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THE SAFAVID THREAT AND JURISTIC AUTHORITY IN THE OTTOMAN EMPIRE DURING THE 16TH CENTURY

Abstract

This article investigates the opinions of three senior Ottoman jurists, Sarıgörez (d. 1522), Kemalpaşazade (d. 1534), and Ebussuud (d. 1574), on the subject of the Safavids and their supporters. Historians have treated these opinions as part of the vast polemical literature uniformly intended to justify an impending Ottoman attack against their Safavid rivals. Questioning the notion that all authors shared an undifferentiated attitude, this article underlines that, unlike most polemical literature, the opinions of these three jurists focused on the religiolegal aspects of the Safavid issue and varied and evolved in line with changing historical realities, the jurists' divergent assessments of the Safavid threat, and their preference for different jurisprudential doctrines. Based on an analysis of the opinions, I argue that these jurists assumed a high degree of autonomy as producers and interpreters of the law and thus did not necessarily feel obliged to legitimate or excuse every imperial action.

Keywords: jurists; law; Ottomans; Qizilbash; Safavids

Starting in the second half of the 15th century, the Ottoman government recruited large groups of scholars to fill educational, legal, and bureaucratic positions. These scholars were inserted into a hierarchical bureaucracy, becoming scholar-bureaucrats, and in time came to constitute a significant branch of the Ottoman administration. Possessing deep knowledge of the Islamic jurisprudential tradition, they commanded prestige and authority and functioned as jurists.¹ In this article, I analyze the views of three senior scholar-bureaucrat jurists—Sarıgörez Nureddin Hamza (d. 1522), Kemalpaşazade Ahmed Şemseddin (d. 1534), and Ebussuud (d. 1574)—concerning the Safavids and their supporters.² Placing these views in their respective historical context, I explore in particular the juristic authority of scholar-bureaucrats in the Ottoman Empire in the 16th century. When reflecting on the issue of the Safavids and their supporters, did these jurists view themselves as independent producers and interpreters of the law? Or were they, as officials in the Ottoman administration, duty bound to legitimize the actions of the ruling class? What sources did they consult and what kind of facts did they take into consideration while forming and articulating their opinions? My investigation into these

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questions reveals that these jurists and the law held a high degree of autonomy in the Ottoman system during the 16th century.

The Sufi Safavid order, which originated in the city of Ardabil in Azerbaijan in the 14th century, took on a military and political character starting in the second half of the 15th century. Acquiring the support of tribal groups—mostly Turkmens who had antinomian religious tendencies and became known as Qizilbash (lit. redhead) after their distinctive headgear³—in the early 16th century the Safavids rose as an independent political power in the area of modern-day Azerbaijan and Iran. Subsequently, they extended their influence into new regions, ultimately coming up against Ottoman territory in Anatolia and restricting Ottoman expansion.⁴

Partly in response to the Safavids' assumption of the role of supporter of Shi'i Islam, the Ottoman political apparatus began to acquire a Sunni identity and to use Sunni ideology against the Safavids and their supporters.⁵ This articulation of Ottoman Sunni identity was not uniform, however, exhibiting a certain variety that is reflected in literary sources. The vocabulary and mode of reasoning employed in any given account seems to have depended on the genre of the text, its intended audience, and the identity of its author. Most common were polemical writings (tracts, historical works, and official documents) in which the real or imagined "abhorrent" beliefs and practices of the Safavids and their supporters—designated by such disparaging terms as *rāfiḍī* (Shi'i heretic), *ahl-i bid'at* (people of innovation), *ışık* (lit. light; heretic), *qalandar* ("antinomian" Sufi), and *kızılbaş-ı evbāş* (Qizilbash rabble)—were contrasted with the "uprightness" of the Ottomans' Sunni path.⁶ Thus, these texts presented impending military action against the Safavids and Ottoman punishment of their supporters as justified. On the other hand, some authors, typically those with a scholarly background, treated the issue from a religiolegal perspective. They carefully discussed the religious beliefs and religious and political practices of the Safavids and their supporters and articulated religiolegal rulings. In some cases, they made distinctions between different groups, such as Ottoman subjects and others. They usually dispensed with the pejorative terms used in other accounts in favor of more legalistic terms such as *kāfir* (unbeliever), *murtadd* (apostate), and *bāghī* (rebel), which conveyed their reliance on a body of Islamic jurisprudential opinions.⁷

Historians have usually failed to identify the distinctive features of Ottoman religiolegal opinions on the Safavids and their supporters. Instead, they have tended to view the whole corpus of anti-Qizilbash writings in an undifferentiated way as the products of authors who were solely motivated by the political aim of legitimating the harsh measures of the Ottomans against their Safavid rivals.⁸ Focusing on the opinions of three senior scholar-bureaucrats—Sarıgörez, Kemalpaşazade, and Ebussuud, who, to my knowledge, were the only such figures to treat this issue from a religiolegal perspective during the 16th century—on the Safavids and their supporters, this article draws attention to distinctions between these opinions and the polemical writings on the subject in general and their own diversity in particular. I will start with a discussion of the sociopolitical and ideological conditions in the Ottoman Empire during the 1510s, when Sarıgörez and Kemalpaşazade composed their texts. Then, I will offer a close textual analysis of these two jurists' works and relate them to the circumstances at the time of their composition. Following this, I will briefly survey shifting historical conditions from the 1510s to the 1550s and examine Ebussuud's ideas. Finally, based on the results of my investigation

into these three religiolegal opinions on the Safavid issue, I will reflect on the juristic authority of scholar-bureaucrats in the Ottoman Empire in the 16th century.

OTTOMAN ANXIETY BEFORE THE BATTLE OF ÇALDIRAN

The transformation of the Safavid Sufi order into a political enterprise gave hope to those who were discontented with the Ottoman centralized bureaucratic administration, but also caused the deterioration of the Ottomans' relationship with the Safavids and created anxiety among the Ottoman elite. The Ottoman sultans of the 15th century seem to have wanted to be on good terms with the Safavid order, regularly sending money and other gifts to its central lodge in Ardabil.⁹ This situation changed with the rise of the leader of the order, Isma'îl bin Haydar (who would become Shah Isma'îl, d. 1524), to the status of a messianic figure. Mobilizing his followers from Azerbaijan, Iraq, Syria, and Anatolia, he embarked on a campaign of conquest. After capturing Tabriz in 1501, Isma'îl declared independent political power and quickly expanded his dominion, annexing most of Azerbaijan and Iran as well as Baghdad, Khorasan, and Diyarbakır.¹⁰

Although the Ottomans initially tried to contain the Safavid threat without resorting to open warfare, in 1514 they embarked on a full-scale campaign against the Safavids. The Ottomans knew very well that the influence of Shah Isma'îl as a Sufi and messianic leader extended beyond Safavid political borders and into their own domains. The eastern Ottoman border at the time of the Safavid rise extended from Karaman to Sivas to Trabzon. Many Turkmen subjects of the Ottoman Empire from central and southern Anatolia were Shah Isma'îl's disciples, and many others were fascinated with his success and charisma.¹¹ Facing this situation, the Ottomans adopted a two-pronged policy of either punishing or co-opting these followers and sympathizers. For example, as early as 1501, the imperial government sent several orders to its governors in Anatolia to intercept and immediately execute any Safavid disciples from Ottoman lands who set out to join Shah Isma'îl.¹² In 1502, a large Turkmen group from central and southern Anatolia that was suspected of supporting Shah Isma'îl was forcibly displaced and resettled in the Morea.¹³ Alongside these punitive measures, beginning in the early 16th century the Ottomans provided financial and administrative support to the Bektashi order, which they hoped would accommodate the antinomian beliefs and practices of the Turkmen supporters of the Safavids, and bring this unruly population under its umbrella and thus under government control.¹⁴

Nevertheless, subsequent developments demonstrate that efforts to consolidate Ottoman power against Safavid expansion in Anatolia had failed. In 1510, another Sufi figure from the Antalya region in southwest Anatolia, Şahkulu, initiated a messianic uprising with the support of the Tekelü Turkmen, most of whom had been followers of Shah Isma'îl.¹⁵ Şahkulu was very successful and nearly captured Bursa, an Ottoman capital city, before the main Ottoman army forced him and his followers to escape to Safavid lands in 1511.¹⁶ One year later, Safavid agent Nur Ali Halife led Anatolian followers of Shah Isma'îl to revolt and destabilized Ottoman power in Sivas, Tokat, Amasya, and Çorum. During that same year, an Ottoman prince, Murad (d. 1513–14), joined the Safavids, probably expecting them to be the ultimate victors in the regional struggle.¹⁷

