteenth Century*, 104–8; Terzioğlu, "Ibn Taymiyya, al-Siyāsa al-Sharʿiyya and the Early Modern Ottomans."
[225] Terzioğlu.
[226] İbn Nüceym, "Risale Fi's-Siyaseti'ş-Şer'iyye" (n.d.), 1027, MS Süleymaniye Library Reşid Efendi; For other copies with this attribution, refer to bibliography.
[227] For a detailed information about Ibn Nujaym, see: Özel, "İbn Nüceym, Zeynüddin"; Burak, "Ibn Nujaym"; Ayoub, *Law, Empire, and the Sultan*.
[228]Ibrāhīm b. Yahyā Halife, Dede Efendi, *Al-Siyāsa al-Sharʿiyya*, 44–54.
[229] Dede Cöngī, "Siyāsetnāme (Risāla fī al-Siyāsa al-Sharʿiyya)" (1054), 3610/6, MS Süleymaniye Library Esad Efendi.

When it comes to the content of the treatise, the author defines *siyāsa* as the harshening of the punishments prescribed by sharia on account of the corruption (*fasād*) of the time." Moreover, he divides this notion into two distinct categories: unjust (*ẓalima*) and lawful (*sharʿī*).[230] The definition of legal punishment, as a means of reaching to the "aims of sharia" (*maqāsid al-sharʿiyya*), includes deterring the people of the corruption and splitting right from the unjust.[231] After that, he discusses the legitimacy of implementing such policies or punishments that did not exist in the corpus of Islamic law by referring to several sources, including the Quran and hadiths.[232] In the following two chapters, his main aim is to detect the position of the judges (*kadi*) *vis a vis* these extraordinary legal and executive powers.[233] The remaining parts of the treatise also deals with the penalties and their possible outcomes.[234]

Several issues have been the subject of scholarship. One of them is what Dede Cöngi presents as a principal reason behind the legitimacy of *siyāsa sharʿiyya*, namely "corruption" (*fasād*).[235] This concept and the concept of the "spreader of corruption" (*sāʿī bi'l-fesād*) have been important tools for legitimizing certain forms of administrative punishment since at least the eleventh century.[236] Dede Cöngi also included this term in the very beginning of his treatise with quotations from earlier jurists to present *siyāsa sharʿiyya* as a justification.[237]

[230] Ibrāhīm b. Yahyā Halife, Dede Efendi, 73–74.
[231] Ibrāhīm b. Yahyā Halife, Dede Efendi, 74.
[232] Ibrāhīm b. Yahyā Halife, Dede Efendi, 86–104.
[233] Ibrāhīm b. Yahyā Halife, Dede Efendi, 105–20.
[234] Ibrāhīm b. Yahyā Halife, Dede Efendi, 121–51.
[235] Ibrāhīm b. Yahyā Halife, Dede Efendi, 74.
[236] For historical development of the concept and its relationship with the jurists of Transoxiana and the Ottoman Empire, see: Aykan, "A Legal Concept in Motion."
[237] Köksal, *Fıkıh ve Siyaset,* 210–11; Aykan, "A Legal Concept in Motion."

The sources of the treatise are also a matter of discussion. Asım Cüneyd Köksal provides a detailed list of Dede Cöngi's references under five distinct categories of *fiqh*, such as "*branches* of Islamic law" (*furū' al-fiqh*) and legal opinions (*fatawa*).[238] He mostly relies on Hanafi sources even though he occasionally refers to Shafi'i, Maliki, and Hanbali scholars. The most striking thing is that the list does not include Ibn Taymiyya's *al-Siyāsa al-Shar'iyya*, even though his prominent pupil, Ibn Qayyim al-Jawziyya, is among the referred scholars. Derin Terzioğlu states that his reluctance to quote Ibn Taymiyya directly might be derived from the latter's contentious perception in the sixteenth-century Rumi lands or be derived basically from the problem of accessibility to the text. In either case, she argues, there is a strong connection between the two men of letters via Ibn Qayyim al-Jawziyya.[239]

Finally, I would like to point out the treatise's perception in academia. Uriel Heyd describes Dede Cöngi's treatise as mostly unoriginal and reticent about the Ottomans' administrative and judicial system due to the complete absence of *kanun* in the treatise.[240] Muharrem Midilli, in his recent article, maintains that Cöngi's efforts can be regarded as juristic justification for the Ottoman criminal law. Moreover, Cöngi, according to Midilli, might have criticized the practices against the sharia. In either way, he wrote his work by abstaining from contentious contemporary matters and dealing with the normative issues.[241]

On the other hand, the audience of the treatise should be considered as is the case in the research of Yılmaz, Terzioğlu, and Midilli. Yılmaz associates the non-

[238] Köksal, *Fıkıh ve Siyaset*, 197–201.
[239] Terzioğlu, "Ibn Taymiyya, al-Siyāsa al-Shar'iyya and the Early Modern Ottomans," 115.
[240] Heyd, *Studies in Old Ottoman Criminal Law*, 198–203.
[241] Midilli, "Dede Cöngi'nin es-Siyasetü'ş-Şer'iyyesi Osmanlı Ceza Kanunlarının Hukukî Temellendirmesi Midir?"

Hanafi sources in this Hanafi *fiqh* treatise with the newly incorporated Arab lands, where all four legal schools had a remarkable voice.[242] Midilli also dwells on the same issue of non-Hanafi sources and points out Dede Cöngi's audience during his tenure in Aleppo and Diyarbakir as a possible reason.[243] Lastly, Terzioğlu, in her recent article, responds to Heyd's claim about *kanun* by stating that the aim might be abstractly writing a juristic treatise to defend "the legitimacy of the *yasa/kanun* tradition." Relatedly, she also argues that the treatise's audience was the scholarly community and finds the genre of *siyāsa sharʿiyya* convenient for a dialogue with Egyptian and Syrian scholarly circles thanks to its juristic and multi-madhhab content. [244] As Hüseyin Yılmaz argues:

> Ibn Taymiyya's shift of focus in juristic political theory from the question of the conditions and legitimacy of the universal caliphate to the conformity of government practice with the Sharia was completely in line with the sixteenth-century approaches of leading Ottoman jurists.[245]

In that sense, along with Dede Cöngi's *al-Siyāsa al-Shar'iyya*, Aşık Çelebi's sixteenth-century translation of this work, *Miʿrācü'l-Eyāle ve Minhācü'l-ʿAdāle*,[246] might be considered as a sign of increasing interest in the *siyāsa sharʿiyya* genre.[247] Aşık Çelebi was a notable intellectual, who came from a scholarly family and had a good quality madrasa education from the renowned professors of the time and became well-known for his "belles-lettrist" character.[248] It is interesting to see such a person translate a treatise of Ibn Taymiyya, who can be considered a controversial

[242] Yılmaz, *Caliphate Redefined*, 85.
[243] Midilli, "Dede Cöngi'nin es-Siyasetü'ş-Şer'iyyesi Osmanlı Ceza Kanunlarının Hukukî Temellendirmesi Midir?," 239.
[244] Terzioğlu, "Ibn Taymiyya, al-Siyāsa al-Shar'iyya and the Early Modern Ottomans," 114.
[245] Yılmaz, *Caliphate Redefined*, 61.
[246] Aşık Çelebi, *Mi'râcü'l-Eyâle ve Minhâcü'l-Adâle: Âşık Çelebî'nin Siyâsetnâmesi*.
[247] For a detailed analysis of the translation, see: Terzioğlu, "Bir Tercüme ve Bir İntihal Vakası"; Terzioğlu, "Ibn Taymiyya, al-Siyāsa al-Shar'iyya and the Early Modern Ottomans," 112–19; Çelik, "Aşık Çelebi'nin 'Miracu'l-İyale ve Minhacü'l-Adale' Adlı Eserindeki Siyaset Düşüncesi"; Köksal, *Fıkıh ve Siyaset: Osmanlılarda Siyaset-i Şer'iyye*, 169–93; Yılmaz, *Caliphate Redefined*, 60–61.
[248] Kut, "Âşık Çelebi."

figure for early modern Ottomans due to the latter's certain opinions, including tomb visitation.[249]

On the other hand, like many early-modern Ottoman translators, Aşık Çelebi made his presence felt with his appropriations, addendums, and removals. Even though the text is certainly a juristic text and Aşık Çelebi also contributed within this paradigm, he, as Terzioğlu demonstrates, intersperses certain elements that can be regarded as a consequence of "mystical political thought." Regarding the latter, he associates the ruler with the titles and attributes of master of great conjunctions (*ṣaḥib-kirān*), sainthood (*velāyet*) and miracles (*kerāmet*).[250]

By doing justice to some mystical elements, I believe that both the choice of the treatise to translate and especially addenda to the end of the chapter regarding the public treasury and land regime demonstrate the principal focus of the translation.[251] According to Köksal, incorporation of the Arab lands and questions regarding the legitimacy of the Ottomans appear as a probable reason behind the translation.[252] The author's connection with scholarly circles through his professor, who came to Istanbul from Cairo as a significant member of a scholarly Mamluk family, is a striking detail.[253] A further explanation, made by Terzioğlu, is the respect for sharia of a possible patron of the translation, Sokullu Mehmed Pasha (d. 1579), might have also influenced the choice of Ibn Taymiyya's treatise.[254] The reason behind the translation, either the incorporation of the new lands or the patron's interests or the

[249] Terzioğlu, "Ibn Taymiyya, al-Siyāsa al-Shar'iyya and the Early Modern Ottomans," 134-135.
[250] Aşık Çelebi, *Mi'râcü'l-Eyâle Ve Minhâcü'l-Adâle: Âşık Çelebî'nin Siyâsetnâmesi*, 46–47; For a detailed analysis on the mystical elements in the translation, see: Terzioğlu, "Ibn Taymiyya, al-Siyāsa al-Shar'iyya and the Early Modern Ottomans," 119-130.
[251] For the translator's appendix, see: Aşık Çelebi, *Mi'râcü'l-Eyâle Ve Minhâcü'l-Adâle: Âşık Çelebî'nin Siyâsetnâmesi*, 191–211; For a detailed discussion of the public treasury and the land regime parts, see: Köksal, *Fıkıh ve Siyaset*, 178–93.
[252] Köksal, *Fıkıh ve Siyaset*, 169–70.
[253] Gel, "XVI. Yüzyılın Ilk Yarısında Osmanlı Toplumunun Dinî Meselelerine Muhalif Bir Yaklaşım: Şeyhülislam Çivizade Muhyiddin Mehmed Efendi ve Fikirleri Üzerine Bir Inceleme," 182.
[254] Terzioğlu, "Ibn Taymiyya, al-Siyāsa al-Shar'iyya and the Early Modern Ottomans," 120.

author's own choice, or a combination of these two factors, does not change its juristic tone. In any case, it is certainly in line with the proliferated juristic political works of the sixteenth century.

As in the works of Dede Cöngi and Aşık Çelebi, despite remarkable differences and divergence, the genre of *siyāsa sharʿiyya* becomes an Ottoman genre in the sixteenth century by strong connections with the former Mamluk antecedents. Both the topics and the discourses discussed within the genre are also in line with the developments in sixteenth-century Ottoman political writing. Jihad, for instance, has a notable place in *Miʿrācü'l-Eyāle*,[255] as we have seen and will see in the following pages.

2.4 Jihad treatises in the sixteenth century

Jihad generally evokes the "Holy War" of the Muslims against non-Muslims even though it has other meanings, such as purifying the self.[256] Even though the emphasis on jihad or its attributed meanings might have been varied throughout history, jihad has always been a central topic in Islamic political literature, either as a means of legitimation or as a duty of the ruler. Since the second century of Hijra,[257] treatises and books within various disciplines, including hadith, tafsir, and Islamic jurisprudence, regarding jihad maintained their prevalence up until World War I.[258] Until the time of the crusades, jihad was dealt with primarily in two fields of study: jurisprudence and hadith.[259] While the virtues of jihad were narrated in the latter, the

[255] Cihād, Gazā, and Gazve, in total, probably are the most emphasized topic cluster in the translation, see index: Aşık Çelebi, *Mi'râcü'l-Eyâle Ve Minhâcü'l-Adâle: Âşık Çelebî'nin Siyâsetnâmesi*, 265–72.
[256] E. Tyan, "Djihād.
[257] For a detailed analysis on jihad literature in the early Islamic period, see: Mottahedeh and al-Sayyid, "The Idea of the Jihad in Islam before the Crusades."
[258] For a detailed bibliography of Jihad literature during the WWI and its historical development, see: İmamoğlu, "I. Dünya Savaşı'na Bibliyografik Bir Katkı: Osmanlı'da Cihâd Risâleleri."
[259] Mottahedeh and al-Sayyid, "The Idea of the Jihad in Islam before the Crusades," 25.

former discussed various legal problems that are related to war, such as taxation as in Abu Yusuf's *Kitāb al-Kharāj*. Even in the first centuries, however, jihad preserved its place for legitimating the ruler either by defending or expanding the borders of "the House of Islam."[260]

The emphasis on jihad is also striking in the Mamluk context.[261] Ibn Taymiyya, for instance, describes jihad as one of the duties of the ruler.[262] A multitude of separate jihad treatises, including those of Ibn Taymiyya, Suyuti, Ibn Kathir, and Ibn al-Nahhas (d. 1411), were also penned during the Mamluk period in addition to the chapters in the law books.[263] Fuess claims that the Mamluk concept of "Gihad" mainly entailed defensive war-making in the context of the crusades and the Mongols, whereas the Ottoman *gazā* entailed offensive war-making.[264]

The concept of *gazā* has been an important subject of discussion for the Ottomanists due to its presumable influence on the Ottoman principality's early days.[265] Although *gazā* and jihad are not synonymous concepts, both concepts were emphasized by both polities throughout the Mamluk-Ottoman encounter as legitimizing and image-making elements.[266] Özgür Kavak, by underlining the role of *gazā* and jihad in the legitimation, highlights their place in Islamic and Ottoman political thought.[267]

[260] Mottahedeh and al-Sayyid, 29.
[261] Berkey, "Mamluk Religious Policy," 9–10.
[262] Taqi al-Din Ibn Taymiyyah, *Al-Siyasah al-Shar'iyyah*., 129.
[263] Afsaruddin, "Jihad and Martyrdom in Islamic Thought and History."
[264] Fuess, "Ottoman Gazwah–Mamluk Gihad. Two Arms on the Same Body?"
[265] For discussions on *gazā*, see: Wittek, *The Rise of the Ottoman Empire*; Lindner, *Nomads and Ottomans in Medieval Anatolia*; Imber, "The Ottoman Dynastic Myth"; Kafadar, *Between Two Worlds*; Darling, "Contested Territory."
[266] Muslu, *The Ottomans and the Mamluks*, esp. 11-12, 39-40, 94, 109-133.
[267] Kavak, "Cihaddan Devşirilen Meşruiyet," 6–7.

While the Ottomans had produced epic-cum-historical narratives eulogizing *gazā*, i.e., *gazavatnāme*s, since the fourteenth and especially fifteenth centuries,[268] jihad treatises started to flourish from the sixteenth century onwards.[269] There are more than ten jihad treatises that were either penned or translated from Arabic in the course of the sixteenth century, such as Şerefüddīn Ebū Ḳasım's (fl. 1566) *Kenzü'l-ibâd fī beyāni feżāili'l-gazv ve'l-cihād,*[270] Ebussuud's *Teḥāfütü'l-emcād fī evveli kitābi'l-cihād / Nihāyetü'l-emcād alā kitābi'l-cihād mine'l-Hidāye*, *Faẓīletü'l-Cihād* (attributed to Birgivi Mehmed Efendi),[271] Mustafa 'Āli's (d. 1589) *Mirḳādü'l-Cihād*, Molla Arab's (d. 1531) *al-Sadād fī Faḍl al-Jihād,*[272] Ali Dede Bosnavi's[273] (d. 1598) *Feżāilü'l-Cihād* and a translation of Ibn al-Nahhas' treatise by very important Ottoman poet, Bākī[274] (d. 1599).[275] Both types of jihad treatises, i.e., juristic and virtue-focused (based on hadith literature), are evident among the Ottoman jihad treatises. As Kavak argues in the case of Molla Arab's *al-Sadād fī Faḍl al-Jihād*, this genre aimed to show and prove the Ottomans' superiority and leadership of both the Sunni and Sufi traditions.[276]

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[268] Levend, *Gazavat-ı Nameler ve Mihaloğlu Ali Bey'in Gazavat-Namesi*, 1–5; Erkan, "Gazâvatnâme."
[269] For an earlier juristic treatment of *gazā* from fourteenth-century Anatolia, see: Tekin, "XIV.Yüzyılda Yazılmış Gazilik Tarikası 'Gaziliğin Yolları' Adlı Bir Eski Anadolu Türkçesi Metni ve Gaza / Cihad Kavramları Hakkında."
[270] Şerefüddin Ebü'l-Kasım b. Abdülalim b. Ebi'l-Kasım b. Osman b. İkbal el-Kurtubî el-Hanefî, *Kenzü'l-Ibâd Fī Beyāni Feżāili'l-Gazv ve'l-Cihād*.
[271] Kaylı, "A Critical Study of Birgivi Mehmed Efendi's (D. 981/1573) Works and Their Dissemination in Manuscript Form," 28–29.
[272] For a detailed analysis about the treatise, see: Kavak, "Cihaddan Devşirilen Meşruiyet."
[273] Ali Dede Bosnavī was a prolific Sufi-Scholar who resides in Bosnia. He also penned a jihad treatise by using Ibn al-Naḥḥas' jihad treatise as a main source. For more detailed information and critical edition of the text, see: Çağman Türkmen, "Ali Dede Bosnavî, Hayatı, Eserleri ve Fezâilü'l-Cihad'ı."
[274] Bākī's translation, *Feżāilü'l-Cihād*, seems to have a remarkable audience. There are at least twenty copies of this tranlation in Turkey's manuscript libraries.
[275] I am particularly grateful to Özgür Kavak for sharing his own list of sixteenth-century jihad treatises. For a larger and detailed bibliography of jihad treatises, see: Akpınar, "İslam Edebiyatında Kitabü'l-Cihad'ların Muhteva Gelişimi."
[276] Kavak, "Cihaddan Devşirilen Meşruiyet," 7.

Moreover, it is striking to see how the genre of jihad treatise evolved in connection with the Mamluk forerunners. The intellectual connectivity was also obvious in the case of jihad treatises. For instance, Molla Arab, who wrote *al-Sadād fī Faḍl al-Jihād* in Arabic, was educated mainly in the Mamluk lands and an *émigré* to the Ottoman domain. He held a diploma (*ijāzah*) from al-Suyuti (d. 1505), who devoted his jihad treatise to the Ottoman sultan Mehmed II.[277] The other way of seeing intellectual connectivity is, of course, translations. In that sense, Baki translated Ibn al-Nahhas' *Mashāir al-Ashwāq ilā Mashāri' al-Ushshāq* into Ottoman Turkish in the second half of the sixteenth century by the request of Sokullu Mehmed Paşa.[278] Additionally, it is important to see that Ali Dede Bosnavi uses Ibn al-Nahhas as his main source while selecting his forty-hadith collection and creating the content of the treatise.[279] In that sense, I believe that development in the literature of jihad treatises is a significant genre to notice both the Ottomans' interests in the sixteenth century and the Mamluk-Ottoman intellectual interconnectivity.

2.5 Juristic discourse in non-juristic works

2.5.1 *Risāle fi't-Taṣavvuf* and Hüseyin b. Abdullah el-Şirvani

Juristic discourse also penetrated some of the Sufi works of the sixteenth century. One of the best examples of this is Hüseyin b. Abdullah el-Şirvani's Turkish treatise on Sufism, *Risāle fi't-Taṣavvuf,*[280] in which he deals with the Safavid threat by means of the esoteric language of Sufism. El-Şirvani was one of the Sunni *émigré*s who fled

[277] Fuess, "Ottoman Gazwah–Mamluk Gihad. Two Arms on the Same Body?," 274.
[278] Koca, "İbnü'n-Nehhâs Ed-Dımaşkî."
[279] Çağman Türkmen, "Ali Dede Bosnavî, Hayatı, Eserleri ve Fezâilü'l-Cihad'ı," 45–47.
[280] Hüseyin b. Abdullah el-Şirvani, "Risâle Fî't-Tasavvûf" (n.d.), 06 Hk 2705, MS Milli Kütüphane - Ankara.

from Safavid authority in Iran and penned three treatises in three distinct styles, i.e., juristic/theological, mirrors for princes, and sufistic, and in three different languages, Arabic, Persian, and Turkish.[281] Since he had been forced to emigrate because of the Safavids, he directed all his works against them.

Interestingly, el-Şirvani, as Yılmaz insightfully demonstrates, chooses appropriate genres in accordance with the languages in which he penned. In *al-Aḥkām al-Diniyyah*, which he wrote in Arabic, he mainly tries to convince the audience that the *Kızılbaş* are more dangerous than the infidels, so the focus should be directed there.[282] To do this, he generally uses theological and juristic arguments to prove the necessity of waging war against them.[283]

When it comes to *Risāle fi't-Taṣavvuf*, which he wrote in Turkish, the change in tone is blatant. In Yılmaz's words, "the reason why *Risāle fi't-Taṣavvuf*'s language was Turkish and [the treatise] was loaded with esoteric expressions is that Turkish was the dominant language of expression of popular mystical traditions among Turcoman diaspora which lived in scattered masses from the Balkans to Central Asia and formed the strongest supporter base of the Safavids."[284] Thus, the concept of "sacral" rulership is much more stressed in this treatise than in *al-Aḥkām al-Diniyyah*. In that sense, the treatise can be regarded as an example of mystical political thought in the sixteenth century. For instance, el-Şirvani tries to portray the Ottoman sultan Süleyman as a chosen ruler by connecting him with the prophet Solomon through the *abjad* calculation of a verse.[285] Moreover, he also addresses Süleyman with the title

[281] For a detailed analysis of these three treatises, see: Yılmaz, "İran'dan Sünnî Kaçışı ve Osmanlı Devleti'nde Safevî Karşıtı Propagandanın Yaygınlaşması."
[282] Ḥusayn b. 'Abd Allāh al-Shirwānī, "Al-Aḥkām al-Dīniyyah."
[283] Ḥusayn b. 'Abd Allāh al-Shirwānī, fols. 131r–134v.
[284] Yılmaz, "İran'dan Sünnî Kaçışı ve Osmanlı Devleti'nde Safevî Karşıtı Propagandanın Yaygınlaşması," 301.
[285] Hüseyin b. Abdullah el-Şirvani, "Risâle Fî't-Tasavvûf," fols. 2v–3r.

of divinely ordained king (*Hüdāvendigār*), which is also used for Sufis in earlier sources, both in *Risāle fi't-Taṣavvuf* and *al-Aḥkām al-Diniyyah*.[286]

On the other hand, I would like to mention the juristic tone and subjects in this esoteric treatise. Admittedly, when compared to the overall language of the treatise, the juristic one seems marginal. However, its presence, at least, might reveal some clues about the intellectual landscape of the era. The most obvious two themes, which might be related to the juristic sphere, are the emphasis on sharia and holy war. With regard to the former, the author writes that sharia separates right from wrong. Thus, he underlines the significance of sharia in various places. First of all, he defines the right path as follows:

> The upright path is the Sharia of Muhammad. Whoever relies on the Quran, Sunna of the Prophet, peace be upon him, consensus of the Umma (*icmā-i Ümmet*), and analogy (*ḳiyās*) and acts accordingly, will be called perfect believer (*mü'min-i kāmil*) and monotheist who follows the sharia (*muvaḥḥid-i müteşerri'*). There is no mistake or aberration in this path.[287]

When el-Şirvani defines the righteous path, he mentions the four essentials of Islamic legal theory (*uṣūl al-fiqh*), i.e., Quran, Sunna, consensus, and analogy. It is interesting to see such a detailed definition of the perfect believer (*mü'min-i kāmil*) in terms of juristic conditions rather than Sufism's definition of "the perfect human being" (*al-insān al-kāmil*) that resembles the mystical knowledge of Allah.[288] It is also worth mentioning that the author praises the Sultan (*Hüdāvendigār*) for being pious and for following the rules of sharia (*müteşerri'*).

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[286] Ḥusayn b. 'Abd Allāh al-Shirwānī, "Al-Aḥkām al-Dīniyyah," 102v; Hüseyin b. Abdullah el-Şirvani, "Risâle Fî't-Tasavvûf," fol. 5v; for a detailed discussion about the relationship between the titles of Sufis and rulers, see Yılmaz, *Caliphate Redefined*, 112–25.

[287] "Ṭarīḳ-i müstaḳīm şer'iyye-i Muḥammadiyyedir kim Kelām-ı Ḳadīmden ve Sünnet-i Nebī 'aleyhisselāmdan ve icmā'-ı ümmetden ve ḳıyāstan müstahrecdir, bu ṭarīḳın 'āmiline Mü'min-i kāmil ve Muvaḥḥid-i Müteşerri' dirler. Bu ṭarīḳde hatā ve ḍalālet yokdur."
Hüseyin b. Abdullah el-Şirvani, "Risâle Fî't-Tasavvûf," fol. 7v.

