

Slaves, Slaveholders, and the State in the Reform-Era Ottoman Empire

In 1861, a Nogai chieftain named Canpolat, who was expelled from the Caucasus during the ongoing Russo-Caucasian war and settled near Constanza in today's Romania, wrote to the Ottoman officials to complain about the “rebellious behavior” of his five slaves that he brought with him. Canpolat was one of many Caucasian noblemen who were uprooted from their native Caucasus lands during the war and settled in the Ottoman domains. Like many other slaveholding Caucasian noblemen at the time, he brought with him not only his slaves but also his conceptions of slavery, freedom, and law, so much so that he was utterly perplexed when the Ottoman government asked him to pay the due taxes for the slaves he owned. Taxes paid on slaves “were not known to them in their native lands in *Kuban*,” he objected. Nor was his ownership of the slaves a matter of the Sharia law, which could be litigated or settled accordingly at the Sharia courts. In his “transplanted” perception of law, this process was regulated primarily by customary law, known as *'adat* or *xabze* in the Caucasus.

For the slaves themselves, on the other hand, it was a whole different matter, which had at its focus the newly emerging international anti-slavery law that had already effectively bent Sharia law and brought an end to the trade in African slaves. These international developments provided them with the incentive not only to question their status as slaves and claim freedom (which they deemed to be their right) but also challenge, through what were literally called “freedom suits” (*hürriyet davaları*), the very legitimacy of the Sharia courts as justice administering institutions. Moreover, as the legal action became more prevalent among the slaves and the legal language of slavery and freedom became more established in time, the parties debated over the contested notion of dominium, which the slave owners rooted in the customary law, whereas the slaves asked for a new definition, both of slavery and property ownership in general.

Drawing from a wide range of archival materials from the late Ottoman Empire and early Turkish Republic, including slave petitions, slaveholding elites' correspondences, police

interrogations, court records, and parliamentary minutes, this paper springs from the complex intersection of three major developments in the late Ottoman Empire: 1) the Ottoman Reform Edict in 1856 and the subsequent legal reforms, 2) the trade ban in African slaves in 1857 and its transforming effects on the Islamic law, and 3) the Circassian expulsion in early 1860s and the transplanted customary law in the Circassian settlements across the Ottoman Empire. It has three objectives. First, it traces how legal practices were carried over with Caucasian refugees to the Ottoman domains and how different legal systems interplayed with or worked against each other in determining not only the limits of slavery, but also how such liberal “fictions” as freedom and the equality before the law were vernacularized by the local agents in the Ottoman Empire. It navigates within a set of legal records with the aim of exploring how slaves built their claims in relation to different legal terrains, problems and concepts. Secondly, it looks at how legal institutions transformed during this time. Beginning with the foundation with the Supreme Council for Judicial Ordinances (*Meclis-i vâlâ-yı ahkâm-ı adliye*) and especially after its transformation into the Ministry of Justice in 1878, the divide between the Ministry and the Office of the *Shaykh al-Islām* (which oversaw the Sharia courts in the country) became steep. Instead of looking at them as two separate bodies however, one that was aggressively taking over the entire legal practice and the other increasingly more confined to the domestic sphere, this project uses slavery to examine the ways in which they cut across each other. Lastly, it briefly canvasses how these processes also bent the categories of ethnicity, race and gender, and speculates on the ways in which they contributed to the “violent turn” of events in the subsequent decades, whether it appeared in the form of enslaving Armenian women and children during and after the Armenian genocide in 1915 or as the forced schooling of Kurdish girls following the Dersim massacre in 1938.