The Safavid advances and Turkmen insurgencies in Anatolia seem to have surprised the Ottomans and exposed the frailty of their power. Several reports about the religious and political beliefs and actions of the Safavids and their supporters in Anatolia and suggestions for course of action to counter them were presented to the Ottoman central government. For example, in the early 1510s, Ali bin Abdülkerim, an otherwise unknown person, submitted a detailed report to Selim (r. 1512–20) in which he claimed the Safavids were unbelievers who scorned the Qur'an and tried to spread deviant beliefs. He advised the Ottoman sultan to fight and kill them, and to turn their lodges into mosques.¹⁸

In 1514, Selim decided to act preemptively by embarking on a major campaign against the Safavids. He moved the army from Edirne and set up camp in Fil Çayırı on the outskirts of Istanbul. During his stay there, in an effort to legitimize his campaign against a fellow Muslim power and his actions against his own subjects, he convened a council in which many dignitary scholar-bureaucrats (*mevālî*) participated. Kemalpaşazade, one of the authors examined in this paper, refers to this meeting in his *Tevarih-i Âl-i Osman* (Histories of the Ottoman Dynasty), although he probably did not participate in it:

Those dignitaries of the time, who were known for their persistence in the path of shari'a, their superior ability of writing fatwas, and their brand of piety, were invited to the council, and the issue of the war against the infamous Qizilbash [the supporters of Shah Isma'il] was discussed. The consultation revolved around the rule of shari'a [on this issue]. They agreed upon the correct opinion and wrote this answer: "[shedding] the blood of those who follow this pervert [Shah Isma'il] and perform acts which he allows is permissible. It is necessary to disperse his community and followers. It is more important to fight against them than fighting against enemy unbelievers [*harbî kâfirler*]. Those who helped them are brigands [*sâ'î al-fasād*]; they should be immediately caught and killed regardless of their country."¹⁹

Kemalpaşazade does not list the participants in this council; however, one can reasonably assume that the holders of the top positions in the scholarly hierarchy in Istanbul attended, such as the chief jurist (Ali Cemali, d. 1526), the two chief judges (Müeyyedzade Abdurrahman, d. 1516 and Sarigörez Nureddin Hamza), and the judge of Istanbul (Zeyrekzade Rükneddin, d. 1522–23).²⁰ Kemalpaşazade implies that the attendees reached a unanimous opinion about the legitimacy of the war against the Safavids and the killing of their followers, including those who were Ottoman subjects.²¹

In short, the establishment of the Safavids as a political entity prompted a significant number of Ottoman subjects to rise in rebellion against Ottoman rule and to undermine the political authority of the Ottomans within their own territories. The Ottomans initially tried to address this issue with palliative measures; however, in 1514 they decided to wage a war against the Safavids and their followers, for which they sought the endorsement of scholars. Against this backdrop, Sarigörez and Kemalpaşazade wrote their opinions on the issue.

SARIGÖREZ'S DOCUMENT: MAKING THE WAR A RELIGIOUS DUTY

Sarigörez's piece seems to be the first written response from a scholar-bureaucrat to the government's quest to legitimize its actions against the Safavids and their supporters. It reflects the sense of urgency prevalent among the Ottoman elite at the time over the

Safavid threat. Sarıgözü's interpretation of religiolegal doctrine and of its applicability to the situation at hand mandated that the government and common people fight the Safavids and their supporters and legitimized all kinds of harsh measures against them, including the execution of men and the enslavement of women and children.

Sarıgözü was born in Karesi in western Anatolia and received his education in Istanbul. He taught in several graded madrasas before being appointed to a professorship at the Sahn madrasas—one of the highest learning centers of the time—in Istanbul. He later served as judge of Istanbul, chief judge of Anatolia, and chief judge of Rumelia in sequence—the three highest scholarly positions in the empire after the office of chief jurist.²² It was probably after Selim's council in Fil Çayırı²³ that Sarıgözü drafted his argument on the matter of the Safavids.²⁴

Whether Sarıgözü's writing is representative of the opinions of scholar-bureaucrats of the period or merely reflects his personal opinion is an open question. A statement in his document gives the impression that he was articulating his own opinion as well as that of others: "These and other words and acts of theirs, which are against shari'a, became conclusively established [*tawātur*] and evident to this humble person and to other scholars of the religion of Islam. Thus, on the basis of the rules of shari'a and reports of our books, we issued the fatwa."²⁵ It is possible that in the council convened by the sultan, Sarıgözü was entrusted with recording the consensus on the issue. It is also possible that Sarıgözü used the pronoun *we* to refer only to himself, as Turkish allowed this stylistic device. If the latter is the case, he meant that in the opinion of all scholars, the crimes of this group had been established, but that he was issuing this fatwa, including the consequences of the concerned crimes, in his own name.²⁶ In any case, Sarıgözü's view seems to have been widely shared, though it would be far-fetched to assume it represented the outlook of every scholar-bureaucrat in the empire. (Indeed, as I discuss later, at least one scholar, Kemalpaşazade, disagreed with Sarıgözü on several points and recorded that perspective in writing.)

Sarıgözü articulates his opinion in a one-page document (about 300 words), which he refers to as a fatwa; however, his writing does not follow the typical Ottoman fatwa form of question and answer sections.²⁷ Instead, he uses plain Turkish prose and addresses all of the Muslim faithful: "O Muslims! Know and beware!" He introduces the theme of the document as "the Qizilbash group, whose leader is Isma'il of Ardabil."²⁸ From his discussion, we can surmise that Sarıgözü conceived of the "Qizilbash group" as followers of the Safavids in Safavid and Ottoman lands alike.

Sarıgözü does attempt to define the religiolegal status of the Safavids and their followers. Because they saw and presented themselves as Muslims, their case was not straightforward. In Sarıgözü's view, they were not simply unbelievers (*kāfir*), but heretical unbelievers (*kāfir wa-mulhid*).²⁹

They disdain shari'a and the tradition of our Prophet, prayer and peace be upon him. They also disdain the religion of Islam, religious knowledge, and the unambiguous Qur'an. In addition, they deem permissible and take lightly the sinful acts that Allah, who is exalted, prohibited. They scorn and burn the noble Qur'an, scriptures, and books of shari'a. They despise and kill scholars and pious people, in addition to destroying places of worship. Moreover, they take their accursed leader as a god and prostrate themselves before him. They curse Abu Bakr and 'Umar, may God be pleased with them, and reject [the legitimacy of] their rule as caliph. They swear against the

wife of the Prophet, our mother ‘A’isha, may God be pleased with her. They intend to erase the religion of Islam and shari‘a, which our Prophet, prayer and peace be upon him, established.³⁰

For Sarigörez, the Safavids’ beliefs and actions seriously diverged from the limits of shari‘a, placing them beyond the boundaries of Islam and earning them the status of heretical unbelievers. He added that “those who sway toward them and who accept and help their invalid religion are also heretical unbelievers.”³¹ From Sarigörez’s perspective, the heretical unbelief of this group threatened the very basis of the Islamic community, and it became the duty of all Muslims (*cemî‘ müslümānlara vâcib ve farzdır / farđ ‘ayn*) to fight them.

Sarigörez’s text next enumerates the religiolegal consequences of these objectionable beliefs and actions. This section of the document reveals that Sarigörez’s concept of heretical unbelief encompasses several offenses. Although he does not use the terms designating apostasy (*irtidād, ridda*, and cognates) in this context, it is nevertheless apparent that for him, heretical unbelief (*kufir wa-illhād*) includes the crime of apostasy. In accordance with the Islamic jurisprudential doctrine on apostasy, such unbelievers lose the capacity to undertake legal actions, and any legal actions they had previously completed successfully are nullified³²: “The animals they slaughter or hunt by falcon, arrow, or dog are unclean [*murdār*]; their marriage contracts with women from their community or outside are invalid, and they cannot inherit from anybody.”³³

Most Muslim jurists required that apostates be invited to reconvert to Islam and did not allow their execution without an opportunity for repentance.³⁴ But in Sarigörez’s opinion, members of this group should not be given such a chance once taken prisoner: “After they are captured, they should be killed with no regard for their repentance.”³⁵ It is possible that Sarigörez considered the Safavids not as regular apostates but as secret apostates (*zindīq*) who pretended to be Muslim but harbored unbelief internally. Thus, for him, they would deserve no chance of conversion or of escaping execution.³⁶

Sarigörez also takes up the case of the followers of the Safavids who were Ottoman subjects. For him, these people were just as guilty as the others and equally deserving of punishment:

If the people of a town belong to this group, the sultan of Islam, may God exalt his helpers, can kill the men among them, and distribute their property, women, and children among holy warriors [*ghāzī*] of Islam [as booty] . . . he can also kill those from this country [Ottoman territory] who are known to follow their path or are caught on their way to join them.³⁷

Sarigörez goes on to argue that any group or person within Ottoman borders who held these heretical beliefs and recognized Shah Isma‘il as leader was an enemy of the empire and deserved the harshest penalties, without exception. Captured men are killed; captured women and children are enslaved. Thus, the religiolegal status and consequences for groups and individuals do not change according to their location and political activism (or lack thereof).