[288] Arnaldez, "Al-Insān al-Kāmil."

Additionally, the emphasis on *gazā* and jihad stands out in this treatise as well. The author underscores the importance of waging war against the *Kızılbaş* by enumerating it among the four qualifications of the sultan.[289] As we have previously seen, jihad treatises constituted a very significant genre in the sixteenth-century Ottoman Empire; however, el-Şirvani, particularly, tries to attract the ruler's attention to the eastern border where the Safavid threat arose.[290]

Lastly, I would like to focus on an interesting part in *Risāle fi't-Taṣavvuf*, which deals with hajj. As mentioned, the organization of hajj and the protection of the two Holy Cities (*hādimü'l-ḥarameyn*) and the hajj routes were a major logistical feat and an important source of prestige over the other Muslim communities. Right after the Ottoman capture of the holy sites, including Jerusalem, Madinah, and Mecca, Selim I claimed this title and the usage, according to many historians, becomes more important than the "caliph" itself.[291] Moreover, Ibn Taymiyya, in his *al-Siyasa al-Shar'iyya*, clearly states organizing hajj to be one of the duties of the Imam.[292] el-Şirvani also gives an important place to Süleyman's efforts for the organization, as it follows:

> Repairing the two Holy Mosques (*ḥarameyn-i şerifeyn*) and noble Jerusalem (*Ḳuds-i mübārek*) and easing the path of the pilgrims pertain to his holiness divinely ordained king (*ḥażret-i Hüdāvendigār*), may Allah extend his shadow to the Day of Decision… Most probably, there is no such repair and ornamentation from the time of Prophet Abraham to our day.[293]

[289] Hüseyin b. Abdullah el-Şirvani, "Risâle Fî't-Tasavvûf," fol. 3v.
[290] Hüseyin b. Abdullah el-Şirvani, fol. 5r.
[291] Arnold, *The Caliphate*, 139–58; Demir, "Hilafetin Osmanlıya Devri Meselesi ve Buna Dair Bir Literatür Değerlendirmesi"; Emecen, *Osmanlı Klasik Çağında Hilafet ve Saltanat*, 36–39.
[292] Taqi al-Din Ibn Taymiyyah, *Al-Siyasah al-Shar'iyyah*, 129.
[293] "Ḥarameyn-i şerifeyn ve Ḳuds-i mübārek ta'mīr itmek ve ḥaccācın ṭarīḳ-i müşkīlin āsān itmek bu me'ānīler ḥażret-i Hüdāvendigār, medde ẓıllehu ilā yevm-i ḳarāra, mahṣūsdur… Belki ḥażret-i İbrāhīm el-Halīl zamānından ilā yevminā hāẕā bu mertebede ta'mīr ve tezyīn olduğu yokdur." Hüseyin b. Abdullah el-Şirvani, "Risâle Fî't-Tasavvûf," fol. 3v.

In addition, there are other praises for strengthening the Ottomans' place among the other rival Muslim polities, such as the renovation of Abū Ḥanifa's tomb. It is noteworthy to see the aforementioned themes in a treatise written from a Sufi perspective. It is expected because the Ottoman claim of superiority over the fellow Muslim polities was apparent, as discussed in the Introduction of the thesis. Therefore, one might see that the juristic discourse had some place, even in such Sufi texts.

2.5.2 Kınalızade Ali Çelebi and *Ahlāk-ı 'Alā'ī*

There are many ways of writing on ethics as well as on politics. Dwight M. Donaldson scrutinized Islamic ethics from various aspects.[294] The tradition that he named "Persian writers on ethics" constituted a very influential genre in the medieval and early modern Islamicate scholarly world. Marinos Sariyannis defines the literature as "ethico-political philosophy," which provides "a comprehensive view of the world as a unity, as …developed in three escalating levels (individual, family, society), applying the same analytical tools."[295]

Nasir al-Din Ṭusi (d. 1274), a well-known Shiite scholar, composed *Akhlāq-i Nāsirī* by largely relying on Ibn Miskawayh's *Tahdhīb al-Akhlāq*.[296] Various works followed the genre that Ṭusi initiated in the Persianate world, most importantly Jalal al-Dīn Davvani's (d. 1501) *Akhlāq-i Jalālī*[297], and Huseyin Vā'iz Kashifi's (d. 1504) *Akhlāq-i Muhsinī*.[298] Furthermore, ethics (*ahlāk*) literature has a close relationship

[294] Donaldson, *Studies in Muslim Ethics.*
[295] Sariyannis, *A History of Ottoman Political Thought Up to the Early Nineteenth Century*, 66.
[296] Donaldson, *Studies in Muslim Ethics*, 170.
[297] For a detailed analysis, see: Anay, "Celâleddîn Devvânî Hayatı, Eserleri, Ahlâk ve Siyaset Düşüncesi."
[298] For a detailed analysis, see: Subtelny, "A Late Medieval Persian Summa on Ethics."

with politics. Beside their rich contents regarding political matters, all of the books mentioned above were devoted to a ruler, be it an Ismaili prince or a Timurid amir.[299]

Ottomans closely followed this tradition from the fifteenth century onwards. However, my aim is not to discuss the details of the genre in the Ottoman domain, which I have sketched in the Introduction.[300] I will scrutinize Kınalızade Ali Çelebi, one of the most significant Ottoman followers of *ahlāk* literature. Kınalızade was a top scholar-bureaucrat and prolific author of his age. *Ahlāk-ı 'Alā'ī* is his *magnum opus*, which he penned in very ornamented Turkish. According to A. Sıdıka Oktay, the book must have been composed during his judgeship of Damascus, between 1563-1566.[301]

Even though there seems to be a strong continuation of the genre, Kınalızade, presumably following the new developments of his age, made certain adaptations and changes both in the content, language, and the reference sources of *Ahlāk-ı 'Alā'ī* compared to its predecessors. He firmly followed the path of Tusi, Devvani, and Kashifi in the usage of "philosophical sources" such as Plato, Aristotle, and Ibn Miskawayh, and also quotes from these forerunners.[302] However, he also introduces into this tradition many "religious sources." Both in the use of Quranic verses and Prophetic traditions (hadith) and the references to scholarly and Sufi books, he was much more generous than his earlier generation in the genre. For instance, he quotes from significant jurists and theologians, including Abu Hanifa, Imam Shafi'i, Imam Ghazali, and Sayyid Sharif Jurjani.[303]

[299] Donaldson, *Studies in Muslim Ethic.*, 166–93.
[300] Sariyannis, *A History of Ottoman Political Thought Up to the Early Nineteenth Cenury*, 63–98; Yılmaz, *Caliphate Redefined*, 69–75.
[301] Oktay, "Kınalızâde Ali Efendi'nin hayatı ve Ahlâk-ı Alâî isimli eseri," 211.
[302] Oktay, 217–20.
[303] Oktay, 220–23.

Other than that, the emphasis on the sharia becomes very much apparent in Kınalızade's *Ahlāk* text when he talks about society and its management. After he proves the necessity of society, he requires "greater politics" (*siyāset-i ʻuẓmā*) for governance. Moreover, he gives three conditions of this greater politics: divine rulings (*nāmus-ı şārīʻ*), a powerful ruler (*ḥākim-i mānīʻ*), and an uncorrupted coinage (*dīnār-ı nāfiʻ*). He defines the divine rulings (*nāmus-ı şārīʻ*) as the divine sharia (*şerīʻat-i ilāhiyye*) as the first and foremost condition of the governance.[304] Furthermore, as Baki Tezcan exhibits, Kınalızade, by drawing apart from his predecessors, claims that *yasa,* which was implemented by worldly rulers such as Chinggis Khan, is a temporary phenomenon, compared to the divine law – sharia.[305]

> If you say, it is permissible that a forceful ruler (*pādişāh-ı ḳāhir*), who will enforce his rule (*siyāset*) in the domains and among the people, becomes the giver of the rules (*vāżıʻ-ı siyāset*). In fact, when Chingiz Khan, the leader of Mongols, assumed the rule, he placed policies with reason and wisdom (*aḳl u kıyāset*) and called them '*yasa'* …and this *yasa* became acceptable and practiced among his descendants. On this, we would say that as long as the state of this lawmaker ruler and his descendants prevail and its witnesses be abundant, this becomes true…. As for the prophetic law and religious principles have been illuminating the world and the humanity for almost a thousand years, but its garden of benefits is still fresh, and its rules and regulations are still free from flaws of devolution and dissolution.[306]

As it is clear from this quotation as well as from other aspects of the work discussed above, even though Kınalızade penned a work of ethics, he also drew on juristic notions in parallel with the sixteenth-century Ottoman scholarly trends.

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[304] Kınalızâde Ali Çelebi, *Ahlâk-ı Alâ'î,* 836–38.

[305] Tezcan, "The Definition of Sultanic Legitimacy in the Sixteenth Century Ottoman Empire," 91.

[306] "Eğer dersen cā'iz ki vāżıʻ-ı siyāset pādişāh-ı ḳāhir olub bilād u ibād içinde siyasetini icra eyleye. Nitekim, muḳtedā-i ṭāife-i Moğol Cengiz Hān salṭanatta temekkün bulacak aḳl u kıyāset ile siyasetler vazʻ edüb adına yasa dedi … ve bu yasa evlād ü eşyāʻı arasında maḳbūl ve müstaʻmel idi. Cevāb ederiz ki bu maḳūle olur, ol vażʻ eden pādişāhın ve evlād u etbāʻının devleti dā'im ve dīde-i ḥavādiŝ-i rüzgār seḥer-i devletinde nā'im oldukça. … Be-hilāf-ı şerīʻat-ı muṭahhare ve ḳavāʻid ü aḥkām-ı münevvere-i dīn-i Aḥmedī ve şerʻi Muḥammedī ki rūy-ı ʻālemi münevver ve meşamm-ı benī-ādemi muʻaṭṭar edeli bin yıla ḳarīb oldu ve henüz bustān-ı fevā'id ü ʻavā'idi tāze vü ṭarī ve esās-ı aḥkām u ḳavāʻidi şā'ibe-i tenezzül ve tezelzülden baʻīd ü berīdür."
Kınalızâde Ali Çelebi, *Ahlâk-ı Alâ'î,* 838–40.

2.6 Conclusion

In this chapter, I mainly dealt with the proliferation of the juristic genre and the relevant discourse in sixteenth-century Ottoman political writing. In the context of growing emphasis on law and the incorporation of Mamluk lands, we witness the increasing emphasis on juristic perspective in political thought. This transformation, on the one hand, demonstrates itself in the development of new genres for the Ottomans, such as juridico-political treatises, *siyāsa shar'iyya* genre, and jihad treatises. On the other hand, it influenced the contents, concepts, and themes of non-juristic texts, including Sufistic and ethic texts.

In both cases, many common themes, such as jihad, the People of the Sunna and the Community, hajj, leadership of Islamic (Sunni) world, the commanding of right and forbidding of wrong, and sharia attract the attention of the reader. In addition, certain titles, including Imam, sultan, caliph, and amir, often were used interchangeably in several texts. Another noteworthy theme, which many authors highlight, is the importance of the political might as a condition for the designation of a sultan and his rule's enduringness with the concepts of subjugation (*ghalaba*), force (*qahr*), and *yed-i kuvvet*.

It is also very significant to note that almost all previously mentioned juristic treatises were written in Arabic or translated from Arabic. Furthermore, many of them were penned by authors who had a close relationship with newly incorporated Mamluk lands. Chapter III and IV of this thesis also deal with the translations of Mamluk texts written in the fourteenth and fifteenth centuries. Therefore, along with the contextual developments and needs of the age, these newly incorporated lands and their inheritance played a role in the above-stated transformation.

On the other hand, I believe that there is no clear-cut distinction among the ways of political writing. For example, one can see a mystical concept, such as *ṣaḥib-kirān* within a juristic text or vice versa. Moreover, while the juridico-political treatise, *Risāla fīmā Lazima alā'l-Mulūk* requires [divine] reality (*ḥaqīqa*) for being among *ahl al-Sunna*, el-Şirvani, in his *Risāle fi't-Taṣavvuf*, underscores the importance of the four essentials of Islamic legal theory and sharia for being a perfect believer. All these examples represent the flexibility of sixteenth-century Ottoman political thought.

CHAPTER 3

THE OTTOMAN RECEPTION OF TARSUSI AND HIS TUḤFAT AL-TURK IN THE SIXTEENTH CENTURY

There is a vast and varied corpus of political writings that were produced in the Mamluk sultanate. Özgür Kavak, in his recent article, gives the underlying reasons behind this multifarious Mamluk political writing between the thirteenth century and the beginning of the sixteenth century as "unceasing legitimacy concerns, including the genealogy of the Mamluk sultans and arguments over the caliphate-sultanate separation, and continuous dialogue and polemic between authors and texts."[307] As a polity of the post-Mongol period, one might assume that Mamluks' political language was also dominated by Sufistic discourse rather than the juristic one. The works that are related to politics, however, were penned generally within the genres of Islamic jurisprudence (*fiqh*) despite the presence of other types, such as ethics (*ādāb*) literature.[308]

In that sense, a well-known Mamluk scholar and judge (*qāḍī*) Najm al-Dīn al-Ṭarsūsī and his juridical treatise on governance, *Kitāb Tuḥfat al-Turk fīmā Yajib 'an Yuʿmala fī al-Mulk* (A Gift for the Turks on how rule should be practiced), carry both the representative features of the Mamluk political literature and the imprints of its own context. Al-Ṭarsūsī, as we shall see, addressed the legitimacy concerns of the ruling class and the bureaucratic rivalries within the judiciary. Of course, what makes this work important for this study is its translation into Ottoman Turkish in the sixteenth century.

[307] Kavak, "Memlükler Dönemi Siyaset Düşüncesine Giriş," 185–86.
[308] For a list of works that are related to Politics in terms of their genres, please see: Kavak, 221–25. For a contextualization of the some of the juridical works that were written in the Mamluk period, see: Hassan, *Longing for the Lost Caliphate*, chap. 3.

In this chapter, my main aim is to discuss al-Ṭarsūsī's work's reception in the sixteenth-century Ottoman context. First, however, I will introduce the author and his world, and then his text. Since the Turkish text is a word-for-word translation of the source, I will discuss the translation's content relatively briefly, and focus instead on its reception and on the importance of the author in the Ottoman scholarly milieu. The dating of the translation will be one of the most crucial contributions of this chapter since there is no clear evidence on the date of translation within the copies of the manuscript nor in the bibliographical dictionaries. By undertaking a close reading of the Turkish text, I will argue that the translation must have been made in the sixteenth century. I will also highlight certain themes that are treated in both the original text and the translation that might have made it particularly relevant to sixteenth-century Ottoman literati.

3.1 Source text: Najm al-Din al-Ṭarsusi's *Kitāb Tuḥfat al-Turk fīmā Yajib An Yuʿmala fī al-Mulk*

3.1.1 The author and his world

Unlike al-Khayrabaytī, who will be discussed in the next section, there is plenty of information regarding the life of the author of *Tuḥfat al-Turk*, Abū Isḥāq Najm al-Dīn İbrāhīm ibn Ali ibn Aḥmad al-Ṭarsūsī or al-Ṭarasūsī[309] al-Ḥanafī (720-758/1320-

[309] In the catalogues of manuscript libraries and bibliographic encyclopedias, it seems there is a differentiation in the registers regarding his name such as using Burhān al-Dīn instead of Najm al-Dīn. For this discussion, see: Tezcan, "Hanafism and the Turks in Al-Tarsûsî's Gift for the Turks (1352)," 78–80.. Moreover, many different modern scholars disagree about the pronunciation of the attribution (*nisbah*): either al-Ṭarsūsī or al-Ṭarasūsī. For instance, while Brockelmann, Asri Çubukçu, Baki Tezcan have used the latter, the general tendency is to use the former. Therefore, I will use al-Ṭarsūsī instead of al-Ṭarasūsī throughout the thesis, cf. Brockelmann, *Geschichte Der Arabischen Litteratur*, Zweiter Supplementband:87; Çubukçu, "Tarasusi Hayatı, Şahsiyeti ve Eserleri"; Tezcan, "Hanafism and the Turks in Al-Tarsûsî's Gift for the Turks (1352)"; Winter, "Inter-Madhhab Competition in Mamluk Damascus"; Bedir, "Osmanlı Öncesi Türk Hukuk Tarihi Yazıcılığı"; Karacan, "Hanefî ve

1357).[310] Born to a scholarly family, al-Ṭarsūsī's life story evolved along the scholarly path. His father, Imad al-Din Ali ibn Ahmad (d. 1348), was a professor (*mudarris*) and became the Hanafite chief judge of Damascus (*qāḍi al-quḍāt*) before he renounced his judgeship on behalf of his son Najm al-Dīn in 1346. According to Tezcan, this resignation (*nuzūl*) practice for the sake of another person was common among the scholars "for securing the tenure of one's intimates."[311]

Even though family network was significant for a prospective scholar, education and scholarly networks also were among the requirements. It seems that Al-Ṭarsūsī had a distinguished education in Damascus.[312] Al-Ṭarsūsī mentions the Maliki chief judge Sharaf al-Din al-Hamdadi as his sheikh in Sufism. Moreover, the Shafiʿi chief judge Taqi al-Din al-Subqi (d. 1355) wrote a letter to the sultan in favor of the appointment of Najm al-Dīn.[313] Therefore, the combination of scholarly and family networks and his education made him the next Hanafi chief judge of Damascus, where he served until his death in 1357. Additionally, he held a respectable stature in the eyes of Mamluk rulers. An indication of this was his funeral prayer being led by Ali al-Mardini, the Mamluk sultan's deputy in Damascus.[314]

Şafiî Mezhebine Göre Devlet Başkanının Yetkileri: Tuhfetü't-Türk Örneği"; Necmeddin et-Tarsusi, *Tuhfetü't-Türk Fî Mâ Yecibu En Yu'mele Fi'l-Mülk: Tarsûsî'nin Siyâsetnâmesi*.

[310] There is also a discrepancy regarding the birth and death dates of the author. I choose to rely on Onuş's opinion for which he provided detailed information including the days from the primary sources. Winter, "Inter-Madhhab Competition in Mamluk Damascus," 195; Tezcan, "Hanafism and the Turks in Al-Tarsûsî's Gift for the Turks (1352)," 68; Necmeddin et-Tarsusi, *Tuhfetü't-Türk Fî Mâ Yecibu En Yu'mele Fi'l-Mülk: Tarsûsî'nin Siyâsetnâmesi*, 11–14 (Üsame Onuş is the editor and analyze the text as his introduction to the critical edition and the translation); Karacan, "Fıkıh'ta Devlet Başkanına Tanınan Yetkiler Necmuddin et-Tarsûsî'nin Tuhfetü't-Türk'ünde Hanefî ve Şafiî Mezheplerinin Kamu Otoritesine Tanıdıkları Yetkilere Dair Mukayeseli Bir Değerlendirme," 380.

[311] Tezcan, "Hanafism and the Turks in Al-Ṭarasūsī's Gift for the Turks (1352)," 80; Winter, "Inter-Madhhab Competition in Mamluk Damascus," 195.

[312] For the list of his teachers, see: Necmeddin et-Tarsusi, *Tuhfetü't-Türk Fî Mâ Yecibu En Yu'mele Fi'l-Mülk: Tarsûsî'nin Siyâsetnâmesi*, 12–13.

[313] Necmeddin et-Tarsusi, 13.

[314] Tezcan, "Hanafism and the Turks in Al-Ṭarasūsī's Gift for the Turks (1352)," 81; Necmeddin et-Tarsusi, *Tuhfetü't-Türk Fî Mâ Yecibu En Yu'mele Fi'l-Mülk: Tarsûsî'nin Siyâsetnâmesi*, 14.

Beside his judgeship, al-Ṭarsūsī was a very prolific author who wrote at least seven books and treatises in prose and verse. First and foremost, he was a *faqīh* (scholar of Islamic jurisprudence), so almost all works of his deal with issues of Islamic jurisprudence. Within this field, he produced more works on the "judiciary" in parallel with his occupation. *Anfaʿ al-Wasāʾil ilā Taḥrīr al-Masāʾil* or *al-Fatāwā al-Ṭarasūsīyah* was one of his most widespread books.[315] In this book, al-Ṭarsūsī addresses the issues that were common in the courts of his time and certain problematic practices of the judges, such as adjudication by exceptional views in the madhhab.[316] *Al-Iʿlām bi-Muṣtalaḥ al-Shuhūd wa al-Ḥukkām* is another treatise of his on judicial procedure. Al-Ṭarsūsī's other most disseminated manuscript is a commentary (*sharh*), titled *Al-Durrah al-Sanīyyah fī Sharh al- Fawāʾid al-Fiqhīyah*, on his own poetical Islamic jurisprudence (*fiqh*) work *al-Fawāʾid al-Fiqhīyah*. In compilations, this commentary is generally followed by al-Ṭarsūsī's own addendum to his *al-Fawāʾid al-Fiqhīyah*. He also wrote a versified treatise on Islamic theology (*kalām*), titled *Urjūzah fī Maʿrifat mā bayna al-Ashāʿirah wa al-Ḥanafīyyah min al-Khilāf fī Uṣūl al-Dīn,* in which he discusses the differences between Hanafism and Ash'arism in terms of theological perspective and criticizes Ash'aris.[317] He also penned treatises and poems about miscellaneous topics such as the administration of the Umayyad Mosque of Damascus and the situation of pious foundations (*waqf*).[318]

Before dealing with al-Ṭarsūsī's work, *Tuḥfat al-Turk*, which will be the main subject of this chapter, I would like to provide some information about the copies of

[315] For a modern edition see: Najm al-Dīn al-Ṭarsūsī, *Anfaʿ Al-Wasāʾil Ilā Taḥrīr al-Masāʾil (al-Fatāwā al-Ṭarasūsīyah)*.
[316] Kılıç, "Tarsûsî, Necmeddin."; Necmeddin et-Tarsusi, *Tuhfetü't-Türk Fî Mâ Yecibu En Yu'mele Fi'l-Mülk: Tarsûsî'nin Siyâsetnâmesi*,15.
[317] For detailed discussion of the treatise, see: Şık, "Necmeddin Tarsûsî'nin Urcûzesinde Eş'ari-Hanefi Teolojik Farklılaşmaları."
[318] Tezcan, "Hanafism and the Turks in Al-Ṭarasūsī's Gift for the Turks (1352)," 82; Necmeddin et-Tarsusi, *Tuhfetü't-Türk Fî Mâ Yecibu En Yu'mele Fi'l-Mülk: Tarsûsî'nin Siyâsetnâmesi*, 17–18.

his works in manuscript libraries. First of all, it appears that he was widely read in the early-modern period, based on the number of copies of his works in libraries. *Anfaʿ al-Wasāʾil* has at least 61 manuscript copies in libraries located in Turkey, Bosnia, Egypt, Saudi Arabia and Tunisia; interestingly, 35 of these copies are located in Turkey.[319] *Al-Durra al-Sanīyya* has also come down to our time in at least 14 manuscript copies. Interestingly, ten of these manuscript copies are also in Turkey's manuscript libraries. Even though other works by al-Ṭarsūsī had an apparently narrow audience, it is without a doubt that their presence was felt in Turkey as well. Additionally, it is known that some of al-Ṭarsūsī's works were also being discussed by Ottoman scholars. One of the most striking examples can be found in seventeenth-century scholar Pīrīzāde's *Risāla Gāyat al-Tahqīq fīʻAdam Jawāz al-Talfīq fī al-Taqlīd*, in which he opposes the combination of the rulings of different madhhabs. While he quotes a part from *Tuḥfat al-Turk* as a supporting text, he criticizes al-Ṭarsūsī for misquoting an earlier scholar's opinion on the subject matter.[320] All this indicates that this fourteenth-century Mamluk author found a definite readership in the early modern Ottoman Empire.

Of course, al-Ṭarsūsī's influence was not confined to the above-mentioned scholarly works. He has another work, *Tuḥfat al-Turk* that was also widespread among the Ottoman readers and had a sixteenth-century translation. Since this work

[319] For the thesis, I relied on several databases to reach the catalog information of the manuscripts. For the libraries of Turkey, I use ISAM's database of "Türkiye Kütüphaneleri" and YEK's yazmalar.gov.tr as well as the local databases of Süleymaniye Library. To reach the catalog information of manuscripts that are located outside Turkey, I use al-Majid Center's database (almajidcenter.org/search.php) and al-Furqan Islamic Heritage Foundation's Digital Library as well as the individual catalogs of some libraries, including al-Maktaba al-Azhariyya (Cairo), Dar al-Kutub al-Misriyya (Cairo), Maktabat al-Ḥaram al-Makkī al-Sharīf (Mecca), Maktabat Masjid al-Nabawi (Madinah), Library of Islamic University of Madinah (Madinah), Dar al-Kutub al-Zahiriyya (Syria), Dar al-Kutub al-Wataniyya (Tunis), King Faisal Center for Research and Islamic Studies (Saudi Arabia).