In concluding the document, Sarigörez reiterates that the Safavids and their followers are heretical unbelievers, adding that they are also brigands (*ahl al-fasād*). Each of their crimes (heretical unbelief and brigandage) deserved execution.³⁸ He does not elaborate on the concept of *ahl al-fasād*, though he probably had in mind the shari‘a crime of *hīrāba* (disturbances to society); perpetrators of this crime could be punished by execution.³⁹ In

fact, Sarigörez's calling the group *ahl al-fasād* reveals that he considered not only their religious beliefs and actions but also their social and political attitudes in substantiating the all-encompassing penalties he prescribed for them.

Some copies of Sarigörez's document include notes inserted in the margins, on the reverse, or at the end of the text. These notes include references to or direct quotations from Hanafi jurisprudential works such as Hakim al-Shahid's (d. 945) *al-Kafi* (The Sufficient Book), al-Itqani's (d. 1357) *Ghayat al-Bayan* (The Best Explanation), and Hafiz al-Din al-Kardari al-Bazzazi's (d. 1424) *Fatawa* (Fatwas). Some quoted passages are about the Muslims who left Islam during the years of Abu Bakr's caliphate (632–34); they refer to his execution of apostate men and enslavement of their women and children and thus confirm Sarigörez's opinion of the permissibility of killing or enslaving the followers of the Safavids. However, the same passages make clear that if the apostates convert back to Islam, they cannot be killed or enslaved—which appears to contradict Sarigörez's rejection of the right of repentance. Meanwhile, some other marginal notes argue, on the authority of certain Hanafi texts including al-Bazzazi's *Fatawa*, that “heretics [*mulḥid*] and secret apostates [*zindīq*] are killed and their repentance after arrest is not accepted.” This opinion appears to parallel Sarigörez's view on the treatment of Safavid followers who had been captured.⁴⁰ It is impossible to determine with certainty whether Sarigörez himself wrote these notes. In any case, the lack of an easy accord between the content of these quotations and Sarigörez's views indicates that from the perspective of the Islamic jurisprudential tradition, Sarigörez's interpretation of the Safavid threat in 1514 had many peculiar features; he did not faithfully depend on the precedents of earlier jurists, but combined many of them to come up with his own personal opinion, religiolegal categories, and interpretation of these.

To summarize, Sarigörez wrote his opinion about the Safavids and their followers immediately before the Battle of Çaldıran in 1514. Characterizing them as heretical unbelievers (*kāfir wa-mulḥid*), he defined the war effort against the Safavids as a religious duty and justified the actions of the government—including arresting, enslaving, and killing—both inside and outside Ottoman territories. The publication of this opinion by a senior scholar-bureaucrat jurist after a meeting with the sultan probably implied to contemporaries that the class of scholar-bureaucrats considered the Ottoman war effort and punitive measures to be justified and encouraged executive authorities to punish the followers of the Safavids unreservedly.

KEMALPAŞAZADE'S TREATISE: RESTRICTING THE ABSOLUTE LICENSE

Kemalpaşazade, another scholar-bureaucrat jurist who also wrote about the Safavids and their followers, endorsed some of Sarigörez's opinions and criticized others. Like Sarigörez, Kemalpaşazade believed that the Safavids were religiously deviant, that their threat to the Ottomans was imminent, and that the Ottoman sultan and every Muslim believer had a duty to challenge this threat. Conversely, Kemalpaşazade appears to have criticized some of Sarigörez's opinions—such as his legitimation of the persecution of Ottoman subjects who supported the Safavids and his objection to granting them the right of repentance—for not being in accordance with the received Hanafi jurisprudential doctrine.

Kemalpaşazade was born in 1469 into a family that included some who had served the Ottoman dynasty in a military capacity. He also started his career as a soldier, but, impressed by the respect shown to scholars in the grand vizier's court, he changed tracks and became a professor. Kemalpaşazade taught in several madrasas in Edirne and Üsküp before ascending to a professorship at the Sahn madrasas in Istanbul. In 1511 he was promoted to a professorship in Bayezid II's madrasa in Edirne. In 1515 he became the judge of Edirne, and one year later the chief judge of Anatolia. After leaving this position in 1519, he taught in madrasas in Istanbul and Edirne. In 1526, he became the chief jurist and remained in that position until his death in 1534.⁴¹

Kemalpaşazade wrote his treatise on the Safavids and their supporters in Arabic.⁴² This choice suggests that unlike Sarigörez, Kemalpaşazade intended to address his scholar colleagues rather than the general public. There is no precise indicator of the composition date for Kemalpaşazade's treatise. However, the document's reference to Shah Isma'il as the leader of the Safavids means that we can take the year of the shah's death (1524) as a *terminus ad quem*. Beyond this, Kemalpaşazade's description of the Safavids and their followers as self-confident and of their conquests of new territories, as well as his perception of the immediacy and severity of the Safavid threat against Islam and Muslims (read, the Ottomans), suggests that he composed his treatise on the eve of the Battle of Çaldıran.

The similarity of the topics discussed in Sarigörez's and Kemalpaşazade's text examined here, and of the order in which these topics appear, indicates a connection between the two works. Either or both of the authors might have seen the other's text. As Kemalpaşazade's text includes a tint of polemical language and thinly veiled criticism of Sarigörez's opinions, it is possible to surmise that he wrote his treatise shortly after seeing Sarigörez's work.

Kemalpaşazade probably did not accompany the sultan on his campaign against the Safavids in 1514 or attend the meeting of scholar-bureaucrats with the sultan at Fil Çayırı. By then, however, he had become known as an accomplished scholar, having completed his massive history of the Ottoman dynasty up until his time—a project that was commissioned by Bayezid II (r. 1481–1512).⁴³ Thus, Kemalpaşazade would have had the prestige and courage to articulate an opinion contradicting that of another scholar—even one voicing the consensus of the top scholar-bureaucrats who had met the sultan to discuss the issue at hand.

Kemalpaşazade introduces the subject of his treatise as “a group of Shi'a [who] set up control over many of the countries [*bilād*] of Sunnis so that they propagated their invalid paths . . . following in the footstep of their head and leader, whom they called Shah Isma'il.”⁴⁴ This statement shows that Kemalpaşazade's treatment of the topic differs from that of Sarigörez. Kemalpaşazade refers to the Shi'i identity of the Safavid movement and thus underlines the self-perception of its participants as Muslims.⁴⁵ In addition, he points to the political control of a specific territory as a distinguishing characteristic of the people under consideration. In other words, unlike Sarigörez's work, which does not differentiate between the supporters of the Safavids in other lands and those in Ottoman lands, passing judgment on all without distinction, Kemalpaşazade's treatise deals only with the followers of the Safavids *outside* Ottoman territories.

As for the religiolegal status of the Safavids' followers, Kemalpaşazade, like Sarigörez, concludes that members of this group, though they see themselves as Muslims,

are unbelievers. He enumerates offenses similar to those named by Sarigörez, such as disdaining shari‘a and its scholars, cursing Abu Bakr, ‘Umar, and ‘Uthman, and believing that whatever Shah Isma‘il deemed permissible was thus made permissible. However, Kemalpaşazade differs from Sarigörez in the main religiolegal category that he assigns to the Safavids and their followers: apostate unbelievers (*kāfir wa-murtadd*) rather than heretical unbelievers (*kāfir wa-mulhid*).⁴⁶

Kemalpaşazade articulately defines the consequences of the religiolegal status of being apostate unbelievers—consequences which are more or less the same as those Sarigörez prescribes for heretical unbelievers: they lose the capacity to undertake legal acts, and their previous acts become invalid. As he states, “the marriages of their men and women are invalid by the agreement [of all scholars]. Each of their children undoubtedly is born out of wedlock (*walad al-zinā*). The animals they slaughter become carrion.” Their land is the land of war; therefore, it is necessary (*wājib*) for the sultan to wage war against them, and it is the individual duty of every Muslim (*fard ‘ayn*) to participate in that effort.⁴⁷

Kemalpaşazade’s several conclusions about the Safavids and their supporters are different from those of Sarigörez. In contrast to Sarigörez, Kemalpaşazade explicitly recognizes the right of apostate unbelievers to repent. If prisoners of war from this group declare their reconversion to Islam, they become free. Here, Kemalpaşazade makes a brief digression by stating that regarding repentance, apostate unbelievers and secret apostates (*zindiq*) are different because the latter do not have the right to escape the penalty of execution by converting once more to Islam.⁴⁸ He seems to imply that Sarigörez was confused on this point and missed this distinction.