[320] Özer, "Pîrîzâde İbrâhim'in Risâletü gâyeti't-tahkîk fî 'ademi cevâzi't-telfîk fi't-taklîd Adlı Eserinin Tahkikli Neşri ve Tercümesi," 141, 144, 155.

is at the heart of the chapter, I will mention its content, dissemination, and the scholarship's discussions around the treatise in a separate subchapter.

3.1.2 Text and context

3.1.2.1 Dating and the copies of the manuscript

Najm al-Dīn al-Ṭarsūsī penned *Kitāb Tuḥfat al-Turk fīmā Yajib an Yuʿmala Fī Al-Mulk* in 1352.[321] A total of 13 manuscript copies of *Tuḥfat al-Turk* were located in the research for this writing.[322] The earliest identified manuscript was copied in 933/1526-7, located in Istanbul Millet Library's Feyzullah Efendi collection. This copy is not titled "*Tuḥfat al-Turk*," but *Nasāyih al-Mulūk*, which resembles the title of the Ottoman Turkish translation of the treatise.

Most of these manuscripts were copied in the eighteenth century and are presently located in various libraries in Istanbul. The proliferation of the copies might be related, in part, to the higher survival rate of eighteenth-century manuscripts compared to those of earlier centuries, and in part to the increasing manuscript production of the eighteenth century.[323] It is of course also possible that

[321] There are six different critical editions of *Tuḥfat al-Turk*. Asri Çubukçu and M. Üsame Onuş translated the treatise into Turkish and Menasri translated into French. For the present thesis, I mainly relied on Ridwan Sayyid's and Üsame Onuş's critical editions. While Ridwan Sayyid uses Berlin manuscript and Menasri uses two Paris manuscripts, Üsame Onuş compared five different copies in different Turkish libraries. You can see the details of the editions and translation in the bibliography. Najm al-Dīn al-Tarsūsī (ed. Ridwan al-Sayyid), *Kitāb Tuhfat al-Turk fī mā Yajib an Yuʿmal fī al-Mulk* (2012), Necmeddin et-Tarsusi (ed. Üsame Onuş), *Tuhfetü't-Türk Fî Mâ Yecibu En Yu'mele Fi'l-Mülk: Tarsûsî'nin Siyâsetnâmesi* (2018).

[322] In the bibliography, I have listed the bibliographical details of *Tuḥfat al-Turk*'s copies.

[323] Erol Özvar demonstrates the increase in the manuscript production in the eighteenth century based on copy dates of the manuscripts located in Turkey's libraries see Özvar, "Osmanlı Dünyasında Yazma Eser Üretkenliği."; Yavuz Sezer also discusses this proliferation in the context of newly founded libraries and novelties that they bring to the manuscript production by describing these libraries as "public scriptoria", see Sezer, "The Architecture of Bibliophilia," 21, 33–34, 42.

the contents of the treatise resonated stronger in the first half of the eighteenth century, in which more than half of the dated manuscripts were copied.[324]

While some manuscripts of the treatise were bound as a free-standing work, it was more commonly copied and bound along with other works within a compendia (*majmu'a*). In general, owners of the compendia chose to place the treatise with works of Islamic jurisprudence (*fiqh*). In that sense, the Atıf Efendi manuscript combines this treatise with the treatises of the Cairene Hanafi jurist Ibn Nujaym's (d. 1563) treatises about different topics. Moreover, both the Hekimoğlu and Millet manuscripts include other works by al-Tarsūsi such as *al-Durra al-Sanīyya* and *Anfa' al-Wasā'il*. An even more striking combination takes place in the Wetzstein and the Halet Efendi manuscripts. In the former, the organizer of the compendium placed al-Tarsūsi's treatise along with Dede Cöngi's (d. 1567) *al-siyāsa al-shar'iyya*, a well-known juristic treatise regarding politics. In the latter, *Tuḥfat al-Turk* was copied and bound together with the famous Shafi'i jurist al-Mawardi's ethics treatise, *Adab al-Dunyā wa'l-Dīn*. Even though the latter cannot be regarded directly as a juristic treatise on rulership/governance, al-Mawardi, who was critiqued by al-Ṭarsūsī for his thoughts regarding the caliphate in *Tuḥfat al-Turk*, is known for his jurist identity; this book contains significant themes of political thought.[325] The kind of works copied along with *Tuḥfat al-Turk* further suggest that early-modern readers tended to perceive this work as a juristic treatise on political matters.

The work includes multiple genres within itself. Al-Ṭarsūsī states the aim of the treatise as follows:

[324] Habib Saçmalı's doctoral dissertation suggests that the first half of the eighteenth century witnessed a multitude of rival claims on the leadership of the Islamic world, especially around the caliphate against Sunni Afghans in Iran and Nadir Shah, see: Saçmalı, "Sunni-Shi'ite Political Relations in the First Half of the 18th Century and Early Modern Ottoman Universal Caliphate."
[325] Atçıl, "Mâverdî'nin Siyasi Düşüncesi: Dayanışma, Liyakat ve Adalet," 179.

> Allah, Glory to him, the most Exalted, protected the order of the world with the Sultan, and made the reign of the Sultan dependent upon his practice of justice (*ʻadl*) in accordance with the sharia and benevolence (*iḥsān*). Thus, I considered counseling Sultans, as much as I can do, necessary, and wrote a book, in which I gathered a multitude of subjects, including the essential matters that rulers needed.[326]

As apparent from the quoted passage, the work was intended as a work of counsel for the sultans (*Nāṣīḥat al-Mulūk*), or *Fürstenspiegel*.[327] The author attributes the maxim about the circle of justice to the legendary Persian king Anushirwan.[328] Other than this one reference, however, *Tuḥfat al-Turk*, includes very few references to ancient Iranian statecraft and hardly any to the "Greco-philosophical" tradition, unlike al-Khayrabaytī's *al-Durra al-Garrā*,[329] discussed in Chapter Four.[330] At the same time, the text is also a Hanafi polemical text against the other madhhabs and especially an example of Muslim international law (*kitāb al-siyar*). One of the first editors of the book, Ridwan al-Sayyid, describes it as "a book in the genre of the laws of Islamic governance (*al-aḥkām al-sulṭāniyya*), and disagreement of jurists (*Ikhtilāf al-fuqahā*), and a book of political and religious improvement (*al-Iṣlāḥ al-siyāsī wa'l-dīnī)*."[331]

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[326] Najm al-Dīn al-Tarsūsī (ed. Ridwan al-Sayyid), *Kitāb Tuhfat al-Turk fī mā Yajib an Yuʿmal fī al-Mulk* (2012), 67-68; Necmeddin et-Tarsusi (ed. Üsame Onuş), *Tuhfetü't-Türk Fî Mâ Yecibu En Yu'mele Fi'l-Mülk: Tarsûsî'nin Siyâsetnâmesi* (2018), 31. Najm al-Din Tarsusi, "Nasihatü'l-Mülūk" (1560), fols. 2r–2v, OR. 9728, MS British Museum; Najm al-Din Tarsusi, "Kitab Al-Siyasa Fi Tadbir al-Mamlaka Wa Hifz al-Riyasa" (n.d.), fol. 3r, Ijtima Turki Tal'at 18, Egyptian National Library. The sixteenth-century Turkish translation: "Allah subḥanehu ve teʻālā niẓām-ı ʻālemi sulṭanla ḥıfẓ idüb sulṭanın eyyāmını şeriʻatte ʻadl ü iḥsān kılmağla itmişdir. Eyle ol sābıḳ zamānda vācib gördüm ki sulṭanlara bi-ḳadri'l-imkān beẕl-i naṣīḥat idüb bir kitāb te'līf itdim ki nice fuṣūlu müştemil olub anda envāʻ-i meṣāliḥ-i mülk müctemaʻ ola ki mülūkun muʻtemedün ʻaleyh umūrudur yaʻni meliklere lāzım olan nesnelerdür."

[327] Winter, "Inter-Madhhab Competition in Mamluk Damascus," 195.

[328] Necmeddin et-Tarsusi (ed. Üsame Onuş), *Tuhfetü't-Türk Fî Mâ Yecibu En Yu'mele Fi'l-Mülk: Tarsûsî'nin Siyâsetnâmesi* (2018), 49.

[329] Mahmūd b. Ismāʿīl b. Ibrāhīm al-Khayrabaytī, *Al-Durra al-Gharrā Fī Nasīhat al-Salātīn Wa al-Qudāt Wa al-Umarā*.

[330] For a detailed analysis of Advice-to-Kings literature, see: Black, *The History of Islamic Political Thought*, 111–14.

[331] Najm al-Dīn al-Tarsūsī (ed. Ridwan al-Sayyid), *Kitāb Tuhfat al-Turk fī mā Yajib an Yuʿmal fī al-Mulk* (2012), 26.

3.1.2.2 Content and organization

In the introduction to his treatise, after the customary eulogy to God and prayers for the Prophet, the author establishes his reasons for writing and provides an outline of his work comprising twelve chapters. In the first two chapters, al-Ṭarsūsī argues the legitimacy of Turks' rulership and counters the views of Shafi'i jurists against their rulership. Presumably, the author thought that the legitimacy issue was the best way of presenting his argument about the superiority of the Hanafi madhhab for the rule of Turks against the opinions of the Shafi'i scholars. He even says that "the madhhab of Abu Hanifa (d. 767) is the most suitable (*awfaq*) for the Turks than the madhhab of al-Shafi'ī (d. 820)".[332] In that sense, even though the treatise is predominantly concerned with subjects related to governance, its primary goal appears to have been to defend the position of Hanafism in the Mamluk sultanate, especially for the treatise's immediate audience. In the following three chapters, the author elaborates on the roles and features of judges and other administrative officials, such as governors. Still, he underlines how the Hanafi madhhab is significant for making decisions for the welfare of the state.

Chapter Six is actually an excerpt from another treatise of the author's, *al-Nūr al-Lāmiʿ fīmā Yuʿmalu bi-hi fī al-Jāmiʿ*, and deals with the functioning of the Umayyad Mosque of Damascus.[333] In Chapter Seven, Tarsusi discusses the duties of the sultan regarding the upkeep of infrastructure, including constructing the hajj routes, bridges, and fortifications. The remaining chapters are related to diverse

[332] Necmeddin et-Tarsusi (ed. Üsame Onuş), *Tuhfetü't-Türk Fî Mâ Yecibu En Yu'mele Fi'l-Mülk: Tarsûsî'nin Siyâsetnâmesi* (2018), 33.
[333] Tezcan states that Kātib Chalabi (Hajji Khalifah) attributes this work to another scholar. Tezcan, "Hanafism and the Turks in Al-Ṭarasūsī's Gift for the Turks (1352)," 81–82.

topics, including the expenditure from the public treasury (*bayt al-māl*), confiscation, actions against rebels, and miscellaneous issues related to holy war (*jihad*).[334]

3.1.2.3 Context

Although Winter argues that al-Ṭarsūsī might have written the treatise for the Mamluk Sultan al-Nasir Hasan (r. 1347 – 1351, 1354 – 1361) or his deputy in Damascus,[335] no notable reference to the sultan could be located within the text. Moreover, the treatise was composed in 1352, at a time when al-Nasir Hasan was not in charge. The years between 1341 and 1382, however, were a turbulent time when a succession of weak rulers from the Qalawunid household held the office of the sultanate, while actual power from 1353 onward was in the hands of the mamluk dignitaries who constituted the *majlis al-mashūra*.[336]

In that sense, the author might have aimed to influence the ruling elites in favor of the Hanafi madhhab in the context of "inter-madhhab competition" of this turbulent age. In Mamluk historiography, competition between the four schools of law is a prevalent topic. Mamluk Sultan al-Baybars started to appoint four chief judges from each Sunni school of law to the important cities, including but not restricted to Cairo and Damascus in 1265. Before this date, the Shafi'i chief judge was the top and sole judicial authority of the Mamluk cities. . His superiority over the judges of the other *madhhab*s was maintained, even if symbolically, in the later

[334] For the table of content of both Arabic and Ottoman Turkish texts, see: Najm al-Dīn al-Tarsūsī (ed. Ridwan al-Sayyid), *Kitāb Tuhfat al-Turk fī mā Yajib an Yuʿmal fī al-Mulk* (2012), 68–70; Necmeddin et-Tarsusi (ed. Üsame Onuş), *Tuhfetü't-Türk Fî Mâ Yecibu En Yu'mele Fi'l-Mülk: Tarsûsî'nin Siyâsetnâmesi* (2018), 33–35; Tarsusi, "Nasihatü'l-Mülūk," fols. 3r–4r; Tarsusi, "Kitab Al-Siyasa Fi Tadbir al-Mamlaka Wa Hifz al-Riyasa," fols. 4r–6v.
[335] Winter, "Inter-Madhhab Competition in Mamluk Damascus," 195.
[336] Levanoni, "The Mamlūks in Egypt and Syria," 253–57.

years, as was apparent by the seating order in the Sultanic court, *Dār al-ʻAdl* (Hall of Justice).[337]

The reasons behind this judicial reform are disputed between modern scholars. Escovitz, for instance, argues that this reform was a consequence of a natural and "evolutionary" process of the changing demographics of Mamluk lands because of the arrival of Muslims who were mainly Hanafi from the lands attacked by the Mongols.[338] On the other hand, Nielsen and Levanoni claim that this action was taken to constrain the domination of the Shafi'i madhhab by the Hanafi Mamluk ruling elites, including Sultan Baybars.[339] On the other hand, Yossef Rapoport, who sees the madhhab as a "codified set of laws," insightfully argues that the introduction of the quadruple judiciary system brought flexibility to the judicial system, which had great importance for the state such as transferring a case of heresy from Shafiʻi court to the Maliki one in order to implement execution.[340]

In addition to the political context, controversies within the judiciary system must have shaped the opinions of the author. Naturally, al-Ṭarsūsī, as the Hanafi chief judge of Damascus, compares and contrasts the madhhabs, and highlights the advantages of Hanafism for rulers throughout the treatise. Moreover, al-Ṭarsūsī's work is a good indicator for us to understand the other side of the coin. It is indeed difficult to hear the voices of the non-courtly agents, in this case, representatives of

[337] Escovitz, "The Establishment of Four Chief Judgeships in the Mamlūk Empire," 529–31; Rapoport, "Legal Diversity in the Age of Taqlīd," 210–28; Levanoni, "The Mamlūks in Egypt and Syria," 276–77.
[338] Escovitz, "The Establishment of Four Chief Judgeships in the Mamlūk Empire."
[339] Nielsen, "Sultan Al-Ẓāhir Baybars and the Appointment of Four Chief Qāḍīs, 663/1265," 171–72; Levanoni, "The Mamlūks in Egypt and Syria," 277.
[340] Rapoport, "Legal Diversity in the Age of Taqlīd," 225–28. The presence and influence of the four madhhab is not restricted to Mamluk period, but it goes back to Zangid and Ayyubid periods. Talmon-Heller discusses positions and interactions of the members of the four legal madhhab, see Talmon-Heller, "Fidelity, Cohesion, and Conformity within Madhhabs in Zangid and Ayyubid Syria."

the madhhabs, including judges. Thus, *Tuḥfat al-Turk* reveals to us the opinions of one of the top representatives of the Hanafi school of law.

His call appears to have been responded to, by two authors in detail and by several others implicitly. Baki Tezcan, in "Ḥanafism and the Turks in al-Ṭarasūsī's Gift for the Turks (1352)," evaluates the arguments of the author by comparing them to the contemporary Shafi'i scholars' and judges' writings and legal opinions. He believes that Shafi'i scholars, such as Badr al-Dīn b. Jama'ah (d. 1333) and Ibn Hajar al-Asqalani (d. 1448), were also keen on legitimizing the authority of Mamluk rulers and provided "government-friendly" legal opinions when it was necessary. He also debunks the claim of the profitability of Hanafism over the other schools by saying that theoretical approaches were not the direct reflection of the practice.

On the other hand, Murat Karacan, both in his master's thesis and a recent article, claims that Hanafism, indeed, granted more authority to the ruler than the Shafi'i madhhab by comparing al-Ṭarsūsī's views on the "authorization of the head of state" with the prevalent authors of Hanafi and Shafi'i madhhabs, such as Abu Yusuf (d. 798), al-Sarakhsi (d. 1090), al-Shafi'i (d. 820), and al-Nawawi (d. 1277). He evaluates the opinions of these two madhhabs in six different categories, such as implementing the right of the penalties (*ḥadd*) and the authority of the ruler in allocating the conquered lands.[341] Muharrem Kılıç takes *Tuḥfat al-Turk* as a source for the history of Turkish law that was shaped by Islamic law after Turks' conversion to Islam by accepting, somewhat anachronistically, Qarakhanids, Ghaznavids, Seljuks, Ayyubids, and Mamluks as links in the chain.[342]

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[341] Karacan, "Hanefî ve Şafiî Mezhebine Göre Devlet Başkanının Yetkileri: Tuhfetü't-Türk Örneği"; Karacan, "Fıkıh'ta Devlet Başkanına Tanınan Yetkiler Necmuddin et-Tarsûsî'nin Tuhfetü't-Türk'ünde Hanefî ve Şafiî Mezheplerinin Kamu Otoritesine Tanıdıkları Yetkilere Dair Mukayeseli Bir Değerlendirme."

[342] Kılıç, "Türk Hukuk Tarihinde Devlet Teorisinin Mezhep Doktirini Çerçevesinde Temellendirimi," 118.

One of the most striking terms that al-Ṭarsūsī often uses is "*al-Imām*" (the leader). Throughout the treatise, he employs the words "sultan" and "Imam" interchangeably. Sayyid apparently finds it odd how the author attributes the necessary conditions of the caliphate to the sultanate by inserting exclamation points in these passages within the edited text.[343] According to Winter, even though the author was aware that Imam means caliph, not Sultan, he "is deliberately using a misleading argument."[344] However, Mona Hassan clearly demonstrates this phenomenon was peculiar neither to al-Ṭarsūsī nor to the Hanafi madhhab by the fifteenth century. She says: "In order to ensure the continuity and stability of the Islamic legal system in the Mamluk era, it appears that Muslim jurists by the eighth/fifteenth century had transferred the jurisprudential discourse of the *imām*, or leader of the community, from the caliph to the sultan with the transfer of his executive powers by comprehensive delegation, or *tafwīd 'āmm*."[345] Therefore, it is clear that the increasing executive authority of the sultan in the Mamluk period is reflected in the political literature by transforming the meanings of preexisting concepts, as in the case of Imam.

3.1.2.4 Ottoman reception of Al-Ṭarsūsī and *Tuḥfat al-Turk*

The influence of the Mamluk intellectual tradition on the early Ottoman scholarly tradition cannot be neglected, as elaborated in the introduction of the thesis. Moreover, the intellectual exchange between Rumi and Arab lands also continued in a different form during the sixteenth century. Mürteza Bedir argues that Hanafi jurists of Damascus and Aleppo had a strong impact on the Ottoman jurisprudential

[343] Najm al-Dīn al-Tarsūsī (ed. Ridwan al-Sayyid), *Kitāb Tuhfat al-Turk fī mā Yajib an Yuʿmal fī al-Mulk* (2012), 73.
[344] Winter, "Inter-Madhhab Competition in Mamluk Damascus," 197.
[345] Hassan, *Longing for the Lost Caliphate*, 122.

tradition.[346] Al-Ṭarsūsī was one of the Mamluk-era jurists who attracted the attention of Ottomans from the sixteenth century onwards (and maybe even earlier) based on the dates of manuscript copies of his works in the core lands of the empire. As discussed earlier in this chapter, he and his several works found a broad audience among the Ottomans not only in the sixteenth century but also in later centuries.

Almost every copy of *Tuḥfat al-Turk* that includes a copy date belongs to the eighteenth century. The reason for this proliferation might be related to the general increase in the numbers of manuscripts in the eighteenth century. In any case, it is still important that the Ottomans found the treatise valuable enough for reproduction. On the other hand, al-Ṭarsūsī's influence on the Ottoman intellectual world can be followed even in the nineteenth and twentieth centuries. Bereketzade İsmail Hakkı (d. 1918), in his *Necāib-i Ḳur'āniyye*, utilized *Tuḥfat al-Turk* while explaining the Hanafi's opinion on the unnecessity of Quraishi descent for the caliphate.[347] More importantly, Bursalı Mehmed Tahir (d. 1925), who penned a biographical dictionary of "Ottoman authors" under the title of "*Osmanlı Müellifleri,*" included al-Ṭarsūsī's entry as well. Since Mehmed Tahir did not ordinarily include many authors who did not live within the Ottoman domain, his inclusion of al-Ṭarsūsī as an "Ottoman" scholar testifies to the latter's influence among Ottoman scholars down to the modern era.

While *Tuḥfat al-Turk* had an agenda that was particular to the fourteenth-century Mamluk world, i.e., inter-madhhab competition, other features of the text made it of capital importance for the Ottoman context as well. Along with the given examples, one of the most significant indicators that the Ottomans cared about him,

[346] Bedir, "Osmanlı Öncesi Türk Hukuk Tarihi Yazıcılığı," 76–78.
[347] Karacan, "Hanefî ve Şafiî Mezhebine Göre Devlet Başkanının Yetkileri: Tuhfetü't-Türk Örneği," 383.

is the translation of his treatise, *Tuḥfat al-Turk*, into Ottoman Turkish. From this point forward, I will discuss the treatise's translation within the sixteenth-century Ottoman context, first by trying to prove its dating, then by discussing specific points regarding Ottoman political thought.

3.2 The sixteenth-century translation of *Tuḥfat al-Turk*: *Naṣīhatü'l-Mülūk* or *Kitābu's-Siyāse fī Tedbīri'l-Memleke ve Ḥifẓi'r-Riyāse*

3.2.1 Text and context

3.2.1.1 Technical details: dating and descriptions of the translation and the copies of the manuscript

The Ottoman Turkish translation of *Tuḥfat al-Turk* has reached us via two copies with different titles. The Turkish version of *Tuḥfat al-Turk* is, to a large extent, a verbatim translation made by an unknown translator. There are small annotations to the Arabic text that appear to have been added in order to make certain points clearer to Turkish-speaking audiences. The first manuscript is titled *Naṣīhatü'l-Mülūk*[348] (Book of Counsel for Kings), which was copied in Egypt in 1560 by Mūsā ibn ʿĪsā Samarqandī. The other manuscript is titled as *Kitābu's-Siyāse fī Tedbīri'l-Memleke ve Ḥifẓi'r-Riyāse* [349] (Book of Politics in Administration of the Kingdom and Preservation of the Authority) and is located in Cairo. The titles of both manuscripts are unfortunately generic and overused: while the former reminds us of Abu Hamid al-Ghazzali's famous treatise on governance, the latter is used for the translation of

[348] Najm al-Din Tarsusi, "Nasihatü'l-Mülūk" (1560), OR. 9728, MS British Museum. I am grateful to Hüseyin Yılmaz for sharing his own copy of the manuscript.
[349] Najm al-Din Tarsusi, "Kitābu's-Siyāse fī Tedbīri'l-Memleke ve Ḥifẓi'r-Riyāse" (n.d.), Ijtima Turki Tal'at 18, Egyptian National Library. (The manuscript will be abbreviated as Kitābu's-Siyāse). I would like to thank Baki Tezcan for sharing his own copy of the manuscript.

Aristotle's *The Secret of Secrets*. Moreover, these two translated copies are near identical, with minor differences like preferring different adjectives or *dua*s (prayers). There are also variations in the style of writing and the length of pages, causing the former to consist of 66 folios and the latter to consist of 132 folios. Unfortunately, the translation date is not stated in either manuscript.

It is known that some Mamluk rulers were also interested in Turkish literature and promoted Turkish translations from other languages, mainly Persian.[350] Due to the lack of information about the time and place where the translation was made, the question arises whether the translation might have been carried out during the Mamluk era. I do not have many suspicions about the place of translation because the copy place is specified in *Naṣīhatü'l-Mülūk*, as "copied in Mısr (Egypt) in 967 AH"[351] and *Kitābu's-Siyāse'*s currently is located in the Egyptian National Library in Cairo. What led me to conclude that the translation must have been made for an Ottoman Rumi audience was the author's choice of words in the translation. The translator clearly wanted to stick as closely as possible to the literal meaning of the text, but still, in some places he intervened in the text to make it meaningful for his own context and readers. Some of these interventions and appellations, which are almost all about governance, are useful for determining the approximate date of the translation.

Before dealing with the more minute details, the copy date of *Naṣīhat al-Mülūk* gives us *terminus ante quem* for the translation in 1560. After that, the translator translates the word *iqta'* (fief) as *muḳāṭa'a* (tax farming).[352] Moreover,

[350] Behrens-Abouseif, *The Book in Mamluk Egypt and Syria (1250-1517)*, 18.
[351] Tarsusi, "Nasihatü'l-Mülūk," fol. 65r.
[352] Please compare: Tarsusi, "Nasihatü'l-Mülūk," fol. 12r; Tarsusi, "Kitab Al-Siyasa Fi Tadbir al-Mamlaka Wa Hifz al-Riyasa," fols. 21r–21v; Najm al-Dīn al-Tarsūsī (ed. Ridwan al-Sayyid), *Kitāb Tuhfat al-Turk fī mā Yajib an Yuʿmal fī al-Mulk* (2012), 82; Necmeddin et-Tarsusi (ed. Üsame Onuş), *Tuhfetü't-Türk Fî Mâ Yecibu En Yu'mele Fi'l-Mülk: Tarsûsî'nin Siyâsetnâmesi* (2018), 51.

while the original text says only "the supervisor of the army should investigate whether the fief is null or not" the translated text includes the detail of "*muḳāṭaʿa defteri*" (register of tax farming)[353] as a specific type of register which seems an essential part of Egypt's administration after the conquest of the Ottoman Empire in 1517.[354]

In my opinion, one of the most precise indicators that the translation belongs to the sixteenth-century Ottoman context is in the following quotation:

> The regentship of the sultanate (*niyābat al-ṣalṭana*) is hierarchical in accordance with the population and the quality of the cities. *For instance, let us say, for the sake of argument, the sultan resides in Egypt,* the top level of regentship belongs to Damascus, then regentship of Aleppo, then regentship of Tripoli, then regentship of Hama, ….[355]

The italics, "for instance, let us say, for the sake of argument, the sultan resides in Egypt," does not exist in the original treatise.[356] Therefore, again the translator probably aimed to keep the authenticity of the treatise by reverting a clear sentence to an assumption that might have provided a better fit for the new context.

When the translator translated "*qādi al-qudāt*" (chief judge), he keeps *qādi al-qudāt* yet adds an explanatory word by saying "*yaʿni ḳadiasker*" (in other words chief judge [in Ottoman Empire]).[357] Even though there was also a *qādi al-ʿasker* in the Mamluk Sultanate, that office meant literally the judge of the military who was

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[353] Tarsusi, "Nasihatü'l-Mülūk," fol. 12r; Tarsusi, "Kitab Al-Siyasa Fi Tadbir al-Mamlaka Wa Hifz al-Riyasa," fols. 21r–21v.

[354] İpşirli, "Mısır Eyaletinin Teşkili Döneminde İki Beylerbeyi Soruşturması."

[355] "Ve niyābet-i ṣalṭanat bir nice merātib üzeredir şehirlerin miḳdār ve ḥasbince. Meselā farż idelim ki ṣulṭān Mısır'da olsa niyābet-i ṣalṭanat'ın aʿla mertebesi Dimeşḳ olur, baʿdehu niyābet-i Ḥaleb ve baʿdehu niyābet-i Ṭrablus ve baʿdehu niyābet-i Ḥama …" Tarsusi, "Nasihatü'l-Mülūk," fols. 13v–14r; Tarsusi, "Kitab Al-Siyasa Fi Tadbir al-Mamlaka Wa Hifz al-Riyasa," fols. 25v–26r. Italics are mine.

[356] Cf. Najm al-Dīn al-Tarsūsī (ed. Ridwan al-Sayyid), *Kitāb Tuhfat al-Turk fī mā Yajib an Yuʿmal fī al-Mulk* (2012), 84–85; Necmeddin et-Tarsusi (ed. Üsame Onuş), *Tuhfetü't-Türk Fî Mâ Yecibu En Yu'mele Fi'l-Mülk: Tarsûsî'nin Siyâsetnâmesi* (2018), 55.

[357] For comparison: Tarsusi, "Nasihatü'l-Mülūk," fol. 16v; Tarsusi, "Kitab Al-Siyasa Fi Tadbir al-Mamlaka Wa Hifz al-Riyasa," fol. 31r; Najm al-Dīn al-Tarsūsī (ed. Ridwan al-Sayyid), *Kitāb Tuhfat al-Turk fī mā Yajib an Yuʿmal fī al-Mulk* (2012), 87; Necmeddin et-Tarsusi (ed. Üsame Onuş), *Tuhfetü't-Türk Fî Mâ Yecibu En Yu'mele Fi'l-Mülk: Tarsûsî'nin Siyâsetnâmesi* (2018), 59.

sent with the army to adjudicate, as mentioned in the following pages of the treatise.[358] Thus, he also preferred to state the office's equivalent title in the Ottoman Empire for the new audience of the text.

In another example, he changed the Arabic word, *ṣāhib*, for the highest financial official in Mamluk bureaucracy with *defterdār*:

> He is the first category of the scribes who is the head of all scribes and the highest. He is responsible for the properties of the reign and the registers of the domain. It is called the inspector of the domain as well as *defterdār* (an official keeper of any register).[359]

In addition to these examples, there are other word preferences such as *Subaşı* instead of *Wulāt*[360] and Pādişāh instead of Sultan and Imam in several places.[361] However, even though the translator did not deviate much from the original text, he still tried to nativize it for a new context to some extent, at least by changing the names of offices for the audience. Therefore, by considering the choices of the translator, *terminus ante quem* of the translation, and the locations of the copies, I believe that Tuḥfat al-Turk's translation was most probably carried out in sixteenth-century Egypt after the Ottoman conquest of the city between 1517 and 1560.

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[358] Tarsusi, "Nasihatü'l-Mülūk," fol. 26v; Tarsusi, "Kitab Al-Siyasa Fi Tadbir al-Mamlaka Wa Hifz al-Riyasa," fol. 52v; Najm al-Dīn al-Tarsūsī (ed. Ridwan al-Sayyid), *Kitāb Tuhfat al-Turk fī mā Yajib an Yuʿmal fī al-Mulk* (2012), 100; Necmeddin et-Tarsusi (ed. Üsame Onuş), *Tuhfetü't-Türk Fî Mâ Yecibu En Yu'mele Fi'l-Mülk: Tarsûsî'nin Siyâsetnâmesi* (2018), 77.

[359] "Pes yazıcıların nev'-i evveli ki küttābın reisi ve ulusudur emvāl-i dīvaniyye ve devāvīn-i vilāyet āna racidir. Nāẓır-ı memleket dahī tesmiye olunur ve defterdār dahi dirler". Please compare:Tarsusi, "Nasihatü'l-Mülūk," fol. 24r; Tarsusi, "Kitab Al-Siyasa Fi Tadbir al-Mamlaka Wa Hifz al-Riyasa," fol. 48r; Najm al-Dīn al-Tarsūsī (ed. Ridwan al-Sayyid), *Kitāb Tuhfat al-Turk fī mā Yajib an Yuʿmal fī al-Mulk* (2012), 97; Necmeddin et-Tarsusi (ed. Üsame Onuş), *Tuhfetü't-Türk Fî Mâ Yecibu En Yu'mele Fi'l-Mülk: Tarsûsî'nin Siyâsetnâmesi* (2018), 73.

[360] Cf. Tarsusi, "Nasihatü'l-Mülūk," fol. 24r; Necmeddin et-Tarsusi (ed. Üsame Onuş), *Tuhfetü't-Türk Fî Mâ Yecibu En Yu'mele Fi'l-Mülk: Tarsûsî'nin Siyâsetnâmesi* (2018), 71.

[361] Tarsusi, "Nasihatü'l-Mülūk," fols. 16r, 46r, 16v; Necmeddin et-Tarsusi (ed. Üsame Onuş), *Tuhfetü't-Türk Fî Mâ Yecibu En Yu'mele Fi'l-Mülk: Tarsûsî'nin Siyâsetnâmesi* (2018), 57, 117, 59.

3.2.1.2 Audience

To understand the place of the text in sixteenth-century Ottoman political thought, it is necessary to discuss why the treatise was translated and for whom the translation was carried out. Since the text offers no clues about neither the translator nor his intended audience, it is difficult to answer these questions. However, taking into consideration the fact that all Rumi scholars already had proficiency in Arabic, the translation's possible intended audience, most likely, was the Turkic speaking ruling elite, primarily provincial governors of Arab lands where the legitimacy discussions might have existed due to heated encounters. Additionally, the precision in translating the names of the offices further suggests such an administerial aim.

On the other hand, the lack of multiple existing copies (as it currently stands) suggests that the text had limited circulation. It appears that the Ottoman men of letters either had no knowledge of the translation or simply preferred to read the original text instead. In that sense, this work might have been utilized as a manual, which includes the subjects and principles of governance in the Arab lands as well as arguments for the legitimacy of Turks' rules, for a non-native ruler to the Arab lands. Therefore, *Naṣīhatü'l-Mülūk* or *Kitābu's-Siyāse fī Tedbīri'l-Memleke ve Ḥifẓi'r-Riyāse*, in my opinion, was a translation that was addressed to a Rumi governor of the Arab lands. It might have arisen from either a translator gifting it to a governor or a governor demanding it from a translator. Either way, this translation is an outstanding indicator of the intellectual landscape of the specific place and time in the end.

3.2.2 Textual and contextual analysis

Since *Naṣīhatü'l-Mülūk* or *Kitābu's-Siyāse* is a verbatim translation of *Tuḥfat al-Turk*, the variations between the original treatise and the translation are minor, and almost never make a difference in the meaning. Therefore, analyzing a text that was written for different contexts is, indeed, difficult. Because of this reality, I will limit myself to discussing two themes that are related and which were important to Ottoman political thought in the sixteenth century.

3.2.2.1 The legitimacy of the Turks' rulership

Al-Ṭarsūsī begins his treatise by discussing questions about the legitimacy of Turks' rulership. In fact, the caliphate, with its juristic meaning, requires certain preconditions, such as Quraishi descent.[362] In that sense, many non-Quraishi polities, most importantly Mamluks and Ottomans, tried to find solutions for their legitimacy problem.[363] As discussed in detail in the previous chapter, Lutfi Pasha's *Khalās al-Umma fi Ma'rifat al-A'imma* treatise, presumably, tried to respond to such challenges that emerged in the sixteenth century. The translator of the *Tuḥfat al-Turk* might have had similar intentions as Lutfi Pasha.

Even though the Ottomans had put their weight squarely behind the Hanafi madhhab in the sixteenth century, the other Sunni madhhabs continued to be operational in the Arab provinces. In this sense, the original text's concern with the competition among the legal schools might also have been relevant in the sixteenth

[362] Gibb, "Al-Mawardi's Theory of Caliphate," 151–65.
[363] For a detailed discussion about Mamluk solutions, see: Kavak, "Memlükler Dönemi Siyaset Düşüncesine Giriş," 206–19.

century.[364] Thus, one might argue that the translation also intended to respond to such claims among the scholarly elites.

However, on the one hand, even though some scholars, especially Shafi'i scholars, had some grievances against the Ottoman rule and practices (i.e., opposition against the implementation of the *kanun* and certain taxation practices), the relationship was more complex as elaborated in the Introduction. On the other hand, since the treatise had originally aimed to strengthen the Hanafi madhhab's place in the judicial hierarchy, it would be meaningless to translate such a treatise when Hanafism already secured its place under Ottoman rule. In that case, one particular time period, 1517-1524, might be an exception since the judicial administration in Egypt witnessed erratic developments, which came to an end with the appointment of an Ottoman Rumi scholar bureaucrat as the chief judge in 1524.[365] If the treatise was translated in this period, one might have more reasons to think about the inter-madhhab competition, yet we have no certain information regarding the date of the translation. On the flip side, the treatise's juristic discourse and the legitimacy issue seem more leading cause for the translation in the sixteenth-century Ottoman context without completely ignoring the role of inter- madhhab competition.

Al-Ṭarsūsī discusses the opinions of Hanafi and Shafi'i jurists regarding the rulership and the appropriateness of the Hanafi madhhab for the Turks' rule. He quotes a prophetic *hadith* and the words of Abu Hanifa and his companions in the madhhab for demonstrating the unnecessity of specific requirements including Quraishi-descent:

[364] For the criticism of scholars that resides in Ottoman Egypt, see: Rafeq, "The Opposition of the Azhar 'Ulamā' to Ottoman Laws and Its Significance in the History of Ottoman Egypt," 43–54; Meshal, "Antagonistic Shari'as"; Ibrahim, *Pragmatism in Islamic Law*, 110–40.
[365] Atçıl, "Memlükler'den Osmanlılar'a Geçişte Mısır'da Adlî Teşkilât ve Hukuk (922-931/1517-1525)," 98–107.

> The Prophet said that "I admonish you to fear Allah, to listen and obey even if a [Abyssinian] slave." In this manner, Abu Hanifa and his friends said that being Quraishi-descent (from the tribe of Quraish), being mujtahid (top-level interpreter of Islamic law), and being performing Muslim are not required (*ʻāmil*)[366], yet it is licit to take duties or offices from both just and unjust sultan. And it is justified by the story of Muʿāwiya. It is because the Companions took duties and offices from Muʿāwiya when the opposition was evident between him and *Hażret-i* ʻĀli.[367]

In the Arabic text, the quotation ends here. However, the translator, surprisingly, adds an explanation for the story (*ḳıṣṣa*) in which he explains the reasoning of al-Ṭarsūsī by noting that the prophet's companions did not oppose the rule of Muawiya (d. 680):

> While the turn of duty is for ʻĀli, i.e., after ʻUthmān, it was ʻĀli's turn, Muʿāwiya becomes caliph with the infringement of the rights (*taʻaddī*) and by force (*yed-i ḳuvvet*). No one among the Companions opposed his rule, and they accept (*taḳallud*) judgeship and governorship from him.[368]

In this explanation, the translator underlines and refers to two crucial issues of Islamic jurisprudence. The first one is *ijmāʻ* (consensus) specifically the *ijmāʻ al-ṣaḥaba* (consensus of the Companions). The consensus is generally called the third source of Islamic jurisprudence, after the Quran and the Sunna. It serves an especially significant role when issuing decisions in *fiqh*.[369] In that sense, the explanation, which states nobody from the Companions had a problem with the rule that was acquired by force, implies consensus.

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[366] This word does not exist in Kitābu's-Siyāse , and exists as "just" (*ʻādil*) in the original text.

[367] "Ḥazret-i Rasūl (ṣallallahu ʻaleyhi ve sellem) buyurmuṣdur ki sizi Allah teʻālā'nın taḳvāsına ısmarlarım dahī semʻ ve ṭāʻate eğerçe bir kul dahī beylik ederse üzerünüze ānın emrinden ṭaṣra olmayasız. Bu taḳdirce İmām Ebū Ḥanīfe ve aṣḥābı (raḥimehumullah) dediler ki sulṭan tevliyetinin ṣıhhatinde Ḳureşī ve müctehid ve ʻāmil şarṭ değildir belki taḳallüd cāizdir sultan-ı ʻādil ve ẓālimden. Caiz olmasının aslı Muʻāviye (raḍiallahu ʻanh) ḳıṣṣasıdır. Zīrā, aṣḥāb (raḍiallahu ʻanhum) Muʿāviye'den aʻmāl-i taḳallud eylediler Hażret-i ʻĀli ile hilāf iẓhār ettikde." Tarsusi, "Nasihatü'l-Mülūk," fols. 4r–4v; Tarsusi, "Kitab Al-Siyasa Fi Tadbir al-Mamlaka Wa Hifz al-Riyasa," fols. 6v–7r; Najm al-Dīn al-Tarsūsī (ed. Ridwan al-Sayyid), *Kitāb Tuḥfat al-Turk fī mā Yajib an Yuʿmal fī al-Mulk* (2012), 71; Necmeddin et-Tarsusi (ed. Üsame Onuş), *Tuhfetü't-Türk Fî Mâ Yecibu En Yu'mele Fi'l-Mülk: Tarsûsî'nin Siyâsetnâmesi* (2018), 37.

[368] Nevbet ʻĀli'de, yaʻni Osman'dan sonra nevbet ʻĀli'nin iken, yed-i kuvvetle teʻaddī idüb Muʿāviye halīfe oldu. Ve ṣaḥābeden bir ferd āna muhālefet kılmayub kendüden ḳażā ve imāret taḳallud ettiler. Tarsusi, "Nasihatü'l-Mülūk," fol. 4v; Tarsusi, "Kitab Al-Siyasa Fi Tadbir al-Mamlaka Wa Hifz al-Riyasa," fol. 7r.

[369] Bernand, "Id̲jmāʿ"; Dönmez, "İcmâ."

On the other hand, *yed-i ḳuvvet* (acquiring power by force) is raised here as a source of legitimacy that was supported by the consensus of the Companions, not as an invention of the Ottomans. While the concept had a much longer history, [370] in the Mamluk period, the Shafi'i jurist Ibn Jamā'ah, and others, also, utilized the notion under the words "*ḳahr*," "*ghalabah*," and "*shawkah*" as well as "*yed-i ḳuvvet*."[371] It seems that the translator, by breaking his silence, explains Al-Ṭarsūsī's implicit words regarding the use of force for acquiring power. It might have been related to the importance of such legitimation for the sixteenth-century context. Moreover, it was not unique to al-Ṭarsūsī or his translator, but was rather a common explanation for forcibly acquired power among the Ottomans in order to prevent disorder (*fitna*) as can be seen from the works of Lutfi Pasha and el-Amāsī.[372]

Actually, al-Ṭarsūsī considered these two quotations from the Prophet and the prominent scholars of the Hanafi madhhab to be sufficient to prove the unnecessity of Quraishi lineage for the Imamate or sultanate. Thus, he did not try to find additional pieces of evidence to justify the rule of the Turks. Instead, he tried to exhibit the incompatibility of Shafiʿi thought on rulership by quoting Imam Shafiʿī, Mawardi, and Imam Nawawī. For example, he writes:

> All scholars of the Shafi'ī madhhab stipulate that Sultan must be a mujtahid and from Quraishi lineage, which are absent both for Turks and Persians. In that sense, the ruling of the Turks is not correct… Because of this reason, some say that our madhhab [Hanafi school of law] is more convenient, more fit and more suitable for the Turks than the madhhab of Imam Shafi'ī.[373]

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[370] Hassan, *Longing for the Lost Caliphate*, 109.
[371] For detailed information about the term and discussions around it, please see: Gibb, "Constitutional Organization," 20–27; Lambton, *State and Government in Medieval Islam*, 138–51; Hassan, *Longing for the Lost Caliphate*, 108–9.
[372] Abdüsselam el-Amasî, *Tuhfetü'l-Ümerâ ve Minhatü'l Vüzerâ*, 141–42; Muharem Jahja, "Lutfi Paşa'nın Halasu'l-Ümme Fi Ma'rifeti'l-Eimme Risalesinin Tahkik, Tahlil ve Tercümesi," 62.
[373] "Ulema-i Şāfi'iyyenin küllīsi şart eylediler ki sultan müctehid ve Ḳureşī ola ve bu ne Türk ṭāifesinde ne 'Acem'de. Bu takdirce salṭanat-ı Türk Şāfi'īler katında ṣaḥiḥ değildir. … Bundan ötürü dediler ki bizim meẕhebimiz Türk için evfaḳtır ve eṣlaḥ ve elyaḳtır meẕheb-i İmām Şāfi'ī'den." Tarsusi, "Nasihatü'l-Mülūk," fols. 9v–10r; Tarsusi, "Kitab Al-Siyasa Fi Tadbir al-Mamlaka Wa Hifz al-Riyasa," fols. 17r–18r.

After this point, the treatise gradually becomes a polemic, in which the author tries to show the virtues of the Hanafi madhhab for the issue of statecraft, and of advice, in which he provides advice in the miscellaneous issues as mentioned earlier in this chapter.

3.2.2.2 The power of the Imamate

The title of "Imam" and the office of "Imamate" have a significant place in Islamic political thought and practice.[374] While this title has been used interchangeably with the title of "caliph," in Lambton's words, "in *fiqh* literature, generally speaking, the terms *imām* and *imāma* (the office of *imām*) are used in preference to *khalīfa* and *khilāfa* (the office of *khalīfa*)."[375]

In fact, the usage of "Imam" is a good connection and comparison point between Mamluk and Ottoman political thought as well. At this juncture, I would like to explain the concept's usage in the Ottoman domain briefly. As in the usage of the concept mentioned earlier in the Mamluk domain, similar tendencies existed in the political writing of the Ottomans in the early modern period, perhaps even more evidently. For instance, Lutfi Pasha, in his juristic treatise regarding the legitimacy problems of the Ottomans, *Khalās al-Umma wa Ma'rifat al-Aimma*, equates all of the titles of "sultan," "caliph," and "Imam" by discussing rival theories, especially the necessity of Quraishi descent.[376]

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[374] For the concept of Imamate and its development in the early Islamic period, see: Crone, *God's Rule*, 17–22. Imam has several other meanings in Islamic history as well. While the title had been used for the leader of the *umma*, prayer leaders or several prominent scholars such as al-Ghazali are also called with the title of imam.

[375] Lambton, *State and Government in Medieval Islam*, 15.

[376] Jahja, "Lutfi Paşa'nın Halasu'l-Ümme Fi Ma'rifeti'l-Eimme Risalesinin Tahkik, Tahlil ve Tercümesi."

In that sense, the Mamluk jurists' agency in transforming the meaning of Imam from caliph to Sultan was very appropriate for the Ottomans as well. It is significant to see al-Ṭarsūsī's usage of Imamate and his translation's adaptation in the sixteenth century. They do not have any problem with the title Imam in place of sultan. In addition, both copyists of the translation agreed to add the "Imam" title before the rightly-guided caliphs in at least in one example, although such a title does not exist in the original text. While the copyist of *Naṣīhatü'l-Mülūk* used this title for Abu Bakr,[377] 'Umar,[378] and Ali (in three places), the other copyist only used it for Ali on one occasion.[379] Whereas a hadith, saying that "The Imams will be from Quraish" (*al-aimma min Quraish*), exists and the title has been used to define the leader of the *umma*, I believe that the usage of Imam for the rightly-guided caliphs is not so common in the Islamic intellectual tradition (except for Ali, yet it is used in a different context). When the separation of the caliph and sultan became obsolete in the sixteenth-century Ottoman Empire, interchangeable usage of the titles might have become easier as well because of the absence of the rival claimants of the titles. Therefore, even though the preferences of the copyists might have shaped the usages of titles, it is clear that the translator of *Tuḥfat al-Turk* adopted and even extended the usage of the "Imam" title for the new context.

[377] For comparison: Najm al-Dīn al-Tarsūsī (ed. Ridwan al-Sayyid), *Kitāb Tuhfat al-Turk fī mā Yajib an Yuʿmal fī al-Mulk* (2012), 146; Necmeddin et-Tarsusi (ed. Üsame Onuş), *Tuhfetü't-Türk Fî Mâ Yecibu En Yu'mele Fi'l-Mülk: Tarsûsî'nin Siyâsetnâmesi* (2018), 135; Tarsusi, "Nasihatü'l-Mülūk," fol. 56r; Tarsusi, "Kitab Al-Siyasa Fi Tadbir al-Mamlaka Wa Hifz al-Riyasa," fol. 116r.
[378] For comparison: Najm al-Dīn al-Tarsūsī (ed. Ridwan al-Sayyid), *Kitāb Tuhfat al-Turk fī mā Yajib an Yuʿmal fī al-Mulk* (2012), 146; Necmeddin et-Tarsusi (ed. Üsame Onuş), *Tuhfetü't-Türk Fî Mâ Yecibu En Yu'mele Fi'l-Mülk: Tarsûsî'nin Siyâsetnâmesi* (2018), 135; Tarsusi, "Nasihatü'l-Mülūk," fol. 56r; Tarsusi, "Kitab Al-Siyasa Fi Tadbir al-Mamlaka Wa Hifz al-Riyasa," fol. 116r.
[379] For comparison: Najm al-Dīn al-Tarsūsī (ed. Ridwan al-Sayyid), *Kitāb Tuhfat al-Turk fī mā Yajib an Yuʿmal fī al-Mulk* (2012), 136, 140, 141; Necmeddin et-Tarsusi (ed. Üsame Onuş), *Tuhfetü't-Türk Fî Mâ Yecibu En Yu'mele Fi'l-Mülk: Tarsûsî'nin Siyâsetnâmesi* (2018), 125, 129, 131; Tarsusi, "Nasihatü'l-Mülūk," fols. 49v, 52v, 53r; Tarsusi, "Kitab Al-Siyasa Fi Tadbir al-Mamlaka Wa Hifz al-Riyasa," fols. 102v, 108v, 109v.

On the other hand, to see the interchangeable use of these terms, the translator preferred "*pādişāh*" instead of Imam. This might seem contradictory at first sight when considering the extension of the Imam title for the sultan. Such preferences demonstrate, however, the end of the strict differences among sultan, caliph, and Imam. To this end, I believe that Lutfi Pasha's arguments and the interventions of the translator of *Tuḥfat al-Turk* must have been signs of the same transformation in political legitimacy. Most importantly, as elaborated above,[380] it is an excellent opportunity to understand both how Mamluk political literature provided a way out for the Ottomans, and how Ottoman political literature, at least its juristic branch, was somehow a continuation of Mamluk political literature in terms of its problems and solutions.