Moreover, unlike Sarigörez, Kemalpaşazade appears to have provided religiolegal protection to the supporters of Shah Isma‘il who live *within* the Ottoman domain: “If they [apostate unbelievers] establish control over their own cities [*ghalabū ‘alā madā’inihim*], their cities become the land of war [*dār al-ḥarb*]; then their property, women, and children become permissible for Muslims [to plunder].” These words suggest that, in Kemalpaşazade’s opinion, the supporters of the Safavids among the subjects of the Ottoman Empire should be exposed to military attack and plunder only if they have seceded their land from Ottoman rule.⁴⁹ In other words, so long as Ottoman political control continued in a region, the Ottoman army did not legally have the right to attack the supporters of the Safavids there.

Kemalpaşazade’s writing does not address directly whether the Ottoman authorities had the right to seize and punish individuals affiliated with the Safavids. This can be interpreted as his having disapproved of the state’s persecution of them. His treatise does, however, take up the case of a person who “leaves the land of Islam, chooses their [the Safavids’] invalid religion, and goes to their land.” For him, “the judge can pass a judgment to the effect that he is dead, divide his estate among his heirs, and marry his wife to another man.”⁵⁰

At the end of the treatise, Kemalpaşazade includes quotations supporting his opinions from Hanafi jurisprudential works, such as Hakim al-Shahid’s *al-Kafi*, Zahidi’s (d. 1260) *al-Qunya* (The Acquisitions), al-Mawsili’s (d. 1284) *al-Ikhtiyar* (The Selections), ‘Alim bin ‘Ala’s (d. 1384) *Fatawa*, and Hafiz al-Din al-Kardari al-Bazzazi’s *Fatawa*.⁵¹ A group of these quotations are about the religiolegal consequences of rejecting the caliphates of Abu Bakr and ‘Umar (r. 634–44) and cursing them and Sunni scholars; these are

clearly intended to substantiate Kemalpaşazade's characterization of the Safavids and their followers as unbelievers. Another group deals with the religiolegal consequences that apostate unbelievers would face—which directly confirm Kemalpaşazade's opinions about the topic in the treatise. One last quotation refers to the duty of every Muslim to participate in the fight against unbelievers who attack a fortress under Muslim control, which Kemalpaşazade clearly saw as buttressing his view that the fight against the Safavids was the individual duty of every Muslim (*fard 'ayn*).⁵² The accord between Kemalpaşazade's views and the quoted opinions of past Hanafi jurists indicates that he carefully depended on the jurisprudential precedents when forming and articulating his perspective.

To recapitulate, Sarıgözü and Kemalpaşazade likely wrote in quick succession about the issue of the Safavids and their supporters. Both agreed that participation in the war against them was the religious duty of every Muslim, but they differed on the parameters of that war and the religiolegal characterization of the enemy. For Sarıgözü, these were heretical unbelievers and there was no limit to the measures that should be taken against them; whether groups or individuals, or within or outside Ottoman lands, they were legitimate targets of this war, and those who were captured were to be executed. For Kemalpaşazade, the Safavids and their supporters were apostate unbelievers. The jurisprudential doctrine required that only groups that had established independent political control in a specific territory could be targeted militarily, that groups and individuals within Ottoman borders were safe, and that people who were captured during the war had to be given a chance to repent.

The different approaches and conclusions of Sarıgözü and Kemalpaşazade, who most probably wrote under the same historical conditions and within a very short time of one another, indicates that considering scholar-bureaucrats as mere tools who dutifully issued religiolegal opinions to provide legitimacy to government actions does not always accord with historical reality. Sarıgözü, probably as spokesperson for a group of dignitary scholar-bureaucrats, articulated opinions that granted extensive power to the government in the struggle against the Safavids. Kemalpaşazade, possibly reacting critically to these opinions, prescribed some restrictions on the actions of the government. The available evidence does not indicate whether any other scholar-bureaucrat was involved in this debate at the time. Nevertheless, that Kemalpaşazade did not face any admonishment from the government but instead progressed smoothly in his official career⁵³ suggests that he and other scholar-bureaucrat jurists had the right to reflect publicly on the religiolegal issues of the empire.

FROM THE BATTLE OF ÇALDIRAN TO THE MID-16TH CENTURY

The Battle of Çaldıran in 1514 accelerated a gradual shift in the relative positions of the participants in the Ottoman–Safavid competition in the region. From 1514 until the 1550s, the Ottomans steadily strengthened and extended their power in Anatolia and beyond. Meanwhile, the Safavids renounced their claims over Anatolia as well as increased their efforts to establish a bureaucratic administration and curb the power of the tribal Turkmen groups in the Safavid domain. As a consequence, the Anatolian Turkmen supporters of the Safavids remained under Ottoman rule and had to recognize Ottoman authority. In other words, the sociopolitical conditions in the decades following

the war significantly differed from those on the eve of it. Thus, the opinions of Sarıgörez and Kemalpaşazade on the Safavids and their followers probably were not applicable to the situation on the ground and appeared outdated to the Ottoman elite.

As discussed earlier, the Safavids and their followers had the ability to instigate insurrection as deep within Ottoman borders as Bursa, one of the capital cities. This changed after the Battle of Çaldıran. Following this encounter, in 1514 the Ottoman army, led by Selim, marched out to Tabriz, the Safavid capital. Although the Ottomans failed to maintain their hold there, they did succeed in extending their imperial control in eastern Anatolia, capturing the cities of Erzincan, Bayburt, Tercan, and Diyarbakır. With the help of the famous scholar and bureaucrat İdris-i Bidlisi (d. 1520), they were able to secure the loyalty of Kurdish rulers in the region. Later, they eliminated the Dulkadir principality, which controlled part of southeastern Anatolia. In 1516–17, after defeating the Mamluks in two battles, the Ottomans also annexed Syria, Egypt, and Arabia.⁵⁴

Under Süleyman (r. 1520–66), the Ottomans made further advances against the Safavids. Through the campaign of the Two Iraqs (Iraqeyn; 1533–35) they gained most of Iraq, including Baghdad and Basra.⁵⁵ In 1548–49, Süleyman moved against the Safavids once more, with the ostensible goal of installing Prince Alqas Mirza on the Safavid throne. Although Süleyman failed to achieve this, he captured some new cities, including Van and Erciş.⁵⁶ After his third campaign against the Safavids (1553–54), the two sides signed a peace agreement (1555),⁵⁷ thwarting the hopes of some Anatolian supporters of the Safavids that they would be able to break away from the Ottoman Empire and join its rival.

Certain developments in the Safavids' own realm during the first half of the 16th century also worked against the interests of their Turkmen supporters in general and those from Anatolia in particular. Several Turkmen tribes had provided critical military support to Shah Isma'il in his rise to political independence in 1501, but he began seeking ways to restrain them immediately after this victory.⁵⁸ During that same year, he named Twelver Shi'ism, which contradicted many of the beliefs of his Turkmen supporters, the official religion in his realm. When he captured Khorasan in 1510, he began incorporating into his regime Iranian bureaucrats (*tājīks*), whose presence threatened to limit the absolute independence of Turkmen governors in the provinces. Under Shah Tahmasp (r. 1524–76), some Turkmen leaders continued to occupy significant positions, but other groups, such as the Iranian bureaucrats and Twelver Shi'i scholars, also rose in importance.⁵⁹ Thus, Turkmen people had fewer opportunities, and their beliefs and practices began to meet with opprobrium in the Safavid court. Furthermore, in the face of Ottoman military strength, the Safavid power brokers became increasingly interested in consolidating their power in the lands already under their control instead of capturing new territory in Anatolia.⁶⁰ Thus, at a time when the Ottomans were bolstering their military and administrative control over the Turkmen groups of Anatolia who had supported the Safavids, the Safavids were leaving the same groups to their own devices, both politically and militarily. Many Turkmen groups from Anatolia nevertheless maintained their ties with the Safavids; although they did not convert to Twelver Shi'ism, they persisted in recognizing the Safavid shahs as their spiritual leaders.⁶¹

At the same time, after the confrontation with the Safavids and the annexation of the predominantly Sunni Mamluk lands of Syria, Egypt, and Arabia, Ottoman Sunni identity continued to solidify, and Sunnification from the top down accelerated.⁶² Under these

circumstances, the Ottomans do not seem to have been willing to lend legitimacy to the antinomian beliefs and practices of subjects who had supported the Safavids and still had relations with them. Neither, however, did they seek to alienate them completely, so long as these subjects agreed to conform to Sunni societal norms, even if only in appearance. For this reason, the government established policies that would, on the one hand, maintain the state's Sunni identity, and on the other hand, provide for the continuation of the Anatolian supporters of the Safavids as an element in Ottoman society. For example, the imperial decree of 1537–38 requiring the construction of mosques in “the villages [of Muslims] where there had never been mosques” probably concerned the villages of these groups and had a double function.⁶³ It would force them to practice the basic religious rituals of Sunni society while providing the Ottoman government an excuse to discontinue or relax the harsh measures it had adopted against them.⁶⁴