3.3 Conclusion

As an author, who lived in the fourteenth-century Mamluk sultanate, al-Ṭarsūsī seems to have held a significant place for Ottomans up until the twentieth century. Ottoman scholars not only translated and copied his works, but also utilized his ideas for several legitimacy concerns and incorporated into their scholarly discussions. Moreover, as mentioned above, he was even considered an *Osmanlı müellifi* (an Ottoman author) in Bursalı Mehmed Tahir's work. In this chapter, I examined the life of al-Ṭarsūsī's *Tuḥfat al-Turk* in the Ottoman Empire through the dissemination of its copies and its translation in the sixteenth century.

With respect to *Tuḥfat al-Turk*, one can say that the treatise was welcomed by Ottoman literati. Even though the exact date of the translation is still open to question, I believe I have shown fairly conclusively that it had to have been done

[380] Hassan, *Longing for the Lost Caliphate*, 122.

after the Ottoman conquest of Egypt in 1517 and before 1560. Considering the text's preoccupation with inter-madhhab competition, I have further raised the likelihood that the text was translated in the first seven years following the Ottoman context, before the Ottomans finalized how they would manage Egypt's legal affairs.

Furthermore, the place of the translation is also enigmatic for us, yet both extant copies of the translation have a strong connection with Egypt. That is why I suppose the place of the translation as Egypt. Under any circumstances, further textual evidence and discoveries of other copies might reveal a different story. On the other hand, it is interesting to see that the copies of the original texts penned between the sixteenth and the eighteenth centuries mostly located in the libraries of Ottoman core lands, i.e. *Rum*.

Since the translation was verbatim in nature, it is indeed difficult to find dramatic changes. Nevertheless, the adaptations in the titles and offices clearly demonstrate that the translator played a considerable role in preparing the text for its new audience. Moreover, he also made very minor interventions and highlights in tandem with the contents and emphasis of the contemporary juristic treatises of the sixteenth century. *Yed-i Kuvvet,* for instance, was added and underscored by the translator, while such an emphasis does not exist in the original treatise. On the other hand, al-Ṭarsūsī's *Tuḥfat al-Turk* already contained useful arguments for Ottoman rulership, such as proofs for the legitimacy of Turks' rulership without abiding the certain conditions. In addition, *Tuḥfat al-Turk'*s interchangeable usage of the titles sultan and Imam is perfectly in synch with the other treatises' usage, including that of Lutfi Pasha and el-Amāsī. To conclude, both al-Ṭarsūsī's *Tuḥfat al-Turk* and its sixteenth-century Ottoman Turkish translation demonstrate how the Ottomans

benefited from the intellectual heritage of the Mamluk sultanate and how these works helped to formulate the juristic conception of political thought.

CHAPTER 4

DIVERGENT METHODS, SIMILAR DIRECTIONS: TWO SIXTEENTH-CENTURY TRANSLATIONS OF AL-KHAYRABAYTĪ'S *AL-DURRA AL-GHARRĀ*

Alongside Ibn al-Taymiyya's *al-Siyāsa al-Shar'iyya* and Najm al-Din al- Ṭarsūsī's *Tuḥfat al-Turk*, another Mamluk-era text that captured the attention of Ottoman literati in the sixteenth century was *al-Durra al-Gharrā fī Naṣīḥat al-Salāṭīn wa'l-Qudāt wa'l-Umarā* (The White Pearl of Advice to the Sultans, Judges and Governors) by the fifteenth-century Mamluk scholar al-Khayrabaytī. The text was translated into Ottoman Turkish twice: Abdüsselām bin Şükrullah el-Amāsī prepared the first of these translations sometime during the reign of Süleyman and entitled it *Tuḥfetü'l-Ümerā ve Minhatü'l-Vüzerā* (A Gift for Statesmen and an Offering for Viziers), while Ibn Fīrūz prepared a second translation entitled *Gurretü'l-Beyżā* sometime during the second half of the sixteenth century.

In this chapter, I will discuss how these two sixteenth-century Ottoman writers interpreted the fifteenth-century Mamluk text by examining each of the three texts within their specific contexts as well as in relation to one another. Since *Gurretü'l-Beyżā*, unlike *Tuḥfetü'l-Ümerā ve Minhatü'l-Vüzerā*, varies very little from the original text, the textual analysis of the former has to be much more limited. This discussion will further illustrate the close relationship between the proliferation of Ottoman juristic discourse in the sixteenth century with the Ottoman engagement with the Mamluk intellectual heritage after the Ottoman conquest of Egypt and Syria.

4.1 Source text: Al-Khayrabaytī's *al-Durra al-Gharrā' fī Naṣīḥat al-Salāṭīn Wa'l-Qudāt wa'l-Umarā*

4.1.1 Author

Al-Khayrabaytī with his full name, Maḥmūd b. al-Shaykh Isma'īl b. Ibrāhīm b. Mikā'il b. Hiḍir b. Yūsuf b. Ya'qūb b. Nūr al-Din al-Khayrabaytī is a little known fifteenth-century Mamluk scholar.[381] Bibliographical information about him is scarce even though it is not completely absent. There is no consensus either on his full name or on his epithet. In *Kashf al-Zunūn*, Katib Çelebi states that *al-Durra al-Gharrā* was written by al-Shaykh Maḥmūd b. Isma'īl al-Cīzī.[382] However, modern scholars, including al-Zirikli, object to Katib Çelebi's entry and argue that Khayrabaytī is the correct form of the epithet.[383] Actually, the transliteration of the name also remains an open question. The epithet is rendered differently in different manuscript copies of the work. Some of the variant names that I find in the Turkish manuscript collections are [384] "Mahmud b. İsmail b. İbrahim b. Mikail el-Harpari"[385], "Mahmud b. İsmail b. İbrahim el-Cizi"[386], "Mahmud b. İsmail b. İbrahim el-Cîzî veya el-Cizerî"[387], "Mahmud b. İsmail b. İbrahim b. Mikail el-Eş'ari el-Hanefi"[388], and

[381] Mahmūd b. Ismāʿīl b. Ibrāhīm Khayrabaytī, *Al- Durra al- Gharrā fī Nasīhat al-Salātīn Wa al-Qudāt Wa al- Umarā*, 101. Unfortunately, I cannot have a chance to look at the manuscript itself. However, the editor states in his critical edition that he uses two manuscripts for the edition, and one of them is the autograph dated 1440. The editor says that this full name comes from the front page of the manuscript as well.
[382] Katib Çelebi, *Kashf Al-Zunun 'an Asami al-Kutub Wa-l-Funun*, 741.
[383] Al-Zirikli, *Al-A'lam*, 7:166.
[384] To investigate the manuscripts, I mainly benefitted ISAM's "Türkiye Kütüphaneleri" database and Türkiye Yazma Eserler Kurumu's "yazmalar.gov.tr" website as well as the catalogues that exist in Süleymaniye library.
[385] Mahmud b. İsmail b. İbrahim b. Mikail el-Harpari, "Ed-Dürretü'l-Garra Fi Nesaihi'l-Müluk ve'l-Vüzera" (1441), 001433, MS Topkapı Palace Ahmed III Library.
[386] Mahmud b. İsmail b. İbrahim el-Cizi, "Ed-Dürretü'l-Garra Fi Nesayihi'l-Müluk ve'l-Vüzera" (H. 966), 001082, MS Süleymaniye Library Hamidiye.
[387] Mahmud b. İsmail b. İbrahim el-Cîzî veya el-Cizerî, "Ed-Durretü'l-Garra' Fî Nasihati's-Selâtîn ve'l-Kuzât ve'l-Ümerâ" (n.d.), 34 AE Arabi 2084, MS Millet Library.
[388] Mahmud b. İsmail b. İbrahim b. Mikail el-Eş'ari el-Hanefi, "Ed-Dürretü'l-Garra Fi Nasihati's-Salatini ve'l-Kudati ve'l-Ümerâ" (n.d.), 001381, MS Mevlana Library.

"Mahmud b. İsmail el-Harteberti."[389] Clearly, the fact the epithet was an obscure word and is written in Arabic script with characters that feature many dots (i.e., diacritics) increases the uncertainty. Since the editor relied on the author's copy, the epithet of al-Khayrabaytī prevails over the other possibilities, and I have also chosen to use this one throughout this thesis.

The author's dates of birth and death are also enigmatic for us, since there is no information in biographical compendia such as al-Sakhawi's (d. 1497) *al-Daw' al-Lāmi'* and Ibn Tolun's (d. 1546) *Kitāb al-Ghuraf*.[390] Therefore, modern scholars need to estimate the approximate years in which he was alive based on other clues. Al-Khayrabaytī penned his book, *al-Durra al-Gharrā fī Naṣīḥat al-Salāṭīn wa'l-Qudāt wa'l-Umarā*, in H. 843/ 1440 C.E. according to the information in the critical edition, in which the editor claims that the author's own manuscript was used.[391] Therefore, even if the dates of birth and death cannot be determined exactly, one can argue that he was alive around the 1440s. On the other hand, another book on the Arabic language in manuscript libraries, entitled *Tawḍīh al-I'rāb fī sharh Qavāid al-I'rāb,* can be attributed to him as well because of the similar epithets and similar two records in his full name: "Mahmud b. Isma'il." Even though there are some divergences in the later records of the name (i.e. using Abd Allah instead of Ibrahim) in different manuscripts, the information in the manuscript catalogues states that he died in H. 904/ 1504 C.E.[392] Apparently, the cataloguers borrowed this date from

[389] Mahmud b. İsmail el-Harteberti, "Ed-Durretü'l-Gurra Fi Nasihati's-Selatin ve'l-Kuzat ve'l-Ümera" (1547), 000412, MS Bayezid Devlet Library Merzifonlu Kara Mustafa Paşa.
[390] Al-Zirikli, *Al-A'lam*, 7:166; Ibn Tulun, "Kitab Al-Ghuraf al-'Aliyya Fi Mute'akhkirî al-Hanafiyya" (n.d.), 1924, MS Süleymaniye Library Şehid Ali Paşa.
[391] Mahmūd b. Ismāʿīl b. Ibrāhīm al-Khayrabaytī, *Al-Durra al-Gharrā Fī Nasīhat al-Salātīn Wa al-Qudāt Wa al-Umarā*, 1996, 306.
[392] Mahmud b. İsmail b. Abdullah el-Harbeterti, "Tavzihu'l-Irab" (n.d.), 000389, MS Burdur İl Halk Library; Mahmud b. İsmail b. Abdullah el-Harputi, "Tavdihu'l-i'rab An Kavaidi'l-i'rab" (n.d.), 006538, MS Beyazıt Devlet Library Beyazıt; Mahmud b. İsmail b. İbrahim b. Mikail al-Khayrabayti, "Tavdīh Al-i'rab Fī Sharh Kavaid al-i'rab" (H1142), R - 3469, MS Gazi Husrev Beg Library.

Katib Çelebi's entry on al-Khayrabaytī's *Tawḍīh al-I'rāb* entry in *Kashf al-Zunūn*.[393] While Katib Çelebi contents himself by saying that "it has been explained before" in this entry, he gives detailed information both about the author and about the commentary in the entry of *al-I'rāb an Qavāid al-I'rāb*.[394] He says that *Tawḍīh al-I'rāb* was penned by al-Shaykh Maḥmūd b. Isma'īl b. 'Abd Allah al-Khartabartī, who died in H.910/ 1504 C.E.[395] Therefore, the date of death might have been 1504. On the other hand, Brockelmann wrongly states in the entry for Mahmūd b. Isma'il b. Ibrāhim b. Mika'il al-Harpari (Hartabirdi) in *Geschichte der arabischen Litteratur (GAL)* that the author penned *al-Durra al-Gharrā* in 1626.[396] He probably relied on the copy date of one of al-Khayrabaytī's manuscripts.

Despite the fact that the evidence at hand does not allow us to prove that the two names belonged to the same man, it is still a great possibility when one considers the other manuscripts of *Tawḍīh al-I'rāb* in Turkey and Bosnia. In the catalogue entries for these manuscripts, it can be seen that the manuscripts are recorded under the name of al-Khayrabaytī or abovementioned variations of the name.[397] Moreover, there is one manuscript that includes both combinations, giving the name of author as "Mahmûd b. İsmâ'il b. Abdullâh b. Mikâ'il".[398] Based on this evidence, I believe that the Arabic grammar book *Tawḍīh al-I'rāb* was also written by al-Khayrabaytī.

Judging by his political writings, al-Khayrabaytī was a Hanafi scholar who dealt with Islamic jurisprudence (*fiqh*). Moreover, he wrote a book on Arabic

[393] Katib Çelebi, *Kashf Al-Zunun 'an Asami al-Kutub Wa-l-Funun*, 1:517.
[394] Katib Çelebi, 1:124.
[395] Katib Çelebi, 1:124.
[396] Brockelmann, *Geschichte Der Arabischen Litteratur*, vol. Zweiter Supplementband: 665.
[397] Mahmud b. İsmail b. İbrahim b. Mikail al-Khayrabayti, "Tavdīh Al-i'rab Fī Sharh Kavaid al-i'rab" (H1142), R - 3469, MS Gazi Husrev Beg Library; Mahmûd b. İsmâ'il b. İbrahim b. Mikâ'il el-Hartaperdî, "Et-Tavzihü'l-İ'râb an Kavâ'idi'l-İ'râb" (n.d.), 50 Damad 423, MS Nevşehir Damad İbrahim Paşa İl Halk Library.
[398] Mahmûd b. İsmâ'il b. Abdullâh b. Mikâ'il, "Tavzîhu'l-İ'râb Fî Şerhi Kavâ'idi'l-İ'rab" (1061), 06 Mil Yz A 5027, MS Milli Kütüphane - Ankara.

grammar, so he, presumably, was also an Arabic philologist. There is no firm information regarding his theological school. While al-Khayrabaytī expresses in *al-Durra al-Gharrā* the preference for the opinion of al-Maturidi on one of the conditions of the caliphate,[399] in two of the manuscript copies of his work his madhhab affiliation is identified as "al-Ash'ari al-Hanafi."[400] If true, the latter assertion is interesting, because Maturidiyya, as the other major Sunni theological school, had been closely affiliated with the Hanafi school of law since its beginnings. In fact because of this close relationship, Maturidiyya was called Hanafiyya-Maturidiyya in some sources.[401] Moreover, there is some evidence of tension between Hanafi-Maturidi and Ash'ari Shafi'i scholars in the Mamluk state during the fourteenth and fifteenth centuries, with the Ash'ari Shafi'i scholars criticizing followers of the Hanafi madhhab for giving less attention to "transmitted" (*naqli*) sources, especially prophetic traditions (*hadith*s) . Many polemical texts, including al-Ṭarsūsī's polemic in verse, *Urjuza fī ma'rifa ma bayna al-Ash'ariyya wa al-Ḥanafiyya min al-Khilaf fī Usūl al-Dīn*, were penned in this context.[402] On the other hand, there was a growing influence of Ash'ari scholars such as al-Taftāzānī on Hanafi scholars. These scholars' increasing interest in hadith studies brought Hanafi and Ash'ari schools closer to each other, with scholars who became known as Hanafi-Ash'ari beginning to proliferate during the fifteenth century.[403]

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[399] Mahmūd b. Ismāʿīl b. Ibrāhīm al-Khayrabaytī, *Al-Durra al-Gharrā Fī Nasīhat al-Salātīn Wa al-Qudāt Wa al-Umarā*, 126.

[400] Mahmud b. İsmail b. İbrahim b. Mikail el-Eş'ari el-Hanefi, "Ed-Dürretü'l-Garra Fi Nasihati's-Salatini ve'l-Kudati ve'l-Ümerâ" (n.d.), 001381, MS Mevlana Library; Mahmud b. İsmail b. İbrahim b. Mikail el-Harpari, "Ed-Dürretü'l-Garra Fi Nesaihi'l-Müluk ve'l-Vüzera" (1441), 001433, MS Topkapı Palace Ahmed III Library, fl. 2r. Additionally, the editor also gives similar information (Mahmud b. Isma'il b. Ibrahim b. Mikail al-Ash'ari al-Hanafi) that exists in another manuscript in the Dar al-Kutub al-Misriyya: Mahmūd b. Ismāʿīl b. Ibrāhīm al-Khayrabaytī, *Al-Durra al-Gharrā Fī Nasīhat al-Salātīn Wa al-Qudāt Wa al-Umarā*, 106.

[401] Yavuz, "Mâtüridiyye."

[402] Şık, "Necmeddin Tarsûsî'nin Urcûzesinde Eş'ari-Hanefi Teolojik Farklılaşmaları," 327–42.

[403] Özen, "Teftâzânî"; Kutlu, "Timur Dönemi ve Sonrası Kelamî Edebiyatın Türkistan Sahası Kaynakları"; Mona Hassan explains how the Ash'arism was common among the Hanafi and Maliki

Even though al-Khayrabaytī remains a writer shrouded in mystery due to the lack of information about him in the rich Mamluk biographical literature, the number of manuscript copies of his works in Turkey, Bosnia, and Egypt reveals that they enjoyed a relatively wide audience. To the best of my knowledge, there are ten copies of *al-Durra al-Gharrā*[404] (one in the Ottoman Palace library) and at least 20 copies of *Tawḍīh al-I'rāb* in different cities of Turkey and Bosnia.[405] Most of these manuscripts, as far as I could detect, were located in the core provinces of the Ottoman Empire and copied after the conquest of Arab lands in 1517.[406] In addition, Katib Çelebi devoted two separate entries to al-Khayrabaytī's two books in his well-known encyclopedia even though he was not able to detect the correct title of *al-Durra al-Gharrā* and match the two works to the author. All this evidence suggests that the Ottomans rediscovered the enigmatic Mamluk author by copying his original works and translating his work into Ottoman Turkish.

schools of law in the Mamluk era based on the writings of Taj al Dīn al-Subkī, see: Hassan, *Longing for the Lost Caliphate*, 120.

[404] For the details of the copies of *al-Durra al-Gharrā*, refer to bibliography.

[405] For copies of the manuscript, see bibliography.

[406] For the thesis, I relied on several databases to reach the catalog information of the manuscripts. For the libraries of Turkey, I use ISAM's database of "Türkiye Kütüphaneleri" and YEK's yazmalar.gov.tr as well as the local databases of Süleymaniye Library. To reach the catalog information of manuscripts that are located outside Turkey, I use al-Majid Center's database (almajidcenter.org/search.php) and al-Furqan Islamic Heritage Foundation's Digital Library as well as the individual catalogs of some libraries, including al-Maktaba al-Azhariyya (Cairo), Dar al-Kutub al-Misriyya (Cairo), Maktabat al-Ḥaram al-Makkī al-Sharīf (Mecca), Maktabat Masjid al-Nabawi (Madinha), Library of Islamic University of Madinah (Madinah), Dar al-Kutub al-Zahiriyya (Syria), Dar al-Kutub al-Wataniyya (Tunis), King Faisal Center for Research and Islamic Studies (Saudi Arabia).

4.1.2 Content

Al-Durra al-Gharrā fī Naṣīḥat al-Salāṭīn wa'l-Qudāt wa'l-Umarā[407] of al-Khayrabaytī, can be regarded as a work of "mirror for princes" genre, yet its language and content were primarily shaped by the *fiqh* tradition.[408]

In the introduction of the book, al-Khayrabaytī provides his own name, the name of the ruler to whom he dedicated his work, the title of his text, and an outline of its contents.[409] He wrote his book in 1440 for the Mamluk ruler al-Malik al-Zahir Muhammad Abu Said Caqmaq (r. 1438-1453, d. 1453). In the outline, he provides the titles of ten chapters: On Imamate, On the Conditions of Imamate, On the Legal Status of Imam, On the Principles of Imamate and its Circumstances, On the Vizierate, On the Rules of Soldiers, On Legal Matters regarding the Governors and the Sultans, "On Legal Stratagems" (*al-Ḥiyal al-Shar'iyya*), On the Admonition for the Duties in the Legal Matters, and On Miscellaneous Matters.

In Chapter One, "On the Imamate," the author defines what Imamate means, and equates it with Caliphate by excluding prophethood (*nubuwwa*) and judgeship (*ḳadā*). Significantly, al-Khayrabaytī sees the caliph as a vicegerent of the Prophet. Moreover, he also briefly explains the duties of the Imam, such as collecting taxes, the obligation of designation (*in'iqād* or *tanṣīṣ*) of an Imam for the ummah, the impossibility of the existence of two Imams at the same time, and so on.[410] Lastly, he openly criticizes the Shi'ite belief in hidden rulership, and argues that the Imam must

[407] I can reach only one of the two edited volumes of the work, see: Mahmūd b. Ismāʿīl b. Ibrāhīm al-Khayrabaytī, *Al-Durra al-Gharrā Fī Nasīhat al-Salātīn Wa al-Qudāt Wa al-Umarā*, 1996; for the other edition, see: Mahmud b Isma`il al-Khayrabayti, *Al-durra al-garra' fi nasihat al-salatin wa-l-qudat wa-l-umara'* (Markaz Ibn al-Azraq li-Dirasat al-Turath al-Siyasi/Ibn Al Azraq Center for Political heritage Studies, 2012).
[408] Yılmaz, *Caliphate Redefined*, 61–62.
[409] Mahmūd b. Ismāʿīl b. Ibrāhīm al-Khayrabaytī, *Al-Durra al-Gharrā Fī Nasīhat al-Salātīn Wa al-Qudāt Wa al-Umarā*, 104–8.
[410] Mahmūd b. Ismāʿīl b. Ibrāhīm al-Khayrabaytī, 109–18.

be visible to take care of the people's needs.[411] In Chapters Two, Three, and Four, al-Khayrabaytī deals with various aspects of the Imamate from the different ways to be designated a caliph or Imam to the Imam's virtues. Since I will compare translations with the original text later in this chapter, I will not summarize these chapters here.

Chapter Five, "On the Vizierate," discusses the importance of a gifted vizier for a sultan, the characteristics of good viziers, and their responsibilities.[412] The last chapter that exists in the translations is Chapter Six, "On the Rules of Soldiers." This chapter discusses the requirements of the officers and soldiers during their services to the Sultans, viziers, and governors.[413] At the end of this chapter, there is a subchapter, entitled Advice (*Mawʿiza*), in which al-Khayrabaytī narrates advices from prophets, scholars, and Sufis.

Both of the Turkish translations of the *al-Durra al-Gharrā* end with the above-mentioned chapters. The original text, however, has four additional chapters. In Chapter Seven, "On Legal Matters regarding the Governors and the Sultans," the author discusses several legal issues, such as adjudication, rebels (*al-bughat*), highwaymen (*qutta' al-tarīq*), and Friday prayer. This section resembles a manual for judges or governors. Al-Khayrabaytī, in Chapter Eight "On Legal Stratagems" (*al-Ḥiyal al-Sharʿiyya*), provides non-conventional solutions for difficult legal problems. For instance, if a woman knows that her husband divorced her with a triple *talaq*, yet she cannot go away from him, she can kill him without using a weapon (*ālāt al-ḥarb*).[414] There are many other cases about divorce, trade, and prayers, including fasting and *zakat* in this chapter.

[411] Mahmūd b. Ismāʿīl b. Ibrāhīm al-Khayrabaytī, 118.
[412] Mahmūd b. Ismāʿīl b. Ibrāhīm al-Khayrabaytī, 212–30.
[413] Mahmūd b. Ismāʿīl b. Ibrāhīm al-Khayrabaytī, 231–36.
[414] Mahmūd b. Ismāʿīl b. Ibrāhīm al-Khayrabaytī, 300.