Another example is the Ottoman government's continuous support for the development of the Bektashi order, which accommodated the beliefs and antinomian tendencies of Turkmen supporters of the Safavids.⁶⁵ If the Ottoman government controlled the appointments of shaykhs to the main lodge in Kırşehir, which was granted authority to manage other lodges throughout the empire, it would indirectly be able to bring estranged subjects under its control. In addition, by allowing the Bektashi order to prosper, the government would provide a sizable part of its population with an institutional structure through which to maintain and practice their beliefs without openly compromising official Sunni identity.⁶⁶

To summarize, from the Battle of Çaldıran to the 1550s, the Ottomans consolidated their power in Anatolia and captured new territories. Hence, the Safavid shahs and their Anatolian supporters lost the capacity to cooperate in order to undermine Ottoman rule in the region. The Ottomans took steps to accommodate subjects who had previously supported the Safavids but who increasingly recognized the permanence of Ottoman rule over them. Under these circumstances, the opinions issued by Sarıgörez and Kemalpaşazade in 1514 on the eve of the Battle of Çaldıran—requiring, for example, that every Muslim fight against the Safavids and their supporters—no longer accorded with reality on the ground. Thus it was that by mid-century there was a need for a new interpretation of the issue, which was provided by Ebussuud.

EBUSSUUD'S FATWAS: SULTANIC PREROGATIVE AND SUBTLE DIFFERENTIATION

Ebussuud articulated his opinions about the Safavids and their supporters in eleven fatwas.⁶⁷ The presentation, scope, and specifics of his ideas on the religiolegal status of the Safavids and their supporters and his consequent rulings are fairly different from those of Sarıgörez and Kemalpaşazade—although he agreed with one or both of them on several issues. Arguably, the peculiarities of Ebussuud's opinions mostly sprang from the changed relationships and attitudes among the different actors of the conflict several decades after the Battle of Çaldıran, though they also partly stemmed from Ebussuud's temper and juristic preferences. He felt the need to justify a possible Ottoman war against the Safavids but, at the same time, sought to provide the legal ground for protecting Ottoman subjects who had supported the Safavids but apparently

came to accept Ottoman rule. To achieve this dual purpose, he presented a convoluted religiolegal interpretation that underlined the primacy of sultanic decision in critical matters and suggested leniency in the treatment of former supporters of the Safavids who showed desire to conform to Sunni society.

Born in 1490 to a Bayrami shaykh, Ebussuud received his education from the famous scholars Müeyyedzade Abdurrahman and Seyyidi Karamani (d. 1517–18). He entered the official scholarly career track in 1516 and taught in several madrasas in İnegöl, Gebze, and Istanbul before ascending to a professorship at the Sahn madrasas in 1527. In 1533, after a stint as the judge of Bursa, he became the judge of Istanbul. He was promoted to the chief judgeship of Rumelia in 1537 and appointed the chief jurist in 1545, a position he held until his death in 1574.⁶⁸

Unlike the other two scholars discussed here, Ebussuud presented his opinions in the fatwa form comprising question and answer sections. Ebussuud gives the date of composition for three of his fatwas as 1548–49. Another fatwa can be dated to 1553–54 or later, as it refers to the Nahcivan campaign that took place during these years. It is impossible to estimate the composition date of the other fatwas.

Whether Ebussuud's fatwas on the Safavids and their supporters are records of real questions and answers or simply a means for him to articulate his opinions is worth considering. A group of the fatwas (eight of eleven) under consideration display the features of the typical Ottoman fatwa form;⁶⁹ accordingly, each constitutes a self-contained text with a long question section (one to three lines) summarizing the religiolegal issue, and a short answer section of a few words.⁷⁰ It is possible that these fatwas record actual encounters in which Ebussuud answered the questions posed to him. Another group of these fatwas (three of eleven), which were composed together in 1548–49, are distinct from the first group—and, for that matter, from most in the collection of Ebussuud's fatwas. These textually refer to each other and together constitute an essay about the ideological claims of the Safavids and the religiolegal status of their supporters. Unlike typical fatwas, two of these have only short question sections (about two lines) but very long answer sections (about 300 and 600 words, respectively). The time of composition of these three fatwas, 1548–49, coincides with Süleyman's campaign against the Safavids.⁷¹ It is possible that Ebussuud wanted to answer questions frequently being asked him in formal and informal settings, as well as to explain ideological issues relevant to an impending or ongoing imperial campaign.

Unlike the writings of Sarigörez and Kemalpaşazade, Ebussuud's work includes the treatment of purely ideological issues alongside its discussion of the religiolegal situation of the Safavids and their supporters. For example, one of his fatwas discusses the authenticity of the Safavid claim of descent from the Prophet Muhammad (d. 632) and declares it a fabrication. Others examine the case of a person who damns the Umayyad caliph Yazid (d. 683).⁷²

Like Sarigörez, Ebussuud folds the Safavids and their supporters under the category "Qizilbash group." He does not recognize them as Shi'i Muslims, for he considers them to have fallen into unbelief by "taking an amount of wickedness and immorality from each sect and adding it to the unbelief and innovation of their own choice."⁷³ In his general treatment of the topic, Ebussuud, like Sarigörez, does not restrict his discussion to followers of the Safavids who have established political and military control over a

territory. In debating the specific religiolegal rules, however, he appears to make much the same distinction drawn by Kemalpaşazade between Ottoman and non-Ottoman supporters of the Safavids.

Ebussuud's understanding of the religiolegal status of the Safavids and their supporters is not easy to decipher, as he characterizes them in divergent ways. His various fatwas call them unbelievers (*kāfir*), apostates (*murtadd*), rebels (*bāghī*), and brigands (*ahl al-fasād*).⁷⁴ In the Islamic jurisprudential tradition, the term *bāghī* was used for Muslim rebels who rose against a legitimate ruler as the result of a divergent interpretation of the scriptures. If a non-Muslim subject rebelled against a legitimate ruler, he was characterized as *ḥarbī* (enemy unbeliever), not *bāghī*.⁷⁵ Thus, a person or group cannot be simultaneously both *kāfir* and *bāghī*. It is highly unlikely that a man of Ebussuud's education and experience would have been ignorant of this terminological nuance or chosen to disregard it; rather, it is more likely that, as will be seen, Ebussuud subsumed two groups that for him held different religiolegal statuses under the same heading.

Like Sarıgörez and Kemalpaşazade, Ebussuud attributes a number of blasphemous beliefs and actions to the Safavids and their supporters, including "disdaining and killing scholars on account of their knowledge, considering their immoral cursed leader [to be] a god . . . [and] considering permissible many religiously forbidden acts." He concludes that they are unbelievers, and goes on to contend that "those who doubt their unbelief [themselves] become unbelievers."⁷⁶ For Ebussuud, the Safavids and their supporters are apostates and, therefore, are more despicable than other unbelievers.⁷⁷

As discussed earlier, by the 1540s the Ottomans had contained the Safavids in Iran and Azerbaijan and strengthened their control over Anatolia. Thus, for Ebussuud, the threat that the Safavids posed was not an existential one. Unlike Sarıgörez and Kemalpaşazade, who considered the struggle with the Safavids and their supporters to be the individual duty of every Muslims (*farḍ 'ayn*), Ebussuud saw fighting this group as merely permissible (*mubāḥ* or *ḥalāl*) and as bound to the sultan's command.⁷⁸

It is noteworthy that Ebussuud does not even mention any of the religiolegal penalties, such as annulment of marriage and loss of legal capacity, that Sarıgörez and Kemalpaşazade prescribe for supporters of the Safavids as a consequence of their apostasy. One wonders whether Ebussuud chose not to discuss these here or understood this crime and its consequences differently from the other two scholars. Ebussuud's rulings on the enslavement of captured women and children of this enemy suggest that his interpretation was different. As discussed earlier, both Sarıgörez and Kemalpaşazade legitimated the enslavement of women and children supporters of the Safavids when captured in war. According to Ebussuud, by contrast, although women from this group could be taken as prisoners of war, they must not be treated as slaves. Thus, for example, sexual intercourse with them was not permitted. Along the same lines, Ebussuud rejected the enslavement of children captured during the Nahçıvan campaign.⁷⁹