The last two chapters are related to miscellaneous issues in many different areas, yet almost all of them are related to juristic matters. Chapter Nine, "On the Admonition for Duties in Legal Matters," mainly consists of Abū Layth al-Samarqandī's (d. 983) opinions on the issue, while the last chapter, "On Miscellaneous Matters," covers a wide range of topics from the lawfulness of reciting poetry and reciting the Quran in front of a grave, to washing hands before and after meals, and the inheritance of orphans, and *waqf*s.[415]

At the end of his book, al-Khayrabaytī lists his sources by grouping them in three categories: *tafsir*s (exegeses on the Quran), sources on legal matters (*al-masā'il al-shar'iyya*), and exemplary stories from previous rulers and important people.[416] Under *tafsir*, he mentions *Ma'ālim al-tanzīl* by the Shafi'i scholar Baghawī (d. 1112), *Zad Al-Masīr fì 'Ilm Al-Tafsir* by the Hanbali scholar Ibn Al-Jawzī (d. 1201), and the *tafsir* by the Hanafi scholar al-Samarqandī. Under works on legal matters, he uses again al-Samarqandī's collection of Hanafi legal opinions, *Fatawā al-Multaqat,* and three other sources, namely *al-Fatawa al-Kubrā li'l-Bukhārī, Fatawā al-Wāqi'āt,* and *Fatawā al-Minya.* Even though al-Khayrabaytī does not mention it, the editor (whose name was not given in the book), who prepared the critical edition of the work, determined that the author uses similar *fatwa*s that are present in two important Hanafi handbooks of legal opinions. *Fatawa al-Bazzaziyya* and *Fatawa al-Hindiyya*.[417] Lastly, he says that al-Ghazali's (d. 1111) *Ihya Ulūm al-Din* and several other respectable sources were the sources of the stories that appear in the text. While the first chapters of the book include both stories from the Greco-Persian heritage and juristic judgements, the former disappear in Chapter Seven, and the book starts

[415] Mahmūd b. Ismāʿīl b. Ibrāhīm al-Khayrabaytī, 331–55.
[416] Mahmūd b. Ismāʿīl b. Ibrāhīm al-Khayrabaytī, 355.
[417] Mahmūd b. Ismāʿīl b. Ibrāhīm al-Khayrabaytī, 262ff.

to look like a standard book of *fiqh*. However, it is obvious that the juristic discourse dominated the book's overall outlook.

Al-Khayrabaytī's affiliation with the Hanafi legal school is also apparent from the list of reference material he used in his work. In many places, he gives references to the foundational imams of the madhhab, including Abu Hanifa (d. 767), Abu Yusuf (d. 798), Imam Muhammad al-Shaybani (d. 805), Abu al-Layth al-Samarqandi, and Abū'l-Hasan al-Karkhi (d. 951).[418] On the other hand, he also uses non-Hanafi sources, especially the *tafsir*s of Shafi'i and Hanbali authors, and al-Ghazali's work. In some legal cases, such as the preconditions of Friday prayer, he also quotes the opinion of Imam Shafi'i beside Abu Hanifa and Abu Yusuf, even though he does not agree with him.[419]

Özgür Kavak, in a recent article, states that *al-Durra al-Gharrā* has an important place in the Mamluk political thought since it provided legitimacy for a non-Quraishi polity with a juristic solution that validated such rulers' leadership by designation of Quraishi people.[420] On the other hand, the work slightly touches upon the inter-madhhab competition that was discussed in detail in the previous chapter.[421] For instance, he does not agree with the certain requirements of the "Imamate" claimed by the Shafi'is such as piety (*taḳvā*).[422] Even though it is not certain as in the case of al-Ṭarsūsī, his disagreement is apparent. However, evaluating this treatise as a polemical treatise will be an overinterpretation since the author does not directly target a certain aim for the sake of his madhhab's account.

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[418] See for the examples: Mahmūd b. Ismāʿīl b. Ibrāhīm al-Khayrabaytī, 244–330.
[419] Mahmūd b. Ismāʿīl b. Ibrāhīm al-Khayrabaytī, 275–76.
[420] Kavak, "Memlükler Dönemi Siyaset Düşüncesine Giriş," 208–9.
[421] For a detailed analysis on the competition among the schools of law, see: Escovitz, "The Establishment of Four Chief Judgeships in the Mamlūk Empire"; Winter, "Inter-Madhhab Competition in Mamluk Damascus"; Rapoport, "Legal Diversity in the Age of Taqlīd."
[422] Mahmūd b. Ismāʿīl b. Ibrāhīm al-Khayrabaytī, *Al-Durra al-Gharrā Fī Nasīhat al-Salātīn Wa al-Qudāt Wa al-Umarā*, 123–24.

4.2 Abdüsselām bin Şükrullah el-Amāsī's translation: *Tuhfetü'l-Ümerā ve Minhatü'l-Vüzerā*

Al-Khayrabaytī's *al-Durra al-Gharrā fī Naṣīḥat al-Salāṭīn wa'l-Qudāt wa'l-Umarā* attracted a fair amount of attention in the sixteenth-century Ottoman world. Alongside its sixteenth-century copies, two different translations into Ottoman Turkish were made by two Ottoman scholars. The earlier of the two translations, *Tuḥfetü'l-Ümerā ve Minhatü'l-Vüzerā*, was carried out by a certain Abdüsselām bin Şükrullah el-Amāsī. A modern edition of this translation was prepared by A. Mevhibe Coşar in 2011.[423] The editor uses the British Museum manuscript, which appears to be the only surviving manuscript as is current known. The manuscript was recorded under the "Or. 6416" catalogue number in the British Library.

4.2.1 The translator: Abdüsselām bin Şükrullah el-Amāsī

Abdüsselām bin Şükrullah el-Amāsī was a less well-known scholar than the author of the source treatise. There is no information about him in the biographical compendia of the sixteenth century. Mevhibe Coşar, who prepared a critical edition of the text speculates about his connections with other scholars who are also known by the "Amāsī" epithet including the author of *Behçetü't-Tevārih*, Şükrullah el-Amāsī (fl. 1464).[424]

On the other hand, the translator gives a few autobiographical hints in his translation. First and foremost, he mentions that he lived in the reign of "our *padişah Hażret-i Sulṭan Süleymān bin Selīm Han bin Bāyezid bin Meḥemmed bin Murād bin*

[423] Abdüsselam el-Amasî, *Tuhfetü'l-Ümerâ ve Minhatü'l Vüzerâ: Siyaset Ahlakı*, ed. A. Mevhibe Coşar (İstanbul: Büyüyenay Yayınları, 2012).
[424] Abdüsselam el-Amasî, 32–33.

Meḥemmed bin Orhan bin ʻOsman."[425] Therefore, he can be said to have translated this book sometime between the years 1520 and 1566. From a couplet included at the end of the translation, we learn that the author had the penname of "Selāmī."[426] Even though I found several "Selāmī"s, who were alive in the sixteenth century and Mustafa İsen detected four "Selāmī"s, I have not been able to identify any writer or poet, whose epithet resembles Abdüsselām bin Şükrullah el-Amāsī in any of the biographical dictionaries of ulema or poets.[427]

4.2.2 Text and context

The only known copy of Abdüsselām bin Şükrullah el-Amāsī's translation, located at the British Library, consists of 166 folios and is written in *nesih* style. On the first page of the translation, an ornamented introduction draws attention. On the front page, the copyist or more likely a later reader noted the title as "*Ed-Durretü'l-Garrā Tercümesi Tuḥfetü'l-Ümerā*" [*al-Durra al-Gharrā*'s translation *Tuḥfetü'l-Ümerā*] by erasing another title, which was *Zübdetü'l-Ahlaḳ*. Coşar interprets this deleted name as a possibility of confusion in the mind of the copyist by about the name of the text.[428]

In the first folio of the manuscript, along with many stamps (including that of the British Museum), the translation's full name and its translator are recorded alongside the original work's title and author. At the end of the translation, there is a colophon by a certain Seyyid Hasan Hakkı. Presuming that Seyyid Hasan Hakkı was

[425] Abdüsselam el-Amasî, 145.
[426] Abdüsselam el-Amasî, 33, 215. The couplet: *Risāle tercümesi çün irişdi pāyāne/ Selāmiyā sana ḥaḳdan ʻināyet ise yeter*.
[427] İsen, "Divan Edebiyatında Maslahdaş Şairler," 215. I have also studied several sixteenth-century bibliographical dictionaries, including Taşköprülüzade's al-Shaqa'iq al-nu'maniyya and *tezkire*s of Laṭīfī, Aşık Çelebi, and Sehi Bey.
[428] Abdüsselam el-Amasî, 31.

the copyist, Mevhibe Coşar translates this note as follows: "Although the author of the book did not specify, this book was completed on February 15, 1893, in the fourth day at two o'clock."[429] This translation seems to me to be erroneous for two reasons. First, it does not make sense that the copyist would mention that the author/translator had not indicated the date of completion of the *copying down* of the text. Second, it seems unlikely that Seyyid Hasan was the copyist, as he wrote the said note not in *nesih*, like the rest of the text, but in *rik'a*, which became popular in the nineteenth century.[430] So, Seyyid Hasan must have been a later reader and not the copyist, and the translation of the colophon in question must be corrected as follows: "Although its author did not specify it, the book comes to an end here. This has become evident through a perusal of the text on February 15, 1893, in the fourth day at two o'clock."[431]

Along with the above-mentioned information in the colophon, Seyyid Hasan states his first and second perusal of the book in the same year. Although I could not be sure about the reader's identity, he might be Hasan Hakkı Pasha (b. 1826, d.1896) who was a provincial governor and a son of Vizier Mustafa Pasha of Buşat or İşkodra. It is known that Mustafa Pasha had a keen interest in books. Mehmet Arslan also states that Hasan Hakkı Pasha's family had a rich collection of books.[432] Moreover, in the colophon, he gives his attribute as "*mevduatu'l-vezîr,*" which literally means "trust of the vizier".[433] This indicates that the book was still being

[429] Abdüsselam el-Amasî, 134–35. Mevhibe Coşar says: "Kitap, yazarı belirtmemiş olsa da 15 Şubat 1893'te dördüncü gün saat 2'de tamamlanmıştır."
[430] Serin, "Rik'a."
[431] Abdüsselam el-Amasî, 215. The original statement of in the text: "Bu kitāb bu maḥalde tamām olmuşdur. Lākin muḥarriri işaret eylememiş ise de tatabbu' ile ma'lum olur. 28 Receb sene 1310, yevm-i erba'ā, sā'at 2; el-Faḳīr Seyyid Ḥasan Ḥaḳḳı mevdu'atu'l-vezīr."
[432] Bilge, "Mustafa Paşa, Buşatlı"; Arslan, "Hasan Hakkı Paşa, İşkodralı."
[433] Abdüsselam el-Amasî, *Tuhfetü'l-Ümerâ ve Minhatü'l Vüzerâ*, 215.

read in the late nineteenth century, before it was sold by a book dealer to the British Museum in 1902.[434]

4.2.2.1 Content and organization

Translation was a slightly different concept for people of the early-modern period, as discussed in the Introduction of the thesis. In that sense, el-Amāsī's translation of *al-Durra al-Gharrā* as *Tuhfetü'l-Ümerā* is a very significant example of this tradition, as it carries several idiosyncratic features that will be elaborated on below.

Before delving into the content of the translation, I would like to emphasize el-Amāsī's rationale for this translation. Unlike *Tuhfat al-Turk*'s translator, el-Amāsī hides neither the original author and source nor his own name. In the beginning of the book, he mentions his name, the title of the original book, his rationale for the translation, the title of the translated text, and the outline of the book right after the classical entrance, in which he thanks God and prays for the prophet and his companions. He explains his aim as follows:

> I closely scrutinized *al-Durra al-Gharrā*, and found this book to be very beneficial for everyone, but especially for Sultans (*mulūk* and *selāṭin*), governors (*ümerā*), and viziers (*vüzerā*). That is why I translated it from Arabic into Turkish. I gave the title of *Tuḥfetü'Ümerā ve Minhatü'l-Vüzerā*, which consists of six chapters.[435]

From this section, we learn el-Amāsī translated the text for the benefit of the sultan and his military ruling elites, but beyond this, it is not possible to ascertain anything about his patronage relationships.

The introductions of the original text and *Tuhfetü'l-Ümerā* are exceptionally distinctive. *Barā'at al-Istihlāl* is a common concept in Arabic rhetoric (*balagha*)

[434] Abdüsselam el-Amasî, 32.
[435] All translations are my own unless stated otherwise. Abdüsselam el-Amasî, 139–40.

which indicates using specific words for thankfulness to God and prayers that exist in the very beginning of the text in order to indicate or emphasize one's own subjects and aims in the following pages of the book.[436] In that sense, al-Amāsī also says in the first sentence of the book: "Endless thanks be to Mighty God who creates Sultans, viziers, and governors in order to put the world in order and govern the people."[437]

After this preparatory introduction, he re-organizes the content of the book so that the original ten chapters are now divided into six chapters. The first two chapters of the Arabic source which were titled "On Imamate" and "On the Conditions of Imamate" are combined in the first chapter of the translation under the title "On the Obligation of Imamate, the Establishment of the Imamate, and the Conditions of the Imamate" (*Vücūb-i İmāmet ve İn'iḳād-i İmāmet ve Şerāyiṭ-i İmāmet*). The third chapter, "On the Legal Status of Imam," goes into the second chapter of *Tuḥfetü'l-Ümerā* entitled "On the Rules of Imamate" (*Ādāb-i İmāmet*). "On the Principles of Imamate and its Circumstances," the fourth chapter in *al-Durra al-Gharrā*, was translated under similar title "On the Principles of Imamate and its Circumstances" (*Ḳavā'id-i İmāmet and Aḥvāl-i İmāmet*). Chapters Five and Six of Arabic text, On the Vizirate and On the Rules of Soldiers, become the fourth and fifth chapters of the translation with the titles "On the Vizierate and the Rules of Vizirate" (*Vezāret ve Ādāb-i Vezāret*) and "On the Principles of the Soldiers and the Rules of Servants" (*Ḳavā'id-i Ecnād ve Ādāb-i Hüddām*). The interesting intervention of el-Amāsī takes place in the last chapter of the translation "On Sermons and Admonitions" (*Meva'iẓ and Neṣāih*).[438] In this chapter, el-Amāsī made a supplement to the sixth chapter of

[436] Gelder, *Beyond the Line*, 138.
[437] Abdüsselam el-Amasî, *Tuhfetü'l-Ümerâ ve Minhatü'l Vüzerâ*, 139.
[438] Abdüsselam el-Amasî, 140.

the Arabic text and the seventh chapter of Ibn Fīrūz's translation as a separate chapter.[439] In addition, the translator frequently changes the location of certain passages within and between the chapters. These changes also make appreciable differences in meaning.

Along with the shifts in content, the combining of two chapters into one and transforming of one sub-chapter into a separate chapter clearly demonstrate how el-Amāsī used his agency during translation process. Moreover, he excluded chapters that were not directly related to his aim and his contemporary society. It can thus be deduced that el-Amāsī intended to present his translation to a new and different audience and context by making fundamental interventions to the original text. Therefore, it strengthens the idea that translations in the Ottoman Empire were utilized to answer certain needs of the intellectual and social sphere. The following section on textual analysis part will show how el-Amāsī was an active writer rather than a passive translator based on his presence in the text.

4.2.2.2 Textual analysis

The first chapter of the translation starts with the definition of the imamate. He says: "Imamate means caliphate. Caliphate is to be an overseer of the people in religious and temporal matters without any claim of prophethood."[440] It is actually very similar

[439] Cf. Abdüsselam el-Amasî, 213; Mahmūd b. Ismāʿīl b. Ibrāhīm al-Khayrabaytī, *Al-Durra al-Gharrā Fī Nasīhat al-Salātīn Wa al-Qudāt Wa al-Umarā*, 238; İbn-i Firuz, *Gurretü'l-Beyza - Adaletin Aydınlığında*, 437.

[440] Abdüsselam el-Amasî, *Tuhfetü'l-Ümerâ ve Minhatü'l Vüzerâ*, 140. Most presumably, the editor mis-punctuated a few sentences which can let misunderstanding of the text. My own transliteration that I provided English translation based on the facsimile of the manuscript by comparing Arabic source as following: "*İmāmet hilāfetdür. Hilafet riyaset-i 'ammedür din ve dünyada, ki da'va-yı nübüvvet olmaya*."

to the definition given in Lutfi Pasha's *Khalās al-Umma fī Ma'rifat al-A'imma,* where the imamate was equated with both the caliphate and the sultanate.[441]

On the other hand, the translator takes out a word that exists in *al-Durra al-Gharrā*. While al-Khayrabaytī distinguishes prophethood from caliphate, al-Khayrabaytī also circumscribes caliphate by exempting jurisdiction (*ḳadā*) from its missions, unlike el-Amāsī's definition.[442] Even though Sultanic courts (*divan-i adl, mazālim* courts) existed in the Mamluk sultanate, it might seem mysterious why al-Khayrabaytī deprived the caliph of the power of *ḳadā* or why al-Amāsī did not translate this restriction in the definition.[443] It might be related to their understanding of caliphate and sultanate as two different terms. In the fifteenth-century Mamluk sultanate, caliph and sultan were clearly separated from each other, so al-Khayrabaytī might have wanted to limit the caliph's domain.

In contrast, this binary relationship between sultan and caliph had become obsolete in the sixteenth century. Scholars, including Lutfi Pasha, started to equate all titles of caliphate, imamate, and sultanate.[444] This equation can be observed in the translation of el-Amāsī as well. When he translated/adapted *al-Durra al-Gharrā*'s Chapter Three as his *Tuhfetü'l-Ümerā*'s second chapter, "On the Rules of Imamate" (*Ādāb-i İmāmet*), he added a brief introduction to the chapter in which he stipulates justice for rulers. What is interesting in this addendum is the definition and the attributes of the ruler: "the rulers, who are the Imam of the age (*imām-ı 'aṣr*) and the

[441] Muharem Jahja, "Lutfi Paşa'nın Halasu'l-Ümme Fi Ma'rifeti'l-Eimme Risalesinin Tahkik, Tahlil ve Tercümesi," 54.
[442] Mahmūd b. Ismāʿīl b. Ibrāhīm al-Khayrabaytī, *Al-Durra al-Gharrā Fī Nasīhat al-Salātīn Wa al-Qudāt Wa al-Umarā*, 110; Abdüsselam el-Amasî, *Tuhfetü'l-Ümerâ ve Minhatü'l Vüzerâ*, 140.
[443] For detailed analyses of mazalim courts, please see: Escovitz, "The Establishment of Four Chief Judgeships in the Mamlūk Empire," 529; Atçıl, "Memlükler'den Osmanlılar'a Geçişte Mısır'da Adlî Teşkilât ve Hukuk (922-931/1517-1525)."
[444] Jahja, "Lutfi Paşa'nın Halasu'l-Ümme Fi Ma'rifeti'l-Eimme Risalesinin Tahkik, Tahlil ve Tercümesi," 54.

caliph of the time (*halīfe-i dehr*); and who succeed to the crown of the sultanate (*serīr-i salṭanat*) and accede to the throne of the caliphate (*taht-ı hilāfet*)."[445] Therefore, this interchangeable usage of titles for the ruler demonstrates that the separation of the caliphate and the sultanate did not exist in the mind of el-Amāsī and/or he saw this distinction as irrelevant for his own context.

When it comes to the modern distinction between God's viceregency (*khilāfat Allah*) and Prophet's viceregency (*khilāfat Rasūl Allah*), Al-Khayrabaytī and el-Amāsī provide food for thought for modern readers.[446] First of all, both the author and the translator clearly state that the Imam is vicegerent of the prophet when it comes to such obligations as enforcing the religious laws (*ḳavānin-i şer'iyye*) and protecting the domain of Islam.[447] This conception of the caliphate is supported by exemplary stories in the following pages. In one story, the Prophet appeared in the dream of Harun Rashid and declared that Harun Rashid succeeded him.[448] However, in the following pages, the author and the translator emphasize *khilāfat Allah* as well. For instance, al-Khayrabaytī says and el-Amāsī translates his words as following:

> … the sultanate, the imamate, and the emirate are significant matters since they are vicegerents of Allah in the earth unless they challenge the obligations of the God, the Sunna (prophetic tradition) of the prophet, justice in the domain.[449]

Most interestingly, the two concepts sometimes become inseparable from each other in contrast to the modern scholarship's tendency to distinguish sharply between the two usages. For instance, el-Amāsī clearly states that if sultans act in accordance

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[445] Cf. Abdüsselam el-Amasî, *Tuhfetü'l-Ümerâ ve Minhatü'l Vüzerâ: Siyaset Ahlakı*, 148; Mahmūd b. Ismāʿīl b. Ibrāhīm al-Khayrabaytī, *Al-Durra al-Gharrā Fī Nasīhat al-Salātīn Wa al-Qudāt Wa al-Umarā*, 143.
[446] Binbaş, *Intellectual Networks in Timurid Iran*, 257–61; Yılmaz, *Caliphate Redefined*, 181–217; Markiewicz, *The Crisis of Kingship in Late Medieval Islam*, 243–84.
[447] Abdüsselam el-Amasî, *Tuhfetü'l-Ümerâ ve Minhatü'l Vüzerâ*, 140.
[448] Abdüsselam el-Amasî, 166.
[449] Mahmūd b. Ismāʿīl b. Ibrāhīm al-Khayrabaytī, *Al-Durra al-Gharrā Fī Nasīhat al-Salātīn Wa al-Qudāt Wa al-Umarā*, 178; Abdüsselam el-Amasî, *Tuhfetü'l-Ümerâ ve Minhatü'l Vüzerâ*, 176.

with the principle of enjoining the right and forbidding the wrong (*amr bi al-ma'rūf wa'l-nahy an al-munkar*), they will become the vicegerent of the Prophet as well as the vicegerent of Allah.[450]

It is significant that both al-Khayrabaytī and el-Amāsī conceptualized the Imam as somebody who should be designated by the people.[451] Moreover, this conception demonstrates a continuation from the long tradition that started with al-Mawardi's *Aḥkām al-Sulṭāniyya* (Principles of Power) in the eleventh century.[452] It might be a good example that challenges the assumptions of modern scholarship on the post-Mongol idea of rulership. This scholarship posits that the source of legitimacy of rulership was transferred from the people to God with the advent of certain Sufi ideas.[453] Therefore, I saw this as an important clue that indicates Mamluk political thought's influence on the Ottoman political thought in the sixteenth century.

The source text is heavily shaped by juristic content and discourse. On the other hand, even though later chapters were omitted that consisted completely of legal issues and *faqih*s' opinions about legal matters, the juristic tone maintains its dominancy in the translation as well. The latter still includes many legal matters, especially matters regarding statecraft and rulership. For instance, he underlines the importance of Islamic jurisprudence (*fiqh*) and science (*'ilm*) as mainstays of religion by saying:

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[450] Abdüsselam el-Amasî, *Tuhfetü'l-Ümerâ ve Minhatü'l Vüzerâ*, 167.
[451] Mahmūd b. Ismāʿīl b. Ibrāhīm al-Khayrabaytī, *Al-Durra al-Gharrā Fī Nasīhat al-Salātīn Wa al-Qudāt Wa al-Umarā*, 112; Abdüsselam el-Amasî, *Tuhfetü'l-Ümerâ ve Minhatü'l Vüzerâ*, 141.
[452] Lambton, *State and Government in Medieval Islam*, 90–95; Black, *The History of Islamic Political Thought*, 86.
[453] Moin, *The Millennial Sovereign*; Binbaş, *Intellectual Networks in Timurid Iran*; Yılmaz, *Caliphate Redefined*; Markiewicz, *The Crisis of Kingship in Late Medieval Islam*; The idea of being chosen by God did not merely belong to Sufis, cf. Al-Azmeh, *Muslim Kingship*, 73–79; Crone, *God's Rule*, 148–54.

> In a prophetic tradition: everything has a support; the support of Islam is *fiqh* (jurisprudence) and *'ilm* (science).[454]

As illustrative of this juristic content, al-Khayrabaytī and el-Amāsī start their works with the reasons of the obligation of determining Imam (leader). Both explain that the Imam is *sine qua non* to fulfil the needs of the people and they enumerate his duties such as implementing the penalties, collecting taxes, building infrastructure, marrying away orphans, and prohibiting unrest.[455] The translation diverges from the original text in the explanation of the issue. In the original text, al-Khayrabaytī provides how it is compulsory (*wājib*) either through merely *sam'* (lit. hearing, i.e., revelation or prophetic tradition) or through both *sam'* and *aḳl* (reason). El-Amāsī does not translate this part, but instead writes his own conclusion to this sub-chapter in which he uses the well-known hadith to show the necessity of appointing an Imam.[456] The hadith, which is present in the section that explain al-Khayrabati's *sam'*, says: "one who dies without knowing the Imam of the time is akin to someone who died in the Age of Ignorance" (*man māta wa lam ya'rif imām zamānahu māta maytatan jahiliyyatan*).[457]

This hadith and its place seem very crucial for the understanding of political thought and translation studies. In regard to the latter, this hadith was not used in the same words with the original text and Ibn Fīrūz's translation.[458] It implies either the presence of another source manuscript or that the translator has full autonomy in the translation even when he was narrating a prophetic hadith in Arabic. On the other

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[454] "Haberde gelmişdür; her nesnenin 'imādı vardur, dīn-i İslāmun 'imādı fıḳh ve 'ilmdür." Abdüsselam el-Amasî, *Tuhfetü'l-Ümerâ ve Minhatü'l Vüzerâ*, 143.
[455] Mahmūd b. Ismāʿīl b. Ibrāhīm al-Khayrabaytī, *Al-Durra al-Gharrā Fī Nasīhat al-Salātīn Wa al-Qudāt Wa al-Umarā*, 112; Abdüsselam El-Amasi, *Tuhfetü'l-Ümera ve Minhatü'l Vüzera*, 140.
[456] Abdüsselam el-Amasî, *Tuhfetü'l-Ümerâ ve Minhatü'l Vüzerâ: Siyaset Ahlakı*, 141.
[457] Abdüsselam el-Amasî, 141.
[458] Mahmūd b. Ismāʿīl b. Ibrāhīm al-Khayrabaytī, *Al-Durra al-Gharrā Fī Nasīhat al-Salātīn Wa al-Qudāt Wa al-Umarā*, 114; İbn-i Firuz, *Gurretü'l-Beyza - Adaletin Aydınlığında*, 67. In these texts hadith also narrated in two different forms. Ibn Firuz has one additional word, which is in the blacket in the transliteration: "*man māta wa laysa lahu imām [āmma] zamānahu māta maytatan jahiliyyatan"*

hand, el-Amāsī might have wanted to omit the abovementioned technical issues, i.e. proving the necessity of designation of the Imam through two ways, from the text and confines himself to the practical side of the issue. It is clearly related to the aim of his translation and intended audience.