As for the issue of repentance and conversion back to Islam by supporters of the Safavids once they were seized, Ebussuud diverges from both Sarıgörez and Kemalpaşazade by affirming the primacy of sultanic decisions. Ebussuud refers to the opinions of two groups of jurists. He states that according to the opinions of one group, including Abu Hanifa (d. 765), Sufyan al-Thawri (d. 778), and al-Awza'i (d. 774), re-conversion must be accepted, while in the views of another group, including Malik bin Anas (d. 795), Layth bin Sa'd (d. 791), al-Shafi'i (d. 820), Ahmad bin Hanbal (d. 855),

and Ishaq bin Rahuya (d. 853), their repentance should never be accepted. Ebussuud argues that this diversity of opinion gives the imam (in this case, the sultan) the freedom to choose either approach and to accept or reject repentance according to the particular situation.⁸⁰

At first blush, Ebussuud echoes Sarıgözü in treating the Safavids and their followers uniformly under the category of the “Qizilbash group,” without distinguishing between those who were Ottoman subjects and those who were not. However, he appears to make a subtle distinction, by means of which he tries to provide religiolegal protection to Ottoman subjects who had supported the Safavids but had not served as soldiers in the Safavid army, and who now appeared to follow the norms of Ottoman society:

There is no hesitation whatsoever about their soldiers, who participated in the fighting, and their companions [i.e., they can be fought and killed]. However, people in the cities and the countryside who live peacefully and stay away from their [Safavid] acts and features and whose appearances confirm their trustworthiness are not subject to the same rules and punishments unless it becomes apparent that they are lying.⁸¹

Here Ebussuud probably has in mind Ottoman subjects who externally appeared to conform to the standards of Sunni society, although they might continue to believe and practice their antinomian beliefs under the umbrella of the Bektashi order. This passage appears in one of Ebussuud’s three fatwas issued in 1548–49, when Süleyman was moving against the Safavids. It is therefore possible to see the ruling as an attempt to protect conformist Ottoman subjects from harassment by declaring that they should be treated as Muslims regardless of the rulings about the Safavids and their supporters.

Nevertheless, it is clear that Ebussuud does not provide blanket religiolegal protection for communities of Safavid followers within Ottoman lands. For him, the Ottoman sultan had the right to punish and kill those who rose against the Ottoman government. Ebussuud offers multiple justifications for this: they were rebels (*bāghī*) and brigands (*ahl al-fasād*) and their collusion with Safavid apostate unbelievers earned them the same status, so they deserved to be harshly punished.

Ebussuud affirmed the primacy of sultanic prerogative in determining how the Safavids and their supporters should be treated (e.g., in necessitating a war against them, punishing rebellious Ottoman subjects, accepting the repentance of those captured). In addition, probably considering the new realities several decades after the Battle of Çaldıran, he argued for the necessity of protecting Ottoman subjects who appeared to conform to Ottoman society’s general Sunni standards.

It appears that Ebussuud’s views on the Safavids and their supporters became the definitive religiolegal position on this issue. To my knowledge, after Ebussuud, no other scholar-bureaucrat investigated the topic in a way comparable to the scholar-bureaucrats analyzed here.⁸² When this issue was addressed, Ebussuud’s views were usually referred to as juristic precedent.⁸³

SCHOLAR-BUREAUCRAT JURISTS AND THE DISTINCT SPHERE OF LAW

Let us now return to some of the questions raised at the very beginning of this article and to raise others relating to the juristic authority of scholar-bureaucrats in the Ottoman

Empire in the 16th century. Did scholar-bureaucrat jurists, who were by definition government officials, have to justify the policies of the government? How was their relationship with Islamic jurisprudential doctrine? Did they consider contemporary political and social realities? Did jurists have a discourse of their own, distinguishable from that of other branches of the elite? Did their opinions constitute a monolithic discourse, or did they present variety? Our answers to these questions shed light on the authority of the law and jurists, and whether they occupied a distinct sphere, in the Ottoman Empire during the 16th century.

The foregoing analysis has shown that the scholar-bureaucrat jurists Sarıgözü, Kemalpaşazade, and Ebussuud each seriously considered contemporary religiolegal phenomena and received jurisprudential doctrine in their reflections on the issue of the Safavid threat. Sarıgözü, who wrote in 1514 before the Battle of Çaldıran, was very harsh in his opinions on the issue, permitting the use of violent measures against the Safavids and their supporters everywhere, without distinction between those within and those outside of Ottoman territories. Kemalpaşazade, who probably wrote shortly after Sarıgözü, was just as severe in his opinions when it came to followers of the Safavids *outside* Ottoman territories, but he provided the legal basis for the protection of the rights of Ottoman subjects who supported the Safavids, as well as the rights of prisoners of war who recanted. Finally, Ebussuud, writing under entirely different conditions in the mid-16th century, treated the Safavids and their supporters with the same strict attitude as his colleagues, yet he emphasized the primacy of the sultan's own decision. He justified the lenient treatment of Ottoman subjects who had supported the Safavids, and opened the way for their integration into Sunni-dominated society.

The jurists disagreed on this subject in three ways. First, they varied in their view of the seriousness of the threat. Sarıgözü and Kemalpaşazade perceived the Safavids and their supporters as undermining the very basis of Islam (read, Ottoman rule) and argued that it was incumbent on all Muslims to fight them. By contrast, Ebussuud did not see the Safavids as a lethal threat and considered fighting them to be merely permissible. Second, the jurists differed in terms of the jurisprudential concepts and norms under which they chose to discuss the issue. Sarıgözü characterized the Safavids and their supporters as heretical unbelievers, Kemalpaşazade discussed them as apostate unbelievers, and Ebussuud categorized them as both apostate unbelievers and rebels. Each of these characterizations entailed different religiolegal consequences. Third, in some cases the jurists differed in their understanding of the same concept. Ebussuud disagreed with the other two about the consequences of identifying the Safavids and their supporters as apostates.

The preceding investigation provides insights about scholar-bureaucrat jurists' perception of their own status and the extent of the government's power.⁸⁴ It should be underlined that while the jurists under discussion were writing as part of the Ottoman ruling elite, they saw themselves as representatives of the law, with a measure of independence and the responsibility to legitimate and, as needed, restrict the government's actions. Thus, they did not surrender their juristic authority to become mere pawns of the government, serving the pleasure of the sultan. Interestingly, they were not always eager or bound to endorse government policies. In some cases, they were keen to place limits on executive authority.

All three jurists dispensed with the biased perspective and pejorative language of polemical anti-Qizilbash discourse prevalent in the Ottoman center at the time, and instead adopted the more neutral perspective and terminology of jurisprudential discourse. This preference indicates that the jurists saw their expertise and discursive sphere as distinct from that of other segments of the Ottoman ruling elite. In other words, from the perspectives of these three jurists, who occupied top positions in the scholarly bureaucratic hierarchy, the law and the legal system of the empire constituted a distinct sphere in which jurists, using the distinctive idiom of Islamic jurisprudence, had some right to speak about the imperial legal order and to justify or restrict the government's powers. The differences in the jurists' opinions on the treatment of the Safavids and their supporters reflect not only the shifting reality in which each of them was writing but also divergences in their recognition of the essential attributes of the conflict and in their identification of the applicable jurisprudential doctrines.

NOTES

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¹Richard C. Repp, *The Müfti of Istanbul: A Study in the Development of the Ottoman Learned Hierarchy* (London: Ithaca Press, 1986), 27–72; Abdurrahman Atçıl, *Scholars and Sultans in the Early Modern Ottoman Empire* (Cambridge: Cambridge University Press, 2017).

²Of the three texts analyzed here, two were written in Turkish and one in Arabic. I will use the Arabic transliteration system for terms that were commonly used in both languages, but will otherwise follow the relevant transliteration system for each text. Unless otherwise indicated all translations of primary material are my own.

³The appellation “Qizilbash” denoted the nomadic, mostly Turkmen, supporters of the Safavids from Azerbaijan, Anatolia, and Syria, who constituted the backbone of the Safavid army for most of the 16th century. For this, see Tufan Gündüz, *Kızılbaşlar, Osmanlılar, Safevîler* (Istanbul: Yeditepe, 2015), 97–114. The term originally had a negative connotation, as it was first used by the enemies of this group. Later, it became the self-designation of the Safavid tribal soldiers. For this, see Shahzad Bashir, “The Origins and Rhetorical Evolution of the Term *Qizilbâsh* in Persianate Literature,” *Journal of the Economic and Social History of the Orient* 57 (2014): 364–91. For the formation of Qizilbash identity and its distinguishing features, see Ayfer Karakaya Stump, “Subjects of the Sultan, Disciples of the Shah: Formation and Transformation of the Kizilbash/Alevi Communities in Ottoman Anatolia” (PhD diss., Harvard University, 2008); and Rıza Yıldırım, “Turcomans between Two Empires: The Origins of the Qizilbash Identity in Anatolia, 1447–1514” (PhD diss., Bilkent University, 2008).