Furthermore, this hadith is one of the foundational sources behind Lutfi Pasha's *Khalās al-Umma* where the caliphate of the Ottomans is defended.[459] It reminds Muslims of the importance of the authority through sharp admonition. It is important to see the similar usage of the hadith in Mamluk political thought as well. Seemingly, this hadith was seen as a common authoritative source for both Mamluk and Ottoman political thought.

After proving the necessity of the designation of an Imam, the scholars write about the different ways to designate Imams. There is also a prominent difference between al-Khayrabaytī and el-Amāsī's text on this subject. Firstly, the translation brings up this issue right after proving the above-stated necessity while the original text gives it a place in the second chapter.[460] Even though the translation does not wholly diverge from the original text here, it includes the exact opposite views on the different types of designation. In the original text, al-Khayrabaytī provides four ways of the appointment which are direct designation by God through revelation, designation by the Prophet, such as Davud's appointment by Suleyman and Abu Bakr's appointment by the Prophet himself, designation by the previous Imam such as Omar's appointment by Abu Bakr, and lastly designation by the choice of political and scholarly elites (*ahl al-'adl wa'l-ra'y*).[461] Besides, he rejects the argument that

[459] Jahja, "Lutfi Paşa'nın Halasu'l-Ümme Fi Ma'rifeti'l-Eimme Risalesinin Tahkik, Tahlil ve Tercümesi," 55.
[460] Mahmūd b. Ismāʿīl b. Ibrāhīm al-Khayrabaytī, *Al-Durra al-Gharrā Fī Nasīhat al-Salātīn Wa al-Qudāt Wa al-Umarā*, 128–39; Abdüsselam el-Amasî, *Tuhfetü'l-Ümerâ ve Minhatü'l Vüzerâ*, 141–42.
[461] Mahmūd b. Ismāʿīl b. Ibrāhīm al-Khayrabaytī, *Al-Durra al-Gharrā Fī Nasīhat al-Salātīn Wa al-Qudāt Wa al-Umarā*, 128–34.

the Imamate is established (*yathbitu*) by inheritance since it is a practice that diverges from the consensus of the Companions (*ijmā' al-Ṣaḥāba*).[462] Al-Khayrabaytī, strikingly, states that if someone captures power with illegitimate force, his imamate will be rescinded in the opinions of People of the Sunna and the Community (*ahl al-Sunna wa'l-Jamā'ah*), and yet it is still an obligation to obey this tyrant for the sake of preventing disorder (*fitna*) in society.[463] Clearly, Khayrabayti disapproved of the use of force for the designation of an Imam, even though he could not bring himself to condone resistance to such an Imam.

On the other hand, in *Tuhfetü'l-Ümerā*, el-Amāsī provides three ways of designating the Imam with short explanations. The first is similar to al-Khayrabaytī's third way, which is designation by the previous imam. Here, el-Amāsī uses similar examples as al-Khayrabaytī, yet the stories were summarized. The second way is designating an Imam by the decision of political and scholarly elites (*ehl-i re'y ve ṣāḥib-i tedbīr*) in case that the previous Imam died before selecting a new Imam. Lastly, el-Amāsī proposes:

> If someone has merit for the imamate, acquires power with subjugation and force (*ḳahr u galebe*) in the Islamic domain and becomes caliph, his caliphate should be ratified and submission to him is compulsory (*vācib*) to prevent disorder (*def-i fitne*) in society.[464]

Here is a significant difference from the original text. El-Amāsī clearly diverges from the position taken by al-Khayrabaytī when he presents acquiring power with force as a legitimate way of appointing an Imam. I suppose that he prefers another juristic opinion about the legitimacy of acquiring power with force (*ḳahr u galebe* or *yed-i*

[462] Mahmūd b. Ismāʿīl b. Ibrāhīm al-Khayrabaytī, 136.
[463] Mahmūd b. Ismāʿīl b. Ibrāhīm al-Khayrabaytī, 137.
[464] "*Üçüncü, imām-ı sābıḳ, dünyādan āhirete irtiḥāl idicek imāmete lāyıḳ kimesne şevket ve cünūdla hıtta-i İslām üzerine ḳahr u galebe eyleyüp halīfe olıcak hilāfet mün'aḳid olup iṭā'ati vācib olur, def-i fitne içün*."Abdüsselam el-Amasî, *Tuhfetü'l-Ümerâ ve Minhatü'l Vüzerâ*, 141–42.

kuvvet) in this issue as it is apparent in the case of the translation of *Tuhfat al-Turk*.[465] Lutfi Pasha also agrees with el-Amāsī's solution and says that "if one forcibly acquires the sultanate and has the ability to maintain this power, it is meaningless to depose him."[466] Such an adaptation in the translation and other contemporary scholars' accounts reveal about the mindset of sixteenth-century scholars regarding the use of power for acquiring the imamate, caliphate, or sultanate.

Another contextual intervention to the translation takes place in the discussion of the requirements of imamate, which takes place in the second chapter of *al-Durra al-Gharrā* and in a subchapter in *Tuhfetü'l-Ümerā*. The juristic view of rulership requires certain conditions be met by one who is a candidate for the imamate/caliphate. Therefore, many of the political texts that were written from the juristic perspective, including al-Ṭarsūsī's *Tuhfat al-Turk* and Lutfi Pasha's *Khalās al-Umma*, deal with the question of whether or not these conditions are valid and applicable for the context of their time. Al-Khayrabaytī also discusses the problem in three distinct categories: *sine qua non* conditions (*shurūṭ al-lāzim*), conditions of perfection (*shurūṭ al-kamāl*), and disputed conditions.[467] There is no clear distinction in el-Amāsī's categorization, yet he distinguishes mainly between necessary (*lāzim*) and disputed conditions.[468]

The necessary conditions in both texts include being male, free, adult, and sane, as well as possessing knowledge (*'ilm*) and having courage.[469] In the original text, al-Khayrabaytī refers to a hadith to prove that Quraishi descent is also necessary

[465] See: Chapter III of this thesis.
[466] Jahja, "Lutfi Paşa'nın Halasu'l-Ümme Fi Ma'rifeti'l-Eimme Risalesinin Tahkik, Tahlil ve Tercümesi," 62.
[467] Mahmūd b. Ismāʿīl b. Ibrāhīm al-Khayrabaytī, *Al-Durra al-Gharrā Fī Nasīhat al-Salātīn Wa al-Qudāt Wa al-Umarā*, 118.
[468] Abdüsselam el-Amasî, *Tuhfetü'l-Ümerâ ve Minhatü'l Vüzerâ*, 142–44.
[469] Mahmūd b. Ismāʿīl b. Ibrāhīm al-Khayrabaytī, *Al-Durra al-Gharrā Fī Nasīhat al-Salātīn Wa al-Qudāt Wa al-Umarā*, 118–21; Abdüsselam el-Amasî, *Tuhfetü'l-Ümerâ ve Minhatü'l Vüzerâ*, 142–44.

for the imamate: "The Imams will be from Quraish" (*al-aimma min Quraish*).[470] Moreover, he explains this linguistically and juridically. Linguistically, he stresses the definite article's function in Arabic linguistics in order to show that "the Imams" implicate all Imams without exception. Juridically, he implies that there was a consensus (*ijma'*) of the Prophet's Companions on the issue by emphasizing that there is no question about the authenticity of the hadith among the Companions and that they practiced in accordance with this hadith.[471] In these lines, the author's faithfulness to the juridical conditions that exist in the writings of al-Mawardi and in many theology (*kalām*) books is striking. El-Amāsī, however, is more ambivalent about the idea that the Imam must have Quraishi genealogy (*neseb*). He demotes the requirement of Quraishi descent from the category of "necessary conditions" to the category of "disputed conditions," while narrating the explanation of the author in a succinct way:

> The Imam should be from Quraish. [The Prophet] says: 'The Imams will be from Quraish' (*al-a'imma min Quraish*) or they should be designated by the people of Quraish.[472]

As can be seen, he made a serious intervention in the original text by omitting the linguistic and juridical evidences of al-Khayrabaytī without neglecting al-Khayrabaytī's aforementioned formulation of designation by the people of Quraish. Moreover, el-Amāsī combines this condition with all the other conditions that can be regarded either as conditions of perfection or disputed conditions, such as being pious, being the most appropriate person of his time, and being from the family of Banu Hashim.[473] He concludes this chapter by saying: "Some say that these

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[470] Mahmūd b. Ismāʿīl b. Ibrāhīm al-Khayrabaytī, *Al-Durra al-Gharrā Fī Nasīhat al-Salātīn Wa al-Qudāt Wa al-Umarā*, 122.
[471] Mahmūd b. Ismāʿīl b. Ibrāhīm al-Khayrabaytī, 122.
[472] "İmam Ḳureyşī olmak gerekdür. Ḳale 'a.s. 'el-e'immeti min Ḳureyş' yāhud Ḳureyşī naṣb itdüği gerekdür." Abdüsselam el-Amasî, *Tuhfetü'l-Ümerâ ve Minhatü'l Vüzerâ*, 144.
[473] Abdüsselam el-Amasî, 144.

conditions are necessary (*lāzim*) for the imamate, while others say that they are not necessary."[474] In light of the abovementioned arguments, I disagree with Hüseyin Yılmaz, who maintains the silence of el-Amāsī on the matter of Quraishi descent.[475] It is certainly important in the context of sixteenth-century Ottoman Empire, since expressing views such as those found in the original text might be hazardous for the claims of the Ottoman rulers for leadership of the Muslim world. Moreover, it also aligns with the aims of Lutfi Pasha who defends the Ottoman caliphate by directly rescinding the arguments relying on Quraishi descent. Therefore, such an adaptation in the translation seems very meaningful within its context.

The translation has little direct connection with the Ottomans; it takes place in the context of *ahl al-Sunna wa'l-Jamā'ah* and the rankings of the caliphs. Both al-Khayrabaytī and el-Amāsī agree with the idea that the Imam must adhere to the creed of the *ahl al-Sunna wa'l-Jamā'ah*. This entails accepting the ranking of the caliphs in accordance with their order in the caliphate, i.e. firstly Abu Bakr, then 'Umar, then Uthman, then 'Ali.[476] Actually, the order of the caliphs became one of the determinants of the People of the Sunna and the Community from the very early ages of Islam, such as Abu Hanifa (d. 767), Imam Shāfi'i (d. 820), and 'Umar Nasafi (d. 1142).[477] Furthermore, as Tijana Krstic demonstrated in the examples of *İmadü'l-İslam* and Birgili's *Vasiyyetname*, the order's importance in defining the People of the Sunna and the Community maintained in the sixteenth-century "*ilmihal*s," even though some scholars tended to hold the four rightly-guided caliphs in equal esteem,

[474] "Bazılar imāmete bu şartlar dahi lazımdur, bazılar lazım degildür didiler" Abdüsselam el-Amasî, 144.
[475] Yılmaz, *Caliphate Redefined*, 61.
[476] Mahmūd b. Ismāʿīl b. Ibrāhīm al-Khayrabaytī, *Al-Durra al-Gharrā Fī Nasīhat al-Salātīn Wa al-Qudāt Wa al-Umarā*, 138; Abdüsselam el-Amasî, *Tuhfetü'l-Ümerâ ve Minhatü'l Vüzerâ*, 144–45.
[477] Ünlüsoy, *Anadolu'da Hz. Ali Tasavvurları*, 99–109; For Abu Ḥanīfa's opinions in his Wasiyat, see: A. J., *The Muslim Creed: Its Genesis and Historical Development*, 151–52.

and some others held ‘Ali superior to the others in terms of his esoteric knowledge.[478] It seems that both al-Khayrabaytī and el-Amāsī took sides with the majority of Sunni scholars.

El-Amāsī, after specifying the order of the rightly-guided caliphs, affirms Sultan Süleyman’s creed to be that of the people of Sunna and Community, and implies his competence for the Imamate title:

> Our Sultan Hażret-i Sultan Süleymān son of Selīm Han son of Bāyezid son of Meḥmed son of Murād son of Meḥmed son of Bāyezid son of Murād son of Orhān son of Osmān’s creed and madhhab are that of *ahl al-Sunna wa’l-Jamā‘ah*’s madhhab and creed.[479]

I found it interesting how el-Amāsī incorporated the ruler of his time into the text. In general, authors gave the name of the sultans in the very beginning so that they could be awarded by them as their patrons. However, el-Amāsī placed Sultan Süleyman in the special place where he mentioned the caliphs. Hüseyin Yılmaz argues that the author was quiet about the problem of the non-Quraishi origin of the Ottomans.[480] On the contrary, I believe that el-Amāsī did his best to promote the Ottomans’ claim to the imamate/caliphate and to solve the contentious issues that could arise from the original text, *al-Durra al-Gharrā,* through his adaptations in the translation.

Like *al-Durra al-Gharrā, Tuhfetü’l-Ümerā* also offers plenty of advice to Imams, sultans, viziers, and officers in the state. I would like to exemplify a few of them. For instance, both the author and the translator advise the sultan to help Sufis (*ehl-i tasavvuf*), ascetics (*zühhād*), and poor people (*fuḳarā*) by sending some financial support from the booty’s (*ganīmet*) one-fifth that is his own property or

[478] Krstić, “State and Religion,” 72–74.
[479] “*Padişahımuz Hażret-i Sulṭan Süleymān b. Selīm Han b. Bāyezid b. Meḥmed b. Murād b. Meḥmed b. Bāyezid b. Murād b. Orhān b. Osmān i‘tiḳad ve meẕhebi ehlü's-sünnet ve'l-cemā‘at i‘tiḳad ve meẕhebi gibidür*.” Abdüsselam el-Amasî, *Tuhfetü’l-Ümerâ ve Minhatü’l Vüzerâ*, 145.
[480] Yılmaz, *Caliphate Redefined*, 61.

bayt al-māl for hoping their prayers.[481] Moreover, the common sayings of the *siyasetnāme* genre exist in the translation as well such as "The domain will be prosperous in the hands of unbeliever (*kāfir*) with justice (*'adl*), yet will not be prosperous in the hands of Muslims without justice."[482] As can be seen, the work is not merely a book of jurisprudence, it also inherited the long Perso-Islamic tradition of the *siyasetnāme* genre.

In his advice to the viziers, the translator admonishes them to give positions to capable people and prevent bribery by saying that if you fail to do this, people will flee from the domain and become the subjects of other polities. He adds a couplet to the original work as well:

> The subjects will be dispersed
> They will become the subject of another Shah[483]

It is very significant to note this admonishment when the Ottoman-Safavid rivalry was at the peak point in the sixteenth century. Whether el-Amāsī intended with this the Shahs of Safavid Empire is not clear, yet this conflict was one of the hottest topics for the Ottomans during this time.

In sum, my analysis has revealed that el-Amāsī rigorously analyzed the source text and filtered through what was related to his own sixteenth-century context. In addition to his appropriations regarding political thought, it is remarkable to see his endeavor to keep the text's actuality in the sixteenth century from many other aspects. Even though he only translated the first six chapters of *al-Durra al-Gharrā,* he also translated some parts of the later chapters and placed them into his own chapters. Of course, he was cautious in these selections as well. For instance, el-

[481] Abdüsselam el-Amasî, *Tuhfetü'l-Ümerâ ve Minhatü'l Vüzerâ*, 187.
[482] "*Mülk, kāfir elinde 'adl ile müste'mir olur; müselmān elinde ẓulm ile müste'mir olmaz*." Abdüsselam el-Amasî, 190.
[483] "*Ra'iyyetler perākende olurlar / Varup gayrı şehe bende olurlar*" Abdüsselam el-Amasî, 207.

Amāsī translated some of the adjudication passages of al-Khayrabaytī's seventh chapter into the translation's second chapter. This supplement about judges obviously seems odd since the chapter is about the imamate. However, he successfully binds this part with a transition sentence, that "Kings and Sultans must appoint just, erudite, religious … judges."[484] After that, he provides adjudicatory procedures such as how a judge will hear the trial of a woman in her menstruation period or how he should hear the trial between the sultan and an ordinary person.[485]

While he devoted a few pages to the issue of adjudication, it was much shorter than the original work's subchapter. In *al-Durra al-Gharrā,* al-Khayrabaytī explains in detail many issues related to the judiciary with specific examples, including how a qadi will record his notes regarding a trial. Most importantly, the complicated judiciary system of the Mamluk state, having four chief qadis from each Sunni madhhab, is reflected in the writing of al-Khayrabaytī.[486] The author emphasizes explicitly who should go to which qadi's court, how a qadi will decide between two persons who are from different madhhabs, and so on.[487] Clearly, el-Amāsī did not find the details of this complicated judiciary system so relevant for his own context.

The audience is a significant issue in attributing meaning to these texts. First of all, *al-Durra al-Gharrā* includes its own target audience as Mamluk ruler al-Malik al-Ẓāhir Muḥammad Abū Sa'īd Caqmaq. In regard to el-Amāsī's translation, *Tuhfetü'l-Ümerā,* it seems that the translation could not find a considerable

[484] Abdüsselam el-Amasî, *Tuhfetü'l-Ümerâ ve Minhatü'l Vüzerâ*, 170.
[485] Abdüsselam el-Amasî, 171–72.
[486] Please see detailed analysis of Mamluk court system: Escovitz, "The Establishment of Four Chief Judgeships in the Mamlūk Empire"; Rapoport, "Legal Diversity in the Age of Taqlīd"; Meloy, "The Privatization of Protection."
[487] Mahmūd b. Ismāʿīl b. Ibrāhīm al-Khayrabaytī, *Al-Durra al-Gharrā Fī Nasīhat al-Salātīn Wa al-Qudāt Wa al-Umarā*, 259–62.

readership among the Ottomans based on the existence of only one surviving copy. However, the content and choices of the translator obviously provide us a lot of clues in terms of the intended audience. First of all, el-Amāsī used a very simple and non-ornamented Turkish in his translation unlike Ibn Fīrūz. Secondly, he repeatedly skips over common references found in the original text. Moreover, instead of providing evidence from different sources, especially from the Quran, hadiths, and reasoning behind the decision in *al-Durra al-Gharrā*, he prefers to explain the core issue directly.[488] All this suggests that the translation was not carried out for scholarly purposes or for a scholarly audience. In any case, translation into Turkish would have been meaningless if the intended audience had been the scholarly class (*ulema*) since they knew Arabic very well. In that sense, this translation might have been prepared for the political elites, who were not heavily educated in Arabic and the religious sciences. In the introduction of the translation, el-Amāsī himself states that he finds this text very beneficial for the ruling class, particularly sultan, viziers, and other minor political elites.[489] If this was a book possessed by Sultan Süleyman or other political elites, the translation, presumably, it would carry their stamp of them or another sign of their ownership. In that sense, it is hard to know that who read this book until the late nineteenth century, before the book's departure to the UK.[490]

4.3 Ibn Fīrūz's translation: *Gurretü'l-Beyżā*

Ibn Fīrūz translated *al-Durra al-Gharrā fi Naṣiḥat al-Salāṭin wa'l-Qudāt wa'l-Umarā* into Ottoman Turkish in the second half of the sixteenth century under the

[488] While al-Khayrabayti constructs his chapter over a verse's (*ayah*) commentary, Amasi confines himself to give the verse only and explain the central topic. Please compare: Abdüsselam el-Amasî, *Tuhfetü'l-Ümerâ ve Minhatü'l Vüzerâ*, 148–75; Mahmūd b. Ismāʿīl b. Ibrāhīm al-Khayrabaytī, *Al-Durra al-Gharrā Fī Nasīhat al-Salātīn Wa al-Qudāt Wa al-Umarā*, 143–78.
[489] Abdüsselam el-Amasî, *Tuhfetü'l-Ümerâ ve Minhatü'l Vüzerâ*, 139–40.
[490] For a detailed explanation about the ownership in the nineteenth century, see: footnote 430.

title *Gurretü'l-Beyżā*. As can be seen, the translator gave his translation a title that resembles the original title of *al-Durra al-Gharrā* in both phonetics and meaning. In 2012 Mücahit Kaçar prepared an edition of the translation based on the manuscript located in Süleymaniye Library's Hekimoğlu section under 00553 catalog number including a facsimile, transliteration, and modern Turkish rendition.[491] Kaçar mentions five manuscript copies that are all located in Süleymaniye Library and explains that he decided to base his edition on the Hekimoğlu manuscript because of its copy date of 1038/1629. Apparently, Kaçar was not aware of the Şehid Ali Paşa manuscript that was copied in 975/1568 as the second work in a compendium (*majmu'a*).[492] In total, I can confirm eight copies of the translation exist in Turkey's manuscript libraries.[493] I, however, will rely on the edited volume because the differences between the edited volume and the manuscript are negligible.

4.3.1 The translator: Ibn Fīrūz

Ibn Fīrūz, with his full name Mehmed Bey bin Fīrūz Ağa el-Istanbūlī, was a son of Grand Vizier Kara Ahmed Pasha's (served 1553-1555, d. 1555) steward Fīrūz Ağa, who was responsible for the grand vizier's pious foundation (*vaḳf*).[494] In his biographical dictionary, *Ḥadā'iḳu'l-Ḥaḳāiḳ*, Atāyi takes him as a member of the Ottoman learned establishment (*'ilmiyye*) by giving the list of his tenures in different madrasas. Additionally, he gives his date of death as 1018/1609.[495] *Tārih-i Silsile-i 'Ulema* (A History of Scholars' Chain), in which the appointments of scholars are stated, also confirms Atāyi's entry by clearly stating Ibn Fīrūz's appointment to

[491] İbn-i Firuz, *Gurretü'l-Beyza - Adaletin Aydınlığında*.
[492] Mehmed Bey b. Firuz Ağa el-İstanbuli İbn Firuz, "El-Gurretü'l-Beyda" (1568), 001470-2 fols. 47v-133r, MS Süleymaniye Library Şehid Ali Paşa.
[493] For bibliographical details about the copies of the manuscript, refer to bibliography.
[494] Emecen, "Kara Ahmed Paşa."
[495] Nevizade Atayi, *Hadâiku'l-Hakâik Fî Tekmileti'ş-Şakâ'ik*, 2:1379.

Kepenekci Sinan Madrasa on Zilhicce 9, 1008/ June 21, 1600.[496] There are also entries on the translator in the later bibliographical encyclopedias, namely Mehmed Süreyya's *Sicill-i Osmani* and Bursalı Mehmed Tahir's *Osmanlı Müellifleri*. Both entries mention his career in the Ottoman learned establishment and give the cause of his death as plague (*tāun*).[497] Additionally, Bursalı Mehmed Tahir says that he saw one copy of *Gurretü'l-Beyżā* in the manuscript library of Tire, a small town near İzmir.[498]

4.3.2 Text and context

*Gurretü'l-Beyżā'*s completion date is not recorded in the text. However, certain clues allow us to determine the approximate date of the translation. According to Kaçar, Ibn Fīrūz must have translated this book before Selim II passed away in 1574 because the translation was presented to him.[499] On the other hand, the copy date of the manuscript that I have identified in the catalog of the Şehid Ali Paşa collection demonstrates the *terminus ante quem* of the translation as 975/1568.[500] Since Selim is referred to as sultan in the Introduction, one might think that *Gurretü'l-Beyżā* must have been translated between 1566 and 1568. However, in the introduction, the translator prays not only for Selim II but also for his father Süleymān:

> This work is written for … the sun of the highest positions, promoter of the rules of the Ottoman caliphate, supporter of the basis of the Solomonic sultanate, …, Sultan son of Sultan, Sultan Selim Han the son of Süleyman Han al-Gāzī the father of conquests (*fütūḥ*), victory (*ẓafer*), and religious battles (*megāzī)*. May Allah keep their [Süleymān and Selīm] flags over the

[496] "Târih-i Silsile-i Ulemâ" (n.d.), 002142, MS Süleymaniye Library Esad Efendi.
[497] Mehmed Süreyya, *Sicill-i Osmani*, 4:959; Bursalı Mehmed Tahir, *Osmanlı Müellifleri*, 1:355.
[498] Bursalı Mehmed Tahir, *Osmanlı Müellifleri*, 1:355; Mehmed Bey b. Firuz Ağa el-İstanbuli İbn Firuz, "El-Gurretü'l-Beyza Tercemetü'd-Dürreti'l-Garra" (n.d.), B0007005, MS Tire Necippaşa Library.
[499] İbn-i Firuz, *Gurretü'l-Beyza - Adaletin Aydınlığında*, 23.
[500] To see the copy date of the manuscript in the colophon: Mehmed Bey b. Firuz Ağa el-İstanbuli İbn Firuz, "El-Gurretü'l-Beyda" (1568), 001470-2 fols. 47v-133r, MS Süleymaniye Library Şehid Ali Paşa, vr. 133r.