⁴Adel Allouche, *The Origins and Development of the Ottoman–Safavid Conflict, 906–962/1500–1555* (Berlin: Klaus Schwarz Verlag, 1983), 30–99.

⁵Derin Terzioğlu, “How to Conceptualize Ottoman Sunnitization: A Historiographical Discussion,” *Turcica* 44 (2012–13): 311–18.

⁶For example, see İbn Kemal, *Tevarih-i Al-i Osman, VIII. Defter (Transkripsiyon)*, ed. and trans. Ahmet Uğur (Ankara: Türk Tarih Kurumu, 1997), 278; J. R. Walsh, “The Historiography of Ottoman–Safavid Relations in the Sixteenth and Seventeenth Centuries,” in *Historians of the Middle East*, ed. Bernard Lewis and P. M. Holt (London: Oxford University Press, 1962), 204–11; Elke Eberhard, *Osmanische Polemik gegen die Safaviden im 16. Jahrhundert nach arabischen Handschriften* (Freiburg: Klaus Schwarz Verlag, 1970), 168–87; Ahmet Refik Altınay, *On Altıncı Asırda Raftçılık ve Bektaşılık*, ed. Mehmet Yaman (Istanbul: Ufuk Matbaası, 1994); Ömer Faruk Teber, “Osmanlı Belgelerinde Alevilik İçin Kullanılan Dini-Siyasi Tanımlamalar,” *Dini Araştırmalar* 10 (2007): 19–38; and Hüseyin Yılmaz, “İran’dan Sünni Kaçışı ve Osmanlı Devleti’nde Safevi Karşıtı Propogandanın Yaygınlaşması: Hüseyin b. Abdullah el-Şirvani’nin Mesiyaniik Çağrısı,” in

Osmanlı'da İlim ve Fikir Dünyası, ed. Ömer Mahir Alper and Mustakim Arıcı (Istanbul: Klasik, 2015), 299–309.

⁷The most important example of authors who adopted a religiolegal perspective is of course the scholar-bureaucrat jurists, whose views will be examined in this essay. However, others also used some elements of this religiolegal vocabulary and mode of reasoning. For an example, see Eberhard, *Osmanische Polemik*, 194–95.

⁸For example, see Selahattin Tansel, *Yavuz Sultan Selim* (Ankara: Türk Tarih Kurumu, 2016), 41–45; M. C. Şehabeddin Tekindağ, “Yeni Kaynak ve Vesikaların Işığında Yavuz Sultan Selim’in İran Seferi,” *Tarih Dergisi* 22 (1968): 53–56; Eberhard, *Osmanische Polemik*; and Markus Dressler, “Inventing Orthodoxy: Competing Claims for Authority and Legitimacy in the Ottoman–Safavid Conflict,” in *Legitimizing the Order: The Ottoman Rhetoric of State Power*, ed. Hakan T. Karateke and Maurus Reinkowski (Leiden: Brill, 2005), 163–64.

⁹Remzi Kılıç, *Kanuni Devri Osmanlı–İran Münasebetleri, 1520–1566* (Istanbul: IQ Kültür Sanat Yayıncılık, 2006), 27–29.

¹⁰Allouche, *The Origins and Development*, 30–99.

¹¹Gündüz, *Kızılbaşlar, Osmanlılar, Safeviler*, 98–100.

¹²İlhan Şahin and Feridun Emecen, *II. Bayezid Dönemine Ait 906/1501 Tarihli Ahkam Defteri* (Istanbul: Türk Dünyası Araştırmaları Vakfı, 1994), 8, 21, 78–79, 126.

¹³Allouche, *Origins and Development*, 84–86; Feridun M. Emecen, *İmparatorluk Çağının Osmanlı Sultanları-I* (Istanbul: İSAM Yayınları, 2011), 39–40.

¹⁴Ahmet Yaşar Ocak, “Bektaşılık,” in *Türkiye Diyanet Vakfı İslam Ansiklopedisi*, vol. 5 (Istanbul: Türkiye Diyanet Vakfı, 1992), 373–79; Saim Savaş, *XVI. Asırda Anadolu’da Alevilik*, (Ankara: Türk Tarih Kurumu, 2013), 113–16.

¹⁵Gündüz, *Kızılbaşlar, Osmanlılar, Safeviler*, 137–41.

¹⁶Feridun M. Emecen, “Şahkulu Baba Tekeli,” in *Türkiye Diyanet Vakfı İslam Ansiklopedisi*, vol. 38, 284–86; Kılıç, *Kanuni Devri Osmanlı–İran Münasebetleri*, 47–57.

¹⁷Rıza Yıldırım, “An Ottoman Prince Wearing Qizilbash Tāj: The Enigmatic Career of Sultan Murad and the Qizilbash Affairs in the Ottoman Domestic Politics, 1510–1513,” *Turcica* 43 (2011): 91–119.

¹⁸Tansel, *Yavuz Sultan Selim*, 32–37. For other reports on the activities of the Safavids and their supporters, see Yıldırım, “Turcomans between Two Empires,” 479–94.

¹⁹Ahmet Uğur, *The Reign of Sultan Selim in the Light of the Selim-name Literature* (Berlin: Klaus Schwarz Verlag, 1985), 96–97.

²⁰For the biographies of these scholars, see Ahmed Taşköprizade, *al-Shaqa’iq al-Nu’maniyya fi ‘Ulama’ al-Dawla al-‘Uthmaniyya*, ed. Ahmed Subhi Furat (Istanbul: İstanbul Üniversitesi Edebiyat Fakültesi Yayınları, 1985), 286–94, 298–99, 312–13.

²¹There are no known works of these scholar-bureaucrats on the issue of the Safavids and their supporters, except that of Sarıgörez. It is therefore currently impossible to determine whether all the participants indeed endorsed or opposed the undertaking. For Ali Cemali’s attitude on the subject, see Repp, *The Miifti of Istanbul*, 220.

²²Taşköprizade, *al-Shaqa’iq al-Nu’maniyya*, 298–99; Mecdi Mehmed Efendi, *Hada’iq al-Shaqa’iq*, ed. Abdülkadir Özcan (Istanbul: Çağrı Yayınları, 1989), 314–15. See also Mehmet İpşirli, “Sarıgörez Nureddin Efendi,” in *Türkiye Diyanet Vakfı İslam Ansiklopedisi*, vol. 36 (Istanbul: Türkiye Diyanet Vakfı, 2009), 151–52.

²³Şehabeddin Tekindağ suggests that Sarıgörez wrote this document during the Şahkulu uprising in 1510–11. For this, see Tekindağ, “Yeni Kaynak ve Vesikaların Işığında,” 55. That the content of Sarıgörez’s document accords with Kemalpaşazade’s above-given summary, however, supports the idea that it was written after the meeting of the imperial council in Fil Çayırı and before the battle of Çaldıran in 1514. On the dating of the document, see Repp, *Miifti of Istanbul*, 218–20. For the attribution of the document to another author, see Yıldırım, “Turcomans between Two Empires,” 535–43.

²⁴I consulted three copies of “Sarıgörez’s Document” in the Topkapı Palace Museum Archive: E. 5960, E. 6401, and E. 12077. These copies are reproduced in Tansel, *Yavuz Sultan Selim*, 364–69. For another reproduction, see Tekindağ, “Yeni Kaynak ve Vesikaların Işığında,” vesika I.

²⁵“Sarıgörez’s Document.”

²⁶For a discussion of how widely shared Sarıgörez’s view in this document was, see Repp, *Miifti of Istanbul*, 218–20.

²⁷For the elements of the Ottoman fatwa documents, see Uriel Heyd, "Some Aspects of the Ottoman Fetvā," *Bulletin of the School of Oriental and African Studies* 39 (1969): 37–46. See my discussion of Ebussuud in this article for more on the Ottoman fatwa form.

²⁸"Sargörez's Document."

²⁹Ibid.

³⁰Ibid.

³¹Ibid.

³²Rudolph Peters and Gert J. J. De Vries, "Apostasy in Islam," *Die Welt des Islams* 17 (1976–77): 7–9.

³³"Sargörez's Document."

³⁴Peters and De Vries, "Apostasy in Islam," 5–6; Joel L. Kraemer, "Apostates, Rebels and Brigands," *Israel Oriental Studies* 10 (1980): 41–44.

³⁵"Sargörez's Document."

³⁶For a review of the historical development of the concept of *zindīq* and its application, see Ahmet Yaşar Ocak, *Osmanlı Toplumunda Zındıklar ve Mülhidler, 15.–17. Yüzyıllar* (Istanbul: Tarih Vakfı Yurt Yayınları, 2013), 28–66. For al-Ghazali's religiolegal views on the *zindīqs*, see Frank Griffel, "Toleration and Exclusion: al-Shāfi'i and al-Ghazālī on the Treatment of Apostates," *Bulletin of the School of Oriental and African Studies* 64 (2001): 350–54.

³⁷"Sargörez's Document."

³⁸Ibid.

³⁹Kraemer, "Apostates, Rebels, and Brigands," 60–71; Khaled Abou El Fadl, *Rebellion and Violence in Islamic Law* (New York: Cambridge University Press, 2006), 247–49.

⁴⁰"Sargörez's Document."

⁴¹Taşköprizade, *al-Shaqa'iq al-Nu'maniyya*, 377–79. See also Şerafettin Turan, "Kemalpaşazade," in *Türkiye Diyanet Vakfı İslam Ansiklopedisi*, vol. 25 (Istanbul: Türkiye Diyanet Vakfı, 2002), 238–40; and Repp, *The Müfti of Istanbul*, 224–39.

⁴²I consulted the edition and transcription of "Kemalpaşazade's Treatise" in Tekindağ, "Yeni Kaynak ve Vesikaların Işığında," 77–78 (reproduced in Allouche, *The Origins and Development*, 170–73), as well as its two manuscript copies in the Süleymaniye Kütüphanesi: Pertev Paşa, no. 621, 31a–b; and Süleymaniye Kütüphanesi, Ayasofya, no. 4794, 43a. For the Turkish translation of the treatise, see Ömer Faruk Teber, "XVI. Yüzyılda Kızılbaşlık Farklılaşması" (PhD diss., Ankara University, 2005), 202–3.

⁴³Turan, "Kemalpaşazade," 25:239.

⁴⁴"Kemalpaşazade's Treatise."

⁴⁵He refrains from discussing these people under the rubric of the "Qizilbash group," probably because he does not see the term as precise enough to distinguish this group. For this, see *ibid.*

⁴⁶*Ibid.* Although he uses the word *ilhād* (heresy) alongside *kufr* (unbelief) to denote the probable meaning of the Safavid red cap, heretical unbelief is not the main religiolegal category he uses to identify followers of the Safavids.

⁴⁷"Kemalpaşazade's Treatise."

⁴⁸*Ibid.*

⁴⁹*Ibid.*

⁵⁰*Ibid.*

⁵¹*Ibid.*

⁵²*Ibid.*

⁵³As stated in the brief biography at the beginning of this section, Kemalpaşazade was the professor at Bayezid II's madrasa in Edirne in 1514. He became the judge of Edirne in 1515. Later, he climbed to the positions of chief judge of Anatolia and chief jurist. For this, see Turan, "Kemalpaşazade," 25:238–40.

⁵⁴Feridun M. Emecen, *Yavuz Sultan Selim* (Istanbul: Yitik Hazine, 2011), 145–70; 216–308.

⁵⁵Kılıç, *Kanuni Devri Osmanlı-İran Münasebetleri*, 165–238.

⁵⁶*Ibid.*, 257–90. See also Muhammet Zahit Atçıl, "State and Government in the Mid-Sixteenth-Century Ottoman Empire: The Grand Vizierates of Rüstem Pasha, 1544–1561" (PhD diss., University of Chicago, 2015), 143–54.

⁵⁷Kılıç, *Kanuni Devri Osmanlı-İran Münasebetleri*, 312–65; Kaya Şahin, *Empire and Power in the Reign of Süleyman: Narrating the Sixteenth-Century Ottoman World* (New York: Cambridge University Press, 2013), 131–36.

⁵⁸Kathryn Babayan, *Mystics, Monarchs, and Messiahs* (Cambridge, Mass.: Harvard University Press, 2002), xxxix–xlvi.

⁵⁹Rula Abisaab, *Converting Persia: Religion and Power in the Safavid Empire* (London: I.B.Tauris, 2004), 7–30; Babayan, *Mystics, Monarchs, and Messiahs*, 295–308; Said Amir Arjomand, “The Rise of Shah Esmā’il as a Mahdist Revolution,” *Studies on Persianate Societies* 3 (2005): 44–65; Andrew Newman, *Safavid Iran: Rebirth of a Persian Empire* (London: I.B.Tauris, 2009), 20–40; Yıldırım, “Turcomans between Two Empires,” 588–605.

⁶⁰Newman, *Safavid Iran*, 26–28.

⁶¹Karakaya Stump, “Subjects of the Sultan,” esp. 171–206.

⁶²Derin Terzioğlu, “Where *’İlm-i Hâl* Meets Catechism: Islamic Manuals of Religious Instruction in the Ottoman Empire in the Age of Confessionalization,” *Past and Present* 220 (2013): 85; Terzioğlu, “How to Conceptualize Ottoman Sunnitization,” 311–18; Tijana Krstić, “Illuminated by the Light of Islam and the Glory of the Ottoman Sultanate: Self-Narratives of Conversion to Islam in the Age of Confessionalization,” *Comparative Studies in Society and History* 51 (2009): 38–41; Savaş, *XVI. Asırda Anadolu’da Alevilik*, 48–97.

⁶³For a reference to this decree, see Ebussuûd Efendi, *Ma’ruzat*, ed. and transcribed by Pehlul Düzenli (Istanbul: Klasik, 2013), 59–60.

⁶⁴Gülru Necipoğlu, *The Age of Sinan* (London: Reaktion Books, 2011), 47–49.

⁶⁵Suraiya Faroqhi, “Conflict, Accommodation, and Long-Term Survival: The Bektashi Order and the Ottoman State (Sixteenth–Seventeenth Centuries),” in *Bektachiyya: Études sur l’ordre mystique des Bektachis et les groupes relevant de Hadji Bektash*, ed. Alexandre Popovic and Gilles Veinstein (Istanbul: ISIS, 1995), 9–30; Stump, “Subjects of the Sultan,” 116–23.

⁶⁶Ocak, “Bektaşılık,” 5:378.

⁶⁷For Ebussuud’s fatwas discussed here, see Ertuğrul Düzdağ, *Kanuni Devri Şeyhülislamı Ebussuud Efendi Fetvaları* (Istanbul: Kapı Yayınları, 2012), 135–40.

⁶⁸Nezade Atayi, *Hada’iq al-Haqa’iq*, ed. Abdülkadir Özcan (Istanbul: Çağrı Yayınları, 1989), 183–88; Repp, *Müfti of Istanbul*, 272–96.

⁶⁹Düzdağ, *Kanuni Devri Şeyhülislamı*, 139–40.

⁷⁰For more on the form of the Ottoman fatwas, see Heyd, “Some Aspects of the Ottoman Fetvâ,” 37–46.

⁷¹Düzdağ, *Kanuni Devri Şeyhülislamı*, 135–38.

⁷²Ibid., 135–36, 139.

⁷³Ibid., 136–37.

⁷⁴Ibid., 135, 138–39.

⁷⁵Kraemer, “Apostates, Rebels, and Brigands,” 48–59; El Fadl, *Rebellion and Violence*, 237–46.

⁷⁶Düzdağ, *Kanuni Devri Şeyhülislamı*, 137.

⁷⁷Ibid., 138–39.

⁷⁸Ibid., 135, 137.

⁷⁹Ibid., 139. For a discussion of this issue, see Imber, *Ebu’s-su’ud*, 88.

⁸⁰Düzdağ, *Kanuni Devri Şeyhülislamı*, 137.

⁸¹Ibid., 138.

⁸²It is necessary to underline that polemical works against the Safavids and their supporters by Ottoman authors, which did not necessarily focus on the religiolegal aspects of the issue, continued to be produced after Ebussuud’s fatwas. For example, see Eberhard, *Osmanische Polemik*, 56–61; and Gündüz, *Kızılbaşlar, Osmanlılar, Safeviler*, 155–75.

⁸³Stefan Winter, *The Shiites of Lebanon under Ottoman Rule, 1516–1788* (New York: Cambridge University Press, 2010), 15–17, 150, 176.

⁸⁴For a discussion of the relevant issues, see Engin Deniz Akarlı, “The Ruler and Law Making in the Ottoman Empire,” in *Law and Empire: Ideas, Practices, Actors*, ed. Jeroen Duindam, Jill Harries, Caroline Humfress, and Nimrod Hurvitz (Leiden: Brill, 2013), 87–109; and Engin Deniz Akarlı, “*Maslaha* from ‘Common Good’ to ‘Raison d’état’ in the Experience of Istanbul Artisans, 1730–1840,” in *Hoca, ‘Allame, and Puits de Science: Essays in Honor of Kemal H. Karpat*, ed. Kaan Durukan, Robert W. Zens, and Akile Zorlu-Durukan (Istanbul: ISIS, 2010), 65–67.