> Muslims and may Allah not to deprive their swords of the blood of the unbelievers and the oppressors by the end of the time.[501]

It should be noted that it was not in fact unprecedented for princes to be referred to as sultans in this period, as we see in the case of Yiğitbaşı Ahmed Şemseddin's *Cami'ü'l-Esrār,* where Şehzade Mustafa is also referred to as sultan.[502] Besides, since there was no other rival princes, Selim was the one and only heir apparent to the throne after 1561. Therefore, the translation must have been translated between 1561 and 1566. On the other hand, whereas this assertation is more possible, one might still consider that the date of translation might have been dated after the death of Süleyman in 1566 since Süleymān's legendary image was still vivid during the reign of Selīm II, especially at the beginning of his reign.[503] Thus, I argue that the translation was carried out between 1561 and 1568 in the widest sense.

In addition to these lines, the translator uses similar words to define certain characteristics of the sultans by using "Süleyman" and "Selim" as adjectives in the beginning of Chapter One. The former, actually, can be regarded as common name and adjective in Islamicate political thought thanks to the exemplary ruler prophet Süleyman. On the other hand, the latter is directly reference to the sultan even though it is used as "well mannered":

> O, sultan of Suleymanic lineage and good manners (*selīm-nihād*), let it be clear to your temperament, which knows right from wrong, and to your brilliant intellect, that the renowned and exalted name is an Imam of the people, a zealous Sultan who is the protector of Islam and the lover of Sharia,

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[501] " … matla'-ı āfitāb-ı feyż-i ilāh neyyir-i a'zam-ı celālet ü cāh mü'essis-i erkānü'l-hilāfetü'l-'Osmaniyye ve müşeyyid-i bünyānü's-salṭanatü's Süleymāniyye es Sulṭān ibni's-Sulṭān es-Sultān Selīm Hān ibni's-Sulṭān Süleymān Hānü'l-Gāzī ebu'l-feth ve'ẕ-ẓafer ve'l-megāzī. Lā zālat rāyat rāfathuma manshūratan 'alā ahl al-Islam wa'l-īmān wa mā zāḥat suyūf ṣuwār gāzathuma maslūlatan li-fisk dimā' aṣḥāb al-kufr wa'l-ṭugyān ilā inqirāḍ al-dahr wa'l-zamān." İbn-i Firuz, *Gurretü'l-Beyza - Adaletin Aydınlığında*, 57–59.

[502] "bil bu şehri şāh ü sulṭān Muṣṭafānuñ taḫtıdur cāmi/olan taḫt-ı a'ẓam atasınuñ baḫtıdur
şāh ü sulṭān Muṣṭafā Sulṭān Süleymān oğlıdur ibn-i ibn-i ḫān ile bu nesl-i 'Oŝmān oğlıdur" Kuşbudu, "15. Yüzyıl Mutasavvıflarından Yiğitbaşı Ahmed Şemseddîn-i Marmaravî'nin Câmi'ü'l-Esrâr Mesnevîsi (İnceleme-Metin)," 135

[503] See for another example: Aşık Çelebi, *Mi'râcü'l-Eyâle Ve Minhâcü'l-Adâle: Âşık Çelebî'nin Siyâsetnâmesi*, 45.

> Sultan of Sultans, who dispenses justice, and a Sultan who is like Jamshid and Alexander the Great. Surely such a person deserves the caliphate (*hilāfet*) and sultanate.[504]

First of all, he started his glorification of Allah (*hamdele*) part with thanking God for sending the most just Sultan whom God granted the caliphate of seven climates, i.e., the world (*aḳālim al-seb'a*).[505] This is, indeed, a continuation of rhetoric tradition, as I mentioned above.[506] It is certain that Ibn Fīrūz intervened to the introductory sentences of *al-Durra al-Gharrā* in order to make this translation more appropriate for presenting to the sultan. He clearly sought the approval of the sultan, and to ensure that, he reorganized the book's chapters. While he opted to translate only the first six chapters like el-Amāsī, he divided one chapter into two chapters, likening the seven strata of Heaven to the seven chapters of his work.[507] *Al-Durra al-Gharrā'*s Chapter Four, "On the Principles of the Imamate and its Circumstances," becomes *Gurretü'l-Beyżā'*s Chapters Four and Five, "On Principles of the Imamate" and "On the Circumstances of the Imamate." It is interesting that both el-Amāsī and Ibn Fīrūz decided to translate these chapters and omitted Chapters Seven, Eight, Nine, and Ten of the original work. There is no solid evidence to show that Ibn Fīrūz had read *Tuḥfetü'l-Ümerā* before his translation, yet such a similarity raised some questions. If there is no connection between the two translations, then this is an interesting coincidence because they both presumably agreed on the needs of the time without knowing each other's thoughts.

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[504] "Ey Süleymān-nijād ve ey melik-i Selīm-nihād tab'-ı nekkād u ẕihn-i veḳḳādunuza rūşen u ẓāhir ve müberhen ü bāhir ola ki be-dürüstī ve rastī imām-ı cumhur-enām ve ḥümām-ı ehl-i İslām bir pādişāh-ı şerī'at-perver-i 'ālem-gīr ve şehenşāh-ı adālet-güster ve Cem ü Sikender-naẓīrün ism-i sāmī vü nām-ı nāmīleridür ki fī'l-ḥaḳīḳa andan me'mūl ü merām ve mes'ūl ü mehām hilāfet ü şehriyārī vü saltanat u tāc-dārīdür." İbn-i Firuz, 61.

[505] İbn-i Firuz, 55.

[506] See: footnote 435.

[507] İbn-i Firuz, 59.

The language of *Gurretü'l-Beyżā* is much more ornamented and contains a multitude of Arabic and Persian phrases and words. Unlike el-Amāsī, Ibn Fīrūz chose to make a more faithful translation of *al-Durra al-Gharrā.* Excluding the few introductory sentences and the last chapters, the translator was careful to translate every sentence, at least in its basic meaning, into Ottoman Turkish. When he omits one of two hadiths in one section by referring to the presence of numerous hadiths about just sultan, he apologetically explains himself not to be judged as ignorant.[508] Although I cannot say that it is a verbatim translation, as in the case of *Tuhfat al-Turk*, the alterations made by Ibn Fīrūz were very limited in terms of adding and removing parts or notable reorganizations in chapters.

The faithfulness of the translation reveals itself in challenging issues as well. As discussed above, the lineage of the imam or the caliph was one of the most contentious topics in the sixteenth-century Ottoman context. Here, Ibn Fīrūz does a faithful translation and transfers the idea of al-Khayrabaytī to the sixteenth century without any revision. He even translates the above-mentioned linguistic explanations of the author regarding the meaning of the definite article and how the necessity of Quraishi descent is necessary for all circumstances.[509] The translator interestingly chose to keep this section as it was, even though he wanted to present this translation to the Ottoman prince (or alternatively the sultan), and even though elsewhere he was supportive of the Ottomans' claims to the caliphate.

Since the book was presented to the Ottoman political elite, even if it was a scholarly work, the translation into Ottoman Turkish became more meaningful in

[508] İbn-i Firuz, *Gurretü'l-Beyza - Adaletin Aydınlığında*, 113–15.

[509] "*Ve ammā Ḳureyşī olmak şart-ı lāzım olduğı hadīŝ-i şerīf-i nebevī ile ŝabitdür ki hażret-i risālet-penāh ṣallalāhu 'aleyhi ve sellem 'al-a'imme min Ḳureyş' buyurmuşdur. Elif ü lām 'umūm ifāde ider 'ahd içün değüldür. Ve Ebū Bekir es-Ṣıddīk raḍıallāhu 'anhu hadīŝ-i mezbūrı Enṣāra rivāyet idüb delīl u burhān īrād itdükde kāffe-i ṣaḥābe-i güzīn rıḍvānallāhu 'aleyhim ecma'īn bu hadīŝ-i şerīfün ḳabūline ve ma'mūlün bih idügine ittifāḳ itdiler.*" İbn-i Firuz, 81–83.

line with growing vernacularization practices of the term. Forasmuch as, both the rise of Turkish as a language of writing and the increase in the number of works, either written in Ottoman Turkish or translated into Ottoman Turkish, left their marks on the sixteenth-century intellectual world, especially the second half of it. Moreover, it is prevalent that Ibn Fīrūz keeps certain references to the books and reasonings behind the legal opinions and propositions unlike el-Amāsī's choices. Hüseyin Yılmaz explains this transformation in the usage of Turkish by a quote from Alayi who gives his reasons for translating Ghazali's *Naṣīḥat al-Mulūk* as follows:

> In our time, the majority of statesmen possess a better command of Turkish. Although readers of Persian and Arabic are in abundance as well, this humble author intended to translate this sweet treatise from Arabic and Persian into Turkish.[510]

Yılmaz concludes from this text that Turkish-speaking political elites demanded such treatises to be translated from Arabic and Persian because of their better command in Turkish.[511] In my opinion, Ibn Fīrūz's translation might show us that political elite also demanded such works that included scientific and recondite discourses alongside the scholarly elites. Especially, the translations, which were mainly related to political spheres, such as Ghazali's *Naṣīḥat al-Mulūk*, Ibn al-Taymiyya's *al-Siyāsa al-Shar'iyya*, Najm al-Dīn al-Ṭarsūsī's *Tuhfat al-Turk*, and al-Khayrabaytī's *al-Durra al-Gharrā,* were pro-arguments that reveal the interests of the political elites in the intellectual heritages of other cultures, including that of Mamluk and Persian-speaking lands.

[510] Yılmaz, *Caliphate Redefined*, 55.
[511] Yılmaz, 55.

4.4 Conclusion

Al-Durra al-Gharrā, which was penned in the fifteenth-century Mamluk sultanate, had a second life in the sixteenth-century Ottoman Empire with its two translations into Ottoman Turkish along with new copies. On the other hand, even though this new life contained many characteristics from its earlier life, it by no means purported identical denotation. El-Amāsī, as an active translator, intervened in the text and crafted out of it somewhat of a new text, which was a common practice among the early modern Ottoman translators, as discussed in the Introduction of the thesis. He adapted al-Khayrabaytī's text to the sixteenth-century Ottoman context by considering the needs of the time, as when he demoted the requirement of Quraishi descent to the status of a disputed condition for the caliphate and deemed it sufficient for the caliph to be recognized as such by people of Quraishi descent. His emphasis on "might" as a source of legitimacy was also typical of the sixteenth century. Likewise, his interchangeable usage of Imam, caliph, and sultan titles resemble the other texts that were written in the sixteenth century, such as Lütfi Pasha's *Khalās al-Umma*.

On the other hand, while Ibn Fīrūz's translation was carried out in a more ornamented language than that of el-Amāsī, it contained very minor changes from the source text. Even in this "faithful" translation, one can witness the role of the translator. For instance, both translators translated only certain parts of the source text. More interestingly, they chose the same parts for the translation. Thus, this common practice brings similar contextual needs to mind as reason for translation.

The source texts and the translations also provide food for thought regarding the types of political writing and the source of legitimacy. Whereas all these texts were written from a juristic perspective and full of juristic concepts, they, at the same

time, utilized different conceptualizations and languages. Exemplary stories of the "mirror for princes" genre, for example, occupied a significant place in all of the three treatises. Moreover, there is no either-or approach to vicegerency of the Prophet and vicegerency of Allah. Therefore, while these three texts are overwhelmingly juristic texts, they reflect the multiplex structure of Islamic political thought and writing.

CHAPTER 5

CONCLUSION

The principle aim of the present thesis was to understand why and how the juristic perspective in sixteenth-century Ottoman political thought proliferated in the sixteenth century. In Chapter Two, I showed the marked proliferation of juristic texts on governance as well as the growing use of juristic discourse in other genres. Lutfi Pasha's *Khalās al-Umma fī Ma'rifat al-A'imma*, the anonymous *Risāla fīmā Lazima alā'l-Mulūk*, the *Siyāsa Shar'iyya* and jihad treatises are some of the distinctively juristic texts that have been considered in this thesis. In addition, some Ottoman works on ethics such as Kınalızade 'Alī Çelebi's *Ahlāk-ı 'Alā'ī* and Sufistic works such as Hüseyin b. Abdullah el-Şirvani's *Risāle fi't-Taṣavvuf* also contain significant juristic concepts and reference points and have been included in this survey.

After providing necessary evidence for the proliferation of the juristic perspective, the main question became more concrete: What were the reasons behind this proliferation? To respond this question, two contextual developments come into prominence. Firstly, modern scholarship on the sixteenth-century Ottoman empire has already demonstrated the broad-seated transformations in many areas, including bureaucracy, diplomacy, law, art and architecture, and confessional sensibility. Whereas the early years of the sixteenth century were dominated by fast-paced expansion, institutional experimentation and ambitious universalist claims, from the second half of the reign of Süleyman onwards institutionalization, law-making and the formation of a more distinctively Ottoman imperial culture became more important. All these developments and most especially the growing importance of

law in the widest sense were also conducive to the rise of the juristic perspective in sixteenth-century Ottoman political thought.

Secondly, one of the most important developments of the sixteenth-century Ottoman empire was the conquest of Egypt, Syria, and the Hijaz, which are generally considered the heartlands of Islam, in 1516-1517. Neither the conquest itself nor the systematization of Ottoman rule in these lands came about easily. Some of the inhabitants of the Arab lands, especially Egypt, not only resisted Ottoman rule by revolting but also questioned and criticized the legitimacy of Ottoman administrative, fiscal, and legal practices. Therefore, such grievances prompted the modern scholars to interpret this relationship as conflictual.

On the other hand, these new lands and their socio-cultural and intellectual traditions also had a considerable transformative impact on the Ottomans. To begin with, the Ottoman conquest of such major centers of Islamic learning as the Hijaz, Jerusalem, Damascus, and Cairo enabled them to claim leadership of the Sunni world. Additionally, Ottoman scholars became more acquainted with the intellectual heritage of Egypt and Syria and more connected with Arab scholars. Ottoman translations and adaptations of the texts that were written in these "heartlands of Islam" before the Ottoman conquests and the treatises and books that were following genres that were initiated in those lands, also demonstrate the growing interconnectedness of the two regions in the sixteenth century.

Among the aforementioned translations and the follow-up works of the genres, political texts from juristic perspective particularly garner attention. Alongside the translations of two juridico-political treatises written by fourteenth- and fifteenth-century Mamluk scholars, which are the two core sources of the present thesis, the translation of Ibn Taymiyya's, *al-Siyāsa al-Shar'iyya*, jihad treatises, and

Kadi Hüseyin b. Ḥasan's *Latā'if al-Afkār wa Kāshif al-Asrār* can be given as examples. In that sense, I organized Chapter Two as a chapter that reveals the wider intellectual context both for the proliferation of the juristic perspective and for the importance of the juristic texts written in the Mamluk era to develop a relatively new language of Ottoman political thought. Therefore, whereas the interaction between the two spheres of the empire sometimes posed legitimacy questions to the Ottomans, it also enabled them to find new resolutions for their immediate problems and thus the relationship cannot be regarded merely conflictual.

In Chapter Three, titled *Tarsūsī and His Tuḥfat al-Turk in Sixteenth-Century Context*, I showed how the work of a fourteenth-century Mamluk scholar became Ottomanized and well accepted among Ottoman literati through his entry in Ottoman bibliographical sources, his works' dissemination, and the translation of the juridico-political treatise *Tuḥfat al-Turk*. Intriguingly, most of the manuscript copies of his works have survived in the Ottoman core lands rather than in the place in which he wrote his books and treatises. As for the translation, which is verbatim, I tried to date the translation based on minor differences in the translator's word choices and the place where its two extant copies originated. I have concluded that the translation was done probably in Egypt shortly after the Ottoman conquest of that land.

Chapter Four, *Divergent Methods, Similar Directions: Two Sixteenth-Century Translations of al-Khayrabaytī's al-Durra al-Gharrā*, examines the trajectory of a fifteenth-century work in the Ottoman empire by scrutinizing its two sixteenth-century translations. Both about these translations and new copies of the source text that were penned in the domain of the Ottoman empire, one can say that *al-Durra al-Gharrā*, a juristic treatise, found a new life from the sixteenth century onwards. In this chapter, I focused mainly on how the translator of *Tuḥfetü'l-Ümerā*, el-Amāsī's

interventions prepared the text for its new context. On the other hand, a more faithful translation of Ibn Fīrūz also had some agency, such as selecting certain parts for the translation.

The translations of both source texts reveal the significance of translation in the development of a juristic language for political thought. Even though most of the widespread texts, which can be regarded as materials of juristic political thought, were written in Arabic in the sixteenth-century Ottoman empire, these translations still pointed out the needs of the Ottomans as Toury underscores both the importance of the target culture and its needs. To fulfill the needs of the society, even the primary aim of the source text was transformed for the new context, as in the case of *Tuḥfat al-Turk*.

In the present study, I dealt with two different kinds of translation: one was more faithful as in the case of translation of *Tuḥfat al-Turk* and Ibn Fīrūz's translation, and the other was more between translation and composition, such as el-Amāsī's *Tuḥfetü'l-Ümerā*. For the latter, the translator was very active and made structural and substantial interventions. Thus, he prepared the source text for his own context. As for the former, whereas there were no crucial changes in the meanings, the translators still tried to adapt their texts for their target culture, such as by using appropriate titles for the rulers. Although both translations in the former category seem verbatim translations, their usages of languages remarkably differed from each other. In that sense, I believe that the audience of the translation played an important role in determining the language.

Although translations into Ottoman Turkish and juristic treatises written in Ottoman Turkish increased in the sixteenth century, Arabic was still the primary language of writing on juridico-political issues. In an era in which vernacularization

accelerated, it seems that Ottoman Turkish did not acquire a remarkable place among the scholars who penned works on Islamic jurisprudence. At the same time, one can observe the weight of Ottoman Turkish in other categories. It is most probably related both to the long tradition of Islamic jurisprudence and to the scholarly audience, who would have been more interested in juristic arguments. Nevertheless, the translations demonstrate that the need for juristic ideas in political legitimacy or any other issues related to political thought expanded their audience over the scholarly elites in the sixteenth century.

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So far, I presented my findings on the proliferation of sixteenth-century Ottoman political thought's juristic discourse and the potential reasons behind this proliferation. From now on, I would like to highlight the main subjects, themes, issues, and problems of juristic Ottoman political thought that I encounter while scrutinizing the primary sources of this study. Most of the treatises and works discussed in the present study focus on the leadership of the Islamic (more specifically Sunni) world. They looked for answers to several questions, including the title of the ruler, the obligation of designating a leader, the way of designation, duties of him, and so on.

First of all, entitling the ruler of the Islamic world was a contentious issue. From the early centuries of Islam, the titles of Imam and caliph had been used synonymously for the leader of the whole Islamic world. However, several political issues, including the rise of Buyids and the Mongol sack of Baghdad, as well as the rise of Sufi ideas on temporal and sacred rulership transformed and obscured the usages of these titles and let individual polities, which were ruled by sultans, grow. In this regard, the Ottomans, at least the authors and translators of the above-

discussed treatises, tended to equate caliphate, Imamate, and sultanate and used related titles interchangeably. To do this, it seems they carefully utilized the solutions of Mamluk intellectual heritage.

Another common theme is the obligation of designating an Imam or a Sultan. Since the Imam was a *sine qua non* for certain needs of society, the authors quoted some hadiths to prove this obligation on people. One of the most common hadiths was: "One who dies without knowing the Imam of the time is akin to someone who died in the Age of Ignorance." Moreover, in some treatises, authors explain in detail how the designation of a ruler is a must by bringing pieces of evidence from religious sources and logical reasoning.

In that regard, how Imams or sultans should be designated were crucial questions. While there are many ways, including the appointment of previous ruler or designation by political and scholarly elites (*ehl-i re'y ve ṣāḥib-i tedbīr*) or the oath of fealty (*mubaya'a*), the emphasis of the above-mentioned authors and translators on the subjugation (*ghalaba*), force (*qahr*), and acquiring power with force (*yed-i ḳuvvet*) is very clear. It is known that such a source of legitimacy existed before the Ottomans, yet the emphasis of the sixteenth-century scholars and especially divergence in the translations from the source texts on this issue demonstrate the importance of political might. One of the supporting reasons behind this argument, of course, is preventing disorder (*fitne)*. On the other hand, the translator of *Tuḥfat al-Turk* does not confine himself to practical reasons yet adds an explanation from the time of the Companions. In this explanatory story, he implies that the consensus of Companions (*ijmā' al-ṣaḥāba*) legitimated becoming a ruler by acquiring power with force by exemplifying Muawiya's rulership and companions' position vis-à-vis his reign.

The scholars also gave wide coverage to the conditions that must be fulfilled for a ruler to be considered legitimate. These conditions had been the subjects of discussion since the very early years of Islam. For instance, the fourteenth-century author of *Tuḥfat al-Turk* refused the conditions determined by Shafi'i jurists, such as having Quraishi descent, being a mujtahid, and being just. Lutfi Pasha and al-Tarsūsī claimed that these conditions cannot be necessary conditions but may be reasons for preference. As for the condition of Quraishi-descent, Lutfi Pasha and el-Amāsī, while admitting the authenticity of the hadith on this condition, either re-interpreted its ruling or limited its validity for the first years of Islam.

Vicegerency of the Prophet (*khilāfat Rasūl Allah*) is one of the most distinctive features of juristic political thought. Until recently, it was argued that the Ottomans did not attribute too much importance to this concept until the Treaty of Küçük Kaynarca in 1774. Rather, they underscored the dominancy of *khilāfat Allah,* which implies the mystical character of rulership. However, in both Lutfi Pasha's treatise and el-Amāsī's translation, one can witness the existence of this entitlement for the Ottoman sultans. On the other hand, these treatises do not treat these two concepts as dichotomous, but they seem complementary to each other. Dwelling on this example and some other features such as the "mirror for princes" genre's advisory character in the juristic treatises, the present thesis demonstrates that the sources of Ottoman political thought cannot be categorized under rigid categories such as mystical, statecraft, juristic, or ethical. Most of the primary sources of this thesis can be classified under more than one category, although the weight of each category varies.

Duties of the ruler were also discussed in the works mentioned above. These duties are important not only because of their descriptive and explanatory natures but

also because they reveal the relationship between duties and the leadership of the Islamic world. The responsibilities that were repeatedly mentioned by the authors can be summarized as "maintaining the religion and the domain of Islam with justice," "commanding right and forbidding wrong," "upholding the sharia," "viceregency of the Prophet by the governance of the public," "execution of scripturally defined (*hudūd*) and discretionary (*ta'zīr*) punishments," "organization of the hajj and jihad," "being able to execute his rulings," and "collecting taxes."

The emphasis on sharia and relatedly on "commanding right and forbidding wrong" can be regarded as the most underscored nature of juristic discourse in sixteenth-century Ottoman political writing, as it presumably is common for all works of Islamic jurisprudence. In all treatises and books, including non-juristic texts, one can observe the sharia as a dominant theme. One clear example is the "emergence" of the *Siyāsa Shar'iyya* genre in the sixteenth-century Ottoman empire. Besides, commanding right and forbidding wrong also found a significant place in the above-mentioned works.

In addition to sharia, jihad and hajj draw attention as two prominent subjects. Along with the abundance of jihad treatises in the sixteenth-century Ottoman empire, encouragement to the jihad in different genres, including non-juristic ones, became evident. Whereas the targets of the jihad shift from one treatise to another, it remains an essential duty for the ruler and a significant phenomenon for the legitimation of rulers as leaders of the Islamic world.

Another crucial factor for legitimation is holding two Holy cities and organizing hajj. As it is known, hajj always signifies piety and temporal power among Muslims at the same time. As a charismatic title, the Servant of the Two Holy Cities" (*hādimü'l-ḥarameyn*) implies the leadership of the Islamic world since the

earlier centuries. In the treatises, which were scrutinized in the present thesis, both this title and the importance of organizing hajj were remarkably highlighted.

All of these subjects and themes, I believe, are related to their sixteenth-century context, which is both germane to the growing importance of law and also to the intensified Ottoman-Arab interactions. On the other hand, several issues also aroused related to the sixteenth-century Ottoman context. For instance, the Ottoman-Safavid rivalry made its presence felt in some of the works. El-Amāsī's translation can be an obvious example as he adds a couplet regarding the possible threat and vanishing point for Ottoman subjects.

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